

<b><u>No:</u></b>	<b>BH2021/02709</b>	<b><u>Ward:</u></b>	<b>Moulsecoomb And Bevendean</b>
<b><u>App Type:</u></b>	<b>Variation of Condition</b>		
<b><u>Address:</u></b>	<b>41 And 42 Park Wall Farm Cottages, Station Approach, Falmer</b>		
<b><u>Proposal:</u></b>	<b>Application for demolition of existing houses and erection of a 4 storey student accommodation building with 71no bed spaces and associated access arrangements, cycle parking, car parking and landscaping, as approved under planning permission BH2018/02854, without compliance with conditions 9 and 11 to allow for the removal of trees T1 &amp; T4 and for new planting of mature trees (retrospective).</b>		
<b><u>Officer:</u></b>	<b>Robin Hodgetts</b>	<b><u>Valid Date:</u></b>	<b>04.08.2021</b>
<b><u>Con Area:</u></b>	<b>N/A</b>	<b><u>Expiry Date:</u></b>	<b>03.11.2021</b>
<b><u>Listed Building Grade:</u></b>	<b>N/A</b>	<b><u>EOT:</u></b>	<b>TBC</b>
<b><u>Agent:</u></b>	<b>Fletcher-Rae, 5 Jordan Street, Manchester, M15 4PY</b>		
<b><u>Applicant:</u></b>	<b>Westridge Construction Ltd, 2 Beeding Court, Shoreham Road, Brighton, BN44 3TN</b>		

## 1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to be **MINDED TO GRANT** the variation of conditions 9 and 11 of application BH2018/02854.

### Conditions:

1. 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.

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Proposed Drawing	TPP/ STPP 01		22 July 2021
Report/Statement		Arboricultural Method	22 July 2021
Proposed Drawing	SK/02	D	14 October 2021
Proposed Drawing	SK/01	D	14 October 2021
Location Plan	17008_PL001		12 September 2018
Existing Drawing	17008_PL002	A	22 January 2019
Proposed Drawing	17008_PL100	S	22 January 2019
Proposed Drawing	17008_PL101	M	22 January 2019
Proposed Drawing	17008_PL102	I	22 January 2019
Proposed Drawing	17008_PL200	P1	18 June 2020
Proposed Drawing	17008_PL201	P1	18 June 2020
Proposed Drawing	17008_PL202	P2	18 June 2020
Proposed Drawing	17008_PL300		18 June 2020

Proposed Drawing	17008_PL400	C	22 January 2019
Proposed Drawing	17008_PL500	A	22 January 2019
Other	17008_PL900		18 June 2020
Other	17008_PL901		18 June 2020
Other	51486/SK21		12 September 2018
Other	51486/SK20		12 September 2021
Proposed Drawing	8745-E06		12 September 2018
Proposed Drawing	8745-M05		12 September 2008

2. Not used.
3. Not used. (see application BH2019/01632)
4. The materials within the development shall be as agreed under application BH2020/01654 and shall be retained thereafter.  
**Reason:** To ensure a satisfactory appearance to the development and to comply with policy CP12 of the Brighton & Hove City Plan Part One.
5. The refuse and recycling storage facilities indicated on the approved plans shall be fully implemented and made available for use. These facilities shall hereafter 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, policy CP8 of the Brighton & Hove City Plan Part One and Policy WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.
6. The boundary treatments including access gates (and control mechanisms) will be constructed in accordance with the details agreed under application BH2021/00421 and thereafter retained at all times.  
**Reason:** To enhance the appearance of the development in the interest of the visual and residential amenities of the area and to comply with QD27 of the Brighton & Hove Local Plan, Policies CP12 and CP13 of the Brighton & Hove City Plan Part One.
7. The hard surface hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.  
**Reason:** To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policies CP8 & CP11 of the Brighton & Hove City Plan Part One.
8. Not used.
9. Not used.
10. Within 3 months of the date of this permission, details of treatment of all parts on the site not covered by buildings shall be submitted to and approved in writing

by the Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season after the details are agreed .

