

<u>No:</u>	BH2021/03056	<u>Ward:</u>	East Brighton Ward
<u>App Type:</u>	Removal or Variation of Condition		
<u>Address:</u>	Royal Sussex County Hospital Eastern Road Brighton BN2 5BE		
<u>Proposal:</u>	Demolition of existing hospital buildings located to the north of Eastern Road and to the south of the existing children's hospital building and Thomas Kemp Tower. Addition of a helicopter landing pad and associated trauma lift on top of Thomas Kemp Tower. Erection of new hospital buildings incorporating Stage 1: Part 10, 11 and 12 storey building including reinstatement of the interior of the Chapel; Stage 2: 5 storey building; and Stage 3: Service yard with single storey building. Site wide infrastructure including substation, energy centre and flues, 2 floors of underground parking (390 spaces) with new access from Bristol Gate and associated highway works. Cycle parking, external amenity spaces including roof gardens and landscaping on Eastern Road. (Part retrospective to address non-compliance with Condition 2 (approved drawings) and Condition 10 (helipad height and design). (The application includes an Environmental Impact Assessment).		
<u>Officer:</u>	Ben Daines	<u>Valid Date:</u>	18.08.2021
<u>Con Area:</u>		<u>Expiry Date:</u>	08.12.2021
<u>Listed Building Grade:</u>		<u>EOT:</u>	
Agent:	BDP 16 Brewhouse Yard London EC1V 4LJ		
Applicant:	C/O BDP 16 Brewhouse Yard London EC1V 4LJ		

1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to be **MINDED TO GRANT** planning permission subject to a Deed of Variation to the S106 agreement for planning permission BH2011/02886, the securing of a Unilateral Undertaking relating to transport issues, and the following Conditions and Informatives as set out hereunder **SAVE THAT** should the Deed of Variation not be completed on or before 1 June 2022 the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 11 of this report.

Conditions:

1. The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

Reason: For the avoidance of doubt and in the interests of proper planning.

Plan Type	Reference	Version	Date Received
Location Plan	BDP-AR-SW-A00-GA-00-0201	F01	18 August 2021

Proposed Drawing	BDP-AR-HE-A00-GA-L15-0201	F03	18 August 2021
Proposed Drawing	BDP-AR-HE-A00-GA-L16-0201	F03	18 August 2021
Proposed Drawing	BDP-AR-HE-A00-GA-L18-0201	F03	18 August 2021
Proposed Drawing	BDP-AR-ST3-A00-EL-00-0203	F02	18 August 2021
Proposed Drawing	BDP-AR-SB-A00-SE-00-0201	F02	18 August 2021
Proposed Drawing	BDP-AR-ST1-A00-EL-00-0251	F03	18 August 2021
Proposed Drawing	BDP-AR-ST1-A00-EL-00-0252	F03	18 August 2021
Proposed Drawing	BDP-AR-ST1-A00-EL-00-0253	F03	18 August 2021
Proposed Drawing	BDP-AR-SB-A00-EL-00-0202	F02	18 August 2021
Proposed Drawing	BDP-AR-ST1-A00-SE-00-0207	F04	18 August 2021
Proposed Drawing	BDP-AR-ST1-A00-SE-00-0209	F04	18 August 2021
Proposed Drawing	BDP-AR-ST1-A00-SE-00-0212	F04	18 August 2021
Proposed Drawing	BDP-AR-SW-A00-EL-00-0202	F02	18 August 2021
Proposed Drawing	BDP-AR-ST1-A00-SE-00-0239	F02	18 August 2021
Proposed Drawing	BDP-AR-ST2-A00-SE-00-0206	F02	18 August 2021
Proposed Drawing	BDP-AR-ST1-A00-SE-00-0204	F04	18 August 2021
Proposed Drawing	BDP-AR-ST1-A00-SE-00-0202	F04	18 August 2021
Proposed Drawing	BDP-AR-ST1-A00-SE-00-0203	F04	18 August 2021
Proposed Drawing	BDP-AR-ST1-A00-SE-00-0201	F04	18 August 2021
Proposed Drawing	BDP-AR-HE-A00-EL-00-0201	F03	18 August 2021
Proposed Drawing	BDP-AR-HE-A00-EL-00-0202	F03	18 August 2021
Proposed Drawing	BDP-AR-SB-A00-EL-00-0203	F03	15 February 2022
Proposed Drawing	BDP-AR-SB-A00-GA-L05-0201	F03	15 February 2022
Proposed Drawing	BDP-AR-ST1-A00-EL-00-0201	F03	18 August 2021
Proposed Drawing	BDP-AR-ST1-A00-EL-00-0202	F04	18 August 2021

Proposed Drawing	BDP-AR-ST1-A00-EL-00-0203	F05	18 August 2021
Proposed Drawing	BDP-AR-ST1-A00-EL-00-0204	F05	18 August 2021
Proposed Drawing	BDP-AR-ST1-A00-EL-00-0233	F02	18 August 2021
Proposed Drawing	BDP-AR-ST1-A00-EL-00-0241	F04	18 August 2021
Proposed Drawing	BDP-AR-ST1-A00-GA-B01-0231	F03	18 August 2021
Proposed Drawing	BDP-AR-ST1-A00-GA-B02-0201	F02	18 August 2021
Proposed Drawing	BDP-AR-ST1-A00-GA-L01-0201	F03	18 August 2021
Proposed Drawing	BDP-AR-ST1-A00-GA-L02-0201	F03	18 August 2021
Proposed Drawing	BDP-AR-ST1-A00-GA-L03-0201	F03	18 August 2021
Proposed Drawing	BDP-AR-ST1-A00-GA-L04-0201	F03	18 August 2021
Proposed Drawing	BDP-AR-ST1-A00-GA-L05-0201	F03	18 August 2021
Proposed Drawing	BDP-AR-ST1-A00-GA-L06-0201	F03	18 August 2021
Proposed Drawing	BDP-AR-ST1-A00-GA-L07-0201	F03	18 August 2021
Proposed Drawing	BDP-AR-ST1-A00-GA-L08-0201	F03	18 August 2021
Proposed Drawing	BDP-AR-ST1-A00-GA-L09-0201	F03	18 August 2021
Proposed Drawing	BDP-AR-ST1-A00-GA-L10-0201	F03	18 August 2021
Proposed Drawing	BDP-AR-ST1-A00-GA-L11-0201	F03	18 August 2021
Proposed Drawing	BDP-AR-ST1-A00-GA-L12-0201	F03	18 August 2021
Proposed Drawing	BDP-AR-ST1-A00-GA-L13-0201	F03	18 August 2021
Proposed Drawing	BDP-AR-ST2-A00-EL-00-0201	F02	18 August 2021
Proposed Drawing	BDP-AR-ST2-A00-EL-00-0202	F02	18 August 2021
Proposed Drawing	BDP-AR-ST2-A00-EL-00-0204	F02	18 August 2021
Proposed Drawing	BDP-AR-ST2-A00-GA-L02-0201	F02	18 August 2021
Proposed Drawing	BDP-AR-SW-A00-GA-00-0241	F03	18 August 2021
Proposed Drawing	BDP-AR-SW-A00-GA-00-0261	F02	18 August 2021

Proposed Drawing	BDP-AR-SW-A00-GA-00-0271	F03	18 August 2021
Proposed Drawing	BDP-AR-SW-A00-GA-00-0281	F03	18 August 2021
Proposed Drawing	BDP-AR-SW-A00-GA-00-0291	F03	18 August 2021
Proposed Drawing	BDP-LS-ST1-A00-GA-ZZ-0201	F03	18 August 2021
Proposed Drawing	BDP-AR-ST1-A00-GA-B01-0201	F04	18 August 2021
Proposed Drawing	BDP-AR-ST2-A00-GA-B01-0201	F04	18 August 2021
Proposed Drawing	BDP-LS-SW-A00-GA-L01-0201	F04	18 August 2021
Proposed Drawing	BDP-LS-SW-A00-GA-ZZ-0201	F05	18 August 2021
Proposed Drawing	BDP-AR-ST2-A00-GA-L01-0201	F05	18 August 2021
Proposed Drawing	BDP-EL-ST1-A00-GA-ZZ-6314	F01	18 August 2021
Proposed Drawing	BDP-EL-ST1-A00-GA-ZZ-6315	F01	18 August 2021
Proposed Drawing	BDP-EL-ST1-A00-GA-ZZ-6316	F01	18 August 2021

2. Not used.
3. Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB below the existing LA90 background noise level. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:1997. In accordance with BS7445:2003, there shall be no low frequency tones produced by the plant.
Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
4. Apart from patient transfer, no vehicular movements nor any loading or unloading of vehicles shall take place in the Stage 3 service yard or on the southern service road except between 7am and 7pm.
Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
5. Within 3 months of the date of this planning permission, a tree planting scheme, including a 5 year management and maintenance plan, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the timeframe for such planting. The scheme shall be fully implemented in accordance with the approved details and retained as such thereafter.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policy QD15 of the Brighton & Hove Local Plan and policy CP10 of the City Plan Part 1.

