

<b><u>No:</u></b>	<b>BH2021/03525</b>	<b><u>Ward:</u></b>	<b>Hollingdean And Stanmer</b>
<b><u>App Type:</u></b>	<b>Removal or Variation of Condition</b>		
<b><u>Address:</u></b>	<b>Land to the East of Coldean Lane North of Varley Halls South of A27</b>		
<b><u>Proposal:</u></b>	<b>Variation of Conditions 1 and 13 of BH2018/03541 (Erection of 2no seven storey buildings and 4no six storey buildings (including lift overruns) to provide 242no residential dwellings (C3), 162 car parking spaces, 365 cycle parking spaces, new access from Coldean Lane; associated landscaping incorporating areas of play/amenity space/active learning and substations.) to allow alterations to access, elevations and landscaping, the arboricultural impact assessment and tree protection plans and the updating of outstanding pre-commencement conditions.</b>		
<b><u>Officer:</u></b>	<b>Russell Brown, tel: 293817</b>	<b><u>Valid Date:</u></b>	<b>12.10.2021</b>
<b><u>Con Area:</u></b>	<b>N/A</b>	<b><u>Expiry Date:</u></b>	<b>11.01.2022</b>
<b><u>Listed Building Grade:</u></b>	<b>N/A</b>	<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	<b>Tristan Millward HGP Architects Furzehall Farm 110 Wickham Road Fareham PO16 7JH</b>		
<b><u>Applicant:</u></b>	<b>Steve Cripps PMC Railway House 119 High Street Cosham PO6 3DR</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 **APPROVE** planning permission subject to the following Conditions and Informatives as set out hereunder.

### 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>
Location and block plan	18.003.001		16 November 2018
Existing Drawing	18.003.002		22 November 2018
Existing Drawing	18.003.003		22 November 2018
Proposed Drawing	18.003.100	A	10 June 2019
Proposed Drawing	18.003.101	B	10 June 2019
Proposed Drawing	18.003.102	A	10 June 2019
Proposed Drawing	18.003.103	A	10 June 2019
Proposed Drawing	18.003.104	A	10 June 2019
Proposed Drawing	18.003.105	A	10 June 2019
Proposed Drawing	18.003.106	A	10 June 2019
Proposed Drawing	18.003.107	A	10 June 2019

Proposed Drawing	18.003.108	A	10 June 2019
Proposed Drawing	18.003.109	A	10 June 2019
Proposed Drawing	18.003.110		22 November 2018
Proposed Drawing	18.003.111		22 November 2018
Proposed Drawing	18.003.112		22 November 2018
Proposed Drawing	18.003.113		22 November 2018
Proposed Drawing	18.003.120		22 November 2018
Proposed Drawing	18.003.121		22 November 2018
Proposed Drawing	18.003.122		22 November 2018
Proposed Drawing	18.003.123		22 November 2018
Proposed Drawing	18.003.130		22 November 2018
Proposed Drawing	18.003.131		22 November 2018
Proposed Drawing	18.003.132		22 November 2018
Proposed Drawing	18.003.133		22 November 2018
Proposed Drawing	18.003.140		22 November 2018
Proposed Drawing	18.003.141		22 November 2018
Proposed Drawing	18.003.142		22 November 2018
Proposed Drawing	18.003.143		22 November 2018
Proposed Drawing	18.003.150	A	10 June 2019
Proposed Drawing	18.003.151	A	10 June 2019
Proposed Drawing	18.003.152	A	10 June 2019
Proposed Drawing	18.003.153		22 November 2018
Proposed Drawing	18.003.160		22 November 2018
Proposed Drawing	18.003.161		22 November 2018
Proposed Drawing	18.003.162		22 November 2018
Proposed Drawing	18.003.163		22 November 2018
Report/Statement	External Lighting Strategy CPW-180758-E-EXT-01	P3	22 November 2018
Report/Statement	Landscape Open Space Strategy	Rev E	10 May 2019
Report/Statement	Design Addendum		11 June 2019
Proposed Drawing	19099-HGP-XX-XX-DR-A-0027	P1	30 September 2021
Proposed Drawing	19099-HGP-XX-XX-DR-A-0028	P1	30 September 2021
Proposed Drawing	19099-HGP-XX-XX-DR-A-0029	P1	30 September 2021
Proposed Drawing	19099-HGP-XX-XX-DR-A-0030	P1	30 September 2021
Proposed Drawing	19099-HGP-XX-XX-DR-A-0031	P1	30 September 2021
Proposed Drawing	19099-HGP-XX-XX-DR-A-0032	P1	30 September 2021
Proposed Drawing	19099-HGP-XX-XX-DR-A-0033	P1	30 September 2021
Proposed Drawing	19099-HGP-XX-XX-DR-A-0034	P1	30 September 2021

