



**Brighton & Hove  
City Council**

# **PLANNING COMMITTEE ADDENDUM**

**1.00PM, WEDNESDAY, 14 DECEMBER 2016**

**COUNCIL CHAMBER, HOVE TOWN HALL, NORTON ROAD,  
HOVE, BN3 3BQ**

**LATE/ADDITIONAL REPRESENTATIONS LIST**



# ADDENDUM

ITEM

Page



**14 December 2016 Planning Committee – Additional Representations**

<b>Page</b>	<b>Site Address</b>	<b>Application No.</b>	<b>Comment</b>
43	Land at Station Street/Blackman Street/Cheapside, Brighton	BH2016/05493	<p>The site plan in the Committee papers is slightly inaccurate as it does not include part of the public highway next to Fleet Street where the proposed entrance canopy will project over. A corrected version is attached.</p> <p><b>Amend</b> Condition 8 (i) to read: Details of the feature decorative ventilation grilles to basement car park facing Blackman Street which shall incorporate an artistic influence.</p> <p>Condition 10 should read as part of condition 9.</p>
81	Anston House (137-139) and Land Adjoining, Preston Road, Brighton	BH2016/02499	<p><b>Brighton &amp; Hove Economic Partnership <u>support</u>:</b> The proposals adhere to strategic objectives SO2 and SO3 to grow quality jobs and business opportunities and to better align job skills to projected needs in higher value sectors; pleased that the scheme maximises the delivery of housing in support of the City Plan and provides some affordable housing. Whilst the proposal is below the 3,000sqm office floorspace desired, the previous allocation for solely employment use did not result in the redevelopment of the site and the proposed job creation of 283 jobs is more than anticipated in a traditional office of 3,000sqm which would be in the region 200-250 jobs. Additional benefits of the development: 1200 jobs created by the construction of the development and once built, the s106 financial contributions, and local expenditure is also welcomed.</p> <p><b>Brighton Society:</b> The previous reasons for refusal apply equally to the current proposal – items 2 and 3 are actually worse than the first proposal which was rejected in 2013. The Council has to have a consistent approach to the determination of development proposals.</p> <p><b>Additional representations:</b>  <b>Five (5) representations from 112 Hythe Road; 79 Greenacres, Preston Park Avenue; 4 Waldegrave Road; 39 Hamilton Road and 7 Rugby Road <u>objecting</u> on grounds of height, overshadowing, impact on Preston Park and surroundings.</b></p>

Representation from **61 Manor Lea, Boundary Road** commenting that the site has been derelict since 1987 and the priority should be to redevelop and maximise its use including providing affordable housing. There are many tall buildings in the road and the amenity of the park won't be affected.

**Amend the following conditions:**

**7 i):** 'Demolition aside' to be inserted at the beginning.

**8:** 'Demolition aside' to be inserted at the beginning. Amend 2<sup>nd</sup> sentence: 'The development shall subsequently be carried out'

**12:** Re-word to read: No development above basement car park level of any part of the development hereby permitted shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority to provide that the residents of the development, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit. The scheme should include the registered address of the completed development; an invitation to the Council as Highway Authority (copied to the Council's Parking Team) to amend the Traffic Regulation Order; and details of arrangements to notify potential purchasers, purchasers and occupiers that the development is 'street permit free'.

**24:** Re-word to read: Within 6 months of first occupation of the development hereby approved, a Post Completion Preliminary Assessment confirming that the non-residential development built has achieved a minimum BREEAM New Construction rating of 'Excellent', shall be submitted to, and approved in writing by, the Local Planning Authority.

**41:** Re-word to read: A minimum 5% of the residential units (12 units) shall be wheelchair accessible (in compliance with Building Regulations Optional Requirement M4(3)(2b) or wheelchair adaptable (in compliance with part M4(3)2a. 3 of these units shall be provided for the affordable rented units and these shall be wheelchair accessible. The wheelchair accessible/adaptable dwellings shall be completed prior to first occupation and shall be retained as such thereafter. All other dwellings 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.