6. Any trees which are planted as required by condition 5, that die within 5 years of being planted, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policy QD15 of the Brighton & Hove Local Plan and policy CP10 of the City Plan Part 1.

7. Use of the basement car parking hereby approved shall be for patients and visitors only.

Reason: In order to retain an acceptable number of dedicated patient and visitors car parking spaces on site and to restrict the number of staff parking spaces available and to comply with policy CP9 of the City Plan Part 1.

8. A minimum number of 40 car parking spaces for cancer patients, 21 disabled car parking spaces, 27 motorcycle parking bays, 12 short stay parking bays and the dedicated underground drop off zone shall be marked out and permanently retained within the basement car park.

Reason: In order to retain an acceptable number of dedicated patient and visitors car parking spaces on site and to restrict the number of staff parking spaces available and to comply with policy TR18 of the Brighton & Hove Local Plan.

9. Development shall be carried out in accordance with details approved under BH2016/00623.

Reason: To ensure that satisfactory facilities for the parking of cycles during the construction phase and post occupation of the development hereby approved are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan and CP9 of the City Plan Part 1.

10. Within 3 months of the date of this permission, details of the final verified design of the helipad including details of the associated plant, lifts and staircases shall be submitted to and approved in writing by the Local Planning Authority. The height of the helipad shall not exceed 118.3 metres AOD. The details submitted shall include confirmation from a suitably qualified person that the final design to be implemented would meet the requirements of the Civil Aviation Authority and all other necessary safety requirements. The helipad shall be implemented fully in accordance with the approved details and retained as such thereafter.

Reason: In order that the Local Planning Authority can be satisfied that the final design is acceptable in terms of its visual impact, in particular its effect on the setting of adjoining Conservation Areas and Listed Buildings and complies with policies HE3 and HE6 of the Brighton & Hove Local Plan and CP12 and CP15 of the City Plan Part 1.

11. Within 3 months of the date of this permission, final details of external lighting of the helipad shall have been submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved details and retained as such.
Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies QD25 and QD27 of the Brighton & Hove Local Plan.
12. The helipad hereby approved shall not be used other than by helicopters of the Air Ambulance, HM Coastguard or Police, for Major Trauma Medical Emergencies or Major Incidents and will not be used for any other journeys whatsoever including visitors, personal or pleasure use.
Reason: To safeguard the amenities of local residents and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
13. The helipad shall only be used between 07.00 and 19.00 hours except in the case of a Major Incident. A Major Incident is defined within the NHS Emergency Planning Guidance (2005), or any subsequent update to this Guidance.
Reason: To safeguard the amenities of local residents and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
14. The number of helicopter flights landing on the helipad hereby approved shall be limited to 64 per annum plus a tolerance of 10 %.
Reason: To safeguard the amenities of local residents and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
15. All lighting on the helipad shall only be in use temporarily in connection with an impending helicopter landing or departure for the minimum period required for operational or safety reasons. An exception to this will be any steady red aviation warning lighting required at night by the Civil Aviation Authority on tall buildings or structures.
Reason: To safeguard the amenities of local residents and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan .
16. The helipad hereby approved shall not be used for carrying out routine repairs and maintenance to helicopters including leaving engines idling.
Reason: To safeguard the amenities of local residents and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
17. Following the commencement of use of the helipad, annual monitoring reports shall be submitted to the Local Planning Authority for a period of 10 years. The reports shall include details of:
 - a) Total number of landings and departures in previous 12 months.
 - b) Total number of daytime (0700-1900 hours) and night time flights in previous 12 months
 - c) Details of the number of flights carried out by each operator permitted to use the helipad in condition 15.
 - d) Trauma level and degree of medical emergencies (using the medical definition of a Major Trauma as having an Injury Severity Score of 15 or above) for which the helipad was used in daytime and night time.

- e) A log of the number of complaints in the previous 12 months received by the Trust concerning all operations of the helipad.
 During this 10 year period the Trust shall make the log book of helipad use available for the Council's inspection upon 7 days prior notice.
Reason: In order to monitor and minimise the levels of activity associated with the helipad and to safeguard the amenities of local residents and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
18. Within 3 months of the date of this permission, samples of the materials (including colour of render, paintwork and colourwash) to be used in the construction of the external surfaces of the helipad, additional lifts and Energy Centre flues shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
Reason: To ensure a satisfactory appearance to the development and to comply with policy CP12 of the City Plan Part 1.
19. The Energy Centre shall not be brought into use until the Applicant has demonstrated that the emissions produced would result in an NO₂ concentration at all heights of the Thomas Kemp Tower which is less than 40µg/m³ as an annual mean and is less than 200µg/m³ for the 19th highest hour in the year. This evidence is to be submitted to and approved in writing by the Local Planning Authority. This final evidence will include the results of further dispersion modelling and nitrogen dioxide monitoring which will be used to inform the scope of any Computation Fluid Dynamic (CFD) study (if required) and details of any Mitigation Scheme proposed to reduce emissions from the Energy Centre. The Mitigation Scheme shall also include details of mechanical ventilation systems and the specification and maintenance of NO_x filters for the Thomas Kemp Tower where appropriate. The scheme shall be implemented fully in accordance with the approved details and retained as such thereafter.
Reason: To protect local air quality and to ensure that the cumulative impacts are managed and to comply with policy SU9 of the Brighton & Hove Local Plan.
20. The development shall be implemented in accordance with details approved under BH2016/01437 and BH2021/03392.
Reason: To safeguard the health of future occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.
21. If, during development of the Stage 1 site, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority for a method statement to identify, risk assess and address the unidentified contaminants.
Reason: To safeguard the health of future occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.
22. The development shall be carried out in accordance with the external lighting details approved under BH2021/03682 and thereafter retained.
Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies QD25 and QD27 of the Brighton & Hove Local Plan.

23. An acoustical survey shall be carried out post completion and occupation of the Stage 1 building to demonstrate that all plant and machinery is capable of running cumulatively at 5dB(A) below existing LA90 background noise level background, as per BS4142:1997, 1-metre from the façade of the nearest existing noise sensitive premises. The survey shall make reference to BS7445:2003 to ensure that there are no tonal features of the various plant. The report shall be submitted to the Local Planning Authority within 3 months of the first occupation of the Stage 1 building, and approved in writing by the Local Planning Authority.
Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
24. The development shall be implemented in accordance with details approved under BH2016/01904 and retained as such thereafter.
Reason: To ensure the existing infrastructure can facilitate the development and to reduce the risk of flooding as a result of this development and to comply with policy CP11 of the City Plan Part 1.
25. The development shall be implemented in accordance with details approved under BH2016/01905 and retained as such thereafter.
Reason: To ensure the existing infrastructure can facilitate the development and to reduce the risk of flooding as a result of this development and to comply with policy CP11 of the City Plan Part 1.
26. The development shall be implemented in accordance with details approved under BH2016/01904 and retained as such thereafter.
Reason: To reduce the increased risk of flooding, to improve and protect water quality, to ensure the future maintenance of the surface water drainage and to comply with Policy SU5 of the Brighton & Hove Local Plan and policy CP11 of the City Plan Part 1.
27. Within 3 months of the date of this permission, a scheme for the landscaping of the Stage 1 site, including a 5 year management and maintenance plan, which shall include hard surfacing, means of enclosure, planting of the development, indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development, shall be submitted to and approved in writing by the Local Planning Authority.
Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policy QD15 of the Brighton & Hove Local Plan and policy CP10 of the City Plan Part 1.
28. All planting, seeding or turfing comprised in the approved scheme of landscaping for the Stage 1 site shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written

consent to any variation. All hard landscaping and means of enclosure shall be completed before the development is occupied.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policy QD15 of the Brighton & Hove Local Plan and policy CP10 of the City Plan Part 1.

29. Within 3 months of the date of this permission, samples of the materials (including colour of render, paintwork and colourwash) to be used in the construction of the external surfaces of the development hereby permitted shall have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
Reason: To ensure a satisfactory appearance to the development and to comply with policy CP12 of the City Plan Part 1.
30. The development shall be carried out in accordance with details approved under BH2017/03881.
Reason: To ensure a satisfactory appearance to the development and to comply with policy CP12 of the City Plan Part 1.
31. The cycle parking facilities shall be carried out in accordance with details approved under BH2021/03393 and shall thereafter be retained for use at all times.
Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan and policy CP9 of the City Plan Part 1.
32. The Stage 1 Building shall not be occupied until details including locations of one Real Time Information and one REACT facility have been submitted to and approved in writing by the Local Planning Authority. The facilities shall be implemented fully in accordance with the approved details prior to the Stage 1 Building being first occupied and shall be retained as such thereafter.
Reason: To ensure that the development incorporates the agreed sustainable transport contribution measures and complies with policy CP9 of the City Plan Part 1.
33. A signage strategy shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of Stage 1 to include details of the location of information, warning and directional signage around the perimeter of the development hereby approved as follows:
 - a) information, location and availability of visitor car parking spaces hereby approved.
 - b) directional signage for staff car parking.
 - c) information signage at Bristol Gate access to underground car parking
 - d) warning signage for cars emerging from underground car park.
 - e) information on location and availability of all staff and visitor cycle parking facilities serving the RSCH campus.
 - f) directional signage to main entrances of Stages 1 and 2.
 - g) directional signage for location of bus stops.

