



**Brighton & Hove
City Council**

PLANNING COMMITTEE ADDENDUM

2.00PM, WEDNESDAY, 6 MARCH 2019

COUNCIL CHAMBER, HOVE TOWN HALL

ADDENDUM

ITEM

Page

LATE/ADDITIONAL REPRESENTATIONS LETTER

1 - 26

6th March 2019 Planning Committee – Additional Representations

Page	Site Address	Application No.	Comment
21	Land to rear of Lyon Close, Hove	BH2018/01738	<p>Updated 5 year housing land supply Position</p> <p>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.</p> <p>The Council's most recent housing land supply position is published in the SHLAA Update 2018 (February 2019). The figures presented in the SHLAA reflect the results of the Government's 2018 Housing Delivery Test which was published in February 2019. The Housing Delivery Test shows that housing delivery in Brighton & Hove over the past three years (2015-2018) has totalled only 77% of the City Plan annualised housing target. Since housing delivery has been below 85%, the NPPF requires that a 20% buffer is applied to the five year housing supply figures. This results in a five year housing shortfall of 576 net dwellings (4.5 years supply). In this situation, 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 11).</p>
89	Land at Varndean College, Surrenden Road, Brighton	BH2017/03676	
121	Westerman Complex, School Road, Hove	BH2018/02583	
173	Land at rear of 1-45 Wanderdown Road, Brighton	BH2018/01336	
241	106, 108 & 110 Downs Valley Road, Brighton	BH2018/02558	
269	31 Ridgeside Avenue, Brighton	BH2018/01172	
285	23 Maldon Road, Brighton	BH2018/02805	
299	238 Elm Grove, Brighton	BH2018/02120	

21	Land to the rear of Lyon Close, Hove	BH2018/01738	<p>Change to details in the s106 Heads of Terms</p> <p>In respect of the Sustainable Transport contribution of £125,000 the individual sums that are allocated to the proposed projects have been removed. These sums were estimates at this stage and the Council consider that with the complexities of these projects further flexibility is required when allocating monies to the various projects.</p> <p>A Sustainable Transport contribution of £125,000 towards the following off-site works to secure safe and inclusive access to and from the development and local amenities by sustainable forms of transport.</p> <ul style="list-style-type: none"> • Creating direct stepped access from the southern footway of Lyon Close, at the site boundary, to the path running along the eastern edge of the Artisan development and/or • Pedestrian improvements along Lyon Close, including potentially and at its junction with Davigdor Road and the access to the retail park, to include inter alia; <ul style="list-style-type: none"> - Introducing dropped kerbs with tactile paving to either side of the access to the retail park at its junction with Lyon Close; and/or - Tightening Lyon Close at its junction with Davigdor Rd and other works at this junction to slow turning vehicles and improve ease of crossing for pedestrians; and/or - Raising and/or widening and/or resurfacing the northern footway of Lyon Close, east of the junction with the access to the retail park, and/or removing existing bollards and/or introducing local loading restriction; and/or - Pedestrian crossing improvements on Davigdor Road to facilitate pedestrian access to local amenities, including, inter alia, St Ann's Well Gardens <p>Changes to conditions</p> <p>Condition 1</p> <p>The development hereby permitted shall be carried out in accordance with the</p>
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approved drawings listed below.

