

4th March 2020 Planning Committee – Additional Representations

Page	Site Address	Application No.	Comment
19	Sussex Cricket Ground	BH2019/02948	<p>Transport: The LHA have asked that the following be clarified:</p> <ul style="list-style-type: none"> a) There will be a loss of between 2 and 3 shared (resident permit and pay and display) on-street parking spaces on Eaton Road b) Amend paragraph 7.1 to read, “The proposal’s traffic predictions will need to be agreed with the Highways Authority.” c) Amend paragraph 7.2 to read “Until there is consensus on traffic predictions you should not carry out a detailed air quality assessment. In this case it is possible that weekday traffic additions to the AQMA can be screened out and a detailed air quality assessment is not required. “ d) Amend the final bullet point in paragraph 10.138 to read, “On going concerns about the design of the new shared access between the new residential/commercial development (because this area is part of the public highway and the responsibility of the council as the LHA) and the Ashdown building and also the new service access proposed off Eaton Road e) Amend the first bullet point of paragraph 10.140 to read “A large number of the concerns have already been addressed through clarifications, amendments and further design work undertaken by the applicant’s team and further review by the LPA’s expert consultant” f) There will be a need to relocate the bus stop for the City Sightseeing service; although this can be agreed with the bus operator. <p>The LHA’s position at this point is to propose objection to the development based on their current view of the proposals.</p> <p><u>Comment:</u> Planning Officers are of the view that none of these additional points or clarifications alter the balance of the overall judgement on the scheme, as summarised already in paragraph 10.141 of the report.</p>

Support from Brighton & Hove Economic Partnership:

The application aims to improve the visitor experience for the Sussex County Cricket club as well as provide much needed, high quality commercial office space; build 37 new homes as well as create a new, well-equipped conference venue.

Overall the project will provide:

- £20 million capital investment
- 37 new homes
- 2,360 sq metres of commercial space
- 153 new jobs
- £1.86m annual economic impact including £269,000 in public sector receipts
- Additional visitor and conference benefits

In summary the proposed scheme will deliver an exceptional legacy for the city and region by securing the future of cricket in a sustainable and high growth context for generations to come.

Additional comment from BRE:

The BRE have reviewed the additional information received from the applicant regarding the proposed standard of accommodation.

The BRE have advised that the applicant has shown that nearly all rooms would have reasonable daylight without the balconies in place, however, since the scheme retains the balconies, the figures are irrelevant. A number of suggested amendments, including on the first floor there is a very poorly lit living room; it would be better to change the layout and swap it with a bedroom, with a similar layout to the upper floors. The north westernmost living room on the lower three floors (R15/200, R13/201, R8/202) has poor daylight levels due to the very large balcony above. These would be improved by adopting a similar layout to rooms R12/201 and R9/202 on the other side of the building, which have a window that is not covered by the balcony.

The applicant has since re-considered this and whilst amendments will not be made to the first floor balcony as the balcony would only then be accessed from a