The strategy shall include details of the timeframe for the implementation of a) to g) above. The scheme shall be implemented fully in accordance with the approved details.

Reason: To ensure efficient navigation around the site and to comply with policy TR7 of the Brighton & Hove Local Plan.

34. A non-clinical waste and recycling strategy to cover the whole development hereby approved shall have been submitted to and approved in writing by the Local Planning Authority prior to the occupation of Stage 1. The strategy shall include details of separation at source of all waste within the public areas of the hospital to include all public reception and waiting areas, shops, cafes, restaurants, staff management and teaching areas together with the Stage 3 service yard area. The Strategy shall include targets for reduction in waste and for increasing recycling with annual monitoring. The scheme shall be implemented in accordance with the approved strategy for each stage of the development.

Reason: To ensure that the development would include the re-use of limited resources, to ensure that the amount of waste to landfill is reduced and to comply with policy CP8 of the City Plan Part 1.

35. The development shall be carried out in accordance with details approved under BH2016/01603.

Reason: To ensure the satisfactory preservation of these listed structures and their setting and to comply with policies HE1, HE3 and HE4 of the Brighton & Hove Local Plan and policy CP15 of the City Plan Part 1.

36. The hospital chapel shall be reconstructed in the location shown on the drawings hereby approved prior to the occupation of Stage 1 development.

Reason: To ensure the satisfactory preservation of this listed building and to comply with Policies HE1 and HE4 of the Brighton & Hove Local Plan and policy CP15 of the City Plan Part 1.

37.

- (i) No works shall take place on the Stage 2 development site until 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 have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented fully in accordance with the approved details.
- (ii) A competent person shall be nominated to oversee the implementation of the works required by (i). The Stage 2 development hereby permitted shall not be occupied or brought into use until there has been submitted to the Local Planning Authority verification by the nominated competent person that any remediation undertaken on site for each stage has been fully implemented. Such verification for each phase shall comprise:
 - a) built drawings of the implemented scheme;
 - b) photographs of the remediation works in progress;
 - c) certificates demonstrating that imported and/or material left in situ in accordance with details agreed as part of (i) above.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under (i).

Reason: To safeguard the health of future occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.

38. If, during development of the Stage 2 site, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for a method statement to identify, risk assess and address the unidentified contaminants.

Reason: To safeguard the health of future occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.

39. No development shall commence at Level 1 of the Stage 2 building until final details of external lighting have been submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved details and thereafter retained as such.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies QD25 and QD27 of the Brighton & Hove Local Plan.

40. An acoustical survey shall be carried out post completion and occupation of the Stage 2 building to demonstrate that all plant and machinery is capable of running cumulatively at 5dB(A) below existing LA90 background noise level background, as per BS4142:1997, 1-metre from the façade of the nearest existing noise sensitive premises. The survey shall make reference to BS7445:2003 to ensure that there are no tonal features of the various plant. The report shall be submitted to the Local Planning Authority within 3 months of the first occupation of the Stage 2 building, and approved in writing by the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

41. The Stage 2 building shall not be occupied until a final rainwater recycling scheme for the irrigation of the Stage 2 roof terrace, has been submitted to and approved in writing by the Local Planning Authority. The rainwater recycling scheme shall also include details of the necessary safeguards to protect public health. The scheme shall be implemented fully in accordance with the approved details and retained as such thereafter.

Reason: In order to ensure that the rainwater recycling scheme would not cause harm to public health and to comply with policy SU9 of the Brighton & Hove Local Plan.

42. No works on the Stage 2 development site shall take place until final details of the means of foul water disposal have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented fully in accordance with the approved details and retained as such thereafter.

Reason: To ensure the existing infrastructure can facilitate the development and to reduce the risk of flooding as a result of this development and to comply with policy CP11 of the City Plan Part 1.

43. No works on the Stage 2 development site shall take place until final details of the proposed water infrastructure has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented fully in accordance with the approved details and retained as such thereafter.
Reason: To ensure the existing infrastructure can facilitate the development and to reduce the risk of flooding as a result of this development and to comply with policy CP11 of the City Plan Part 1.
44. No works on the Stage 2 development site shall take place until a final scheme detailing the surface water drainage system for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall be in accordance with the principles within the submitted document, the 'Conceptual Surface Water Strategy" (WSP-CI-SW-RP-0012 dated September 2011), with regard to the Sustainable Urban Drainage System techniques. The scheme shall also include details of how the scheme shall be maintained and managed after completion. Prior to the occupation of the Stage 2 Building, the scheme shall be implemented fully in accordance with the approved details and retained as such thereafter.
Reason: To reduce the increased risk of flooding, to improve and protect water quality, to ensure the future maintenance of the surface water drainage and to comply with Policy SU5 of the Brighton & Hove Local Plan and policy CP11 of the City Plan Part 1.
45. No development shall commence at Level 1 of the Stage 2 building until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping on the Stage 2 site, including a 5 year management and maintenance plan, which shall include hard surfacing, means of enclosure, planting of the development, indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.
Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policy QD15 of the Brighton & Hove Local Plan and policies CP10 and CP12 of the City Plan Part 1.
46. All planting, seeding or turfing comprised in the approved scheme of landscaping for the Stage 2 site shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All hard landscaping and means of enclosure shall be completed before the development is occupied.
Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policy QD15 of the Brighton & Hove Local Plan and policies CP10 and CP12 of the City Plan Part 1.
47. The Level 6 roof terrace of the Stage 2 building shall be made available for public use within 6 months of first occupation of the Stage 2 Building.

Reason: To ensure the roof terrace facilities are made available to the public and to comply with policy QD27 of the Brighton & Hove Local Plan.

48. Prior to re-construction of the existing brick boundary wall at the Upper Abbey Road/Eastern Road junction, a sample panel shall be constructed for approval by the Local Planning Authority to include details of the brick sample and mortar colour and jointing details. The wall shall be implemented fully in accordance with the approved details prior to the occupation of the Stage 2 Building.

Reason: To ensure a satisfactory appearance to the development and to comply with policy CP12 of the City Plan Part 1.

49. The Stage 2 development hereby permitted shall not be occupied until details of secure and covered cycle parking facilities at the front of Stage 2 as indicated on the approved plans for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and retained for use at all times.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan and policy CP9 of the City Plan Part 1.

50. No development at Level 1 of the Stage 2 Building shall take place until samples of the materials (including colour of render, paintwork and colourwash) to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development and to comply with policy CP12 of the City Plan Part 1.

51. The Stage 2 Building shall not be occupied until details including locations of one Real Time Information and one REACT facility have been submitted to and approved in writing by the Local Planning Authority. The facilities shall be implemented fully in accordance with the approved details prior to the Stage 2 Building being first occupied and shall be retained as such thereafter.

Reason: To ensure that the development incorporates the agreed sustainable transport contribution measures and complies with policy CP9 of the City Plan Part 1.

52. No development at Level 1 of the Stage 2 Building shall take place until detailed plan sections at Scale 1:10 have been submitted to and approved in writing by the Local Planning Authority, and which shall show all jointing details between each type and combination of cladding material including jointing and reveals with windows, curtain walling and entrances and doorways.

Reason: To ensure a satisfactory appearance to the development and to comply with policy CP12 of the City Plan Part 1.

- 53.

- i) No works shall take place on the Stage 3 development site until 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 have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented fully in accordance with the approved details.
- (ii) A competent person shall be nominated to oversee the implementation of the works required by (i). The Stage 3 development hereby permitted shall not be occupied or brought into use until there has been submitted to the Local Planning Authority verification by the nominated competent person that any remediation undertaken on site for each stage has been fully implemented such verification for each phase shall comprise:
 - a) built drawings of the implemented scheme;
 - b) photographs of the remediation works in progress;
 - c) certificates demonstrating that imported and/or material left in situ in accordance with details agreed as part of (i) above.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under (i).

Reason: To safeguard the health of future occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.

54. If, during development of the Stage 3 site, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority for a method statement to identify, risk assess and address the unidentified contaminants.

Reason: To safeguard the health of future occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.

55. No development shall commence at Level 3 of the Stage 3 building until final details of external lighting have been submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved details and thereafter retained as such.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies QD25 and QD27 of the Brighton & Hove Local Plan.