			<p><b>43 and 44:</b> Delete – not required as condition 10e requires these details.</p> <p><b>To insert into end of paragraph 8.65 in the report:</b>  ‘The applicant reassessed the daylight levels and found that the number of rooms that would either meet the BRE guidance or have a negligible impact would increase from 557 to 571, which is considered to be a significant improvement.’</p> <p><b>Correction to paragraph 8.13 of the report:</b>  ‘local heritage assets’ should be replaced with ‘nearby designated heritage assets’ and ‘principle of’ should be replaced with ‘development substantially’</p>
159	133 Kingsway (Former Texaco Garage Site) & 22 Victoria Terrace, Hove	BH2016/02756	<p><b>Additional representations:</b>  Representation from <b>40 Albany Villas</b> <u>objecting</u> on grounds set out in the report.  <b>Two (2)</b> representations from <b>7 Parnell Court, 1 Medina Place and 8 Osborne Villas</b> in <u>support</u>.</p> <p><b>Brighton &amp; Hove Economic Partnership</b> <u>Support</u> the scheme on the following grounds:</p> <ul style="list-style-type: none"> <li>• The provision of 20% affordable housing and financial contributions at a reduced profit level.</li> <li>• The development will contribute up to 25 full time/part time staff, up to 12 net new jobs, up to 4 construction jobs, £98k in council tax, £29k in new business rates, £67k new homes bonus and over £1.16 million gross value added (GVA).</li> </ul> <p><b>Amend the following conditions:</b>  <b>8:</b> Amend timing to ‘ground floor slab level’ rather than pre-commencement.  <b>9:</b> Correct numbering subsection ‘5’ should be ‘1’.</p> <p><b>21:</b> Reason updated to read:  Reason: To ensure that measures to make the development sustainable and efficient in the use of energy, water and materials are included in the development and to comply with policy SU2 of the Brighton &amp; Hove Local Plan and to comply with policy SA1 of the Brighton &amp; Hove City Plan Part One.</p>

			<p><b>22:</b> Should specifically refer to the <i>new build</i> retail unit only.</p> <p><b>31:</b> Restriction on vehicles servicing the development to a maximum of 12m in length rather than 8.5m.</p> <p><b>Officer comment:</b> This follows receipt of additional vehicle tracking information to satisfy the Highway Authority the site can safely accommodate said vehicle length.</p> <p><b>42:</b> Delete - duplication of condition 41.</p> <p><b>Additional condition:</b> Requiring Construction Environmental Management Plan</p> <p><b>Amend S106 Heads of Terms:</b> Delete requirement for Construction Environmental Management Plan</p>
211	Hollingdean Depot, Brighton	BH2016/05369	<p><b>Additional information from applicant:</b> Veolia and the WCA are aware of the potential sensitivities of operating on Boxing Day and can confirm that the hours of operation will be more limited than a normal weekday. It is proposed that the site would only be open for both operation of the WTS/MRF and for the importation and export of waste from 0900 to 1700 (normal weekday operations are MRF/WTS 0700 to 2200, HGV movements 0630 – 2200).</p> <p><b>Officer response:</b> No objection to the proposed compressed hours as they would fall within the hours which are currently permitted.</p> <p><b>Recommended conditions and informatives:</b> Please see the conditions and informatives attached below.</p>
259	East Street Bastion, Grand Junction Road, Brighton	BH2016/02431	<p><b>Amend</b> Condition 4 to include amplified music to read: Noise associated with the development including from plant and machinery incorporated within the premises or from amplified music 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 4142:2014. In addition, there should be no significant low frequency tones present.</p>



