

Subject:	270 Old Shoreham Road, Hove: Planning application ref. BH2019/00544		
Date of Meeting:	23 March 2020		
Report of:	Executive Lead Officer – Strategy Governance & Law		
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Ward(s) affected:	Hove Park		

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 The Committee is being asked to agree that a Construction Environmental Management Plan (CEMP) monitoring fee is not required in relation to planning application reference BH2019/00544: 270 Old Shoreham Road, Hove.

2. RECOMMENDATION

That the Committee:

- 2.1 Agrees that the s106 Planning Obligation to be entered into in respect of planning application BH2019/00544 does not include a requirement for a Construction Environmental Management Plan monitoring fee to be paid.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 On the 9 October 2019 the Planning Committee considered a report on planning application reference BH2019/00544 for “Demolition of existing buildings (Sui Generis) and the erection of a part 2 storey, part 3 storey building plus lower ground floor and basement comprising self storage facility (B8) and flexible office space (B1) together with vehicular and pedestrian accesses, parking, associated works and landscaping”. The Committee agreed the officer recommended to be Minded to Grant planning permission subject to a s106 planning obligation on the heads of terms set out in the report, together with conditions and informatives.
- 3.2 The heads of terms for the planning obligation included a requirement for a CEMP and stated that the CEMP “should be submitted and approved before construction commences. Monitoring fees should also be secured to cover officer time approving successive plans, liaising with contractors and others, and carrying out monitoring and enforcement activities”.
- 3.3 The requirement for the CEMP formed part of the local highway authority’s consultation response on the application. That response did not, however, require the payment of a CEMP monitoring fee and it is not the local planning authority’s standard practice to require the payment of the same.

- 3.4 So far as planning application BH2019/00544 is concerned, it was not the intention of the case officer that a CEMP monitoring fee should be sought as the same would not meet the statutory tests found in Regulation 122 of the Community Infrastructure Levy Regulations 2010 in that the fee was not necessary to make the development acceptable in planning terms. The requirement for the monitoring fee was included in the heads of terms appearing in the Committee report in error.
- 3.5 The Council's Developer Contributions Technical Guidance is currently being reviewed in the light of the proposed adoption of CIL in June. That updated Guidance, if adopted, will contain advice on when monitoring fees should be sought. The current Guidance does not include advice on the securing of monitoring fees.
- 3.6 Should the Planning Committee agree that the requirement for a CEMP monitoring fee is omitted from the heads of terms the s106 planning obligation can be completed and planning permission issued.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 The alternative option would be to require that a CEMP monitoring fee be secured. However, this would fail the statutory tests for seeking s106 obligations as referred to in paragraph 3.4 above.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 None has been undertaken in view of the nature of the report.

6. CONCLUSION

- 6.1 For the reasons set out in the report the recommendation is that a CEMP monitoring fee is not sought in connection with planning application reference BH2019/00544.

SUPPORTING DOCUMENTATION

Background documents

1. 9 October 2019 Planning Committee Report on application BH2019/00544.