56. An acoustical survey shall be carried out post completion and occupation of the Stage 3 building to demonstrate that all plant and machinery is capable of running cumulatively at 5dB(A) below existing LA90 background noise level background, as per BS4142:1997, 1-metre from the façade of the nearest existing noise sensitive premises. The survey shall make reference to BS7445:2003 to ensure that there are no tonal features of the various plant. The report shall be submitted to the Local Planning Authority within 3 months of the first occupation of the Stage 3 building, and approved in writing by the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

57. No works on the Stage 3 development site shall take place until final details of the means of foul water disposal have been submitted to and approved in writing

by the Local Planning Authority. The scheme shall be implemented fully in accordance with the approved details and retained as such thereafter.

Reason: To ensure the existing infrastructure can facilitate the development and to reduce the risk of flooding as a result of this development and to comply with policy CP11 of the City Plan Part 1.

58. No works on the Stage 3 development site shall take place until final details of the proposed water infrastructure has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented fully in accordance with the approved details and retained as such thereafter.

Reason: To ensure the existing infrastructure can facilitate the development and to reduce the risk of flooding as a result of this development and to comply with policy CP11 of the City Plan Part 1.

59. No works on the Stage 3 development site shall take place until a final scheme detailing the surface water drainage system for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall be in accordance with the principles within the submitted document, the 'Conceptual Surface Water Strategy" (WSP-CI-SW-RP-0012 dated September 2011), with regard to the Sustainable Urban Drainage System techniques. The scheme shall also include details of how the scheme shall be maintained and managed after completion. Prior to the occupation of the Stage 3 Building, the scheme shall be implemented fully in accordance with the approved details and retained as such thereafter.

Reason: To reduce the increased risk of flooding, to improve and protect water quality, to ensure the future maintenance of the surface water drainage and to comply with Policy SU5 of the Brighton & Hove Local Plan and CP11 of the City Plan Part 1.

60. No development shall commence at Level 3 of the Stage 3 building until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping of the Stage 3 site, including a 5 year management and maintenance plan, which shall include hard surfacing, means of enclosure, planting of the development, indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policy QD15 of the Brighton & Hove Local Plan and policies CP10 and CP12 of the City Plan Part 1.

61. All planting, seeding or turfing comprised in the approved scheme of landscaping for the Stage 3 site shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All hard landscaping and means of enclosure shall be completed before the development is occupied.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan and policies CP10 and CP12 of the City Plan Part 1.

62. No development of the Stage 3 site shall take place until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full as approved prior to first occupation of the Stage 3 development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and to comply with policy QD27 of the Brighton & Hove Local Plan and policy CP8 of the City Plan Part 1.

63. No works shall take place on the Stage 3 development site until a servicing and delivery strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall include details of the type and size of delivery vehicles that may use the service yard and arrangements for access and egress to and from the public highway and the service yard. The scheme shall also include details of a swept path analysis for HGV and larger delivery vehicles. The scheme shall be implemented fully in accordance with the approved details and retained as such thereafter.

Reason: To safeguard the amenities of the occupiers of residential properties with the objective of minimising use of the service road exit onto Upper Abbey Road and to minimise noise and disruption and congestion on Upper Abbey Road and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

64. No development at Level 3 of the Stage 3 Building shall take place until detailed plan sections at Scale 1:10 have been submitted to and approved in writing by the Local Planning Authority, and which shall show all jointing details between each type and combination of cladding material including jointing and reveals with windows, curtain walling and entrances and doorways.

Reason: To ensure a satisfactory appearance to the development and to comply with policy CP12 of the City Plan Part 1.

65. No development of the substation site shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping on the substation site, including a 5 year management and maintenance plan, which shall include hard surfacing, means of enclosure, planting of the development, indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policy QD15 of the Brighton & Hove Local Plan and policy CP12 of the City Plan Part 1.

66. All planting, seeding or turfing comprised in the approved scheme of landscaping for the substation site shall be carried out in the first planting and seeding seasons following the operation of the building or the completion of the

development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All hard landscaping and means of enclosure shall be completed before the development is occupied.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policy QD15 of the Brighton & Hove Local Plan and policy CP12 of the City Plan Part 1.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant is advised that a formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel 0330 303 0119), or www.southernwater.co.uk
3. The applicant is advised that the above conditions on land contamination has been imposed because the site is known to be or suspected to be contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer.
It is strongly recommended that in submitting details in accordance with these conditions the applicant has reference to Contaminated Land Report 11, Model Procedures for the Management of Land Contamination. This is available on both the DEFRA website (www.defra.gov.uk) and the Environment Agency website (www.environment-agency.gov.uk).
4. The applicant is advised that the details of external lighting required by the condition above should comply with the recommendations of the Institution of Lighting Engineers (ILE) 'Guidance Notes for the Reduction of Light Pollution (2011)' for Zone E or similar guidance recognised by the council. A certificate of compliance signed by a competent person (such as a member of the Institution of Lighting Engineers) should be submitted with the details. Please contact the council's Pollution Team for further details. Their address is Environmental Health & Licensing, Bartholomew House, Bartholomew Square, Brighton, BN1 1JP (telephone 01273 294490 email: ehlpollution@brighton-hove.gov.uk website: www.brighton-hove.gov.uk).
5. The applicant is advised that this planning permission does not override the need to obtain a licence under the Licensing Act 2003. Please contact the Council's Licensing team for further information. Their address is Environmental Health & Licensing, Bartholomew House, Bartholomew Square, Brighton BN1 1JP

(telephone: 01273 294429, email: ehl.safety@brighton-hove.gov.uk, website: www.brighton-hove.gov.uk/licensing).

6. Additionally, the holding of a planning consent, does not guarantee against the Council receiving and being required to investigate complaints of noise or light nuisance. The Council has a statutory duty to investigate such matters under the Environmental Protection Act 1990 and if deemed to be a statutory nuisance, to serve an abatement notice to remedy the matter accordingly.
7. Not used.
8. The applicant is advised that details of the BREEAM assessment tools and a list of approved assessors can be obtained from the BREEAM websites (www.breeam.org).
9. With regard to condition 12, a Major Trauma Medical Emergency is defined as having an Injury Severity Score of 15 or more, using the Association for the Advancement of Automotive Medicine's global Abbreviated Injury Scale (1974).
10. With regard to conditions 12 and 13, the NHS Emergency Planning Guidance (2005) defines a Major Incident as 'any occurrence that presents serious threat to the health of the community, disruption to the service or causes (or is likely to cause) such numbers or types of casualties as to require special arrangements to be implemented by hospitals, ambulance trusts or primary care organisations.'
11. Not used.
12. The applicant should note that the CEMP as finally agreed should include details of 24 hour helpline for local residents to contact Council officers as well as the applicant/contractor.
13. The s106 Public Art Contribution should in part be used to fund the installation of a blue plaque to commemorate the work of Charles Barry on the site.
14. The existing historic signage located on the site should not be lost and the Planning Committee would like to see them re-used throughout the site as appropriate.

2. SITE LOCATION

- 2.1. This application relates to the Royal Sussex County Hospital (RSCH) which is bounded by Eastern Road on its south side, Bristol Gate to the east, Upper Abbey Road and Whitehawk Hill Road to the west and Turton Close and the Bristol Estate to the north.
- 2.2. The application site within the red line predominantly comprises the land south of the Southern Service Road and north of Eastern Road. The existing buildings currently on site within the red line include the Barry Building and Grade II Listed Chapel. The majority of the other buildings on the site have since been

demolished as part of Stage 1 of the redevelopment works currently taking place as part of the implementation of the 3Ts redevelopment, granted planning permission in March 2012 (Ref: BH2011/02886). Stage 2 of the project would involve the demolition of the Barry Building and the Listed Chapel.

- 2.3. The red line of the application site also includes a small area adjacent to the Northern Service Road (North Road) and the western end of the Multi Storey Car Park (MSCP) where a new sub-station is proposed.
- 2.4. The existing 13 storey Thomas Kemp Tower on the north side of the southern service road is also included within the application site as a helipad is proposed on top of it. At the time of writing, this helipad has largely been constructed.
- 2.5. The current main entrance for the hospital is at the front of the Barry Building. To the north of the southern service road are the Children's Hospital (8 storey), the Thomas Kemp Tower and the Pathology and A & E Building. To the north of the Northern access road are the 7 storey multi-storey car park, Sussex Kidney Unit and the 5 storey Millennium Wing.
- 2.6. The RSCH site rises up steeply north of Eastern Road and there is a difference in levels of approximately 18 metres from Eastern Road to the northern boundary of the whole hospital site.
- 2.7. There are other RSCH buildings on the south side of Eastern Road including Outpatients, the Audrey Emerton Building and the Sussex Eye Hospital. These buildings are outside of the application site. The Macmillan Horizon Centre is located to the east of the site and east of Bristol Gate.
- 2.8. Upper Abbey Road to the west consists of two-storey Victorian terraced residential properties with Courtney King House, which is a 10 storey residential block to the south at the junction with Eastern Road.
- 2.9. Two and three-storey residential properties are present to the south of the site on Eastern Road, east of the Eye Hospital. To the east of Bristol Gate on the north side of Eastern Road are a block of four storey terraced dwellings.
- 2.10. Further to the east is St Mary's Hall (former school) and to the north of the playing field is the former Junior School which is now in use by Brighton College.
- 2.11. To the north of the main RSCH is the Bristol Estate, which comprises a number of blocks of flats ranging from 3 to 9 storeys in height. These flats are set in spacious open grassed amenity grounds and are in an elevated position overlooking the hospital site. The residential blocks at Turton Close and Chadbourn Close are closest to the hospital site. Nos. 1 -24 Turton Close is a 6 storey block and Nos. 2 - 4 Chadbourne Close are 3 storeys.
- 2.12. The East Cliff Conservation Area runs along the southern side of Eastern Road omitting the hospital buildings to the south of Eastern Road and extends down to the seafront including the beach. The north-east part of the conservation area

nearest the hospital comprises tightly knit streets of two storey Victorian terraced dwellings of more simple designs but with a variety of individual features.

