

18th July 2018 Planning Committee – Additional Representations

Page	Site Address	Application No.	Comment
25	Former Amex House, Edward Street, Brighton	BH2018/00340	<p>Correction to <u>Recommendation</u> wording;</p> <p>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 s106 Planning Obligation and the conditions and informatives as set out hereunder SAVE THAT should the s106 Planning Obligation not be completed on or before the 7th November 2018, the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 10 of this report.</p> <p>The following paragraph should be inserted into Part 8 (Considerations) of the report.</p> <p><i>“The City Plan Part 1 Inspector's Report was received in February 2016. The Inspector's conclusions on housing were to agree the target of 13,200 new homes for the city until 2030 as a minimum requirement. It is against this minimum housing requirement that the City's five year housing land supply position is assessed annually.</i></p> <p><i>The Council's most recent land supply position was published in the 2017 SHLAA Update (February 2018) which showed a marginal surplus (5.0 years supply). However, the inspector for the recent planning appeal on Land south of Ovingdean Road (APP/Q1445/W/17/3177606) considered that the Council's delivery timescales for two sites were over-optimistic and concluded that there would be a five year supply shortfall of at least 200 dwellings. The Council's five year housing land supply figures are currently being updated as part of the annual monitoring process and an updated five year housing position will be published later this year. In the interim, when considering the planning balance in the determination of planning applications, increased weight should be given to housing delivery in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 14).”</i></p> <p><u>Condition 14</u> (to acknowledge the location details of wheelchair units provided at</p>

			<p>application stage) to read:</p> <p>The eleven wheelchair accessible dwellings, as shown located on the drawings hereby approved, shall be provided in compliance with Building Regulations Optional Requirement M4(3)(2b) (wheelchair user dwellings) prior to first occupation and shall be retained as such thereafter. All other dwelling(s) hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) prior to first occupation and shall be retained as such thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.</p> <p>Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.</p> <p><u>Condition 22 (Wind Mitigation measures – revised wording to require re-assessment post construction)</u></p> <p>Details shall be submitted to and approved in writing of the appearance, height, materials and location of the wind screening mitigation measures including screens and fins identified in the Wind Microclimate Study that would be required to be implemented. The measures shall be implemented prior to occupation of the development hereby approved and should be subject to further assessment of the wind impacts on the development as built. Any further mitigation measures identified following re-assessment shall be implemented prior to occupation to the satisfaction of the Local Planning Authority and thereafter permanently maintained.</p> <p>Reason: In order to assess the detailed scale, appearance and location of the physical measures proposed and to ensure the implementation of measures to mitigate the impact of the development on this location identified in the submitted Wind Microclimate Study and to provide shelter from wind effects for occupiers and visitors to the development and to comply with policies QD27 of the Brighton and Hove Local Plan and CP13 of the Brighton & Hove City Plan Part One.</p> <p><u>Condition 26 (Plant noise)</u> Insert after <u>“Prior to the occupation of the following blocks hereby approved</u></p>
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- i) Block A
- ii) Block B
- iii) Block C
- iv) Block D
- v) Block E
- vi) Block F

Condition 43 (Hours of operation restriction)

Delete reference to 'commercial' and refer to Class A 'retail' only.

Condition 48 (Flexible use class restrictions)

Insert "...and ancillary space to the residential units..." after Class A1; A3; B1a); D1 purposes...."

Condition 49 (Restriction to ancillary floorspace)

Insert:**lower ground** and ground floor flexible floorspace etc....

Informative no.3 should refer to Condition no. 39.

Paragraph 8.31 of the report should refer to Class A units outdoor seating being permitted until 22.00 hours and not 21.00 as agreed with applicants.