			<p>bedroom rather than the lounge, amendments have been made to the other 3 units listed above.</p> <p><u>Comment:</u> The standard of accommodation was a concern identified in the report and the amendments now proposed improve the standard of accommodation.</p> <p>Error in the report: Paragraph 10.75 states that only 16 units would benefit from private balconies/terraces error. This is an error. 35 out of the 37 units would have access to private amenity space in the form of a balcony or terrace. On this basis, the private amenity space provided in the scheme is considered acceptable and does not weigh against the scheme in terms of the planning balance.</p> <p>Amended plans: Amended plans have been received in respect of the terrace areas at sixth and seventh floor reducing their size along the western elevation to reduce overlooking.</p> <p><u>Comment:</u> The amended plans are considered to satisfy the concerns raised in respect of overlooking. Officers did request amendments to the terrace on the eighth floor, however, following the submission of sight lines vertically and horizontally, it is not considered necessary to reduce the size of the terrace area on the eighth floor.</p> <p>Amended information: The applicant has advised that the supporting information submitted with the application inaccurately listed the mix of residential accommodation. The submitted floor plans accurately showed the correct mix. The correct mix is as follows:</p> <p>10 x 1 bed units (27%) 18 x 2 bed units (49%) 8 x 3 bed units (22%)</p>
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			<p>1 x 4 bed units (3%)</p> <p><u>Comment:</u> This does not affect the consideration of the application in terms of mix of units, however, contributions are affected by the changes and this is reflected in the amendments to the Head of Terms below:</p> <p>Amend Head of Terms: To include s278 works</p> <p>Education contribution: £50,545.40 Open space contribution: £113,624.20</p> <p>The changes do not alter the Transport contribution.</p> <p>At the time of printing the late reps list, the viability consultant appointed by the Local Planning Authority is reviewing mix and whether the error in the supporting information impacts on the viability of the scheme. This will be verbally reported at committee.</p> <p>Amend conditions:</p> <p>1 Plans List Condition – to be updated at Committee</p> <p>5 No works pursuant to this permission in respect of Phase 1 (other than demolition works and enabling works, and works to trees) shall commence on the respective phases, until there has been submitted to and approved in writing by the Local Planning Authority:</p> <p>a) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS 10175:2011+A1:2013; And if notified in writing by the local planning authority that the results of the site investigation are such that site remediation is required then,</p>
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			<p>b) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such a scheme (a remediation method statement) shall include nomination of a competent person to oversee the implementation of the works.</p> <p>AND</p> <p>c) The phase 1 part of the scheme shall not be occupied or brought into use until a written verification report by a competent person required and approved under the provisions of condition (1)c that any remediation scheme has been implemented fully in accordance with the approved details (unless varied with the written agreement of the local planning authority in advance of implementation).</p> <p>Unless otherwise agreed in writing by the local planning authority the verification report shall comprise:</p> <ul style="list-style-type: none"> i. built drawings of the implemented scheme; ii. photographs of the remediation works in progress; iii. certificates demonstrating that imported and/or material left in situ is free from contamination. <p>Reason: To safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.</p> <p>NC No works pursuant to this permission in respect of Phase 2 (other than demolition works and enabling works, and works to trees) shall commence on the respective phases, until there has been submitted to and approved in writing by the Local Planning Authority:</p> <ul style="list-style-type: none"> a) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS 10175:2011+A1:2013; And if notified in writing by the local planning authority that the results of the site investigation are such that site remediation is required then, b) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is
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			<p>developed and proposals for future maintenance and monitoring. Such a scheme (a remediation method statement) shall include nomination of a competent person to oversee the implementation of the works.</p> <p>AND</p> <p>c) The phase 2 part of the scheme shall not be occupied or brought into use until a written verification report by a competent person required and approved under the provisions of condition (1)c that any remediation scheme has been implemented fully in accordance with the approved details (unless varied with the written agreement of the local planning authority in advance of implementation).</p> <p>Unless otherwise agreed in writing by the local planning authority the verification report shall comprise:</p> <ul style="list-style-type: none"> i. built drawings of the implemented scheme; ii. photographs of the remediation works in progress; iii. certificates demonstrating that imported and/or material left in situ is free from contamination. <p>Reason: To safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.</p>
		15	<p>Within 6 months of first occupation of the non-residential development in the Phase 1 development hereby permitted a BREEAM Building Research Establishment has issued a Post Construction Review Certificate confirming that the non-residential development built has achieved a minimum BREEAM New Construction rating of Excellent and such certificate has been submitted to, and approved in writing by, the Local Planning Authority.</p> <p>Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy CP8 of the Brighton & Hove City Plan Part One</p>
		16	<p>Within 6 months of first occupation of Phase 2 development hereby permitted a BREEAM Building Research Establishment has issued a Post Construction Review Certificate confirming that the non-residential development built has</p>

			<p>achieved a minimum BREEAM New Construction rating of Excellent and such certificate has been submitted to, and approved in writing by, the Local Planning Authority.</p> <p>Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy CP8 of the Brighton & Hove City Plan Part One.</p>
		24	<p>Within 6 months of commencement of development of Phase 1, a timetable for delivery of the public realm upgrade works in Phase 2 shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the agreed timetable.</p> <p>Reason: To ensure the satisfactory appearance of the development and to mitigate the Heritage harm identified in Phase 1 and to comply with policies HE6 of the Brighton and Hove Local Plan and policies CP12 and CP15 of the Brighton and Hove City Plan Part One.</p>
		26	<p>With the exception of the space shown as A3/A4 at ground floor level, the commercial premises hereby permitted in Phase 1 shall be used as flexible B1/D1 space only and for no other purpose (including any other purpose in Class B of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification), no change of use shall occur without planning permission obtained from the Local Planning Authority.</p> <p>Reason: The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of safeguarding the supply of office floorspace in the city given the identified shortage and also to safeguard the amenities of the area and to comply with policies CP3 and QD27 of Brighton & Hove City Plan Part One.</p>