Proposed Drawing	19099-HGP-XX-XX-DR-A-0035	P1	30 September 2021
Proposed Drawing	19099-HGP-XX-XX-DR-A-0036	P1	30 September 2021
Proposed Drawing	19099-HGP-XX-XX-DR-A-0037	P1	30 September 2021
Proposed Drawing	19099-HGP-XX-XX-DR-A-0038	P1	30 September 2021
Proposed Drawing	19099-HGP-XX-XX-DR-A-0039	P1	30 September 2021
Proposed Drawing	19099-HGP-XX-XX-DR-A-0040	P1	30 September 2021
Proposed Drawing	19099-HGP-XX-XX-DR-A-0041	P1	30 September 2021
Proposed Drawing	19099-HGP-XX-XX-DR-A-0042	P1	30 September 2021
Proposed Drawing	19099-HGP-XX-XX-DR-A-0043	P1	30 September 2021
Proposed Drawing	19099-HGP-XX-XX-DR-A-0044	P1	30 September 2021
Proposed Drawing	19099-HGP-XX-XX-DR-A-0045	P1	30 September 2021
Arboricultural Report	Tree Survey Schedule		30 September 2021
Proposed Drawing	A-325	P1	13 December 2021
Proposed Drawing	326	C3	13 December 2021

2. Not used
3. Development shall be carried out in accordance with the material details approved under BH2021/00548.  
**Reason:** To ensure a satisfactory appearance to the development and to comply with Policies QD5 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.
4. An example bay study showing full details of windows and their reveals and sills including 1:20 scale elevational drawings and sections shall be submitted to and approved in writing by the Local Planning Authority within three months of the date of the development hereby approved. The works shall be carried out and completed fully in accordance with the approved details and shall be retained as such 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 development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans 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 Policies QD27 of the Brighton & Hove

Local Plan, CP8 of the Brighton & Hove City Plan Part One and WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.

6. The archaeological works shall be carried out in accordance with the details approved under BH2020/00910.  
**Reason:** To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with Policies HE12 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.
7. The archaeological site investigation and post-investigation assessment shall be carried out in accordance with the details approved under BH2021/00294.  
**Reason:** To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with Policies HE12 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.
8. No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any elevation facing a highway.  
**Reason:** To safeguard the appearance of the building and the visual amenities of the locality and to comply with Policy CP12 of the Brighton & Hove City Plan Part One.
9. No tree shown as retained on the approved drawings shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the development phase and thereafter within 5 years from the date of occupation of the building for its permitted use, other than in accordance with the approved plans and particulars or as may be permitted beforehand in writing from the local planning authority. 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.  
**Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area, to provide ecological, environmental and biodiversity benefits and to maximise the quality and usability of open spaces within the development in compliance with Policies QD15 of the Brighton & Hove Local Plan and CP12 and CP13 of the Brighton & Hove City Plan Part One.
10. Prior to occupation of the development hereby permitted, a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be implemented in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. The scheme shall include the following:
  - a. details of all hard and soft surfacing to include type, position, design, dimensions and materials and any sustainable drainage system used;
  - b. a schedule detailing sizes and numbers/densities of all proposed trees/plants including details of tree pit design, use of guards or other

- protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period;
- c. details of all boundary treatments to include type, position, design, dimensions and materials;
  - d. details of all communal food production areas, bed and receptacles;
  - e. details of locations for mulching and composting and/or the provision of communal composting bins.

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.

**Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with Policies QD15 of the Brighton & Hove Local Plan and CP12 and CP13 of the Brighton & Hove City Plan Part One.

11. 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 and CP11 of the Brighton & Hove City Plan Part One.

12. Prior to the first occupation of the development hereby approved, precise details for the formation of the woodland walk including no-dig construction, surface materials and containment shall be submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details.

**Reason:** As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of 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 SPD06: Trees and Development Sites.

