

PLANNING COMMITTEE ADDENDUM Late / Additional Representations List

2.00PM, WEDNESDAY, 10 MARCH 2021

VIRTUAL

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ADDENDUM

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10th March 2021 Planning Committee – Additional Representations

Page	Site Address	Application No.	Comment
	Garages, Dunster Close and Land adjoining 12 Dunster Close	BH2020/00673 & BH2020/00674	<p>15/02/2021: Third response from Local Highway Authority (LHA). Their response is summarised as follows:</p> <p><i>Previous comment regarding parking stress still stands.</i></p> <p><i>Note that Sheffield stands have now been provided for cycle parking but that these have an aisle width of 1.5m but should be 2m.</i></p> <p><i>In the event the Local Planning Authority are minded to approve the proposals, the LHA recommend a cycle parking condition be attached to any planning consent.</i></p> <p>Officer Comment: The issues regarding parking stress are addressed in the Committee Report.</p> <p>A planning condition regarding cycle parking has been proposed in the Committee report and the issue of the aisle widths of the stands can be addressed through this process.</p> <p>23/02/2021: Second response from Southern Water following consultation on applicant's sewerage plan. Their response is summarised as follows:</p> <p><i>Any public sewer diversion proposals shall be approved by Southern Water under Section 185 of the Water Industry Act.</i></p> <p><i>All other comments in response dated 19/03/2020 remain unchanged and valid for the amended details.</i></p> <p>Officer Comment: Noted. No update required - Southern Water's previous comments are summarised in the Committee report.</p>