Details shall include:

- 1) A scaled plan showing all existing vegetation and landscape features to be retained and trees and plants to be planted
- 2) Location, type and materials to be used for hard landscaping including specifications, where applicable for:
  - a) permeable paving
  - b) tree pit design
  - c) underground modular systems
  - d) Sustainable urban drainage integration
  - e) use within Tree Root Protection Areas (RPAs);
- 3) A schedule detailing sizes and numbers/densities of all proposed trees/plants;
- 4) Specifications for operations associated with plant establishment and maintenance that are compliant with best practise; and
- 5) types and dimensions of all boundary treatments.

There shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees unless agreed in writing by the Local Planning Authority. All soft landscaping shall have a written five-year maintenance programme following planting.

Any new tree(s) that die(s), are/is removed or become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Unless further specific permission has been given by the Local Planning Authority, replacement planting shall be in accordance with the approved details.

**Reason:** Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality in accordance with SPD06 and Policies QD15 and QD16 (Trees and Hedgerows) of the Brighton & Hove Local Plan and policy CP10 and CP12 of the Brighton and Hove City Plan Part One.

11. Not used.

12. Not Used.

13. The measures contained within the Ecological Design Strategy (EDS) agreed under application BH2019/01187 which addresses the retention and protection of habitats, enhancement of the site for biodiversity, and the provision of bird and bat boxes/bricks, shall be retained within the development.

**Reason:** To ensure that any adverse environmental impacts of development are mitigated and compensated and to provide a net gain for biodiversity in line with Policy QD16 of the Brighton & Hove Local Plan and Policy CP10 of City Plan Part One.

14. The cycle parking facilities shown on the approved plans shall be fully implemented and made available for use. The cycle parking facilities shall hereafter be retained for use by the occupants of, and visitors to, the development at all times.  
**Reason:** To ensure that satisfactory facilities for the parking of cycles are provided 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.
15. Within 3 months of this permission a Travel and Management Plan shall be submitted for approval. The vehicle parking area(s) shown on the approved plans shall not be used otherwise than to provide for the parking of vehicles associated with the managed access moving in and out of students at an appointed time and shall be kept free at all other times in accordance with the Travel and Management Plan submitted to and approved in writing by Brighton and Hove City Council. The spaces shall not be used for any other purpose and shall be maintained to ensure their availability for such use at all appointed times.  
**Reason:** To ensure that adequate parking provision is retained and to comply with policy CP9 of the Brighton & Hove City Plan Part One and SPD14: Parking Standards.
16. Not used
17. Within 3 months of this permission a Delivery & Service Management Plan, which includes details of the types of vehicles, how deliveries servicing and refuse collection will take place and the frequency of those vehicle movements shall be submitted to and approved in writing by the Local Planning Authority. All deliveries servicing and refuse collection shall thereafter be carried out in accordance with the approved plan.  
**Reason:** In order to ensure that the safe operation of the development and to protection of the amenities of nearby residents, in accordance with policies SU10, QD27 and TR7 of the Brighton & Hove Local Plan.
18. Within 3 months of this permission the disabled car parking spaces shown on the submitted plans shall be implemented and made available in accordance with the Travel and Management Plan for the management of the moving in and out of students at an appointed time and shall be kept free at all other times (unless used by disabled residents). The approved scheme shall be fully implemented and shall thereafter be retained for use at all times.  
**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.
19. The wheelchair accessible student accommodation hereby permitted as detailed on drawing no. PL100S received on 22 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 accommodation 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.

**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.

20. Within 3 months of the date of this permission a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the 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.

**Reason:** To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy CP8 of the Brighton & Hove City Plan Part One.

21. Each of the student rooms/units hereby approved shall achieve as a minimum, a water efficiency standard of 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 & Hove City Plan Part One.

