

10th February 2021 Planning Committee – Additional Representations

| Item | Site Address | Application No. | Comment |
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| A | Land to the Rear of Hilton Brighton Metropole 106 - 121 Kings Road Brighton | BH2020/01951 | <p><u>Condition 3</u> Materials condition updated to include more detail and clarity:</p> <p>No development above ground floor slab level shall take place until samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):</p> <p>a) samples of all cladding to be used (to mansard roof / dormers, plant enclosures and elevations) and the details of all joins, seams and fixing methods, b) details of the proposed windows treatments, cornice, parapets, dormers, bays, plant enclosures and door treatments, c) details of all other materials to be used externally,</p> <p>Development shall be carried out in accordance with the approved details. Reason: To ensure a satisfactory appearance to the development and to comply with policies CP12, CP13 and CP15 of the Brighton & Hove City Plan Part One and policies HE3 and HE6 of the Brighton & Hove Local Plan.</p> <p><u>Updates to report</u></p> <p>There is an error in the formatting of the report. The Reasons for refusal (if the s106 is not signed within the specified timeframe) are in paragraph 9.7 not 10.1.</p> <p>Paragraph 8.36 has been updated to add the Council’s statutory duty in respect of determining applications within conservation areas. (new text below).</p> <p>8.36 - In considering whether to grant planning permission which affects a listed building or it’s setting the Council has a statutory duty to have special regard to the desirability of preserving the building or its setting or any features of special</p> |

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| | | | architectural or historic interest which it possesses. Furthermore, when considering whether to grant planning permission within a conservation area the Council also has a statutory duty is to have special regard to the desirability of preserving or enhancing the character or appearance of the area. |
| B | Land to the Rear of Hilton Brighton Metropole 106 - 121 Kings Road Brighton | BH2020/01952 | <p><u>Condition 2</u> This has been reworded from a pre commencement condition to state 'no works above ground floor slab'.</p> <p>No works above ground floor slab shall be commenced until full details of the lead dormers and dormer windows within the new mansard roof including 1:20 scale sample elevations and sections have been submitted to and approved in writing by the Local Planning Authority. Notwithstanding the details shown on the proposed elevations the dormer windows should be single 2 over 2 timber sashes. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.</p> <p>Reason: As insufficient information has been submitted, to ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.</p> |
| C | 5-8 London Road Brighton | BH2020/02289 | <p><u>Heads of Terms</u> The Heads of Terms relating to the Travel Plan and Highways Works shall be amended to read:</p> <p><u>A Five Year Residential (PBSA) Travel Plan</u></p> <ul style="list-style-type: none"> • A travel pack for each new employee/resident • £23,400 to be put towards incentives to each first student towards sustainable transport options. • Maintenance stands for cyclists • Information on sustainable transport options within marketing sales and recruitment material. • A notice board displaying information relating to sustainable transport options and travel plan information |

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| | | | <ul style="list-style-type: none"> • 'Doctor bike services' • £4500 monitoring fees. <p><u>Conditions</u></p> <p>The numbering within the committee report is incorrect. Condition 2, as set out below, has been omitted from the numbering. The condition below shall be numbered as condition 2 and all following conditions shall be numbered in according ascending order.</p> <p>Condition 2: The development hereby permitted shall be commenced before the expiration of three years from the date of this permission. Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.</p> <p>Condition 5 shall be amended to read:</p> <p>Notwithstanding the submitted plans no development other than demolition shall take place until a general arrangement plan(s) showing the following works to the adopted highway has been submitted to and approved in writing by the Local Planning Authority:</p> <ul style="list-style-type: none"> • 2 x loading bays on St Peter's Street and Providence Place respectively • 2 x disabled bays on St Peter's St • Repaving of footways on St Peter's Street and Providence Place • Extension of the footway provided along the western boundary to connect to the existing provision to the south. • Raised platform at the junction of St Peter's Place and Providence Place • 16 off-site visitor cycle parking spaces to be provided in the public realm of Providence Place • Compensatory footway on St Peter's Street <p>Reason: In the interests of public safety and to ensure that all road works associated with the proposed development are: planned; approved in good time (including any</p> |
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statutory processes); undertaken to a standard approved by the Local Planning Authority and are completed before occupation.