			<p>25/02/2021: New objection received from Ian Beck representing the Hollingdean Residents' Association. His objection has been summarised as follows:</p> <ul style="list-style-type: none"> • <i>Badgers, foxes and bats breed on the grassy area adjoining 12 Dunster Close</i> • <i>The construction will kill several healthy trees, the roots of which keep the sewers and wooded area behind intact. The removal of the trees will risk a major collapse of the sewerage system and the wooded area and retaining wall becoming unstable and collapsing.</i> • <i>The cost of diverting the sewer will be substantial</i> • <i>The narrow access to the garages site will make the construction of the dwellings very difficult.</i> • <i>The Labour Administration promised to rebuild the garages at Dunster Close. Are the Council legally obligated to comply with that promise?</i> • <i>The people of Dunster Close, Wigmore Close, Oldbury Row, Dudley Road, Horton Road and Roedale Court do not want to live in a building site for years or have their properties overlooked.</i> • <i>How will the proposed development be connected to the utilities?</i> • <i>Bunker have not kept residents adequately informed of what they are proposing for the two sites?</i> • <i>Several Councillors and Council employees are affiliated with Brighton Land Trust who will be acting as landlords for BHCC. Surely this is a conflict of interest and should be declared.</i> <p>Officer comment: A number of the issues raised in this representation relate to the construction phase of the development and do not form a material planning consideration in the determination of these planning applications. Material planning considerations raised in this objection i.e. loss of trees and impact on wildlife are addressed in the Committee report. Legal opinion is being sought regarding any conflict of interest in respect of connections to Brighton & Hove Community Land Trust.</p>
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			<p>28/02/2021: New objection received from Daniel Bowler, a resident of Dunster Close. His objection has been summarised as follows:</p> <ul style="list-style-type: none"> • <i>Last week a dead slowworm was found on the land adjoining 12 Dunster Close, proposed for development by Bunker Housing which proves that the land is used by slowworms.</i> • <i>Slowworms also inhabit the grassy area leading to the old garages site.</i> • <i>The County Ecologist and Planning Officer have been supplied pictures of slowworms on the site.</i> • <i>The Ecological report submitted with the planning application stats that the site is unsuitable for reptiles and this has been accepted by the County Ecologist. This is clearly incorrect as reptiles use the site.</i> • <i>The Ecological report does not sufficiently consider bats and reptiles.</i> • <i>The proposed development would infringe on the habitats of slowworms and bats which is illegal under the Wildlife and Countryside Act 1981.</i> • <i>The County ecologist recognises that the Ecological report submitted with the applications does not meet best practice standards and does not meet the requirements of the NERC Act and NPPF yet does not object to the proposed developments.</i> • <i>By approving these planning applications, the Council would also be ignoring policy CP10 of the City Plan Part 1.</i> • <i>Members of the Planning Committee should be well aware that the Local Highway Authority, the Arboriculture Officer and Southern Water have all objected to the proposal so why is it being recommended for approval?</i> <p>Officer comment: Ecological issues in relation to these two planning applications have been considered, as set out in the respective Committee reports. The County Ecologist initially responded that the Ecological reports submitted with the planning applications did not meet best practice because they did not include a data search from the Sussex Biodiversity Record Centre and instead relied on data from public</p>
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			<p>sources such as Magic instead. However, the County Ecologist used professional judgement and considered that despite the lack of a data search from the Records Centre, any ecological risk associated with the development could be mitigated to acceptable levels by the application of planning conditions (which have been proposed accordingly).</p> <p>It should be noted that the Ecological Report specifically considers bats and reptiles. Neither site is considered a suitable habitat for reptiles – the garage site being underlaid by hardstanding and lacking suitable habitat structure, and the grassed area adjoining 12 Dunster Close being regularly mown and lacking tussocks.</p> <p>Having regard to bats, all trees were examined for potential roost features. None of the trees on the land adjoining 12 Dunster Close were considered suitable for roosting bats. However, the four sycamore trees at the front of the Garage site were considered to have potential to offer summer roosting habitats by bats due to extensive Ivy on their stems but none of these trees are being removed or having significant work undertaken to them.</p> <p>Bat boxes are recommended to be provided as part of the development and a planning condition will ensure that this takes place.</p> <p>It should also be noted that any potential planning consent does not override the duties under the Wildlife and Countryside Act 1981 and if slow worms or bats are discovered during the construction process then suitable mitigation or translocation measures would need to take place in line with advice from a qualified ecologist..</p> <p>02/03/2021: The results of a survey of local residents regarding the two developments were submitted to the Local Planning Authority. The results are as follows:</p> <p><i>1 resident was in favour of the application.</i></p>
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			<p><i>9 residents did not object to the principle of development but thought that the size of the proposed development should be reduced.</i></p> <p><i>64 residents were against the development and felt it should not be approved.</i></p> <p><i>48 residents did not respond.</i></p> <p><i>7 residents had no opinion.</i></p> <p><i>2 residents spoiled their forms.</i></p> <p>02/03/2021: New objection received in relation to BH2020/00674: Land adjoining 12 Dunster Close mainly regarding impact on Dudley Road. The objection is summarised as follows:</p> <ul style="list-style-type: none"> • <i>Residents confused as to how a massive building with bat, bee and bird boxes, can provide ‘enhancement of the natural environment’. No substitute for grass and trees.</i> • <i>Natural England state that no person should live more than 300m from their nearest area of natural green space. It’s 700m uphill to nearest space from Dudley Road.</i> • <i>The retaining wall is a feature of the locality and should remain as set out in th pre-application advice.</i> • <i>A significant amount of housebuilding including affordable homes has already taken place in this area (Roedale Road, Oldbury Row, etc).</i> • <i>The Local Highways Agency has objected to any development in Dunster Close on 4 occasions</i> <p>Officer comment: It is considered that the issues raised have been addressed in the Planning Committee report. With regards to the Natural England guidance that no person should live more than 300m from their nearest area of natural greenspace, it is considered that the application site (BH2020/00674) , due to its size and limited catchment, as well as lack of public accessibility, is unlikely to meet the definition of natural greenspace. Nevertheless, the loss of this space has been considered and balanced against the need to provide housing in the district.</p>
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			<p>03/03/2021 – 04/03/2021: 5 more objections received. These have been summarised as follows:</p> <ul style="list-style-type: none">• The planning application (BH2020/00674) is incomplete as the sewer issue has not been resolved.• The Planning department are pre-empting decisions yet to be made by Southern Water.• It is illegal to develop land where slow worms and bats are known to inhabit the land and the trees. How can the committee justify breaking these statutory laws in order to over-crowd a small cul-de-sac when countless empty properties could be used instead?• How can planning officers justify the view that the provision of housing outweighs the negative impacts of environmental destruction, overcrowding, overlooking, parking overspill, inability for service vehicles to access the close and considerable disturbance to local residents during construction and due to diversion of sewers?• Southern Water, Arboriculture and the LHA all object.• The County Ecologist has neglected to carry out their legal obligation to survey these sites for slow worms and bats which are protected by law and have been sighted in both locations.• The proposed developments are an eyesore.• There will be overcrowding and overlooking• We should be preserving as many greenspaces as possible. <p>Officer Comment: The majority of issues raised have been addressed in the Committee report or in officer comments to other representations included in this Late List.</p> <p>However, it should be reiterated that any proposals to build over or near the sewer, or redivert the sewer would require a separate consent from Southern Water and any planning permission would not override the need for this separate consent.</p>
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Disturbance during the construction phase of a development is also not a material planning consideration. However, a condition would be attached to any planning consent requiring the developer to provide a Construction and Environment Management Plan to be produced and approved to help minimise disturbance and pollution during the construction process.