- 2.13. The College Conservation Area to the west of the site is much smaller and mainly comprises the Brighton College School site and the terraced residential streets on its east and north side. The front of the College on Eastern Road comprises Grade II Listed buildings in red brick with Caen stone and terracotta dressings.
- 2.14. The Kemp Town Conservation Area adjoins East Cliff to the east and comprises Arundel Terrace, Chichester Terrace and the set pieces of Sussex Square and Lewes Crescent. The grand four storey white rendered residential properties here are Grade I Listed although many of them have had a variety of roof extensions and alterations carried out.

3. RELEVANT HISTORY

- 3.1. Whilst there is a substantial volume of historic planning and listed building applications associated with Brighton College, the following is considered to be of most relevance to this application:
- 3.2. **BH2011/02886:** Demolition of existing hospital buildings located to the north of Eastern Road and to the south of the existing children's hospital building and Thomas Kemp Tower. Addition of a helicopter landing pad and associated trauma lift on top of Thomas Kemp Tower. Erection of new hospital buildings incorporating Stage 1: Part 10, 11 and 12 storey building including reinstatement of the interior of the Chapel; Stage 2: 5 storey building; and Stage 3: Service yard with single storey building. Site wide infrastructure including substation, energy centre and flues, 2 floors of underground parking (390 spaces) with new access from Bristol Gate and associated highway works. Cycle parking, external amenity spaces including roof gardens and landscaping on Eastern Road. **Approved** 28 March 2012.

4. APPLICATION DESCRIPTION

- 4.1. This planning application proposes amendments to planning permission BH2011/02886 to allow alterations to the approved drawings. Because some of the amendments are retrospective, the application is determined under Section 73A of the Town and Country Planning Act, though the retrospective nature of the application is not a material consideration.
- 4.2. These amendments are the following:
Physical / Structural
 - Alterations to the helipad structure to provide a modified helipad frame;
 - Increase in height of the helipad by 10cm;
 - Increase in height of the roof level louvre screening plant area by 1.1m;
 - Increase in number and height of flues, and relocation;
 - Revision to roof lanterns framing and addition of roof slopes;
 - Addition of new Building Maintenance Unit gantry steelwork;

- Addition of small local quench pipe plenums;
- Alterations to façades, materials and colours;

Parking and Accessibility

- Retention of the temporary car park ramp; and
- Revision / reduction to total car parking numbers.

Landscape

- Removal of trees from Bristol Gate and addition of trees to terraces;
- Repositioning of landscaping features including bollards and street furniture; and
- Addition of ramps and stairs to external terraces.

Energy and Sustainability

- Removal of photovoltaic panels
- Alterations to Energy Centre façade and surrounding landscape

North-west Substation

- Alterations to the position, landscaping and layout of the north-west substation.

- 4.3. The above proposed changes have mainly arisen through the tender and construction phase of the Stage 1 hospital redevelopment and, in general, relate to the need to meet both the functional / operational requirements of the hospital as well as the requirements of legislative updates that have occurred since planning permission was granted in 2012.
- 4.4. The impact of the main proposed alterations are considered in further detail in the Considerations and Assessment section of this report.
- 4.5. It should be noted that a significant amount of the proposed amendments set out above are part-retrospective including the helipad structure and a number of the proposed façade alterations.
- 4.6. The application also seeks to address non-compliance with Condition 10 of the original planning consent which states that '*The height of the helipad shall not exceed 118.2 metres AOD.*' This application seeks to increase the height of the helipad by 10cm to 118.3 metres AOD.

5. REPRESENTATIONS

- 5.1. Four (4) letters of objection to the planning application have been received. One of these objections states that it is submitted on behalf of a group of local residents although it is not specified who these additional residents are. The objections raised are as follows:
- Residents have been adversely affected by elements of the Stage 1 work since 2016.

- The two service roads should be returned to their original reconfigurations: North Service Road access and egress from Bristol Gate; South Service Road access from Bristol Gate, egress from Upper Abbey Road. This is to end the unacceptable addition of extra traffic, estimated by the Trust at over 1000 vehicles per day, on to Upper Abbey Road.
- The additional vehicle movements on to Upper Abbey Road result in noise, air pollution and danger to pedestrians.
- All drawings should be amended to show that the North Service Road is not a through road and bollards at the western end of the North Service Road should be replaced with a gate and fixed panels to block all pedestrian and vehicular access.
- The gate at the western end of the South Service Road should be brought back into use, preventing delivery drivers from using Upper Abbey Road and trying to reverse into the hospital site.
- Any new ventilation and air conditioning units should not exacerbate noise pollution caused by existing units.
- The proposed development should not exacerbate existing wind, vibration and noise issues through increased height of development.
- The original application has driven various ecological species from the site.
- The increased lighting of Stage 1 is disturbing residents
- The Design Statement and Environmental Statement are not accurate in respect of noise, vibration and ecology.
- Why do the photovoltaic panels need to be removed as part of this application?
- The noise/vibration from the substation permeates the houses in this area.

6. CONSULTATIONS

Internal Consultees

- 6.1. **Arboriculture:** No comments received
- 6.2. **City Clean:** No comments received.
- 6.3. **County Archaeologist:** No objection
Based on the information supplied, it is not considered that any significant archaeological remains are likely to be affected by these proposals.
- 6.4. **Economic Development:** No comment
- 6.5. **Environmental Health:** No comments received.
- 6.6. **Heritage:** No objection. However Heritage make the following comments:
Note in particular the alterations to the helipad structure and increase in height of the roof level louvre screening. It is considered that the addition of structures to the void below the helipad landing area would have a negative impact on the previous openness and clean lines of this space, and in addition to the other roof-top amendments there would be added bulk to the silhouette of this

development. However, this would result in a negligible change to the impact on identified heritage assets in comparison with the approved scheme and the Heritage Team does not wish to object to the amendments.

6.7. **Planning Policy:** No comment

6.8. **Sustainable Drainage:** No comment

6.9. **Sustainability:** No objection and make the following comments:
The original approved building included PV panels at roof level on the roof of the Thomas Kemp Tower (Level 11). Revised proposals require a greater provision of air handling units and it is proposed to place these on this roof instead; and there is no suitable alternative locations for the PV units. In mitigation, it is proposed to reduce carbon emissions from the building by introducing LED light fittings throughout. It is considered that this is an acceptable proposal which will meet the requirements of the hospital services and help to reduce the energy requirements of the building.

External Consultees

6.10. **Ancient Monuments Society:** No comments received

6.11. **Brighton City Airport:** No comments received.

6.12. **Brighton & Hove Archaeological Society:** No objection as unaware of any archaeological deposits that are likely to be affected by these amendments.

6.13. **Brighton & Hove Primary Care Trust:** No comments received.

6.14. **Civil Aviation Authority:** No comments received.

6.15. **Council for British Archaeology:** No comments received

6.16. **County Ecologist:** No objection

6.17. **East Sussex Fire & Rescue Service:** No comments received.

6.18. **Environment Agency:** No comments received.

6.19. **Georgian Group:** No comments received.

6.20. **Historic England:** No comment

6.21. **National Highways:** No objection

6.22. **Scotland Gas Network:** No comments received.

6.23. **Society for the Protection of Ancient Buildings:** No comments received.