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

Plan Type	Reference	Version	Date Received
Proposed Drawing	A-SH-05-ZZ-004	D0-4	24 January 2019
Proposed Drawing	A-SH-05-ZZ-003	D0-4	24 January 2019
Proposed Drawing	A-SH-05-ZZ-002	D0-4	24 January 2019
Proposed Drawing	A-SH-05-ZZ-001	D0-4	24 January 2019
Proposed Drawing	A-SH-03-RF-001	D0-4	24 January 2019
Proposed Drawing	A-SH-03-07-001	D0-4	24 January 2019
Proposed Drawing	A-SH-03-06-001	D0-4	24 January 2019
Proposed Drawing	A-SH-03-05-001	D0-4	24 January 2019
Proposed Drawing	A-SH-03-04-001	D0-4	24 January 2019
Proposed Drawing	A-SH-03-03-001	D0-4	24 January 2019
Proposed Drawing	A-SH-03-02-001	D0-4	24 January 2019
Proposed Drawing	A-SH-03-01-001	D0-4	24 January 2019
Proposed Drawing	A-SH-03-00-001	D0-4	24 January 2019
Proposed Drawing	A-SH-02-ZZ-002	D0-2	24 January 2019
Proposed Drawing	185120-001	G	13 February 2019
Location Plan	A-SH-02-ZZ-001	D0-1	1 June 2018
Proposed Drawing	P11144-00-001- GIL-0100	D-01	31 January 2019
Proposed Drawing	A-SH-70-ZZ-001	S2-5	24 January 2019
Proposed Drawing	A-SH-70-ZZ-002	S2-5	24 January 2019
Proposed Drawing	A-SH-70-ZZ-003	S2-5	24 January 2019
Proposed Drawing	A-SH-70-ZZ-006	S2-5	24 January 2019
Proposed Drawing	A-SH-70-ZZ-007	S2-2	24 January 2019

Reason for change

This condition has been updated to correct an incorrect drawing number for the studio flat layouts.

			<p>Condition 3 The development hereby permitted shall not commence (other than demolition works and works to trees) until full details of existing and proposed ground levels (referenced as Ordnance Datum) within the site and on land and buildings adjoining the site by means of spot heights and cross-sections, proposed siting and finished floor levels of all buildings and structures, have been submitted to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved level details.</p> <p>Reason: As this matter is fundamental to the acceptable delivery of the permission to safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, in addition to comply with policy QD27 of the Brighton and Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.</p> <p><u>Reason for change</u> Additional wording stating 'other than demolition works and works to trees' has been added to allow the applicant to proceed with these works without triggering the condition.</p> <p>Condition 4 Residential Units A1.1, A1.7, D.0.1, D0.2, D1.6, D2.1, D2.6, as set out in the Area and Unit Schedule received 24th January 2019, shall be completed 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>
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			<p><u>Reason for change</u> Altered wording provides more clarity as to the specific wheelchair units and will allow the development to come forward in a phased manner.</p> <p>Condition 5 None of the residential units hereby approved shall be occupied until the refuse and recycling storage facilities indicated on the approved plans for the specific block that the residential unit is located within have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times. Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policy QD27 of the Brighton & Hove Local Plan.</p> <p>Condition 6 None of the residential units hereby approved within blocks A – D (inclusive) shall be occupied until each unit as built, within the block where the unit is located, has achieved an energy efficiency standard of a minimum of 19% CO2 improvement over Building Regulations requirements Part L 2013 (TER Baseline). Reason: To ensure that the development is sustainable and makes efficient use of energy to comply with policy CP8 of the Brighton and Hove City Plan Part One.</p> <p>Condition 7 None of the new build residential units hereby approved within blocks A – D (inclusive) shall be occupied until each new build residential unit built, within the block where that unit is located, has achieved a water efficiency standard using not more than 110 litres per person per day maximum indoor water consumption. Reason: To ensure that the development is sustainable and makes efficient use of water to comply with policy CP8 of the Brighton and Hove City Plan Part One.</p> <p>Condition 8 Prior to first occupation of the development hereby approved, details of the photovoltaic array referred to in the Energy Statement shall be submitted to and</p>