22. Within 3 months of this permission details of the solar and photovoltaic array referred to in the Sustainability Checklist and shown on Drawing No. 17008\_PL102 Rev I received on 22 January 2019 shall be submitted to and approved in writing by the Local Planning Authority. The solar and photovoltaic array shall then be installed in accordance with the approved details.

**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.

23. The soundproofing of the party ceilings, floors and walls between student rooms including communal areas as agreed under application BH2020/01520 shall be retained hereafter unless otherwise approved in writing by the Local Planning Authority.

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

24. The external lighting shall be installed and operated as agreed under application BH2021/00421 and hereafter retained at all times.

**Reason:** To safeguard the amenities of the area, to reduce light spillage, impact on the International Dark Sky Reserve and to comply with policies QD25 and QD27 of the Brighton & Hove Local Plan.

25. Not used. (see applications BH2019/01632 and BH2020/00972)

26. Not used. (see application BH2019/01632)

27. The ventilation and acoustic protection agreed under application BH2020/01520 shall be fully implemented and retained hereafter. The approved scheme shall ensure compliance with Building Regulations as well as suitable protection in terms of air quality and shall be implemented before to occupation and thereafter retained.  
**Reason:** To safeguard the amenities of the occupiers of the development and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
28. Not used (see application BH2020/00213)
29. Not used. (see application BH2020/00330)
30. The green walling and maintenance and irrigation programmes agreed under application BH2020/01520 shall be fully implemented and retained hereafter.  
**Reason:** To ensure that the development contributes to ecological enhancement on the site and visual amenities in accordance with policy CP8 and CP10 of the Brighton & Hove City Plan Part One.
31. The details of the sustainable reuse and recycling of water as agreed under application BH2020/01520 shall be fully implemented and retained hereafter.  
**Reason:** To ensure that the development is sustainable and makes efficient use of water to comply with policy CP8 of the Brighton & Hove City Plan Part One.
32. Within three months of the date of this permission a Travel Plan for the development shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall thereafter be fully implemented in accordance with the approved details.  
**Reason:** To ensure the promotion of safe, active and sustainable forms of travel and comply with policies TR4 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One.
33. Within 3 months of this permission a Management Plan relating to the access gates, entrance doors including cycle store and 24 hour onsite security, the moving of receptacles to the bin store loading area and use of the communal lounge and communal living areas, shall be submitted to and approved in writing by the Local Planning Authority. The use shall thereafter be managed in accordance with the approved Management Plan.  
**Reason:** To ensure the provision of satisfactory management measures for a safe and secure development and to comply with Policies CP12 and CP21 of the Brighton & Hove City Plan Part One.
34. Not Used. (see application BH2020/01520)
35. The measures to protect the student units from noise disturbance from road and rail traffic as agreed under application BH2020/01931 shall be fully implemented and retained hereafter.  
**Reason:** To safeguard the amenities of the occupiers of the development and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

36. The communal space to the ground floor within the development hereby permitted shall not be used between the hours of 22:00 and 08:00 unless otherwise agreed in writing by the local planning authority.  
**Reason:** To safeguard the amenities of the occupiers of the development and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
37. The future proofing measures for a connection to a community heating system as agreed under application BH2020/01520 shall be fully implemented and retained hereafter.  
**Reason:** To support the provision of low and zero carbon technologies including district heating and to accord with policies SS1 and CP8 of the Brighton and Hove City Plan Part One.

