

1st December 2021 Planning Committee – Additional Representations

Item	Site Address	Application No.	Comment
B	Brighton College, Eastern Road	BH2021/01845	<p>Further Local Highway Authority comments were received on 28 November. The comments are as follows:</p> <p>Referencing the 1st paragraph on page 26 of the committee report - S106 and Travel Plan</p> <ul style="list-style-type: none"> • We became aware that committee are interested in the Travel Plan for this site • We asked for an outline of the School Travel Plan referenced in the submitted Transport Assessment. This hasn't been provided and we don't know if this request was passed on to the applicant. • The applicant suggested in the Transport Assessment the School Travel Plan can be secured by S106. • Please note a Grampian-style condition also could have secured the need for a School Travel Plan, as the site is part of the wider school premises. <p><u>Comment:</u></p> <p>The Local Highway Authority's comments are noted but it is considered that any Travel Plan should specifically relate to the application site and the proposed performing arts building. It is not considered reasonable to secure a Travel Plan for the much larger College site given that the proposal would not result in an increase in staff or pupil numbers and replaces an (albeit smaller) existing facility.</p> <p>The three main tests for planning obligations, as set out in para 57 of the NPPF are as follows:</p>

			<ul style="list-style-type: none"> • necessary to make the development acceptable in planning terms; • directly related to the development; and • fairly and reasonably related in scale and kind to the development. <p>It is not considered by the LPA that the requirement for a College-wide Travel Plan would meet the above tests.</p> <p>Comments received from BADGE (Brighton Access for Disabled Groups Everywhere) on 24 November. The comments are as follows:</p> <p>It's disappointing that Brighton College have not been able to resolve the full access issue and that heritage constraints prevent full access to all areas.</p> <p>The provision for 8 wheelchair spaces is noted, and we would hope that they are situated to offer a variety of seating area options as per recommendations on accommodating audience members who are wheelchair users.</p> <p>Reading the report, and the additional notes, I can't see specific mention of a Changing Places facility, nor can I see one on the drawings. I can see a pair of WCs, but they look like a pair of regular WCs rather than a 4 x 3m Changing Places facility.</p> <p>Since the theatre will be a new build and can accommodate over 350 people seated, this is now a requirement in addition to accessible WCs (Building Regulations M: Access to Buildings Other than Dwellings).</p> <p>Noting the various consultees, was anyone external consulted with a view to evaluating the provision for people who are disabled?</p> <p>Please can you confirm whether a Changing Places facility is included in the Plans, with the College Representatives and consider attaching a further</p>
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			<p>condition that ensures this Regulation is upheld, and it is factored into these Plans, if approved by Committee?</p> <p>The applicant responded to BADGE's comments on 25 November. The comments are as follows:</p> <p>The new regulation for 'changing places' established by Part M in 5.7.e applies to buildings "which are open to the public". Buildings within the campus of Brighton College are not accessible to the general public for safeguarding reasons. BHCC planning policy team were consulted during the planning process with regards to BHCC's access policy and agreed in their written report; "This type of community facility is not for use by the general public." Compliance with all requirements of Part M will be assessed through a submission for Building Control approval and a Building Control inspector has been working with the team on the project.</p>
C	123 - 126 Kings Road, Brighton	BH2021/02932	<p>Environmental Health comments received 17/11/21: <u>No Objection</u> subject to the following Conditions and Informative. These are considered appropriate to safeguard the amenities of the neighbouring properties:</p> <p><u>Conditions:</u> Any noise associated with the plant and machinery which forms part of the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest noise sensitive premises, shall not exceed the existing representative L90 background noise level. The Rating Level and existing background noise levels are to be determined as per the guidance provided in BS 4142:2014. Reason: To safeguard the amenities of the existing properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.</p> <p>The development hereby permitted shall not be brought into use until a scheme for the fitting of odour control equipment to the flue/kitchen exhaust system, has been submitted to and approved in writing by the Local Planning Authority. Any</p>

			<p>odour control and flue system shall comply with the 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems' published by DEFRA and the 'Minimum requirements for Discharge Stacks' and 'Odour Arrestment Plant Performance.' The measures shall be implemented in strict accordance with the approved details prior to the first occupation of the development and shall thereafter be retained as such.</p> <p>Reason: To safeguard the amenities of the occupiers of adjoining or nearby properties and to comply with policy QD27 of the Brighton & Hove Local Plan.</p> <p>The development hereby permitted shall not be brought into use until a scheme for the sound insulation/ attenuation of the odour control equipment to the flue/kitchen exhaust system, has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the operation of the flue and shall thereafter be retained as such.</p> <p>Reason: To safeguard the amenities of the occupiers of adjoining or nearby properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan</p> <p><u>Informative:</u> The applicant should be aware that if permission to develop is granted and subsequently complaints are received with regards to noise or odour, the permission to develop is no defence against the relevant Council department carrying out a full investigation under the provisions of the Environmental Protection Act 1990 to determine if a statutory nuisance exists. For further info: https://www.gov.uk/guidance/statutory-nuisances-how-councils-deal-with-complaints</p> <p>Proposed amended wording to Conditions 5 (Materials), 6 (Windows) and 17 (Bee Brick): 5.</p>
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D	123 - 126 Kings Road, Brighton	BH2021/02909	<p>Proposed amended wording to Condition 2 (Materials):</p> <p>2. No external construction works above basement floor level hereby permitted shall be commenced until samples/details of all hard surfacing materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason: 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> <p>Proposed additional Conditions re Materials: No development above ground floor slab level of any part of the spa building hereby permitted shall take place until samples/ details of all materials, including cladding, roof material and treatment to protect against weathering, to be used</p>

			<p>in the construction of the external surfaces of the spa building, have been submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason: To ensure the satisfactory preservation of these listed buildings and to comply with policy HE1 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.</p> <p>No development of any part of the Plant Room at the rear of no. 126 hereby permitted shall take place until samples/ details of all materials to be used in the construction of the external surfaces of the plant room have been submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason: 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>
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