6.24. **South Downs National Park Authority:** No comment

- 6.25. **Southern Water:** No objection
- 6.26. **Sussex Police:** No objection but recommend a number of measures relating to crime prevention.
- 6.27. **Sustainable Transport:** No objection but draw attention to the following points:
- Temporary drop-off (at stage 1 only) conflicts with the bus stop at the point of entry into the lay-by and requires revision.
 - Applicant to confirm that a minimum 2m width of clear footpath is to be maintained in between the proposed cycle stands and front of footpath along the back of temporary drop-off lay-by (at stage 1 only) as part of general access and accessibility for public.
 - Applicant to confirm that the current technical proposals under the s278 agreement process are not altered by this application and if these are modified to specifically highlight these on the s278 related drawings for our further review/approval.
- 6.28. **Twentieth Century Society:** No comments received.
- 6.29. **Victorian Society:** No comments received

7. MATERIAL CONSIDERATIONS

- 7.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report.
- 7.2. 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 7.3. The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016);
 - Brighton & Hove Local Plan 2005 (retained policies March 2016);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
 - Shoreham Harbour Joint Area Action Plan (JAAP) 2019.
- 7.4. Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

8. POLICIES

The National Planning Policy Framework (NPPF)

Brighton and Hove City Plan Part One:

SS1	Presumption in favour of sustainable development
DA5	Eastern Road and Edward Street Area
CP8	Sustainable buildings
CP7	Infrastructure and Developer Contributions
CP9	Sustainable transport
CP10	Biodiversity
CP12	Urban design
CP13	Public Streets and Spaces
CP15	Heritage
CP18	Healthy City

Brighton & Hove Local Plan 2005 (retained policies):

TR14	Cycle access and parking
TR18	Parking for people with a mobility related disability
SU9	Pollution and nuisance control
SU10	Noise nuisance
QD15	Landscape design
QD16	Trees and hedgerows
QD27	Protection of amenity
HO19	New community facilities
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of conservation areas

Brighton and Hove City Plan Part Two

Policies in the Proposed Submission City Plan Part 2 (CPP2) do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since 23 April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications. The weight given to the key CPP2 policies considered in determining this application is set out below, where applicable.

DM9	Community Facilities
DM18	High quality design and places
DM20	Protection of Amenity
DM22	Landscape Design and Trees
DM26	Conservation Areas
DM27	Listed Buildings
DM29	The Setting of Heritage Assets
DM33	Safe, Sustainable and Active Travel
DM36	Parking and Servicing
DM37	Green Infrastructure and Nature Conservation
DM40	Protection of the Environment and Health – Pollution and Nuisance
DM44	Energy Efficiency and Renewables

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the following: principle of development; design, appearance and heritage issues; impact on residential amenity; sustainable transport; sustainability and landscaping.

Principle of Development

- 9.2. The principle of the redevelopment and enlargement of the hospital has already been established by planning consent BH2011/02886. The current application seeks amendments to this extant consent but there are no fundamental changes proposed to the approved scheme that would warrant a reconsideration of the principle of development.
- 9.3. Additionally, the redevelopment and enlargement of the hospital is supported by Part C1 of Policy DA5 of the Brighton & Hove City Plan Part 1. This policy directly refers to planning consent BH2011/02886 for the 3Ts development.

Design, Scale, Appearance and Heritage

- 9.4. This application proposes a number of alterations (many of which are part-retrospective) to planning permission BH2011/02886 as set out below.

Physical / Structural

Alterations to the Helipad

- 9.5. It is proposed that the helipad structure is amended to meet structural engineering requirements. This includes a marginal increase in the height of the helipad by 10cmm to lift the north side higher to enable water run-off. It is not considered that the height increase is discernible from street level so has no impact on the appearance of the area.
- 9.6. Amendments are also proposed to the various stairs and ramps that form part of the helipad structure, and the removal of cladding below the helipad deck. Whilst the semi-transparent appearance of the structure is retained, the proposed amendments result in the structure appearing more asymmetrical and convoluted in its appearance. Whilst such amendments clearly do not represent an enhancement to the visual appearance of the structure, they are not considered to have such a harmful impact on the visual amenities of the area and nearby Conservation Areas as to warrant a reason for refusal, and the compromise between structural requirements and aesthetics is acknowledged. It should also be noted that the Council's Heritage Team have raised no objection to the amendments although they note that the clean lines and openness of the original helipad structure design would be negatively impacted to some extent.
- 9.7. Four fixed omni-directional red obstructional lights (i.e. highlighting aerial obstacles) are also proposed on the adjacent flue tower. Whilst not shown on the approved plans, condition 11 of the original planning consent required details in this regard and it was therefore acknowledged that such lighting was always going to be a requirement for the helipad in respect of landings and departures. Further details of the lighting will be secured via planning condition.

Increase in height of roof level louvre screening plant area

9.8. The approved roof level plant screening at Level 13 of the Stage 1 building is at 95.75 metres in height (above ordnance datum (AOD)). Plant equipment sits on top of lift overrun lids, which have been increased in height to account for changed safety requirements for the construction and installation of lifts and test/examination of lift components. The increased lift overrun height would result in plant equipment becoming visible in views of the hospital. Therefore, to minimise the visual impact of plant it is proposed to increase the height of the plant screening by 1.1 metres to a level of 96.1 metres AOD. It is considered that a 1.1m increase in the louvre screening is preferable to plant equipment being visible, and at level 13 would not have a significant impact on the visual amenities of the area.

9.9. Therefore it is not considered that the proposed amendments and increase in the height of the roof level louvre screening would have a harmful impact on the visual amenities of the area or the East Cliff, Kemp Town and College Conservation Areas.

Increase in height and relocation of flues

9.10. Four approved flues are situated on Level 13 of the Stage 1 building at a total height of 97.75 metres AOD. Amendments to the Clean Air Act in 2020 mean that revisions to flue heights, locations and numbers are required to resolve congested services routes through the building, and to meet the minimum distance from the lift overrun at roof level. In response, the flue locations have been amended to provide five flues at Level 13, repositioned to be placed further north and more centrally within the screened plant enclosure. The heights of the Level 13 flues have been increased by just over 2 metres to a maximum height of 99.85 metres AOD.

9.11. The impact of these amendments to the flues have been considered as part of the Environmental Statement Addendum submitted with the planning application. This report considers the amendments unlikely to have an adverse impact upon noise and vibration or air quality.

9.12. Whilst the increase in the number and height of the flues would be a noticeable change, the reasons for this amendment are acknowledged and it is not considered that the impact on the streetscene or heritage assets would be unacceptable. Given the nature of the site and its use as a hospital, it is accepted that there are likely to be some compromises between functionality and design.

Addition of new Building Maintenance Unit steelwork

9.13. The approved elevations for the Stage 1 building did not take into account the need to accommodate a gantry access structure for a Building Maintenance Unit (BMU). This unit effectively comprises a movable steel truss to be located at Level 12 on the south elevation of the Stage 1 building, between two of the building 'fingers'. This allows the BMU to access the tapering elevations of fingers one and two of the Stage 1 building on the south elevation for cleaning and maintenance purposes. A window cleaning cradle would hang from the truss.

- 9.14. The gantry steelwork is 17.32m in length with a width of 1.8m and a depth of 0.45m. Whilst this is a notable size, the steelwork will only be in use for temporary periods for routine maintenance to the 'finger' elevations. When not in use, the proposed gantry will be stationed at level 12 on the building and is not considered to be highly visible in views of the hospital due to its location on the building. The functionality of the proposed gantry has therefore been weighed against the visual harm and it is not considered that it would represent an unacceptable addition and would not result in any significant harm to the nearby Conservation Areas.

Addition of small local quench pipe plenums

- 9.15. The revisions to the proposals include the provision of two magnetic resonance imaging (MRI) quench pipe plenums located on the north elevation at Level 04 of the Stage 1 building. The 'quench pipe' provides for gas/vapour release from the MRI, and the 'plenum' provides an area for this to circulate safely.
- 9.16. The plenums proposed to be installed comprise stainless steel boxes to match local façade widths, projecting outwards by approximately 1.7 metres from the façade and 2.55 metres in height. The boxes are proposed to be located on an elevation (north) that is not prominent, facing out onto the South Service Road. The plenum boxes are not considered unsuitable within a hospital environment and are not clearly visible from any public streetscene.

Façade Alterations and revisions to roof lanterns

- 9.17. Minor revisions are proposed to the façade of the proposed new hospital buildings including replacing clear with obscure glazed windows, the addition of vents to windows, the removal/relocation of doors, amendment to balustrades, colour changes, and a temporary façade on the east and west facades of the Stage 1 building.
- 9.18. The approved proposals for the roof lanterns above stairways included flat roofs on all three lanterns. It is proposed to add roof slopes to these lanterns to provide a seven degree pitch order to avoid water ponding and minimise the risk of water leaking into the Stage 1 building.
- 9.19. It is not considered that individually or cumulatively the proposed alterations would have a harmful impact on the visual amenities of the area or the nearby Conservation Areas. It is also not considered that the amendments would significantly compromise the design intention of the approved scheme.

Alterations to the position, landscaping and layout of north-west substation

- 9.20. As part of this application, the proposed substation towards the western end of the North Service Road would be increased in footprint and repositioned slightly westwards in order to avoid underground gas mains pipework and extensive geotechnical works at Whitehawk Hill Road. In the approved position, there was an increased likelihood of working close to the existing gas main which posed a significant safety risk. In addition, two external condensers are proposed to the east of the substation, and one car parking bay will be omitted.

- 9.21. The relocation of the proposed substation is minor and is considered to be relatively negligible in visual terms, and the proposed 5sqm increase in footprint and 700mm increase in height, whilst noticeable, would not have a significantly harmful impact on the visual amenities of the area.
- 9.22. It is therefore considered that, having regard to issues of design, appearance, and heritage, the proposed amendments would not conflict with the National Planning Policy Framework, policies CP12 and CP15 of the City Plan Part 1, HE6 of the Local Plan (2015), and DM18, DM26 and DM29 none of the emerging City Plan Part 2.