A number of photographs have also been submitted by a resident demonstrating the parking issues on Dunster Close as set out below:









	<p>Site Of Sackville Hotel 189 Kingsway Hove BN3 4GU</p>	<p>BH2017/01108</p>	<p>Paragraph 6.7 is amended to read:</p> <p>“As such, it is recommended to vary Clauses 1.1, Schedule 2 paragraph 2, Schedule 2 paragraph 4 and Schedule 5 paragraph 7, <u>and Clause 3.4.2</u> of the Deed of Variation dated 2nd June 2020 to the S106 dated 14th November 2017.” [emphasis added]</p> <p>For information, Clause 3.4.2 is to be replaced with the following: <i>3.4.2 in respect of all or any part of the Affordable Housing Units which have been sold through any statutory or non-statutory scheme, a right to buy or acquire an interest under the Housing Act 1985 or the Housing Act 1996 or any statutory modification or extension amendment or re-enactment thereof or any regulations or others made thereunder (or any similar statutory or non statutory scheme), Staircases to 100% ownership in a Shared Ownership Housing Unit or where an occupier of a Shared Equity Housing Unit purchases 100% of the equity and the charge in respect of the remaining equity share has been repaid in full AND FOR THE AVOIDANCE OF DOUBT the exclusion contained in this clause 3.4.2 shall apply to all successors in title or mortgagees of the aforementioned tenants or anyone holding title paramount”</i></p>
	<p>St Andrew’s School, Belfast St, Hove BN3 3YT</p>		<p>Twenty-one (21) further neighbour representations following re-consultation (Feb 2021). The majority of issues raised have been addressed in the Committee report. Additional issues raised:</p> <ul style="list-style-type: none"> - Funding/ Feasibility; - Discrepancies in drawings; - Nearby residential properties not mentioned in report. <p>Officer comment: <u>Funding/ Feasibility</u> The funding and deliverability of a scheme is an issue for the applicant, rather than a planning consideration.</p> <p><u>Discrepancies in drawings</u></p>

			<p>An objector has highlighted a slight difference in the footprint of nearby (extended) properties shown on the submitted light spill drawings compared to the Council site location plan and the reality on the ground.</p> <p>This is noted; however, the difference is minor and would make minimal difference in terms of the effect of the light spill on nearby properties. The impact of the floodlights would be limited by the recommended conditions with regard to hours of use, lamp specification, positioning and illuminance levels in relation to habitable room windows of adjacent residential properties. It does not alter the considerations and recommendation.</p> <p><u>Nearby residential properties not mentioned in report.</u></p> <p>An objector has advised that there are residential flats above the shop units in George Street to the east of site which are not referenced in the committee report. Officers are aware of these properties, but the impact from the development is not considered to be significant given the distances involved and recommended conditions; it does not alter the considerations and recommendation.</p>
	<p>25 Freehold Terrace Brighton BN2 4AB</p>		<p>Amended Description</p> <ul style="list-style-type: none"> • Amend description to B1 Use rather than B8 Use, and refer to building rather than house: <p>“Demolition of existing light industrial building (B8 <u>B1</u>) and erection of a three storey house <u>building</u> in multiple occupation (Sui Generis) with 10 rooms incorporating a 2nd floor roof terrace and associated works (AMENDED PLANS AND DESCRIPTION).”</p> <p>03/03/2021: Third response from Local Highway Authority (LHA). Their response is summarised as follows:</p> <p><u>Objection</u></p>

		<p><i>“The applicant has provided a new layout of the disabled parking space, bin store and cycle parking.</i></p> <p><i>The proposed parking bay is improved due to there being less obstruction and 1.2m space on either side, however we still have concerns regarding; vehicle manoeuvres and access, footway too narrow for inclusive mobility, support pillars vulnerable.</i></p> <p><i>The design and amount of cycle provision is unclear.”</i></p> <p>All other issues raised in previous comments remain the same.</p> <p>Additional Conditions</p> <p>Additional <u>condition 20</u> with regards contamination land:</p> <p><i>“If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority), shall be carried out until a method statement identifying and assessing the risk and proposing remediation measures, together with a programme for such works, shall be submitted to the Local Planning Authority for approval in writing. The remediation measures shall be carried out as approved and in accordance with the approved programme.”</i></p> <p>Reason: <i>To safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.”</i></p> <p>Additional <u>condition 21</u> with regards to infiltration of surface water:</p> <p><i>“No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.</i></p>
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	Former Peter Pan's Playground Site Madeira Drive Brighton	BH2020/01018	<p>Clarification of paragraph 11.1 of the Committee Report It is stated that there is no lift access to the first floor; however the revised proposal includes a proposed Part M compliant lift as clarified on the proposed ground floor plan drawing no.0003-A.</p> <p><u>Twenty-Five (25) further neighbour representations have been submitted in support of the application.</u></p>

			No issues have been raised.
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