			<p>Reason: To protect amenity of occupiers of nearby properties and users of the seafront to comply with policies QD27 and SU10 of the Brighton and Hove Local Plan.</p> <p><b>Revised</b> contextual elevation plans reflecting the updated location plan have been submitted. The decision notice will be updated with the new drawing numbers.</p>
299	80 & 80A Crescent Drive South, Brighton	BH2016/05020	<p><b>Amend</b> description to read: Demolition of existing 2no detached dwellings and erection of 4no three bedroom two storey detached dwellings.</p> <p><b>Amend</b> paragraph 4.1 to read: Neighbours: <b>Five (5)</b> representations have been received from <b>78 and 82 Crescent Drive South, 27 Shipley Road, 16 Rosedene Close and 23 Broad Green</b> <u>objecting</u> to the scheme for the following reasons;</p>
343	Media House, 26 North Road, Brighton	BH2016/05437	<p><b>Additional condition:</b> The Coach House shall be used as an office (Use Class B1(a)) only and for no other purpose (including any other purpose in Class B of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification), no change of use shall occur without planning permission obtained from the Local Planning Authority. Reason: The Local Planning Authority would wish to retain control over any subsequent change of use of these premises and to comply with policy CP3 of the Brighton and Hove City Plan Part One.</p>
377	27 Preston Park Avenue, Brighton	BH2016/01925	<p><b>Heritage Team: <u>Recommend Approval with Conditions</u></b> There is no objection in principle to the demolition and replacement of the existing building provided that the new house remains subservient in scale and given its immediate context there is no objection to an obviously contemporary design as proposed. The proposal would be the same height and width as the existing house but with a longer footprint. At the front the balcony element would project further forward than the existing building line but would align with the walkways of Park Court and the bays of Whistler Court, so would not be unduly prominent in oblique</p>

views. The proposal includes for pillars and gates to the front boundary, which would be a modest improvement over the existing wholly open frontage.

Overall it is considered that the proposal would preserve the appearance and character of the conservation area and would cause no harm to the setting of the registered park.

**Additional representations:**

**Nine (9)** representations from from **1 Whistler Court, 5 Whistler Court, 6 Whistler Court, 8 Whistler Court, 14 Whistler Court, Whistler Court Limited (Flat 14 Whistler Court), Flat 7 Park Court, Flat 8 Park Court and Flat 11 Park Court, Preston Park Avenue** objecting to the proposed development on the following grounds:

- The amended proposal to erect a 2m high fence on the boundary wall will mean considerable loss of reflected light to side facing windows at Whistler Court.
- It will adversely affect the yew trees and shrubs to the Whistler Court side and animal habitats.
- A TPO should be obtained for the mature yew trees.
- The fence will not prevent overlooking.
- Ongoing disruption during construction due to the close proximity of the site
- What is the position regarding the ownership of the adjoining wall?
- Overlooking / overshadowing.
- Adding 20cm to the fence will not adequately address the overlooking
- The timber slatted screen would not prevent overlooking from the first floor east facing glazing.

**Officer response:** The issues raised are covered within the committee report. Furthermore details have been sought by condition regarding the boundary treatment and the protection of vegetation.

**Additional condition:**

Prior to the occupation of the dwelling hereby approved detail of the slatted screen including finished materials, size of aperture and angle of slats shall be submitted to and agreed in writing with the Local Planning Authority. The approved details shall be fully implemented prior to occupation and thereafter fully retained.

			Reason: To protect the privacy and amenity of future occupiers and neighbours in accordance with policy QD27 of the Brighton and Hove Local Plan.
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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).

**BH2016/05493 Land at Station Street/Blackman Street/Cheapside– amended site location plan**



Members should note that many of these conditions have been reapplied from BH2013/02219. They have been updated where the relevant policies have been replaced in the Development Plan. Conditions 12, 14 and 15 have been marked as 'not used' as the 5 year period required by each condition has expired.