			<p>48 Notwithstanding the plans hereby permitted, no development shall take place (other than demolition works and enabling works and works to trees) until detailed drawings of the access road and pavements within the ownership of the Cricket Ground have been submitted to and approved in writing by the Local Planning Authority. These shall include, but not be limited to, construction details covering the following:</p> <ul style="list-style-type: none"> (i) Pavement design, including dropped kerbs and tactile paving (ii) Surface finishes (iii) Levels (iv) Drainage (v) Street lighting (vi) Street furniture <p>The works shall be designed to as near adoptable standards as is possible and be implemented in accordance with the details approved prior to the first occupation of the development and retained as such thereafter.</p> <p>Reason: In the interests of highway safety and for the benefit of the public and to comply with policies CP9 of the Brighton & Hove City Plan Part One and TR7 of the Brighton & Hove Local Plan.</p>
			<p>53 Notwithstanding the submitted details, prior to the commencement of Phase 1 a Demolition Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved plan, which shall include:</p> <ul style="list-style-type: none"> i) The control of noise and dust during the development process; ii) Traffic management and signage during demolition; iii) Provision for all site operatives, visitors and construction vehicles loading, parking and turning within the site during the demolition period; iv) Arrangements during the demolition period to minimise the deposit of mud and other debris on to the adjacent highway;

			<p>v) The safe means of access of demolition traffic to the site;</p> <p>vi) Routing agreement for demolition traffic; and</p> <p>vii) The hours in which deliveries and demolition works would take place.</p> <p>Reason: In the interests of amenity and road safety and to comply with policies QD27, SU10, SR18, SU9 and TR7 of the Brighton & Hove Local Plan and SA6, CP7, CP9, CP12, CP13 and CP15 of the City Plan Part One</p> <p>NC Notwithstanding the submitted details, prior to the commencement of construction works on Phase 1 a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved plan, which shall include:</p> <p>i) The control of noise and dust during the development process;</p> <p>ii) Traffic management and signage during construction;</p> <p>iii) Provision for all site operatives, visitors and construction vehicles loading, parking and turning within the site during the construction period;</p> <p>iv) Arrangements during the construction period to minimise the deposit of mud and other debris on to the adjacent highway;</p> <p>v) The safe means of access of construction traffic to the site;</p> <p>vi) Routing agreement for construction traffic; and</p> <p>vii) The hours in which deliveries and construction works would take place.</p> <p>Reason: In the interests of amenity and road safety and to comply with policies QD27, SU10, SR18, SU9 and TR7 of the Brighton & Hove Local Plan and SA6, CP7, CP9, CP12, CP13 and CP15 of the City Plan Part One</p> <p>54. Notwithstanding the submitted details, prior to the commencement of Phase 2 a Demolition Environmental Management Plan shall be submitted to and</p>
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			<p>approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved plan, which shall include:</p> <ul style="list-style-type: none"> i) The control of noise and dust during the development process; ii) Traffic management and signage during demolition; iii) Provision for all site operatives, visitors and construction vehicles loading, parking and turning within the site during the demolition period; iv) Arrangements during the demolition period to minimise the deposit of mud and other debris on to the adjacent highway; v) The safe means of access of demolition traffic to the site; vi) Routing agreement for demolition traffic; and vii) The hours in which deliveries and demolition works would take place. <p>Reason: In the interests of amenity and road safety and to comply with policies QD27, SU10, SR18, SU9 and TR7 of the Brighton & Hove Local Plan and SA6, CP7, CP9, CP12, CP13 and CP15 of the City Plan Part One</p> <p>NC Notwithstanding the submitted details, prior to the commencement of Phase 2 a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved plan, which shall include:</p> <ul style="list-style-type: none"> i) The control of noise and dust during the development process; ii) Traffic management and signage during construction; iii) Provision for all site operatives, visitors and construction vehicles loading, parking and turning within the site during the construction period; iv) Arrangements during the construction period to minimise the deposit of mud and other debris on to the adjacent highway; v) The safe means of access of construction traffic to the site; vi) Routing agreement for construction traffic; and vii) The hours in which deliveries and construction works would take place.
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			<p>Reason: In the interests of amenity and road safety and to comply with policies QD27, SU10, SR18, SU9 and TR7 of the Brighton & Hove Local Plan and SA6, CP7, CP9, CP12, CP13 and CP15 of the City Plan Part One.</p>
		70	<p>No development above ground floor slab level on Phase 1 hereby permitted shall take place until details showing the type, number, location and timescale for implementation of the compensatory bird/bee/bat boxes or bricks have been submitted to and approved in writing by the Local Planning Authority. The scheme shall then be carried out in strict accordance with the approved details and thereafter retained.</p> <p>Reason: To safeguard these protected species from the impact of the development and ensure appropriate integration of new nature conservation and enhancement features in accordance with policies QD18 of the Brighton and Hove Local Plan and CP10 of the Brighton and Hove City Plan Part One.</p>
		71	<p>No development above ground floor slab level on Phase 2 hereby permitted shall take place until details showing the type, number, location and timescale for implementation of the compensatory bird/bee/bat boxes or bricks have been submitted to and approved in writing by the Local Planning Authority. The scheme shall then be carried out in strict accordance with the approved details and thereafter retained.</p> <p>Reason: To safeguard these protected species from the impact of the development and ensure appropriate integration of new nature conservation and enhancement features in accordance with policies QD18 of the Brighton and Hove Local Plan and CP10 of the Brighton and Hove City Plan Part One.</p>
		75	<p>The stands in Phase 3 and 4 of the development shall not exceed the following heights in each of the following positions within the site:</p> <ul style="list-style-type: none"> a) The terrace in Phase 3 shall not exceed 5.5 metres in height b) The terrace in Phase 4 shall not exceed 6 metres in height <p>Reason: To ensure the development integrates effectively with its surroundings and to comply with policy CP12 of the Brighton and Hove City</p>