Drawing numbers

The following plans showing the location of wheelchair units was omitted from the drawings list:

Floor Plans Proposed	Wheelchair units Ground Floor Plan	1016-PL-WAH-00	PL1	19 June 2018
Floor Plans Proposed	Wheelchair units First Floor Plan	1016-PL-WAH-01	PL1	19 June 2018
Floor Plans Proposed	Wheelchair units Second Floor Plan	1016-PL-WAH-02	PL1	19 June 2018
Floor Plans Proposed	Wheelchair units Third Floor Plan	1016-PL-WAH-03	PL1	19 June 2018
Floor Plans Proposed	Wheelchair units Fourth Floor Plan	1016-PL-WAH-04	PL1	19 June 2018

Floor Plans Proposed	Wheelchair units Fifth Floor Plan	1016-PL-WAH-05	PL1	19 June 2018
Floor Plans Proposed	Wheelchair units Sixth Floor Plan	1016-PL-WAH-06	PL1	19 June 2018
Floor Plans Proposed	Wheelchair units Seventh Floor Plan	1016-PL-WAH-07	PL1	19 June 2018
Floor Plans Proposed	Wheelchair units Mezzanine Floor Plan	1016-PL-WAH-M1	PL1	19 June 2018

The following drawing revision number was incorrectly referenced:

Floor Plans Proposed	Roof plan general arrangement plan	1016-PL-GA-RF	PL3	1 May 2018
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Late representations:

Residents Booklet from residents of White Street/Carlton Hill/Blaker Street and other nearby streets.

Objection: Acknowledge pressure to build housing in the city reflected in the City Plan. Reiterate that City Plan policies DA5; SO12; SO16; CP12; CP13; CP14; CP15 should be complied with. Confirms that all previous policy objections stand and applicant's consultation does not meet Council's Statement of Community Involvement. Challenge the Financial Viability Assessment and the amount of affordable housing proposed. Critical of inefficient layout of site Reduction of Block C by a storey has appeased criticism of impact on Royal Pavilion. Question the usefulness of reinstating Mighell Street which is a constraint on development and led to impact on adjoining residents. Re-iterate green bridge proposal across Edward Street with examples. Consider that 4 reasons for refusal should be that the proposals fail to: 1) Provide high quality design 2) Provide high quality public realm, 3) Improve air quality 4) Protect heritage assets.

Officer response: Policies SO12 and SO16 provide strategic policy direction in respect of design and heritage and it is considered that the proposals are in conformity with these objectives noting that the Council's Heritage Officer concludes that the proposals would be positive. Policies CP12; CP13; CP14 and CP15 provide more detailed policy guidance on these issues and are similarly addressed positively by the proposals. The

			<p>Planning Policy Officer considers that the proposals comply with policy DA5 for the Edward Street Quarter site and wider development area policy.</p> <p>The Financial Viability Assessment has been independently assessed by the District Valuer and Position Statement has been agreed with the applicants. Noted acknowledgement that revised scheme addresses harm caused previously to Royal Pavilion setting whilst re-instatement of Mighell Street is considered to comply with City Plan policies SO12; SO16; CP12; CP13 and CP15 and the development brief.</p> <p>14 additional neighbour letters <u>objecting</u> to proposals. – No new issues raised.</p> <p><u>Report</u> <u>Para 2.11</u> Clarify that private amenity space would be accessible to all new residents not just Block D as stated.</p> <p><u>Historic England</u> updated comments 4th April (not sent direct to Register or case officer):</p> <p>We do not think that this additional information, to include night time visualisations, has changed our overall thoughts about the proposal. We remain of the view that the level of harm to the nearby conservation areas and specifically for the Royal Pavilion is not high and we are content that Brighton and Hove City Council might now decide the application, including for how far the low level of harm may be outweighed by the public benefits of the proposal.</p> <p><u>Officer comment:</u> Historic England (HE) have not objected to the development proposals but suggested an assessment of nighttime views from Royal Pavilion Gardens be carried out. The above comment is a response to that assessment however HE did not comment formally on the revised proposals when consulted on 1st May. The impact of nighttime lighting would be mitigated by Condition 50.</p>								
97	Preston Barracks, Mithras House, Watts Building Lewes Road	BH2018/00689	<p>Condition 1: Replace List of drawings entirely with list below:</p> <table border="1" data-bbox="882 1337 2107 1417"> <thead> <tr> <th>Plan Type</th> <th>Reference</th> <th>Version</th> <th>Date Received</th> </tr> </thead> <tbody> <tr> <td>Location Plan</td> <td>309-L01</td> <td>F</td> <td>5 June 2018</td> </tr> </tbody> </table>	Plan Type	Reference	Version	Date Received	Location Plan	309-L01	F	5 June 2018
Plan Type	Reference	Version	Date Received								
Location Plan	309-L01	F	5 June 2018								