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			<p>approved in writing by the Local Planning Authority. The photovoltaic array for each block shall then be installed in accordance with the approved details before occupation of any of the residential units within that block.</p> <p>Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and has an acceptable appearance and to comply with policies CP8 and CP12 of the Brighton & Hove City Plan Part One.</p> <p>Condition 10 Details of any external lighting of the site shall be submitted to, and approved in writing by, the Local Planning Authority prior to first occupation of the development hereby permitted. This information shall include a layout plan with beam orientation and a schedule of equipment in the design (luminaire type, mounting height, aiming angles and luminaire profiles). The lighting shall be installed in accordance with the approved details and maintained and operated in accordance with the approved details thereafter.</p> <p>Reason: To safeguard the amenities of the occupiers of adjoining properties and comply with policy QD27 of the Brighton and Hove Local Plan.</p> <p>Condition 14 Notwithstanding the plans hereby permitted, no development (other than demolition works and works to trees) shall take place until detailed drawings of the access road and pavements within the site for each of the four blocks and their respective land parcels have been submitted to and approved in writing by the Local Planning Authority. These shall include, but not be limited to, construction details covering the following:</p> <ul style="list-style-type: none"> (i) Pavement design, including dropped kerbs and tactile paving (ii) Surface finishes (iii) Levels (iv) Drainage (v) Street lighting (vi) Street furniture
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			<p>The works shall be designed to as near adoptable standards as is possible and be implemented for each block and its respective land parcel, other than the zone required for construction access, in accordance with the approved details before first occupation of any of the residential units located within each specific block. The works shall be implemented in their entirety prior to the occupation of Block D.</p> <p>Reason: In the interests of highway safety and for the benefit of the public and to comply with policies CP9 of the Brighton & Hove City Plan Part One and TR7 of the Brighton & Hove Local Plan.</p> <p>Condition 18 Notwithstanding the plans hereby permitted, prior to first occupation of the development hereby permitted, full details of the motor vehicle parking area and layout, including all electric vehicle charging points within the proposed car park, and details of disabled car parking provision for the occupants of, and visitors to the hereby permitted development shall have been submitted to and approved in writing by the Local Planning Authority. The facilities associated with each block shall be fully implemented and made available for use prior to the occupation of any of the residential or commercial units within the specific block where they are located and shall thereafter be retained for use at all times.</p> <p>Reason: To encourage travel by more sustainable means and seek measures which reduce fuel use and greenhouse gas emissions and to comply with policies CP9 of the City Plan Part One and SPD14 Parking Standards.</p> <p>Condition 19 Notwithstanding the plans hereby permitted, prior to first occupation of the development, full details of secure cycle parking facilities for the occupants of, and visitors to, the development have been submitted to and approved in writing by the Local Planning Authority. The approved facilities for each block shall be fully implemented and made available for use prior to the first occupation of any of the residential or commercial units within the block that they are located and shall thereafter be retained for use at all times.</p> <p>Reason: To ensure that satisfactory facilities for the parking of cycles are provided</p>
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and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan and SPD14: Parking Standards.