1. The materials recovery facility and waste transfer station hereby permitted shall not exceed a combined recyclable materials and waste throughput capacity of more than 160,000 tonnes per annum and annual monitoring evidence shall be submitted to demonstrate this, and to demonstrate that the associated vehicular trips do not exceed the total stated in the Transport Assessment as approved by the Local Planning Authority under Planning reference BH2006/00900 dated 19/06/2006.  
**Reason:** The Environmental Statement submitted with the application is based on this throughput and the Local Planning Authority would wish to maintain control over future operation of the site in the interests of amenity and traffic management, to comply with policies QD27 of the Brighton & Hove Local Plan, CP9 of the Brighton & Hove City Plan Part One and WMP18, WMP25 and WMP26 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan.
2. Upon first arrival at the waste transfer station building, residual waste stored within the building shall not be stored for a period of longer than 72 hours unless otherwise first agreed in writing by the Local Planning Authority.  
**Reason:** In the interests of amenity, to comply with policy QD27 of the Brighton & Hove Local Plan and WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan.
3. The processing of recyclable materials within the Materials Recovery Facility building shall only occur between the hours of 0700 to 2200 Monday to Sunday including Bank Holidays. No operations shall take place on Christmas or Boxing Day except 26.12.16 unless first agreed in writing by the Local Planning Authority. Internal start-up and shut-down operations within the Materials Recovery Facility building shall not extend beyond 30 minutes either side of these hours  
**Reason:** To protect the amenity of the occupiers of nearby residential properties and the amenity of the locality in general, to comply with policies QD27 and SU10 of the Brighton & Hove Local Plan and WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan.
4. Operations or activities authorised by the permission and associated with the operation of the waste transfer station shall only carried out between the hours of 0700 – 2200 Monday to Sunday including Bank Holidays. The only operations that will take place on Christmas or Boxing Day except 26.12.16 are the tipping of waste from street cleansing and litter collection. No other operations shall take place on Christmas Day or except Boxing Day 26.12.16 unless first agreed in writing by the Local Planning Authority.  
**Reason:** To protect the amenity of the occupiers of nearby residential properties and the amenity of the locality in general, to comply with policies QD27 and SU10 of the Brighton & Hove Local Plan and WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan.

5. Unless first agreed by the Local Planning Authority all HGV movements for the importation or export of waste and recyclable materials shall only be carried out between the following hours: 0630 – 2200 Monday to Sunday including Bank Holidays

The following further restrictions shall apply:

- (i) Street cleansing waste and litter will only be tipped between the hours of 2200 and 0630 where required to meet operational needs for major events and festivals, and only with prior written consent from the Local Planning Authority.
- (ii) Between the hours of 1900 – 2200 Monday to Sunday only a maximum of 8 HGVs per day shall visit the site
- (iii) There shall be no HGV movements for the importation or export of waste and recyclable materials on Christmas and Boxing Day except 26.12.15 (with the exception of waste from street cleansing and litter collection).

**Reason:** To protect the amenity of the occupiers of nearby residential properties and the amenity of the locality in general, to comply with policies QD27 and SU10 of the Brighton & Hove Local Plan and WMP18, WMP25 and WMP26 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan.

6. Noise associated with fixed plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1m from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5 dB(A) below the existing  $L_{A90}$  background noise level. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:1997.

**Reason:** To protect the amenity of the occupiers of nearby residential properties and the amenity of the locality in general, to comply with policies QD27 and SU10 of the Brighton & Hove Local Plan and WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan.

7. No vehicles or machinery required for the operation of facilities in control of the operator of the development shall be used on site unless fitted with silencers maintained in accordance with the manufacturers' recommendations and specification.

**Reason:** To protect the amenity of the occupiers of nearby residential properties and the amenity of the locality in general, to comply with policies QD27 and SU10 of the Brighton & Hove Local Plan and WLP1 and WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan.

8. All vehicle access doors to the Waste Transfer Station and Materials Recovery Facility shall remain closed except to enable the ingress and egress of vehicles.

**Reason:** To protect the amenity of the occupiers of nearby residential properties and the amenity of the locality in general, to comply with policies QD27, SU9 and SU10 of the Brighton & Hove Local Plan and WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan.

9. No materials shall be burnt on site.

**Reason:** To protect the amenity of the occupiers of nearby residential properties and the amenity of the locality in general, to comply with policies QD27 and SU9 of the Brighton & Hove Local Plan and WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan.