13. No works to any trees shall commence (including all preparatory work) until the protection measures identified in the submitted Tree Survey Schedule on drawing nos. PJC/5889/21/B Sheet numbers 1 of 5, 2 of 5, 3 of 5, 4 of 5 and 5 of 5, dated 13 September 2021 and received on the 30 September 2021; are in place and retained throughout the construction process. The fences shall be erected in accordance with British Standard BS5837 (2012) Trees in relation to design, demolition and construction - Recommendations and 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 such fences.

**Reason:** As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of 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 SPD06: Trees and Development Sites.

14. The development shall be implemented in strict accordance with the details of tree protection monitoring and site supervision by a suitably qualified tree specialist approved under BH2020/03500.  
**Reason:** As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of 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 SPD06: Trees and Development Sites.
15. Prior to first occupation/use of the development hereby permitted, details of secure, inclusive and accessible cycle parking facilities for the occupants of, and visitors to, the development 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.  
**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.
16. Prior to the first use/occupation of the development hereby approved a Waste & Recycling Management Plan, which includes, inter alia, details of the types of storage of waste and recycling, types of vehicles used to collect these materials, how collections will take place and the frequency of collections shall be submitted to and approved in writing by the Local Planning Authority. All waste, recycling and their storage and collection activities 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 and the Waste and Minerals Plan for East Sussex, South Downs and Brighton & Hove.
17. The development hereby permitted shall not be occupied until 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 has been 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. Notwithstanding the plans hereby permitted, details of the design of internal streets and spaces shall be submitted to and approved in writing by the Local Planning Authority and the Local Highway Authority within three months of the date of the development hereby approved. The submitted scheme shall -
- A. Include full details, of the following -
    - i. Geometry and layout, including dimensions and visibility splays
    - ii. Pavement constructions and surfacing, kerbs and edge restraints
    - iii. Levels and gradients

- iv. Lighting
  - v. Drainage
  - vi. Street furniture
  - vii. Trees and planting
  - viii. Traffic signs and road markings
- B. Have been developed through engagement with disabled user groups and others who may be negatively impacted by any shared surface and/or level surface proposals;
- i. Be supported by a statement detailing that engagement and steps taken in response, as well as an equality impact assessment.

Thereafter the approved shall be retained for use at all times.

**Reason:** In the interest of highway safety, sustainability, quality design, the historic environment and public amenity and to comply with Policies TR7, TR11, TR12, TR14, TR15, TR18, SU3, SU5, QD1, QD2, QD3, QD14, QD20, QD25, QD26, QD27 and HE6 of the Brighton & Hove Local Plan and SA6, CP7, CP9, CP12, CP13 and CP15 of the City Plan Part One.

19. The development hereby permitted shall not be occupied until the pedestrian crossing points and refuges islands on Coldean Lane, associated dropped kerbs and tactile paving has been installed at the crossing points between Coldean Lane and within the site.

**Reason:** To ensure that suitable footway provision is provided to and from the development and to comply with policies TR7 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One.

20. Notwithstanding the plans hereby approved, prior to commencement of development above ground floor slab level, a car parking management plan shall be submitted to and approved by the Local Planning Authority, such plan to include details of the following -

- Allocation of spaces between different types including, motor-cycles, disabled, car club, and bays with passive and active electric vehicle charging points.
- Allocation of spaces between residents and visitors.
- A scheme for conveying allocations to occupiers of the development.
- A scheme to bring spaces with passive electric car charging points into active service.
- Controls to limit access to and within parking areas, particularly on 'Match Days'.
- A scheme to provide security for users of parking areas.
- A scheme to ensure the safety of pedestrians when vehicles of all kinds are manoeuvring within the car park.

The approved Car Parking Management Plan shall be fully implemented prior to first occupation of the development and thereafter maintained.

**Reason:** To ensure that adequate parking provision is retained and prevent excess overspill onto surrounding streets, and to comply with policy TR7 and TR18 of Brighton & Hove Local Plan policy, policy CP9 of the Brighton and Hove City Council City Plan Part One, and SPD14 Parking Standards.

21. Within three months of the date of first occupation a Travel Plan for the development has been 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.

22. Not used

23. The wheelchair accessible dwelling(s) hereby permitted as detailed on the plans hereby approved 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.

**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.

24. None of the residential units hereby approved shall be occupied until each residential unit built 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 & Hove City Plan Part One.

25. None of the residential units hereby approved shall be occupied until each residential unit built has achieved 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.

26. Prior to first occupation of the development hereby approved, details of the photovoltaic array to the flat roofs of each block shall be submitted to and approved in writing by the Local Planning Authority. The 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.

