

13 January 2021 Planning Committee – Additional Representations

Page	Site Address	Application No.	Comment
21	The Meeting House, Park Close Brighton	BH2020/01742	<p><b>Amended Recommendation</b></p> <p><i>“1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to be <b>MINDED TO GRANT</b> planning permission subject to a s106 agreement on the Heads of Terms set out below and the following Conditions and Informatives as set out hereunder, SAVE THAT should the s106 Planning Obligation not be completed on or before the 7th April 2021 the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in paragraph 9.3 of this report:</i></p> <p><u>S106 Heads of Terms</u></p> <ul style="list-style-type: none"> <li>• <i>Affordable housing – The S106 legal agreement will include a Review Mechanism to reassess the viability of the scheme close to completion in order to, where possible, secure up to a policy compliant level of affordable housing via an off-site financial contribution.</i></li> <li>• <i>Contribution of £3,100 towards the Council's Local Employment Scheme,</i></li> <li>• <i>Construction Training and Employment Strategy”.</i></li> </ul>
49	56 – 57 Lewes Road, Brighton	BH2020/01696	<p><b>Amended Recommendation</b></p> <p>Amend recommendation to include reference to measures if S106 not being completed:</p> <p><i>“1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to be <b>MINDED TO GRANT</b> planning permission subject to a s106 agreement on the Heads of Terms set out below and the following Conditions and Informatives as set out hereunder, SAVE THAT should the s106 Planning Obligation not be completed on or before the 7th</i></p>

51			<p><i>April 2021 the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in paragraph 9.44a of this report:</i></p> <p><u><i>S106 Heads of Terms</i></u></p> <ul style="list-style-type: none"> <li>• <i>Contribution of £6,000 towards the Council's Local Employment Scheme</i></li> <li>• <i>Construction Training and Employment Strategy including a commitment to using 20 percent local employment during the demolition and construction phases of the development</i></li> <li>• <i>Securing that the occupants of the development are enrolled at an established educational establishment within Brighton and Hove</i></li> <li>• <i>s278/38 highway agreement”</i></li> </ul> <p><b>Amended/Additional Conditions</b></p> <ul style="list-style-type: none"> <li>• Amend condition 5 to refer specifically to the café/retail use:</li> </ul> <p><i>“The <del>development</del> <u>A1/A3 use</u> hereby permitted shall not be first occupied until a scheme for the fitting of odour control equipment to the building <u>of the A1/A3 use</u> has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the first occupation of the development and retained as such thereafter.</i></p> <p><i>Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policy QD27 of the Brighton &amp; Hove Local Plan.”</i></p>
52			<ul style="list-style-type: none"> <li>• Amend condition 15 to clarify number of swift boxes/bee bricks:</li> </ul> <p><i>“The scheme shall accord with the standards described in Annex 6 of SPD 11 and shall include a minimum of <u>60</u> swift bricks/boxes and <u>3</u> bee bricks. The approved scheme shall be implemented in full prior to the first occupation of the development hereby approved and thereafter retained.</i></p> <p><i>Reason: To increase the biodiversity of the site, to mitigate any impact from the development hereby approved and to comply with Policy CP10 of the Brighton &amp;</i></p>

53			<p><i>Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.</i></p> <ul style="list-style-type: none"> <li>• Delete condition 18 (students restricted to those enrolled at an educational establishment) as this would be secured through the s106.</li> </ul>
54			<ul style="list-style-type: none"> <li>• Amend condition 24 so details not required pre-commencement:</li> </ul> <p><i>“No development above ground floor slab level shall take place until full details of existing and proposed ground levels (referenced as Ordnance Datum) within the site and on land and buildings adjoining the site by means of spot heights and cross-sections, proposed siting and finished floor levels of all buildings and structures, have been submitted to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved level details.</i></p> <p><i>Reason: As this matter is fundamental to the acceptable delivery of the permission to safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, in addition to comply with policy QD27 of the Brighton and Hove Local Plan and CP12 of the Brighton &amp; Hove City Plan Part One.”</i></p>
54			<ul style="list-style-type: none"> <li>• Additional <u>condition 25</u> to remove ‘permitted development’ right to change retail/café use:</li> </ul> <p><i>“The A1/A3 uses hereby approved shall be used as shop/restaurant/cafe only and for no other purpose (including any other purpose in Class E of Schedule 2 to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).</i></p> <p><i>Reason: To safeguard the amenity of occupiers of nearby properties and to comply with policy QD27 of the Brighton and Hove Local Plan.”</i></p> <ul style="list-style-type: none"> <li>• Additional <u>condition 26</u> to secure hours of café/retail use:</li> </ul>