### 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. To be read in conjunction with Condition 10:  
 The following British Standards should be referred to:
  - a) BS: 3882:2015 Specification for topsoil
  - b) BS: 3936-1:1992 Nursery Stock - Part 1: Specification for trees and shrubs
  - c) BS: 3998:2010 Tree work – Recommendations
  - d) BS: 4428:1989 Code of practice for general landscaping operations (excluding hard surfaces)
  - e) BS: 4043:1989 Recommendations for Transplanting root-balled trees
  - f) BS: 5837 (2012) Trees in relation to demolition, design and construction - Recommendations
  - g) BS: 7370-4:1993 Grounds maintenance part 4. Recommendations for maintenance of soft landscape (other than amenity turf).
  - h) BS: 8545:2014 Trees: from nursery to independence in the landscape – Recommendations
  - i) BS: 8601:2013 Specification for subsoil and requirements for use
3. BREEAM: The applicant is advised that details of the BREEAM assessment tools and a list of approved assessors can be obtained from the BREEAM websites ([www.breeam.org](http://www.breeam.org)).

## **2. SITE LOCATION**

- 2.1. The site is located to the south side of the A27, adjacent to Falmer Station. It is positioned between the A27 dual carriageway and the railway line, with access from Station Approach, a partly private road that also serves Falmer Railway Station and the Station carpark. Beyond this and to the south is the University of Brighton Falmer Campus. The University of Sussex campus is to the north of the A27. The station is located to the west, a stadium car park to the east and there are a small number of residential properties located towards the west on

the opposite side of Station Approach, beyond which is Stanmer Court which is purpose-built student accommodation.

- 2.2. The site is not located within a Conservation Area and is not subject to a Tree Preservation Order. The South Downs National Park is located to the north, across the A27. The site is outside of the Stanmer Estate which is a Grade II registered park and garden located to the north west and on the opposite side of the A27.
- 2.3. The building is complete and was occupied on 18 September 2021.

### **3. RELEVANT HISTORY**

- 3.1. **BH2021/01851 (approval of details application)** Application for Approval of Details reserved by conditions 10 (Planting/Hard Landscaping), 12 (Landscaping Scheme), 17 (Delivery and Service Management Plan) and 22 (Solar and Photovoltaic Array) of application BH2018/02854. Under Consideration.
- 3.2. **BH2020/01633 (Non-material amendment)** Non-Material Amendment to BH2018/02854 to raise the roof parapet to a height of 1190mm. Approved 27 July 2020.
- 3.3. **BH2018/02854 (planning application)** Demolition of existing houses and erection of a 4 storey student accommodation building with 71no bed spaces and associated access arrangements, cycle parking, car parking and landscaping. Approved 24 January 2019.

### **4. APPLICATION DESCRIPTION**

- 4.1. The original approved scheme (BH2018/02854) was granted on 6 February 2019. In doing so, the Local Planning Authority considered the scheme to be acceptable in all regards, subject to securing various details and measures by planning conditions to mitigate any potential adverse impacts.
- 4.2. The considerations to be taken into account in this application relate solely to the variation of conditions 9 and 11 of the permission which require the retention of two mature trees. The application seeks to remove them and to agree a new landscaping plan for the site.
- 4.3. The two mature trees that conditions 9 and 11 required to be retained were a sycamore and wych elm located towards the northern boundary of the site, adjacent to the A27. This application contains a commitment to provide at least two replacement trees as part of a revised landscaping scheme, and the wider scheme contains five replacement trees. The final scheme would be agreed under condition 10, which is subject to a current application for approval of details (BH2021/01851), which is being held in abeyance pending the outcome of this proposal.



## 5. REPRESENTATIONS

- 5.1. **One (1)** letter of objection to the planning application has been received. The objections raised are as follows:
- Adversely affects Conservation Area
  - Damaging trees
  - Poor design
  - Impact on residential amenity
  - Restriction of view