Landscaping and Ecology

- 9.23. The following landscape amendments are proposed as part of this application.
- Removal of proposed trees from Bristol Gate and addition of trees to terraces
- 9.24. As approved under planning permission BH2011/02886, all existing trees on the Royal Sussex County Hospital site were proposed to be removed to facilitate the 3Ts development. However 135 new trees were proposed to mitigate this loss. Of the 135 new trees, 57 trees were proposed as part of Stage 1 of the 3Ts development.
- 9.25. It has since become apparent that planting 18 trees on Bristol Gate would not be possible due to service routes and the space required for root protection. It is therefore proposed that five trees would be planted in this area, and the number provided elsewhere in the development increased, so that overall, two fewer trees would be provided over what was previously approved.
- 9.26. The net loss of two trees when compared to the approved scheme is not considered to be unacceptable, particularly given the significant constraints on and around the site.

Other landscaping amendments

- 9.27. Other minor landscaping amendments proposed as part of this application include the following:
- Repositioning of landscaping features including bollards and street furniture: such features have been refined during detailed design development in order to provide sufficient anti-terrorism measures. This includes increased bollard sizes and reduced spaces between bollards and fixed seating.
 - Addition of ramps and stairs to external terraces: During detailed design development, the internal access ramps and stairs have been relocated externally to free up space in internal areas to accommodate clinical functions.
- 9.28. The above amendments are not considered to be significant from a visual perspective and would provide enhanced security benefits.
- 9.29. It is therefore considered that the proposed landscape amendments would not conflict with policies QD15 and QD16 of the Local Plan (2015), CP10 of the City Plan Part 1, and DM22 of the emerging City Plan Part 2.

Sustainable Transport

- 9.30. A number of the amendments proposed as part of this application have potential transport implications and are assessed below.

Parking and Accessibility

Reduction in total car parking numbers

- 9.31. The approved 3Ts development incorporates a two level, underground car park which runs beneath both the Stage 1 and Stage 2 Buildings and is accessed to the east, off Bristol Gate.

- 9.32. The approved 3Ts parking figures within the proposed basement car park were as follows:

407 total parking spaces including:

- 21 accessible car parking spaces
- 47 motorcycle parking spaces
- 40 parking spaces for cancer patients
- 12 short stay parking spaces

- 9.33. Design development has identified that approved column locations within the basement car park interfere with the accessible parking bay access strips. In response, the basement car park layout has been updated to provide access bays outside of the column footprints to provide sufficient clearance zones around accessible bays. In order to accommodate sufficient space for accessible bays, a reduced overall parking figure of 391 parking spaces is proposed, comprising a reduction of 16 spaces overall. Revised parking figures are as follows:

391 total parking spaces including:

- 21 accessible car parking spaces
- 38 motorcycle parking spaces
- 40 parking spaces for cancer patients
- 12 short stay parking spaces

- 9.34. The revised parking figures remain in compliance with condition 8 (Parking Figures) of planning permission BH2011/02886, which requires:

'A minimum number of 40 car parking spaces for cancer patients, 21 disabled car parking spaces, 27 motorcycle parking bays, 12 short stay parking bays and the dedicated underground drop off zone shall be marked out and permanently retained within the basement car park.'

- 9.35. The amendments to the number of parking figures have still sought to ensure that an appropriate level of accessible, motorcycle, cancer patient and short stay spaces are retained and provided to support the redevelopment. No objections are raised by the Local Highway Authority in this regard and it is not considered that the loss of 16 spaces would have an unacceptable impact on the availability of parking at the hospital.

Retention of temporary car park ramp

- 9.36. The approved car park entrance ramp from Bristol Gate to the proposed basement car park included a temporary ramp to be provided up until the completion of Stage 1, and a permanent ramp of extended length to be provided

following completion of Stage 2 of the 3Ts development. In response to concerns relating to construction phasing constraints and detailed design development, it is proposed to retain the Stage 1 temporary ramp down to the basement car park. By retaining the existing temporary ramp, the need to close car park access for a period of time is avoided and therefore minimises disruption to hospital car parking arrangements that would occur while a new longer ramp would be constructed.

No objections are raised by the Local Highway Authority in this regard.

- 9.37. It is not considered that the parking and accessibility amendments proposed as part of this application would have any significant impacts on the transport network in terms of capacity and congestion, or highway safety and therefore would not conflict with the NPPF, policy CP9 of the City Plan Part 1, and emerging policy DM36 of the emerging City Plan Part 2.

Use of the North Service Road

- 9.38. The North Service Road runs east-west through the hospital site, providing access from Bristol Gate (to the east) to the public carpark.
- 9.39. Whilst neither the original planning consent nor this current application propose any amendments to the North Service Road (other than a new substation at the western end), the construction phase of Stage 1 of the 3Ts development as well as other ongoing development works at the hospital have resulted in a temporary restriction in the width of this road. The result of this is that there is currently only sufficient space on the North Service Road for traffic to travel one way – east to west with traffic entering the North Service Road from Bristol Gate and exiting the hospital via the narrow Upper Abbey Road and Whitehawk Hill Road. Previously, traffic would access and exit the North Service Road via Bristol Gate. As a result, there has been an increase in traffic movements onto Upper Abbey Road and Whitehawk Hill Road to the west.
- 9.40. It should be noted that this matter is raised in some of the objections received in relation to the current application and has been a source of concern for a number of residents since construction works commenced in 2016.
- 9.41. In order to try and address residents' concerns and ensure that the impact on residents and highway safety as a result of the one way use of the North Service Road is minimised, the applicant has provided a draft Unilateral Undertaking (UU) to be agreed with the Council prior to any potential approval of the current application. This UU would provide a commitment for the applicant to undertake a detailed Access Study, including traffic surveys, and to agree and implement mitigation measures to address any identified impact on Whitehawk Hill Road and Upper Abbey Road. Specifically the UU would include the following obligations:
- Undertake Access Study within 12 weeks after signing the UU.
 - Agree with the Council the findings of the Access Study, and the necessary mitigation, prior to occupation of the Stage 1 building.
 - Ensure that the spatial scope of measures is restricted to the RSCH site, Whitehawk Hill Road, and Upper Abbey Road (the 'Neighbouring Streets Area')

- If the North Road is returned to two way operation with access and egress via Bristol Gate, the Trust is no longer required to comply with the terms of the Unilateral Undertaking.
- 9.42. It has not been possible to produce the Access Study prior to this point because traffic movements since 2020 have been lower than normal due to the COVID19 pandemic and therefore it is considered that any survey would have been unrepresentative. At the same time, it is acknowledged that the application relates to a critical hospital use and a decision on the S73 application cannot be delayed until the Access Study is undertaken as this will delay the overall timetable for the Stage 1 construction of the 3Ts development.
- 9.43. It is proposed that the Access Study will include the following:
- Traffic surveys to quantify the traffic impact in the current scenario with 3Ts Stage 1 under construction (North Road single lane traffic with access via Bristol Gate and egress via Whitehawk Hill Road; and Southern Service Road closed).
 - Traffic flow modelling to quantify traffic impact in the future scenario with 3Ts Stage 1 complete and operational (North Road single lane traffic with access via Bristol Gate and egress via Whitehawk Hill Road; and Southern Service Road open with access and egress via Bristol gate).
 - Review hospital wide access, waste and servicing strategy and explore options to rationalise and improve access, in both the current and future scenario.
 - Develop and test mitigation or operational management measures to improve access arrangements and alleviate traffic impacts on Whitehawk Hill and Upper Abbey Road in the current and future scenario.
- 9.44. The applicant and their transport consultant will work with the Local Planning Authority and the Local Highway Authority to agree the scope of the Access Study.
- 9.45. However, prior to the Access Study, the applicant's Transport Consultants have completed an estimate of current traffic flows on Upper Abbey Road / Whitehawk Hill Road as a result of the hospital development. This is based on the traffic survey data that fed into the original 3Ts application, extrapolated to include DfT growth estimates. It concludes that traffic flows are likely to have increased by 16-18% to the year 2021, with a likely significant effect on the North Service Road/Whitehawk Hill Road junction. However, the degree of impact (and subsequent mitigation) will be confirmed by the Access Study.
- 9.46. It is considered that on this basis, and subject to securing the Unilateral Undertaking to clarify and mitigate the impact on the local highway network, the scheme is acceptable in terms of its impact on highway capacity and road safety.

Sustainability

Removal of photovoltaic panels

- 9.47. The eastern 'finger' of the approved Stage 1 building included 290m² of photovoltaic panels on the roof. Design development since the BH2011/02886 consent has highlighted a requirement for greater provision of air handling units

located on the roof of the Stage 1 building, in order to meet the requirements of the Ecodesign Directive (2009/125/EC) which stipulates higher efficiencies for heat recovery. The applicant's agent states that the design team have considered various Stage 1 roof layout options but concluded that there are no suitable alternative locations to relocate the 290m² area of photovoltaic panels.