54			<p><i>“The A1/A3 use hereby permitted shall not be carried out except between the hours of 07:00 and 23:00 on Mondays to Sundays, including Bank or Public Holidays. Reason: To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton &amp; Hove Local Plan.”</i></p> <ul style="list-style-type: none"> <li>• Additional <u>condition 27</u> to manage impact of students moving-in/-out:</li> </ul>
54			<p><i>“Prior to the first occupation of the development hereby approved a Move-In / Move-Out Strategy, which details how the moving in and out of students at the start and end of terms will be coordinated and managed shall be submitted to and approved in writing by the Local Planning Authority. All student move in and out shall thereafter be carried out in accordance with the approved plan. Reason: In order to ensure that the safe operation of the development and to protection of the amenities of nearby residents, in accordance with policies S10, QD27 and TR7 of the Brighton &amp; Hove Local Plan and CP21 of the City Plan Part One.”</i></p> <p><b>Update references to s106 Head of Terms &amp; CIL</b></p> <p>Additional items to be secured through s106:</p>
67			<p><i>“9.44. The applicant has agreed to provide a number of financial contributions, in addition to CIL payments, in accordance with City Plan policy CP7 and the Developer Contribution Technical Guidance, as set out below:</i></p> <ul style="list-style-type: none"> <li>• <i>Contribution of £6,000 towards the Council's Local Employment Scheme</i></li> <li>• <i>Construction Training and Employment Strategy including a commitment to using 20 percent local employment during the demolition and construction phases of the development</i></li> <li>• <i>Securing that the occupants of the development are enrolled at an established educational establishment within Brighton and Hove</i></li> </ul>

		<ul style="list-style-type: none"> <li>• <i>s278/38 highway agreement.”</i></li> </ul> <p>New paragraph 9.44a:</p> <p><i>“9.44a. In the event that the draft S106 agreement has not been signed by all parties within 12 weeks of the date of the permission, the Head of Planning is authorised to refuse the application for the following reasons:</i></p> <ol style="list-style-type: none"> <li><i>1. The proposed development fails to provide a financial contribution towards the City Council's Local Employment Scheme to support local people in employment within the construction industry, contrary to policy CP7 of the City Plan Part 1 and the City Council's Developer Contributions Technical Guidance.</i></li> <li><i>2. The proposed development fails to provide a Construction Employment and Training Strategy specifying how the developer or their main contractors will provide opportunities for local people to gain employment or training on the demolition and construction phases of the proposed development, contrary to policy CP7 of the City Plan Part 1 and the City Council's Developer Contributions Technical Guidance.</i></li> <li><i>3. The proposed development fails to secure occupants being enrolled at an established educational establishment within Brighton &amp; Hove, contrary to policies CP21 and DA3 of the Brighton &amp; Hove City Plan Part 1.</i></li> <li><i>4. The proposed development fails to secure the works to the highway necessary to make it acceptable, contrary to policy TR7 of the Brighton &amp; Hove Local Plan.”</i></li> </ol> <p>New paragraph 9.44b</p> <p><b>COMMUNITY INFRASTRUCTURE LEVY</b></p>
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73	Greater Brighton Metropolitan College Pelham Street Brighton	BH2020/00550	<p><b>Amended Recommendation</b></p> <p><i>“1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to be <b>MINDED TO GRANT</b> the Reserved Matters subject to the following Conditions and Informatives and a Deed of Variation to the existing S106 Agreement dated 27th March 2019 as set out hereunder, <b>SAVE THAT</b> should the <u>Deed of Variation</u> not be completed on or before 5th May 2020 the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in <u>Paragraph 10.2</u> of this report.”</i></p> <p><b>Additional Condition</b></p> <p>Additional condition securing Ecological Design Strategy:</p> <p><i>15. Notwithstanding the details within the submitted Ecological Design Strategy, the development hereby permitted shall not be occupied until details showing the type, number, location and timescale for implementation of bird boxes has 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. 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 &amp; Hove Local Plan and CP10 of the Brighton &amp; Hove City Plan Part One and SPD11: Nature Conservation and Development.</i></p>
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183	7B Wentworth Street Brighton	BH2020/02482	<p><b>Amended Plan</b> An amended plan has been received (DR.01A) that has been annotated to show the size of the first floor rear bedroom and to correct a drawing title. The amended plan supersedes drawing number DR.01. As such condition 1 should now read as follows:</p> <table border="1" data-bbox="952 416 2136 528"> <thead> <tr> <th data-bbox="952 416 1294 453">Plan Type</th> <th data-bbox="1294 416 1653 453">Reference</th> <th data-bbox="1653 416 1787 453">Version</th> <th data-bbox="1787 416 2136 453">Date Received</th> </tr> </thead> <tbody> <tr> <td data-bbox="952 453 1294 489">Location Plan</td> <td data-bbox="1294 453 1653 489">EXT.01</td> <td data-bbox="1653 453 1787 489">A</td> <td data-bbox="1787 453 2136 489">04 September 2020</td> </tr> <tr> <td data-bbox="952 489 1294 528">Proposed Plan</td> <td data-bbox="1294 489 1653 528">DR.01</td> <td data-bbox="1653 489 1787 528">A</td> <td data-bbox="1787 489 2136 528">17 December 2020</td> </tr> </tbody> </table>	Plan Type	Reference	Version	Date Received	Location Plan	EXT.01	A	04 September 2020	Proposed Plan	DR.01	A	17 December 2020
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Proposed Plan	DR.01	A	17 December 2020												
217	95 Heath Hill Avenue	BH2020/03070	<p><b>Additional representations received:</b></p> <p><i>“A further <b>Thirty-Two (32)</b> letters of representation have been received <u>objecting</u> to the proposed development. The following concerns have been raised in objections:</i></p> <ul style="list-style-type: none"> <li><i>-The application is in breach of Policy CP21</i></li> <li><i>-The application property is in close proximity to other HMO’s</i></li> <li><i>-A number of registered and un-registered HMO’s are in the area</i></li> <li><i>-A survey by local residents highlights a number of vacant student rooms in the area</i></li> <li><i>-Existing problems with late night noise, litter and neglected gardens in the area</i></li> <li><i>-There is significant opposition to this proposal</i></li> <li><i>-Overconcentration of HMO’s has resulted in a harmful imbalance within the community”</i></li> </ul>												
238	11 - 12 Rock Place	BH2020/01505	<p><b>Duplicate Condition</b> Condition 14 duplicates condition 13, but should secure refuse/recycling. Amend to read:</p> <p><i>“The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.</i></p>												