			Site Layout Plan	309-L03	K	28 June 2018
			Site Layout Plan	TM309SKD62	B	28 June 2018
			Sections Proposed	TM309LS04	F	28 June 2018
			Sections Proposed	TM309LS05	G	28 June 2018
			Sections Proposed – Elevations Walkway	309-LS10	A	5 June 2018
			Floor Plans Proposed	6442-STRIPE-WP-XX-DR-AR-30001	P4	15 May 2018
			Floor Plans Proposed	6442-STRIPE-WP-XX-DR-AR-30002	P3	15 May 2018
			Floor Plans Proposed	6442-STRIPE-WP-XX-DR-AR-30003	P3	15 May 2018
			Floor Plans Proposed	6442-STRIPE-WP-XX-DR-AR-30004	P3	15 May 2018
			Floor Plans Proposed	6442-STRIPE-WP-XX-DR-AR-30005	P3	15 May 2018
			Floor Plans Proposed	6442-STRIPE-WP-XX-DR-AR-30006	P3	15 May 2018
			Floor Plans Proposed	6442-STRIPE-WP-XX-DR-AR-30007	P3	15 May 2018
			Roof Plan Proposed	6442-STRIPE-WP-XX-DR-AR-30008	P2	5 March 2018
			Multi-Storey Car Park – Proposed Landscaping and Green Wall	6442-STRIPE-XX-XX-DR-AX-92801	P5	5 March 2018
			Multi-Storey Car Park – Proposed Cladding and Roof	6442-STRIPE-XX-XX-DR-AX-	P5	5 March 2018

			Coverings	36801		
			Multi-Storey Car Park – Green Wall Specification	Viridian Vertical Planting System Specification		5 March 2018
			Multi-Storey Car Park – Proposed Section A	6442-STRIFE-WP-XX-DR-AR-30601	P2	5 March 2018
			Multi-Storey Car Park – Proposed Section B	6442-STRIFE-WP-XX-DR-AR-30602	P2	5 March 2018
			Multi-Storey Car Park – Proposed Section C	6442-STRIFE-WP-XX-DR-AR-30603	P2	5 March 2018
			Multi-Storey Car Park – Proposed Section X	6442-STRIFE-WP-XX-DR-AR-30605	P2	5 March 2018
			Multi-Storey Car Park – Proposed Section Y	6442-STRIFE-WP-XX-DR-AR-30606	P2	5 March 2018
			Multi-Storey Car Park – Proposed North Elevation	6442-STRIFE-WP-XX-DR-AR-36501	P3	5 March 2018
			Multi-Storey Car Park – Proposed East Elevation	6442-STRIFE-WP-XX-DR-AX-36502	P2	5 March 2018
			Multi-Storey Car Park – Proposed South Elevation	6442-STRIFE-WP-XX-DR-AR-36503	P3	5 March 2018
			Multi-Storey Car Park –	6442-Stripe-WP-	P2	5 March 2018

Proposed West Elevation

XX-DR-AR-36504

Condition 2 to be replaced with:

2. No development of the multi storey car park above first floor slab level shall take place until a scheme is submitted to and approved in writing by the Local Planning Authority for works to create a publically accessible cycle route in the vicinity of the alignment shown in plan no. TM309 SKD62 Revision B, providing for continuous mounted cycling between:

- a) the multi storey car park and associated cycle hub; and
- b) the northern boundary of the University of Brighton Cockcroft site and its junction with Queensdown School Road

via land not forming part of the public highway but including land hatched blue on approved Walkways Plan (drwg: SEW ZZ-ZZ-DR-A-501013 Rev 05) under application ref: BH2017/00492 or any additional or revised walkways plan subsequently agreed. The approved enhancements to the route must be fully implemented in accordance with the approved details prior to first occupation of the business school, unless otherwise providing for within the approved route phasing. Thereafter the route shall be retained with access provided to the public at all times.