## 6. CONSULTATIONS

### Internal Consultees

- 6.1. **Arboriculture:** No objection, subject to further planting.  
Detailed Comments: *"The arboriculturist visited the site with the applicant to discuss relocating approved service runs where it was noted that T1 Sycamore and T4 Wych Elm had been felled to approximately 1 metre. Both these trees were specified as retained as part of condition 8 and 9a and listed within the landscaping scheme.  
It was agreed with the applicant's consultant to remove these stumps and to have further discussions to agree new, replacement planting. The developer without further dialogue planted a Sorbus to the north side of the main entrance. Due to the lack of space available, the only other suitable space for further planting was decided to be to the southern aspect of the main entrance. A disease resistant Elm was specified. A 1:1 replacement ratio was the only viable solution, although I would have specified nursery stock of greater diameter than planted, the stock size was acceptable, requiring less maintenance such as watering, which increases survival rates."*

## 7. MATERIAL CONSIDERATIONS

- 7.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report.
- 7.2. 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 7.3. The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016);
  - Brighton & Hove Local Plan 2005 (retained policies March 2016);
  - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
  - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);

- Shoreham Harbour Joint Area Action Plan (JAAP) 2019.

7.4. Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

## 8. POLICIES

### The National Planning Policy Framework (NPPF)

#### Brighton and Hove City Plan Part One:

SS1	Presumption in favour of sustainable development
SA6	Sustainable neighbourhoods
CP8	Sustainable buildings
CP10	Biodiversity
CP12	Urban design

#### Brighton & Hove Local Plan 2005 (retained policies):

QD15	Landscape design
QD16	Trees and hedgerows
QD27	Protection of Amenity

#### Brighton and Hove City Plan Part Two

Policies in the Proposed Submission City Plan Part 2 (CPP2) do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since 23 April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications. The weight given to the key CPP2 policies considered in determining this application is set out below, where applicable.

DM20	Protection of Amenity
DM22	Landscape Design and Trees
DM40	Protection of the Environment and Health – Pollution and Nuisance

#### Supplementary Planning Documents

SPD6	Trees and development sites
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## 9. CONSIDERATIONS & ASSESSMENT

9.1. The main considerations in the determination of this application relate to the loss of the two trees (*T1(Sycamore)* and *T4(Wych Elm)*) from the site during construction and whether this causes significant harm to the setting of the site and whether sufficient planting can subsequently be agreed to offset this loss.

### **Variation of condition 9**

9.2. The current condition states:

*“Prior to the commencement of the development hereby approved (including demolition and all preparatory work), the updated tree protection measures*

which includes T1(Sycamore), T4(Wych Elm) and the G2 (Hedge of hawthorn, goat, willow and elm) shall be implemented on site. An arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority.

*Specific issues to be dealt with in the AMS:*

- a) *Location and installation of services/ utilities/ drainage.*
- b) *Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees.*
- c) *Details of construction within the RPA or that may impact on the retained trees.*
- d) *a full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them.*
- e) *Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses.*
- f) *A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.*
- g) *a specification for scaffolding and ground protection within tree protection zones.*
- h) *Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area, details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment*
- i) *materials, fuels and waste as well concrete mixing and use of fires*
- j) *Boundary treatments within the RPA*
- k) *Methodology and detailed assessment of root pruning*

*The development thereafter shall be implemented in strict accordance with the approved details*

**Reason:** *To satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality, in accordance with SPD06 and Policy QD16 (Trees and Hedgerows) of the Brighton & Hove Local Plan."*

9.3. During construction of the site the two trees in question T1(Sycamore) and T4(Wych Elm) were removed due to complications found in the running of the services to the approved new building. This is contrary to the two conditions, so this application seeks to amend them to rectify the breach.

9.4. The trees were not protected by a Tree Preservation Order and the site is not within a Conservation Area, thus they were not statutorily protected. The trees were, however, deemed significant enough in terms of the benefit they provided to the approved development that their retention was required by condition via a landscaping scheme to help screen and soften the appearance of the development and to aid biodiversity.