- 9.48. In order to mitigate the loss of the photovoltaic panels, which were proposed to contribute to generating 33MWh of electricity per annum, a carbon savings study has been undertaken to identify where gains can be made in the Stage 1 building. The design team consider that the loss of carbon savings associated with the photovoltaic panels have been offset by the change from compact fluorescent lighting to LED fittings throughout the building. The applicant's agent also states that BREEAM credits have increased from 9 to 11 as a consequence of the design change, which has a beneficial overall impact on the 3Ts hospital.
- 9.49. It should be noted that the Council's Sustainability Officer has raised no objection to these proposed amendments and agrees that the proposals will help reduce the energy requirements of the building.

Impact on Residential Amenity

- 9.50. Policy QD27: Protection of Amenity of the Brighton & Hove Local Plan states that planning permission for any development will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health. This policy is further supported by policy DM20: Protection of Amenity of the emerging City Plan Part 2 (which can be given more weight than the Local Plan policy).
- 9.51. Whilst there are a number of residential properties close to the hospital site on Whitehawk Hill Road, Upper Abbey Road, Turton Close, Chadborne Close, Bristol Gate and Eastern Road, the proposed amendments to the existing planning permission are considered to be negligible in respect of the impact on amenities of neighbouring properties.
- 9.52. The increase in the height of the helipad by 10cm is not considered to be discernible from neighbouring properties and whilst the alterations to the helipad structure would be visible from neighbouring residential properties, the impact on the outlook and light available to neighbouring residential properties as a result of these amendments is considered to be minimal.
- 9.53. The increase in the height of the proposed flues by just over 2m and their slight repositioning northwards would be visible from a number of residential properties. Again, however, such amendments would not result in an unacceptable impact on the outlook and light available to neighbouring properties.
- 9.54. The proposed quench pipe plenums are situated on the north side of the Stage 1 building, facing into the site and would therefore not be visible to neighbouring residential properties.

- 9.55. None of the proposed façade alterations result in any significant additional bulk to the Stage 1 building and as a result would not have a detrimental impact on the light and outlook available to neighbouring properties. It is not considered that the proposed alterations would result in any additional impacts on the privacy of neighbouring residential properties above and beyond the existing approved development.
- 9.56. The application proposes amendments to the proposed north-west substation adjacent the mini roundabout at the western end of the North Service Road as set out earlier in this report. However, it is not considered that a slight repositioning of the substation to the west, its increase in height by 700mm and an increase in the floor area by 5sqm would have any notable impact on the residential amenities of properties on Whitehawk Hill Road. Whilst it is noted that two condensers are proposed on the eastern side of the substation, the substation at its closest point is still approximately 24m from the nearest residential property and it is therefore not considered that the substation or condensers would be likely to result in unacceptable noise impacts on any residential properties. However, a condition will be attached to any planning consent to ensure that noise levels from any plant (including the substation and condensers are controlled and minimised).
- 9.57. Therefore it is not considered that individually or cumulatively the proposed amendments would have any harmful impacts on the residential amenities of neighbouring properties and would therefore not conflict with policy QD27 of the Brighton & Hove Local Plan.
- 9.58. However, the impact of the current one way use of the North Service Road on the residents of Upper Abbey Road and Whitehawk Hill Road is considered further in the sustainable transport section of this report.

Conclusion

- 9.59. The principle of development on the site has already been established by the extant planning consent BH2011/02886.
- 9.60. Whilst a significant number of amendments are proposed, many of these are minor in their nature and it is not considered that individually or cumulatively the amendments would have a harmful impact on the visual amenities of the area or compromise the design of the approved scheme. Additionally, it is not considered that any of the proposed amendments would have a harmful impact on the amenities of neighbouring properties.
- 9.61. It is acknowledged that a significant number of the proposed amendments relate to the functional/operational requirements of the hospital, structural requirements, and requirements associated with legislative updates since planning permission was granted for the original scheme in 2012. The need for these amendments has arisen through the tender and construction phase of the development. It is also acknowledged that a hospital particularly will have a significant number of functional and operational requirements and this needs to be given due consideration in the decision making process.

- 9.62. The proposed amendments are not considered to have any significant impacts on the transport network in terms of capacity and congestion, or highway safety. However, it is recognised that the current one-way use of the North Service Road and the resultant impact on Upper Abbey Road and Whitehawk Hill Road should be addressed where possible through this application and as set out in this report, a Unilateral Undertaking will be produced by the applicant and agreed by the Council to assess the impact on Upper Abbey Road and Whitehawk Hill Road and provide appropriate mitigation.
- 9.63. It should also be noted that the Environmental Statement Addendum submitted with this application concluded that the proposed design changes would have no significant effect on the outcome of the Environmental Assessment work to date and no further work is considered to be required as a result of the design changes. These conclusions are not disputed.
- 9.64. The proposed development would therefore comply with the NPPF, relevant policies within the City Plan Part One, the emerging Policies in the City Plan Part 2, and retained policies in the Brighton & Hove Local Plan (2005), and the approval of planning permission is recommended subject to the conditions above, a Deed of Variation to the original S106 agreement, and the securing of a Unilateral Undertaking relating to transport issues.

10. COMMUNITY INFRASTRUCTURE LEVY

- 10.1. Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23 July 2020 and began charging on all CIL liable planning applications on and from the 5 October 2020. However, due to the proposed use of the building as a hospital, the proposal would not be CIL liable.

11. DEED OF VARIATION

- 11.1. A Deed of Variation to the S106 for planning permission BH2011/02886 is required for this planning application as the original S106 does not allow for any amendments to the original planning permission via a S73 application.
- 11.2. The Heads of Terms for the original S106 agreement were as follows:
- A Construction Phasing Plan.
 - A Construction Environmental Management Plan (CEMP).
 - Fourteen days prior written notice of commencement of development.
 - Contribution towards Sustainable Transport of £556,190.
 - Employment of a Travel Plan Co-Ordinator
 - Provision of Framework Travel Plan
 - Commitment to enter into a S278/S38 agreement to carry out off site works to the highway
 - Agreement to fund the necessary Traffic Regulation Orders (TROs) for the highway works

- Residents/Transport Liaison Group to be set up to include a list of invitees with transport interest.
- Employment Strategy to be submitted aimed at employing a minimum 20% of local construction workers from within Brighton & Hove City boundary.
- Artistic component to be provided in accordance with the Trust's Public Art Strategy at a cost of not less than £421,000 index linked to 2012 costs.
- Off-site consolidation centre to be operational prior to commencement of demolition works on Stage 1.
- Updated Wind Assessment and Mitigation Scheme.
- Peregrine falcon relocation measures and exclusion works at Thomas Kemp Tower.

11.3. In the event that the S106 agreement has not been signed by all parties, the application shall be refused for the following reasons:

1. The proposed development fails to deliver an employment strategy in accordance with Policy CP2 of the Brighton and Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
2. The proposed development fails to deliver a Travel Plan and other necessary measures to help reduce the impact of the development on the highway, enhance Sustainable Transport and reduce car use in accordance with Policy CP9 of the Brighton and Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
3. The proposal fails to ensure the adequate protection of amenity, highway safety and managing waste throughout development works in accordance with policies QD27, SU9, SU10 and TR7 of the Brighton & Hove Local Plan, and policy CP8 of the Brighton & Hove City Plan Part One.
4. The proposal fails to provide an artistic component in accordance with Policy CP12 of the City Plan Part One and the City Council's Developer Contributions Technical Guidance.
5. The proposal fails to protect biodiversity in accordance with Policy CP10 of the Brighton & Hove City Plan Part One.

12. UNILATERAL UNDERTAKING

12.1. As set out in the Sustainable Transport section of this report, the applicant will prepare a Unilateral Undertaking to be agreed with the Local Planning Authority and to include the following:

- Undertake access study within 12 weeks after signing the UU
- Agree with the Council the findings of the Access Study, and the necessary mitigation, prior to occupation of the Stage 1 building.
- Ensure that the spatial scope of measures is restricted to the RSCH site, Whitehawk Hill Road, and Upper Abbey Road.

- If the North Road is returned to two way operation with access and egress via Bristol Gate, the Trust is no longer required to comply with the terms of the Unilateral Undertaking.

13. EQUALITIES

- 13.1. Whilst a number of the internal access ramps and stairs have been relocated externally to free up space in internal areas, the additional ramps and stairs are in compliance with Part M Requirements so it is not considered that the proposed amendments would have an impact on equalities.

14. CLIMATE CHANGE / BIODIVERSITY

- 14.1. Whilst there are a number of landscape amendments proposed which would reduce the number of trees being provided by two, it is not considered that the proposed amendments would have any material impacts on biodiversity.
- 14.2. Amendments to the proposal to replace photovoltaic panels with more air handling units, when combined with proposed LED fittings instead of compact fluorescent lighting, have an overall beneficial impact on the sustainability of the proposed hospital building.