Condition 26

No development above ground floor slab level of any part of the development hereby permitted shall take place until a scheme for the suitable treatment of all plant and machinery against the transmission of sound and/or vibration for each block has been submitted to and approved in writing by the Local Planning Authority. The measures for each block shall be implemented in strict accordance with the approved details prior to the first occupation of any of the residential or commercial units within the block that they are located and shall thereafter be retained as such.

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

Condition 30

The development hereby permitted shall not be first occupied until a scheme to enhance the nature conservation interest of the site has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall accord with the standards described in Annex 6 of SPD 11 and shall be implemented in full prior to the first occupation of any of the residential units within Block D and shall be retained thereafter.

Reason: To increase the biodiversity of the site, to mitigate any impact from the development hereby approved and to comply with Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

Condition 33

Notwithstanding the plans submitted no development above ground floor slab level of any part of the development hereby permitted with the application shall take place until a scheme for landscaping for the four blocks and their respective land parcels (A-D) is submitted to and approved in writing by the Local Planning Authority. The

			<p>approved landscaping scheme for each block and its respective land parcel, other than the zone required for construction access, shall be implemented in accordance with the approved details in the first planting season after completion of the development or before first occupation of any of the residential units within each specific block, whichever is the sooner. The entire landscaping scheme for the site shall be implemented in its entirety prior to the occupation of Block D. The scheme shall include the following:</p> <ul style="list-style-type: none">i. hard and soft surfacing to include type, position, design, dimensions and materials and any sustainable drainage system used;ii. a schedule detailing sizes and numbers/densities of all proposed trees/plants including details of tree pit design, underground modular systems, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period;iii. specifications for operations associated with plant establishment and maintenance that are compliant with best practise; andiv. existing and proposed boundary treatments to include type, position, design, dimensions and materials;v. details to achieve greening of the external north facing elevation of the metal podium wall and railings;vi. details of private demarcation treatments (screening or planting) in association with all residential units sited on the ground floor and at first floor level fronting onto the podium floor amenity areas, <p>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.. Where it is intended to create semi-natural habitats, all species used in the planting proposals shall be locally native species of local provenance unless otherwise agreed in writing with the local planning authority.</p> <p>Reason: To enhance the appearance of the development in the interest of the visual</p>
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amenities of the area and to comply with policies QD15 and QD27 of the Brighton & Hove Local Plan and CP12 and CP13 of the Brighton & Hove City Plan Part One.

Reason for change

Conditions 4, 5, 6, 7, 8, 10, 14, 18, 18, 26, 30 and 33 have been revised in order to allow the scheme to be built out in phases as required.

Re-numbered conditions

The text from Condition 34 has now been added to condition 33 to form a single condition. Conditions 35 and 36 now become conditions 34 and 35.

New Condition

Condition 36

The development hereby permitted shall not commence (other than demolition works and works to trees) until full details of a Phasing Plan have been submitted and approved in writing by the Local Planning Authority. The development shall be built out in accordance with the Phasing Plan.

Reason: To ensure the development is constructed as proposed and the requirements of the planning conditions conform with the phasing of the development.

Additional Informatives:

Informative 11

The applicant is advised that in respect of the relevant conditions attached above, the details of Blocks A, B, C and D and their respective associated land parcels are as set out in Phasing Plan Diagrams for Ground and First Floor under Drawing Reference numbers 31964-00-ZZ-PP-A-3_601-006 and 31964-00-ZZ-PP-A-3_601-007 received on 1 March 2019.

Informative 12

In order to be in line with Policy TR14 Cycle Access and Parking of the Brighton &

			<p>Hove Local Plan 2005 cycle parking must be secure, convenient (including not being blocked in a garage for cars and not being at the far end of a rear garden), accessible, well lit, well signed, near the main entrance, by a footpath/hardstanding/driveway and wherever practical, sheltered. It should also be noted that the Highway Authority would not approve vertical hanging racks as they are difficult for many people to use and therefore not considered to be policy and Equality Act 2010 compliant. Also, the Highway Authority approves of the use of covered, illuminated, secure 'Sheffield' type stands spaced in line with the guidance contained within the Manual for Streets section 8.2.22 or will consider other proprietary forms of covered, illuminated, secure cycle storage including cycle stores, "bunkers" and two-tier systems where appropriate.</p> <p>Informative 13 The planning permission granted includes vehicle crossovers which require alterations and amendments to areas of the public highway. All necessary costs including any necessary amendments to a Traffic Regulation Order (TRO), the appropriate license and application fees for the crossing and any costs associated with the movement of any existing street furniture will have to be funded by the applicant. Although these works are approved in principle by the Highway Authority, no permission is hereby granted to carry out these works until all necessary and appropriate design details have been submitted and agreed. The crossover is required to be constructed under licence from the Highway Authority. The applicant must contact the Streetworks Team (permit.admin@brighton-hove.gov.uk 01273 290729) at their earliest convenience to avoid any delay and prior to any works commencing on the adopted (public) highway.</p> <p>Informative 14 The planning permission granted includes an obligation upon the applicant to carry out small scale footway improvements on the adopted (public) highway that is owned by the Highway Authority (in this case Brighton & Hove City Council). Previously the applicant would have been conditioned to enter into a bespoke legal agreement and pay a contribution towards these works being carried out for the</p>
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benefit of the development but to amongst other reasons reduce the costs of these works for all parties concerned the council is now obligating the applicant to carry out these works. The applicant or their representative is advised to contact the Council's Streetworks team (permit.admin@brighton-hove.gov.uk 01273 290729) who will provide information and if approved, a licence (instead of a bespoke legal agreement) for what, when & where work can be done, who will be permitted to carry out the works, possible contractor contact details to place orders with, design advice, material advice and will check that the footway improvements are built satisfactorily. The emphasis where possible is on minimising what needs to be done to build a satisfactory footway improvement for the benefit of the applicant, future occupants and visitors of the site and the community as a whole, and in particular the mobility and visually impaired of those respective groups. Finally be advised that the applicant or their representative must obtain all necessary highway approval from the Highway Authority prior to any works commencing on the adopted (public) highway to satisfy the law and requirements of the obligation.