240		<p><b>New Condition: Highways Works</b>  Condition (and associated informative) omitted securing highway works, without which the Local Highway Authority objects to the application.</p> <p>New Condition 23 to read:</p> <p><i>“Notwithstanding the drawings hereby approved, the development hereby permitted shall not commence until:</i></p> <ul style="list-style-type: none"> <li>• <i>A detailed scheme of highway works for Rock Place has been submitted to and approved in writing by the Local Planning Authority via the Local Highway Authority and secured by a S278 and S106 agreement</i></li> <li>• <i>Any necessary changes to Traffic Regulation Order (TRO) have been approved</i></li> <li>• <i>A Road safety Audit as per GG119 is conducted as part of the s278 works and any recommendation agreed with the Local Highway Authority shall be implemented.</i></li> </ul> <p><i>The detailed scheme of highway works shall include introducing:</i></p> <ul style="list-style-type: none"> <li>- <i>A suitable delineated and accessible pedestrian footway to service the proposed development that is physically protected from vehicle overrun and made from appropriate footway materials that mitigate the likely collision risk</i></li> <li>- <i>Any necessary carriageway amendments associated with the new footway</i></li> <li>- <i>Level access of adequate width for pedestrians and wheelchair users between the new footway and the development’s pedestrian entrances ensuring ease of wheelchair manoeuvrability</i></li> <li>- <i>A scheme for provision of appropriate street lighting;</i></li> <li>• <i>and</i> <ul style="list-style-type: none"> <li>- <i>Waiting and loading restrictions on both edges of the carriageway on Rock Place for an appropriate length, as agreed with the Local Highway Authority, in the vicinity of the site</i></li> </ul> </li> </ul> <p><i>No part of the development hereby approved shall be occupied until the approved scheme of highway works has been implemented to the satisfaction of the Local Authority and until any associated Traffic Regulation Orders (TROs) have come into operation.</i></p>
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			<p><i>Reason: To ensure safe pedestrian, cyclist and vehicular access into, out of and past the site and that the highway is safe for all users in compliance with Policies TR7 and TR14 of the Brighton &amp; Hove Local Plan and CP9 of the City Plan Part One.”</i></p> <p><u>Informative</u> <i>The applicant is advised to contact the Council’s ‘S278 team’ (<b><u>s278@brighton-hove.gov.uk</u></b>) at their earliest convenience to avoid any delay and obtain all necessary highway approval including design, materials and construction method from the Highway Authority prior to any works commencing on and adjacent to the adopted (public) highway to satisfy the law and requirements of Condition 23.</i></p>
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