- 9.5. As already noted, a scheme has been submitted to discharge the landscaping condition (ref. BH2021/01851). These show the planting of five additional trees to replace the two trees lost, including the following:
- One Ulmus 'New Horizon' (Elm) and two Malus sylvestris trees to the front of the site
  - One Sorbus torminalis (Rowan) and One Ulmus rebona (Elm) to the northern boundary with the A27
  - Additional supplementary bushes and hedges adjacent to the site
  - Retention of the mature vegetation to the northern and southern boundaries of the site
- 9.6. Most of this planting has already occurred, with the rest to be completed once the landscaping plan is agreed under application BH2021/01851.
- 9.7. Although the loss of two mature trees from the site is regrettable, it is considered that the provision of suitable additional planting of the five replacement trees would, on balance, provide appropriate and robust mitigation from an ecological and visual amenity perspective. The provision would be secured under the current application, and as part of application BH2021/01851 (landscaping scheme).
- 9.8. The replacement trees are not 'like-for-like' as they are of different species, not mature and they do not add to the screening of the site from the A27. However, on balance they are considered acceptable mitigation to help soften the appearance of the site and help assimilate the development into its semi-rural surroundings. The council's Arboricultural Team raise no objection on this basis
- 9.9. It is considered that this additional planting (along with boundary treatments that are yet to be agreed as part of application BH2021/01851) would satisfactorily offset the loss of the two mature trees from the site. As such the conditions can be varied to remove mention of the trees in question, (T1(Sycamore) and T4(Wych Elm).

**Variation of condition 11**

- 9.10. The current condition states:
- “Prior to the commencement of the development hereby approved (including any ground clearance, tree works, demolition or construction), details of all tree protection monitoring and site supervision by a suitably qualified tree specialist (where arboricultural expertise is required) shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be implemented in strict accordance with the approved details. A letter of engagement will be required between the applicant and the chosen arboricultural consultant.*
- Reason:** *Required prior to the commencement of development in order that the Local Planning Authority may be satisfied that the trees to be retained will not be damaged during development works and to ensure that, as far as is possible, the work is carried out in accordance with the approved details pursuant to section 197 of the Town and Country Planning Act 1990 in accordance with SPD06 and Policy QD16 (Trees and Hedgerows) of the Brighton & Hove Local Plan.”*

- 9.11. As the development has now been largely completed and any works likely to result in harm to existing vegetation are complete, this condition is no longer required and can be removed from the decision.
- 9.12. Future planting would be detailed and secured (and maintained) through the landscaping plan under consideration in planning application BH2021/01851 (and attached at condition 10 of this application).

### **Neighbour Amenity**

- 9.13. One letter of objection has been received by a nearby resident objecting to the proposed design and impact on their amenity. Given the separation of this site from the rest of Station Approach it is not considered that the proposed change to the landscaping would impact significantly on this neighbour, and therefore accords with Policy QD27 of the Brighton & Hove Local Plan, and DM21 of City Plan Part 2 which can be given significant weight.

### **Conclusion**

- 9.14. It is considered that the proposed landscaping and additional planting would be sufficient to offset the loss of the two mature trees from the site. While the loss of mature trees is always regrettable, there is sufficient justification for their loss due to the required location of the service runs to the building and the proposed mitigative planting. Furthermore the loss of the two trees alone would not be considered sufficient reason for refusal of the permission.
- 9.15. Finally it is noted that the Arboriculturist has requested a condition to replace any planting lost within 5 years. This could be included on any subsequent agreed landscaping plan.
- 9.16. The proposed development would therefore comply with the NPPF, relevant policies within the City Plan Part One, the emerging Policies in the City Plan Part 2, and retained policies in the Brighton & Hove Local Plan (2005), and the approval of planning permission is recommended subject to the conditions above.

- 10. EQUALITIES**  
None identified

### **11. CLIMATE CHANGE / BIODIVERSITY**

- 11.1. Although the loss of two mature tree is considered to be a loss for biodiversity, the replacement planting is considered sufficient to ensure sufficient mitigation. In addition, the original scheme contained conditions to enhance biodiversity and include sustainable building measures.