Further neighbour representations

Fifty nine (59) further neighbour letters have been received objecting to the report. A representation has raised a concern in respect of the validity of the submitted Viability Assessment and DVS review of the Viability Assessment. The representation asserts that the scheme is likely to be more viable than has been set out in the documentation.

Officer Response

The DVS has independently reviewed the applicant's Viability Assessment and their findings are set out in the DVS report and addendum. The LPA is satisfied that the review is an independent and accurate assessment of the submitted viability information.

No further grounds of objection have been raised that have not been previously raised. These are all set out in the committee report. All of the issues raised have been fully considered.

			<p>One (1) letter of <u>support</u> has been received for the following grounds:</p> <ul style="list-style-type: none"> The proposed new homes that will be provided in a high quality mid-rise development are welcomed. Much improved on the current sheds. The central location is also great for sustainability as car ownership will not be the only practical way for residents to get around - walking cycling and public transport will be realistic solutions.
89	Varndean College, Surrenden Road, Brighton	BH2017/03676	<p>Councillor Representations: Representations <u>objecting</u> to the proposals from Councillors Nick Taylor, Ann Norman & Ken Norman and Lee Wares & Geoffrey Theobald are attached.</p> <p>Additional Transport Informatives: 9. In order to be in line with Policy TR14 Cycle Access and Parking of the Brighton & Hove Local Plan 2005 cycle parking must be secure, convenient (including not being blocked in a garage for cars and not being at the far end of a rear garden), accessible, well lit, well signed, near the main entrance, by a footpath/hardstanding/driveway and wherever practical, sheltered. It should also be noted that the Highway Authority would not approve vertical hanging racks as they are difficult for many people to use and therefore not considered to be policy and Equality Act 2010 compliant. Also, the Highway Authority approves of the use of covered, illuminated, secure 'Sheffield' type stands spaced in line with the guidance contained within the Manual for Streets section 8.2.22 or will consider other proprietary forms of covered, illuminated, secure cycle storage including cycle stores, "bunkers" and two-tier systems where appropriate.</p> <p>10. The planning permission granted includes vehicle crossovers which require alterations and amendments to areas of the public highway. All necessary costs including any necessary amendments to a Traffic Regulation Order (TRO), the appropriate license and application fees for the crossing and any costs associated with the movement of any existing street furniture will have to be funded by the</p>

			<p>applicant. Although these works are approved in principle by the Highway Authority, no permission is hereby granted to carry out these works until all necessary and appropriate design details have been submitted and agreed. The crossover is required to be constructed under licence from the Highway Authority. The applicant must contact the Streetworks Team (permit.admin@brighton-hove.gov.uk 01273 290729) at their earliest convenience to avoid any delay and prior to any works commencing on the adopted (public) highway.</p> <p>11. The planning permission granted includes an obligation upon the applicant to carry out small scale footway improvements on the adopted (public) highway that is owned by the Highway Authority (in this case Brighton & Hove City Council). The applicant or their representative is advised to contact the Council's Streetworks team (permit.admin@brighton-hove.gov.uk 01273 290729) who will provide information and if approved, a licence (instead of a bespoke legal agreement) for what, when & where work can be done, who will be permitted to carry out the works, possible contractor contact details to place orders with, design advice, material advice and will check that the footway improvements are built satisfactorily. The emphasis where possible is on minimising what needs to be done to build a satisfactory footway improvement for the benefit of the applicant, future occupants and visitors of the site and the community as a whole, and in particular the mobility and visually impaired of those respective groups. Finally be advised that the applicant or their representative must obtain all necessary highway approval from the Highway Authority prior to any works commencing on the adopted (public) highway to satisfy the law and requirements of the condition.</p> <p>Further neighbour representations Three (3) further neighbour letters <u>objecting</u> on the grounds set out within the original objections received. The issues raised are covered in the committee report.</p>
221	Varndean College, Surrenden Road, Brighton	BH2017/04102	<p>Further neighbour representation One (1) further neighbour letter <u>objecting</u> on the grounds set out within the original objections received. The issues raised are covered in the committee report.</p>