			<p>Plan Part One and QD27 of the Brighton and Hove Local Plan.</p> <p>Additional condition: No development beyond Phase 2 shall take place until general arrangement plan(s) to a scale of 1:200 showing the following works to the adopted highway has been submitted to and approved in writing by the Local Planning Authority. The works will include:</p> <ul style="list-style-type: none"> • Creation of a new vehicle crossover to the south west of the site from Eaton Road. Works will include the installation of new textured concrete edging, tactile paving and repairs/reinstatement of existing flagged paving • Repairs and reinstatement of the existing flagged paving on the existing footway that runs between the entrance to the ground and the Ashdown building and Wilbury Lodge • Repairs to the tarmacadam paving adjacent to the side of the Ashdown building and reinstatement with matching flag paving • Refurbish and upgrade the existing access off Eaton Road to include new tactile paving, textured concrete edging and new block paving. The works will also include new brick wall planters and planting along the side of the new apartment block <p>Where applicable indicating proposals for:</p> <ul style="list-style-type: none"> • Existing levels of the finished highway tying into building threshold levels • Alterations to waiting restrictions or other Traffic Regulation Orders to enable the works • Signing, street furniture, street trees and pits • Structures on or adjacent to the highway • Extent of any stopping up, diversion or dedication of new highway (including all public rights of way shown on the definitive map and statement) <p>No development shall take place over the route of any public right of way prior to the confirmation of a Town & Country Planning Act 1990 path diversion/stopping up order.</p>
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			<p>Prior to first use of Phase 4 of the proposals these works shall be completed to the satisfaction of the Highway Authority and approved in writing by the Local Planning Authority.</p> <p>Reason: In the interests of public safety and to ensure that all road works associated with the proposed development are: planned; approved in good time (including any statutory processes); undertaken to a standard approved by the Local Planning Authority and are completed before occupation.</p> <p>Delete conditions: Remove condition 32 as condition 33 covers sound insulation. 50 & 51 as they duplicate conditions 34 & 35 73 as it is a duplicate of conditions 22 & 23 Remove condition 65 as other suitable surface drainage measures are in place</p> <p>Add Informative: The development hereby approved includes the carrying out of work on the adopted highway. You are advised that before undertaking work on the adopted highway you must enter into a highway agreement under Section 278 of the Highways Act 1980 with the Council, which would specify the works and the terms and conditions under which they are to be carried out. Please contact the Highway Authority's City Transport team allowing sufficient time for the preparation and signing of the Agreement. You will be required to pay fees to cover the Councils costs in undertaking the following actions: I. Drafting the Agreement II. A Monitoring Fee III. Approving the highway details IV. Inspecting the highway works NB: Planning permission is not permission to work in the highway. A Highway Agreement under Section 278 of the Highways Act 1980 must be completed, the bond secured and the Highway Authority's technical approval and inspection fees paid before any drawings will be considered and approved</p>
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99	Sackville Trading Estate	BH2019/03548	<p>Additional Consultee Comment:</p> <p>Hove Station Neighbourhood Forum: <u>Support</u></p> <p>The Hove Station Neighbourhood Forum supports this application, albeit reluctantly in the context of a likely maximum 10% affordable housing provision, subject to the satisfactory resolution of the potentially adverse impacts on the local road network of the very high-density development proposed.</p> <p>Conclusion This major and strategic brownfield site with its excellent access to public transport should be redeveloped to the highest density which is consistent with the creation of a sustainable 21st century neighbourhood, which has minimum dependency on car transport and contributes to the emergence of a carbon neutral Hove Station Quarter, whilst providing an acceptable balance of negative and positive neighbourhood impacts.</p> <p>The MODA proposal will make a major contribution to city's housing supply when compared with other possible, more conventional, private sector development scenarios led by the construction of owner-occupied housing. In doing so it will go a long way to realizing the overall vision and strategic objectives of the Hove Station Neighbourhood Plan, with MODA as a stakeholder in the ongoing process of creating a 21st century neighbourhood as an important component of a diverse Hove Station Quarter.</p> <p>In this context, the Forum is clear that the proportion of 'affordable' new homes must be as high as possible. But the fact is that the higher this proportion the lower the price the landowner receives for selling the land and/or the lower the profit the developer receives. The harsh reality is that the changes in the planning system since 2010 have favoured development interests and weakened the powers of local planning authorities to influence the operation of the land and property markets. This</p>
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is why the proportion of affordable housing in this case is effectively determined by the Coal Pension Properties Limited acting on behalf of retired coal miners, and why, unless it can be persuaded to be more generous, 10% will be the highest possible level for the MODA development.