Condition 7 shall be amended to read:

The development hereby permitted shall not be commenced (with the exception of demolition works) until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing, by the Local Planning Authority. This strategy will include the following components:

i) A preliminary risk assessment which has identified:

a) All previous uses

b) Potential contaminants associated with those uses

c) A conceptual model of the site indicating sources, pathways and receptors

d) Potentially unacceptable risks arising from contamination at the site

ii) A site investigation scheme based upon (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site

iii) The results of the site investigation and the detailed risk assessment referred to in

(ii) and based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

iv) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (iii) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

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| | | | <p>Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from/adversely affected by, unacceptable levels of water pollution and to safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.</p> <p>Condition 11 shall be amended to read:</p> <p>Other than demolition, no development above ground floor slab level of any part of the development hereby permitted shall take place until a detailed ventilation strategy demonstrating how and where ventilation will be provided to the residential/student accommodation at first floor level facing onto London Road including details of where the clean air is drawn from has been submitted to and approved in writing by the Local Planning Authority. The ventilation scheme shall ensure that the first floor windows facing onto London Road are non-opening and fixed shut. The scheme be carried out in accordance with the approved details.</p> <p>Reason: To ensure future occupiers benefit from a good standard of amenity and do not suffer undue noise disturbance, to provide fresh air to all future occupiers, and to comply with policies SU9, SU10 and QD27 of the Brighton and Hove Local Plan.</p> <p>Condition 22 shall be amended to read:</p> <p>Notwithstanding plans hereby permitted, details of disabled parking facilities shall have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.</p> <p>Reason: To ensure the development provides for the needs of disabled staff and visitors to the site and to comply with policy TR18 of the Brighton & Hove Local Plan and SPD14: Parking Standards.</p> <p>The development hereby permitted shall not be commenced (with the exception of demolition works) until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been</p> |
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| | | | <p>submitted to, and approved in writing, by the Local Planning Authority. This strategy will include the following components:</p> <ul style="list-style-type: none"> i) A preliminary risk assessment which has identified: <ul style="list-style-type: none"> a) All previous uses b) Potential contaminants associated with those uses c) A conceptual model of the site indicating sources, pathways and receptors d) Potentially unacceptable risks arising from contamination at the site ii) A site investigation scheme based upon (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site <p><u>CIL</u> The CIL figure within paragraph 12.1 on page 119 shall be amended to read £302,282.86.</p> |
| G | Block C, 101-120 Kingsmere London Road Brighton BN1 6UW | BH2020/03236 | In paragraph 2.2, the report mistakenly refers to the rear of properties on Lower Rock Gardens being to the rear (east) of the site when it is Cornwall Gardens. |
| J | 8 Eileen Avenue Brighton BN2 8AD | BH2020/02590 | <p>Update reference to CIL</p> <p>Updated paragraph:</p> <p>10. COMMUNITY INFRASTRUCTURE LEVY</p> <p>10.1. Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23 July 2020 and began charging on all CIL liable planning applications on and from the 5 October 2020. It is estimated that the amount of CIL liability for this application is £52,868.26. The exact amount will be confirmed in the CIL liability notice which will be issued as soon as it practicable after the issuing of planning permission.</p> |

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| K | 7 Woodland Drive Hove BN3 6DH | BH2020/02285 | <p>An additional representation has been received, alleging inaccuracies in the Officer Report and raising concerns regarding the recommendation and the content of the report.</p> <p>The representation also advises:</p> <ul style="list-style-type: none"> • The Report concludes that the current design addressed the previous refusals, but the previous refusals were mainly concerned with the size of the plot, which hasn't been addressed. • the Report makes no mention that the Council Arboriculturist recommends refusal as the plans would jeopardise a large old Cedar Tree. The plan (as the with 2013 plan) includes a subterranean floor which would be within the root system of the protected tree (and less than 1 metre from our bungalow). <p><u>Officer comment:</u></p> <p>The Arb team have raised concerns regarding the proposal; however, they have also recommended a condition that would overcome their concern. If matters can be addressed through condition, an application should not be refused on this basis.</p> <p>To clarify, the dimension figures referred to in the Officer Report were established by measuring from the submitted plans using the scale provided, rather than copied from the Design and Access Statements. The submitted plans are the relevant documents which are conditioned and are expected to be complied with in the implementation of the application.</p> <p>With regard to potential overlooking, the rear ground floor windows would not be elevated above ground floor level as can be seen on the submitted contextual rear elevation.</p> |
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| | | | <p>Concerns have also raised in respect of the impact of excavation; however, this is not a material planning consideration and the application may impact on bats. A biodiversity checklist was submitted with the application which did not flag any Bats on the site.</p> <p>Members are referred to the considerations section and the previous appeal decisions and in particular the planning balance of the application.</p> |
| M | 63 Newick Road Brighton BN1 9JJ | BH2020/03446 | This application has been withdrawn following a request by the planning agent, received Tuesday 2 nd February 2021. |