241	106, 108 & 110 Downs Valley Road, Brighton	BH2018/02558	<p>Councillor Representations: Representations <u>supporting</u> the application from Cllr Mears are attached.</p> <p>Other representations: Representation <u>supporting</u> the application from Woodingdean Labour Party.</p>
259	38A Upper Gardner Street, Brighton	BH2018/03870	<p>Delete Condition 2. The standard time condition is removed as the application is part retrospective, description amended to include part retrospective.</p>
285	23 Maldon Road, Brighton	BH2018/02805	<p>Comment from Council's Arboriculturist - Having looked at the photos of the small garden at the rear and front there is nothing of any arboricultural value within the proposed site that would be worthy of further retention by a tree preservation order and it would be over onerous to insist that any of them were protected by tree protection fencing.</p> <p>However, there is a street tree outside of the property that I would have concerns about its condition during any development. This is due to damage from deliveries, storage, and general construction activity that spills onto the public highway. Would suggest that a tree protection condition for this tree is used.</p> <p>Additional condition; No development shall commence until tree protection for the highway Tree located at the front of the site on Maldon Road, which will be retained, have been erected in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority. The tree protection shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by the tree protection.</p> <p>Reason: As this matter is fundamental to protecting the highway tree adjacent to the site, which is to be retained, during construction works, in the interest if the visual amenities of the area and to comply with policies QD16 of the Brighton & Hove Local Plan and CP12 and CP13 of the Brighton & Hove City Plan Part One and</p>

			<p>SPD06:Trees and Development Sites.</p> <p>Additional Comments from Transport following receipt of Parking Survey Unfortunately the parking survey information does not comply with the industry standard Lambeth Methodology as it was carried out over a weekend (Saturday 5 and Sunday 6 January 2019) and in a week that contained a public holiday (Tuesday 1 January 2019) and a week that was in or preceding or after a school holiday (Friday 21 December 2018 to Monday 7 January 2019) therefore the request for the car free condition and informative should remain in the officers report.</p> <p>It should also be noted that the applicant did offer the following in paragraph 6.12 of the submitted report:</p> <p>“We recommend that the conditions are not included but replaced with conditions to limit the access to only two resident parking permits per property and the provision of a Travel Plan welcome pack”</p> <p>However the Local Planning Authority can only prevent parking permits being obtained by a property via the registered address rather than by the number of permits to a property and also do not feel that it is necessary or reasonable to apply a travel plan condition to a development of this small scale, that is two new dwellings.</p>
337	15 Osmond Gardens, Hove	BH2018/01937	<p>Additional Condition No extension, enlargement or other alteration of the dwellinghouse or provision of buildings etc. incidental to the enjoyment of the dwellinghouse within the curtilage of the dwellinghouse as provided for within Schedule 2, Part 1, Classes A - E 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) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority. Reason: The Local Planning Authority considers that further development could</p>

			cause detriment to the amenities of the occupiers of nearby properties and for this reason would wish to control any future development to comply with policies QD14 and QD27 of the Brighton & 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).

Cllr. Lee Wares and Cllr. Geoffrey Theobald

BH2018/0676 – Land at Varndean College

18/12/2017:

Please accept this letter as our OBJECTION to the above application.