The details to be submitted and approved shall include the following:

- o
- o Details of road markings and any proposed access restrictions or management measures
- o Details for the phasing of construction and implementation of the route which, notwithstanding any further improvements to follow in any later phases and temporary alignments in any before the last, shall be implemented and made available for use as a publically accessible route for mounted cycling between the destinations prior to first occupation of the business school.
- o An explanatory design statement including locations of pedestrian and vehicle entrances/exits to buildings along the route, anticipated pedestrian and vehicle flows and points of congregation in different locations and an equality impact assessment explaining how the proposals comply with the Equality Act 2010 and providing an objective justification for any adverse impacts of the scheme on people with protected characteristics under the Act.

Reason: To ensure that convenient, attractive and publically accessible cycle facilities are provided between the multi storey car parks cycle hub and Moulsecoomb Station and to comply with policies DA3 and CP9 of the Brighton and Hove City Plan Part One.

Conditions to be renumbered correctly (duplication of condition 2).

Condition 4 to be replaced with:

No vehicular movements (excluding those by pedal cyclists) or any loading or unloading of vehicles shall take place within the external spaces between the multi storey car park, Business School/Academic building and Watts building between the hours of 08:00 and 10:00 and 16:30 and 18:30 hours on Mondays to Fridays. Exceptions will be made in the case of a special occasion or event for which loading and unloading necessary for the event shall be permitted between these hours on no more than one occasion per calendar month.

Reason: To safeguard access and safety for pedestrians, cyclists and other road users and to comply with policies TR7 of the Brighton & Hove Local Plan and CP9 of the Brighton and Hove City Plan Part One.

Condition 6 to be replaced with:

Development of the multi-storey car park shall not take place until plans providing details of internal floor surface levels and gradients, and tread/riser dimensions for staircases, have been submitted to and approved in writing by Council.

Reason: To ensure the car park provides inclusive access for pedestrians of all abilities and to comply with policy CP9 of the Brighton & Hove City Plan Part One.

Condition 7 to be replaced with:

Prior to any development above floor slab of the multi-storey car park a scheme for the storage of refuse and recycling shall have 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 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.

Condition 8 to be replaced with:

Notwithstanding the submitted plans, the multi-storey car park hereby permitted shall not commence use until further details of cycle parking facilities (including allocations) have been submitted to and approved in writing by the Local Planning Authority in accordance with condition 33 of BH2017/00492.

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 policies TR14 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One and SPD 14 Parking Standards.

Condition 9 to be deleted (the submitted plans provide the location of the EVC spaces therefore further details are not required).

Condition 10 to be replaced with:

Prior to occupation/use of the multi-storey car park details of the provision of photovoltaics on the roof shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with the approved details.

Reason: To ensure that the development is sustainable and makes efficient use of energy to comply with policy CP8 of the Brighton & Hove City Plan Part One.

Condition 11 to be replaced with:

No development shall take place within the Watts Site Parcel (parcel 4) (including any demolition, ground works, site clearance) until a method statement for the protection of reptiles and chalk grassland within the Brighton University Site of Nature Conservation Importance and the Watts Bank (i.e. within the proposed extension to the Local Wildlife Site) has been submitted to and approved in writing by the Local Planning Authority.

The content of the method statement shall include the:

- a) purpose and objectives of the proposed works;
- b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
- c) extent and location of proposed works shown on appropriate scale maps and plans;
- d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- e) persons responsible for implementing the works;
- f) initial aftercare and long-term maintenance (where relevant);
- g) disposal of any wastes arising from the works.

The works shall be carried out in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To protect habitats and species identified in the ecological surveys from adverse impacts during construction and to comply with policies NC4 of the Brighton and Hove Local Plan and CP10 of the Brighton & Hove City Plan Part One and SPD11