10. All loading, unloading, sorting and bulking activities shall occur within the Waste Transfer Station and Materials Recovery Facility buildings and no waste material shall be stored or tipped on to the ground for storage purposes, sorting or loading onto skips outside the buildings.
- Reason:** To protect the amenity of the occupiers of nearby residential properties and the amenity of the locality in general, including visual amenity, to comply with policies QD27, SU9, SU10 of the Brighton & Hove Local Plan, CP12 of the Brighton & Hove City Plan Part One and WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan.
11. Unless otherwise agreed in writing, the scheme for the suppression of dust and odour from the operations shall be carried out in accordance with the details approved by Local Planning Authority by letter dated 18 February 2008 and retained as such thereafter.
- Reason:** To protect the amenity of the occupiers of nearby residential properties and the amenity of the locality in general, to comply with policies QD27 and SU9 of the Brighton & Hove Local Plan and WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan.
12. Not used.
13. No trees, shrubs or hedges within the site, in accordance with the details as approved by the Local Planning Authority under Application reference BH2006/00900 dated 19 June 2006, which are shown as being retained, shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior written consent of the Local Planning Authority. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased within 5 years from the completion of the development hereby permitted shall be replaced with trees, shrubs or hedge plants of similar size and species unless the Local Planning Authority gives written consent to any variation.
- Reason:** To ensure there is satisfactory landscaping to serve the development in the interests of visual amenity and to enhance ecology, to comply with policies QD15 and QD16 of the Brighton & Hove Local Plan, CP10 and CP12 of the Brighton & Hove City Plan Part One and WMP23a, WMP25 and WMP27 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan.
14. Not used.
15. Not used.
16. The public art display shall be permanently retained as such thereafter.
- Reason:** To give visual interest and soften the appearance of the development and to partly meet the demand for public art within the scheme, in accordance with policy QD5 of the Brighton & Hove Local Plan, CP5, CP12 and CP13 of the Brighton & Hove City Plan Part One and WLP35, WLP39 and WLP40 of the East Sussex and Brighton & Hove Waste Local Plan.

17. All areas where waste is stored, handled or transferred shall be underlain by impervious hardstanding with dedicated drainage to a foul sewer or sealed tank.  
**Reason:** To prevent pollution of the water environment to comply with policy SU3 of the Brighton & Hove Local Plan and WMP23a, WMP25 and WMP28b of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan.
18. Prior to being discharged into any watercourse, surface water sewer or soakaway all surface water drainage shall be passed through an oil bypass interceptor designed and constructed to have a capacity compatible with the site being drained. Roof water shall not pass through the interceptor.  
**Reason:** To prevent pollution of the water environment and reduce flood risk to comply with policy SU3 of the Brighton & Hove Local Plan and WMP23a, WMP25 and WMP28b of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan.
19. No soakaway shall be constructed in contaminated ground.  
**Reason:** To prevent pollution of groundwater to comply with policy SU3 of the Brighton & Hove Local Plan and WMP23a, WMP25 and WMP28b of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan.
20. 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
Site Location Plan	LP1		20/03/2006
Red Line Plan	RL1		20/03/2006
Site Plan	51115_Holl_MRFWTS (01)	3	20/03/2006
MRF Elevations & Sections	051115_Holl_MRFWTS (02-01)	0	20/03/2006
WTS Elevations & Sections	1115_Holl_MRFWTS (02-02)	0	20/03/2006
Office/Education Centre Building Floor plans Facades	051115_Hol_Offices (03)	4	02/06/2006
Gatehouse	051115_Holl_MRFWTS (04)	3	20/03/2006
Construction Typical Details	051115_Details(05)	3	20/03/2006
MRF Drive Through	051115_MRF (06)	3	20/03/2006



WTS HGV Circulation Path	051122_Holl_Circulation (07)	0	20/03/2006
MRF HGV Circulation Path	051122_Holl_Circulation (08)	0	20/03/2006
Sections through western embankment	51123_elev_land (11)	0	20/03/2006
Sections through Hollingdean lane cottage	051126_Holl_cottage (12)	0	20/03/2006
Schematic Drainage Layout	11650_ENV_001 Rev C		20/03/2006
Tree Removal Plan	157812M/LA/SK/003 Rev B		20/03/2006
Planting Plan	157812M/LA/SK/004 Rev C		20/03/2006
ACM Dragonfly Section detail	LD1		19/10/2011
Red Line Plan	RL1		05/07/2013

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. This decision to grant Planning Permission has been taken:
  - (i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including Supplementary Planning Guidance and Supplementary Planning Documents: (Please see section 7 of the report for the full list); and
  - (ii) for the following reasons:-  
The proposed variation of the conditions will not result in a significant impact on the amenity of adjacent properties or highways safety and congestion. The variation will also allow the site to continue operating in an efficient and effective manner in accordance with local plan policies in respect of a city wide approach to waste management.