In the first instance we have concerns over the credibility of any statements and assumptions made in the application given the submitted Supporting Planning Statement (Statement) on page 8 (3.1) advises there is “no relevant planning history to the specific application site”. The key word introduced is “specific” for there was an application by Varndean College in 2001 for a housing development on the site under planning application BH2001/01506/OA. This application was due for determination by Committee in March 2002 with the Planning Officer recommending refusal. The applicant withdrew the application to avoid the refusal and the reasons for.

The application was recommended for refusal for reasons that included inter alia, the proposal would involve unacceptable loss of playing fields and open space, the site has not been allocated for residential development, the site does not meet the definition of a windfall site, the proposal would set an undesirable precedent for the sale of land for development to fund expansion and refurbishment of education and other buildings and as such would weaken the Council’s efforts to maximise brownfield housing developments and to protect playing fields and open space. None of these sound reasons have diminished or become less relevant.

Addressing this particular application, the applicant sought pre-planning advice and we suggest that they have failed to satisfy all the requirements set out therein as well as being contrary to Policy.

In attempting to satisfy NPPF para 74, the Statement advises that the development will fund improved sporting facilities elsewhere on the site. It further advises that an application for funding to Sports England in 2011 was unsuccessful. If the provision of improved sports facilities is so compelling one wonders why the application was refused and why there have been no further applications addressing the reasons for the original refusal. Without any detail submitted, it would not be unreasonable to suggest that the rationale is not compelling and that being the case, NPPF para 74 would not be satisfied.

CP 16 refers to open spaces and playing fields and CP17 outdoor sports facilities. The distinction being that playing fields do not necessarily have to be sports facilities. The Statement (2.4 page 6) attempts to converge the definitions by mentioning the subject area is not suitable for active sports and that the area has never been defined as playing fields. The matter of fact is that the area is not being used as playing fields or open space/ recreational use because it is a conscious choice of the College.

Thus the loss of open space would be contrary to CP 16. If the area is not defined as outdoor sports facility then the requirement to market the area for at least 18 months is moot. That said, the marketing exercise appears less than genuine in attempting to find a suitable party to maintain the open space. It has been simply marketed as

COUNCILLOR REPRESENTATION

“Long leasehold open space site – No development potential” There was no positive attributes given for the site and it clearly appears to be an attempt to make the site unattractive to satisfy CP17. Having marketed the site as having no development potential and having turned down housing development interest, the applicant now wishes to use the site for the exact same development that it claimed the site had no potential for!

Moreover, the site was developed in 2010 as a biodiversity reserve and is identified as an Open Space and Nature Improvement Area. It was established in partnership with the City Council (receiving public resource) and the Butterfly Council. It has been confirmed that schedule 8 protected butterflies (the blue Cupido minimus) now inhabit the area. The biodiversity report provided by the applicant further acknowledges that removal of the hedge, copse, trees and area generally would impact upon nesting birds, reptiles such as slow-worm, dormouse, bats, stag beetles and glow-worms. The report further identifies that narrow paths have been identified that are attributed to species such as badgers.

It is clear that the biodiversity reserve is achieving the objective it set out to do and that it has created an area rich in diversity, including sanctuary and provision for protected species. It would not be a simple exercise as suggested by the Statement to just relocate the entire habitat and its “occupants and dependants” somewhere else in the area, especially to an area that has high footfall that would be an impediment to the wildlife found at the current location. The loss of the hedgerows that also support the wildlife habitat would be contrary to QD15 and QD16. The Statement (para 7.10) refers to poorly configured land on a steeply rising gradient. This is not correct. The land north of the buildings is on two levels with the area subject to this application being a gentle slope, some of which has been levelled.

We would further emphasise that pre-planning advice referred to protecting all trees and that none would be removed. The proposal includes for the felling of at least two trees for no other reason than they obstruct the exit road from the development and is contrary to QD16.

The subject area forms part of the character of the community and neighbourhood and provides significant openness with a considerable strategic view across the City. The Urban Design Framework requires that such strategic views must be protected into, out of and within the City. The proposed development will not benefit the strategic view and thus will be contrary to CP12.