This is not a sensible way to go about providing affordable housing, which should be provided by local councils building genuinely affordable social rented housing. But government policy is that most affordable housing must be provided through the planning process.

Nonetheless BHCC has been allowed to develop a programme to deliver some 500 plus homes, using Council funds, to be allocated to low income households at genuinely affordable rents. The council owns significant land in the Conway Street area, which can be used to provide social rented housing. The Neighbourhood Plan policy is that social housing should be included in the comprehensive redevelopment of the area and will be pressing the Council to use some of its land to achieve just that.

By comparison the Council has much stronger powers to deal with the traffic and parking impacts of the MODA development. BHCC transport planners have not objected to the development as they are now satisfied that the mitigation measures they have secured in their negotiations will avoid significant and disruptive additional traffic flows through the Shoreham Road – Sackville Road junction. The Forum and the Council can do nothing but hope that they are right. We do not have access to the computer modelling which underpins this judgement.

But we are now pressing for the Council to give a high priority to preventing overspill parking in Poets Corner, the Artists' Quarter, the Orchards and the Fonthill Road areas. Moreover, through our negotiations with BHCC officers to finalise the Neighbourhood Plan's transport policies we are also pressing the Council for an urgent review of traffic management policies to take account of the cumulative impact of both the further development projects in the pipeline for the Hove Station Quarter and the likely impact of the Toads Hole development and the eventual