			Nature and Conservation and Development.
121	10 Shirley Drive, Hove	BH2017/02869	<p>Condition 1: correction to approved drawing number Proposed Location Plan 2017/02/012</p> <p>The following paragraph should be inserted into Part 8 (Considerations) of the report.</p> <p><i>“The City Plan Part 1 Inspector’s Report was received in February 2016. The Inspector’s conclusions on housing were to agree the target of 13,200 new homes for the city until 2030 as a minimum requirement. It is against this minimum housing requirement that the City’s five year housing land supply position is assessed annually.</i></p> <p><i>The Council’s most recent land supply position was published in the 2017 SHLAA Update (February 2018) which showed a marginal surplus (5.0 years supply). However, the inspector for the recent planning appeal on Land south of Ovingdean Road (APP/Q1445/W/17/3177606) considered that the Council’s delivery timescales for two sites were over-optimistic and concluded that there would be a five year supply shortfall of at least 200 dwellings. The Council’s five year housing land supply figures are currently being updated as part of the annual monitoring process and an updated five year housing position will be published later this year. In the interim, when considering the planning balance in the determination of planning applications, increased weight should be given to housing delivery in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 14).”</i></p>
211	7 Howard Terrace, Brighton	BH2017/03648	<p>The following paragraph should be inserted into Part 8 (Considerations) of the report.</p> <p><i>“The City Plan Part 1 Inspector’s Report was received in February 2016. The Inspector’s conclusions on housing were to agree the target of 13,200 new homes for the city until 2030 as a minimum requirement. It is against this minimum housing requirement that the City’s five year housing land supply position is assessed annually.</i></p> <p><i>The Council’s most recent land supply position was published in the 2017 SHLAA Update (February 2018) which showed a marginal surplus (5.0 years supply).</i></p>

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229	123 - 129 Portland Road, Hove	BH2016/06391	<p>An updated comment from the Transport Team has been received. It is now recommended that, in the absence of a parking survey to demonstrate capacity for overspill parking the streets surrounding the application site, a condition be applied restricting future occupants rights to resident parking permits. This could be reviewed should parking surveys be submitted.</p> <p>It is also recommended that cycle storage provision be secured by planning condition.</p> <p>Officer response: These measures are secured by recommended conditions nos. 4 and 5.</p> <p>The following paragraph should be inserted into Part 8 (Considerations) of the report.</p> <p><i>"The City Plan Part 1 Inspector's Report was received in February 2016. The Inspector's conclusions on housing were to agree the target of 13,200 new homes for the city until 2030 as a minimum requirement. It is against this minimum housing requirement that the City's five year housing land supply position is assessed annually.</i></p> <p><i>The Council's most recent land supply position was published in the 2017 SHLAA Update (February 2018) which showed a marginal surplus (5.0 years supply). However, the inspector for the recent planning appeal on Land south of Ovingdean Road (APP/Q1445/W/17/3177606) considered that the Council's delivery timescales for two sites were over-optimistic and concluded that there would be a five year supply shortfall of at least 200 dwellings. The Council's five year housing land supply figures</i></p>

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243	8 Lloyd Road, Hove	BH2017/04070	<p>Update to the 'Considerations and Assessment' section of report:</p> <p>The application was deferred from Planning Committee on 9th May to establish ownership of a piece of land at the front of the site. The size of the application site has since been reduced. A small slither of land at the front of the site is owned by Brighton & Hove City Council. Certificate B has been signed and notice has been served on the City Council in relation to this piece of land. In addition, the arboriculture method statement and associated tree plans have been amended. The number of trees to be removed to facilitate the development has been reduced from seven to three. No trees on the piece of land owned by Brighton & Hove City Council are proposed to be removed.</p> <p>The following paragraph should be inserted into Part 8 (Considerations) of the report.</p> <p><i>"The City Plan Part 1 Inspector's Report was received in February 2016. The Inspector's conclusions on housing were to agree the target of 13,200 new homes for the city until 2030 as a minimum requirement. It is against this minimum housing requirement that the City's five year housing land supply position is assessed annually.</i></p> <p><i>The Council's most recent land supply position was published in the 2017 SHLAA Update (February 2018) which showed a marginal surplus (5.0 years supply). However, the inspector for the recent planning appeal on Land south of Ovingdean Road (APP/Q1445/W/17/3177606) considered that the Council's delivery timescales for two sites were over-optimistic and concluded that there would be a five year supply shortfall of at least 200 dwellings. The Council's five year housing land supply figures are currently being updated as part of the annual monitoring process and an updated five year housing position will be published later this year. In the interim, when</i></p>

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NB. Representations received after midday the Friday before the date of the Committee meeting will not be reported (Sub-Committee resolution of 23 February 2005).