The statement makes occasional reference to the site being a “windfall site”. This is defined as a site which has become available for development unexpectedly and is therefore not included as allocated land in the development plan. City Plan Part 1 has not allocated the site for housing development and as mentioned in paragraph 2 above, “greenfield” development on the Varndean College site was to be refused planning permission for housing as “unacceptable”. Reference to a windfall site is inappropriate as this is not an unexpected opportunity but appears to be more a contrived opportunity.

COUNCILLOR REPRESENTATION

Within the area, houses are generally large detached properties with significant land. The proposal reflects a higher density development that would not adequately reflect the neighbourhoods' positive characteristics and as such is contrary to CP14. In appearance, there is a diverse mixture of properties in the immediate vicinity of the proposed development but none that can be identified as "regimented and uniform" as shown on the submitted drawings. The proposal would therefore not respect the urban grain of the locality and not create a sense of place respecting the diverse character. This will be contrary to CP12.

Mayer Brown provides desktop transport analysis of a number of elements but fails to recognise the issues in the location. The Western site exit proposed will create significant further vehicles onto a junction that is already heavily congested. Traffic at key times already backs up Surrenden Road without adding a further 20 vehicles into queuing traffic. This risks incremental air pollution, delay and dangers. The junction is used by many pedestrians and in particular children. The road infrastructure in the locality is at capacity during peak times and simply cannot accommodate further traffic.

In addition, the proposal presumes that a large area of grass verge that is public or highway land, and forms a key feature of the characteristics of Surrenden Road, can and will be utilised by the developer. Meyer Brown also advise that there is no intention of the new road being adopted, risking public/ highway land being developed in an unsustainable way and incapable of being maintained by the Local Authority. This will be contrary to CP9.

We believe that the proposed development will cause a material nuisance and loss of amenity in that it will adversely impact the outlook of the neighbourhood and will dramatically increase the volume of traffic that will be contrary to QD27.

Concerns are raised regarding mitigating flood risk in the area. As part of mitigation it is important to preserve open space that acts as a natural run off and soakaway. The development of this land will create a barrier across the open space that the fields presently provide as natural flood mitigation and thus would be contrary to CP11.

Finally, should the Local Planning Authority consider granting this application, we request that it is brought to Planning Committee for determination but in this instance we defer the right to speak on the application to the Withdean Ward Councillors.

Cllr. Nick Taylor, Cllr. Ken Norman and Cllr. Ann Norman

BH2018/0367 - Land at Varndean College, Surrenden Road

20/12/2017:

We as the elected representatives of Withdean ward wish to object to the application BH2017/03676.

Each of us have received numerous items of correspondence from local residents with their concerns for the proposed development. We share their concerns and wish to make the following comments:

The land has been designated a nature reserve and the loss of this land will do much to harm the local ecology of the area. In particular the green area gives the area an open green space and the permanent loss of such a space will be detrimental for the area.

We believe the development of this land is contrary to CP16 which states that a plot can only be developed if it is not part of a playing field current or historical.

In addition we are concerned the resulting loss of amenity under QD27 of the Local Plan and the resultant traffic, noise and additional movements are likely to prove disruptive on a road that is already full of parked cars.

We therefore request that should the officer recommendation be to grant or minded to grant that we refer this matter to the Planning Committee and we reserve our right to speak at that meeting.

Cllr. Mary Mears

BH2018/02558 - 106, 108 & 110 Downs Valley Road

23/09/2018:

As is permitted I write as a Councillor in an adjoining ward to support this application. Cllr Steve Bell is on holiday and will miss the deadline for councillors submission. Cllr Dee Simson is the Mayor and therefore cannot become involved. This leaves the applicant without a Councillor to support the application, hence my letter to you.

I believe the proposed development is suitable for the site in terms of size and materials, and note this is a second improved application . The development will also assist in the councils shortfall of proposed housing units.

Should the decision be to refuse this application under delegated powers, I wish for this application to be referred to the planning Committee for a committee decision.