			<p>redevelopment of the King Alfred site.</p> <p>The overall conclusion is that, within the constraints of existing planning law and national planning policies, both the Council and the Forum have no real choice but to pragmatically accept that the MODA proposal is the best possible deal for the urgently needed and long-awaited redevelopment of the largest remaining brownfield site in the city.</p> <p>Additional Representations</p> <p>Hove Civic Society <u>support</u> the scheme.</p> <ul style="list-style-type: none"> • We wrote in support of the earlier application (BH2018/03697) and were disappointed that the Planning Committee refused that application, contrary to the recommendation of Council officers. We are aware that the refusal is now undergoing appeal. • We felt that the reasons formally given for the refusal were something of a “stretch”, given the advice submitted by officers - but that will of course be a matter for the appeal. However, it seems to us that the new application has directly addressed the issues set out in the Planning Committee Decision and, in doing so, has made some beneficial changes to the scheme, which we welcome: <ul style="list-style-type: none"> - Employment. The increase in the amount of office space. - Housing mix. The shift in the overall balance, away from studio flats and towards two- and three-bed flats. - Amenity and daylight. The overall increase in private amenity space - and the reconfiguration of the “care community” development in ways which improve daylight levels. • Heritage. The final main point in the reasons for refusal of the earlier scheme was about the protection of heritage assets, specifically those of the Hove Station Conservation Area. In the new application the applicant has quite reasonably emphasised the balance that must be considered in the planning system between the benefits of the development & regeneration of the area,
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			<p>and any negative impacts. In our view the impacts of the development on the heritage value of the Hove Station Conservation Area are in any case relatively small (or “less than substantial” as officers advised on the first application). There are many things which currently detract from the quality of this conservation area, and which we consider need improvement. But we do not consider this proposed development will significantly detract from those existing heritage assets.</p> <p>The Brighton Society <u>object</u> to the scheme. We have lodged strong objections to the previous proposals for this development. There is nothing in the current proposal which changes the views expressed in our earlier objections.</p> <p>The importance of our heritage assets in this city cannot be underestimated, so it is important we re-iterate our previous objections.</p> <p>The massive differences in scale between this conglomeration of tall buildings will completely change the character of Hove into something more like Croydon. Its enormous scale and height, bulk and massing will not only completely overpower the Hove Station Conservation Area but also have a detrimental effect on the wider environment including views from the locally listed Hove Park and other views of Hove from the wider city area.</p> <p>In our view the changes are so small, and the differences are so insignificant in relation to the huge impact this proposal will have on the character of Hove set out in the Council’s grounds for refusal that approval of this latest proposal would be a travesty.</p> <p>We emphasise that we are not against development of this site and have consistently argued for high density low-rise developments of city sites to provide the housing which is so urgently required. But schemes such as this are outrageously dominant and are not the best, the most sensitive, polite or appropriate answer to</p>
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			<p>the problem.</p> <p>Councillor O’Quinn and Councillor Allcock (Both adjoining Goldsmid Ward) <u>object</u> to the application. Their joint representation is attached.</p> <p>Neighbour representation There has been an additional neighbour representation <u>objecting</u> to the scheme.</p> <p>Assessment of additional consultee responses / representations. None of the further representations received have raised any additional issues or points that have not been fully considered within the assessment of the planning application. These representations do not alter the recommendation in the committee report.</p> <p>Changes to Conditions There are a number of alterations, additions and omissions to conditions which have been set out below:</p> <p>Alterations Condition 24 – BREEAM. We have removed the requirement for ‘Excellent’ for the A1/A3 units. It is accepted that these are smaller units which cannot practicably meet the requirements. They will still be required to meet ‘very good’. Condition 27 – slight extension to opening hours (just for the for D1/D2 use) Condition 29 - Clarified that this should only apply to the A1/A3. Condition 53 – Clarification in respect of requirements for the example 1:20 bay studies. Condition 56 – Wind condition revised to clarify safety. Condition 58 – altered clear glass condition to be for all glazed frontages other than plant, bin or cycle store.</p> <p>A number of the other conditions have also had minor alterations to the wording to ensure the development parcels can come forward independently of each other and</p>
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do not delay the delivery of development on the site. In addition, some references to Live/work have been removed as no longer relevant.

Additional Condition

Condition 59 - Sets out the precise quantities of development as they are not in the description (was omitted in error from original list of conditions).

Condition 60 - Relates to boiler emissions (was omitted in error from original list of conditions).

Deleted Conditions

Condition 28 – this duplicated much of condition 27 and as such is considered unnecessary.

Condition 35 – added in error – there is no live/work units in the scheme.

Condition 55 – duplicate.

Heads of Terms

Employment

It has been noted that the Employment Contribution for the care home has been calculated incorrectly. This has been corrected by the Economic Development Team and as such this has resulted in an overall reduction by £52,000 to **£249,560**.

Review Mechanism

The applicant's offer of 10% affordable housing at 75% of market rent was only made on the basis that there would **not** be a viability review in the s106 legal agreement. The LPA would normally seek to include a viability review in schemes of this scale. Subsequent to the publishing of the Committee Report the applicant submitted a further statement dated 27 February 2020 setting out their reasoning as to why an obligation requiring a viability review is not appropriate or justified for this scheme.

The statement sets out that this specific site is one of only 4 sites across the city that

			<p>have been 'Nil rated' due to the specific viability issues and that this was made clear in the Inspector's Report on the examination of the draft CIL charging schedule, which was issued on 7 February, where the Inspector agreed that setting a rate 'NIL rate' CIL charge for Sackville Trading Estate was, "justified by the available evidence and appropriate."</p> <p>The Statement also sets out that the independently verified viability position clearly shows that the scheme cannot viably provide affordable housing and thus when the 10% affordable housing offer is also added into the mix on top of the existing position that it is unrealistic to suggest that the current deficit can be bridged. It is further noted that the scheme is to be built out in as one operation and is not a phased scheme.</p> <p>Officers have considered the specific and individual circumstances of this application and the terms of the affordable housing offer that have been set out and in this case an exception is considered justified for the removal of the requirement for a review mechanism in this instance given the unique circumstances to this particular application for the redevelopment of this particular site.</p> <p>Miscellaneous</p> <p>The Sustainable Transport contribution figure has remained unchanged but there have been some alterations to some of the detailed wording of some obligations, including the travel plan measures.</p>
257	218 Dyke Road	BH2019/02289	<p>Additional Condition</p> <p>Prior to the erection of the fence, full details of the proposed fencing in the garden area, along the new boundary with 218 Dyke Road, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details.</p> <p>Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan and CP12 and CP15 of the Brighton & Hove City Plan Part One.</p>

299	Land Rear Of 19 & 21 Isfield Road, Brighton	BH2019/02677	<p>Amended Condition 6</p> <p>No development above slab level shall take place until a scheme setting out highway works to provide a 2 metre wide pedestrian footpath with dropped kerbs linking the existing footway on the west side of Lambourne Road and the carriageway in a location to be agreed opposite the development site and in between the houses 13 and 15 Lambourne Road has been submitted to and approved in writing by the local planning authority. No dwelling comprised within the proposed development shall be occupied until the approved highway works have been carried out in accordance with the approved scheme.</p> <p>Reason: To ensure that suitable footway provision is provided to and from the development and to comply with policies TR7, TR11 and TR12 of the Brighton & Hove Local Plan & CP9 of the City Plan Part One.</p>
333	2A Lowther Road	BH2019/01214	Remove condition 8 (porous materials for approved hardstanding) as it is contradictory to condition 4 (Re-use red brick pavers from existing)
393	55 Centurion Road	BH2019/03209	<p>Further neighbour objection (Farrer & Co letter on behalf of resident) received following amended plan: <u>Comment:</u> Doesn't raise anything new</p> <p>Additional condition: The dwelling shall be occupied as either a dwelling (C3) or as a small House in Multiple Occupation (C4) unless otherwise agreed in writing by the Local Planning Authority. Reason: As this matter is fundamental to the acceptability of the permission hereby approved.</p> <p>Delete condition 6: Given that the scheme relates to an existing C3 use to a flexible C3/C4 use, it is not considered necessary to impose a condition to restrict parking permits as the proposal would not materially alter the existing situation.</p>

407	95 Heath Hill Avenue	BH2019/03433	<p>Additional plan Additional plans (02B and 03B) has been received to show the off-street parking arrangement/swept path analysis which supersedes drawings 02A and 03. As such condition 2 should now read as follows:</p> <table border="1"> <thead> <tr> <th>Plan Type</th><th>Reference</th><th>Version</th><th>Date Received</th></tr> </thead> <tbody> <tr> <td>Proposed Drawing</td><td>0123.A.03B</td><td></td><td>26 February 2020</td></tr> <tr> <td>Location Plan</td><td>0123.A.01</td><td></td><td>18 November 2019</td></tr> <tr> <td>Proposed Drawing</td><td>0123.A.02B</td><td></td><td>26 February 2020</td></tr> </tbody> </table> <p>Additional consultee comment <u>Highways</u> A verbal comment has been received from the Highways officer who confirms that the parking details submitted are acceptable.</p> <p>Removal of condition As a result of the additional plan received condition 5 can now be removed from the application.</p>	Plan Type	Reference	Version	Date Received	Proposed Drawing	0123.A.03B		26 February 2020	Location Plan	0123.A.01		18 November 2019	Proposed Drawing	0123.A.02B		26 February 2020
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