27. The construction shall be carried out in accordance with the CEMP approved under BH2021/00548.

**Reason:** As this matter is fundamental to the protection of amenity, highway safety and managing waste throughout development works and to comply with



Policies QD27, SU9, SU10 and TR7 of the Brighton & Hove Local Plan, CP8 of the Brighton & Hove City Plan Part One, and WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 and Supplementary Planning Document 03 Construction and Demolition Waste.

28. Access to the flat roofs of the buildings hereby approved shall be for maintenance or emergency purposes only and shall not be accessed for any other purpose.

**Reason:** In order to protect adjoining properties from overlooking and noise disturbance and to comply with Policies QD14 and QD27 of the Brighton & Hove Local Plan.

29. Details of safety systems around the internal perimeter of the flat roof of the buildings hereby approved shall be submitted to and approved in writing by the local planning authority.

**Reason:** To ensure a satisfactory appearance to the development and to comply with Policies HE6 and QD27 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

30. A Site Waste Management Plan shall be submitted to and approved in writing by the Local Planning Authority within three months of the date of the development hereby approved. The development shall be carried out in accordance with the details approved.

**Reason:** To maximise the sustainable management of waste and to minimise the need for landfill capacity and to comply with Policy WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan.

31. Prior to occupation, an updated "lighting design strategy for biodiversity" which takes account of the revised layout hereby approved which includes security of occupants and visitors, shall be submitted to and approved in writing by the local planning authority. The strategy shall show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent sensitive species using their territory or having access to their breeding sites and resting places.

All external lighting shall have:

- i. Zero upward light ratio street lamps that should be 0.0% when installed, and the inclination fixed;
- ii. Colour temperatures of 3000K rather than 4000+;
- iii. Enable dimming options on curfews;
- iv. Follow the approach adopted by Hampshire and West Sussex County Council regarding part night lighting to reduce carbon emissions

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy.

**Reason:** Many species active at night (e.g. bats and badgers) are sensitive to light pollution. The introduction of artificial light might mean such species are disturbed and / or discouraged from using their breeding and resting places, established flyways or foraging areas. Such disturbance can constitute an

offence under relevant wildlife. To comply with Policy CP10 of the Brighton & Hove City Plan Part One.

32. A scheme for the provision of affordable housing as part of the development shall be submitted to and approved in writing by the Local Planning Authority within three months of the date of the development hereby approved. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:
- a. the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 40% of housing units/bed spaces;
  - b. the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
  - c. the arrangements for the transfer of the affordable housing to an affordable housing provider, or the management of the affordable housing (if no RSL involved);
  - d. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

**Reason:** To ensure the development meets the housing needs of the city and to comply with Policy CP20 of the Brighton & Hove City Plan Part One.

33. A drainage strategy detailing the proposed means of foul water disposal and an implementation timetable, shall be submitted to and approved in writing by the Local Planning Authority in consultation with the sewerage undertaker within three months of the date of the development hereby approved. The development shall be carried out in accordance with the approved scheme and timetable.

**Reason:** To ensure adequate foul sewage drainage/treatment is available prior to development commencing and to comply with Policy SU5 of the Brighton & Hove Local Plan.

34. A detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods as per the recommendations of the Sustainable Drainage Report and Flood Risk Assessment received on 22 November 2018 shall be submitted to and approved in writing by the Local Planning Authority within three months of the date of the development hereby approved. The approved drainage system shall be implemented in accordance with the approved detailed design

**Reason:** To ensure that the principles of sustainable drainage are incorporated into this proposal and to comply with Policy SU3 of the Brighton & Hove Local Plan.

35. 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 the development hereby approved and thereafter retained.

**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 SPD11: Nature Conservation and Development.

36. The development hereby permitted shall not be occupied until details showing the type, number, location and timescale for implementation of the compensatory bird boxes has been submitted to and approved in writing by the Local Planning Authority. The scheme shall then be carried out in strict accordance with the approved details and thereafter retained.
- Reason:** To safeguard these protected species from the impact of the development and ensure appropriate integration of new nature conservation and enhancement features in accordance with Policies QD18 of the Brighton & Hove Local Plan and CP10 of the Brighton & Hove City Plan Part One and SPD11: Nature Conservation and Development.
37. An additional dormouse survey is required to ascertain absence or presence and the extent to which they could be affected by the development hereby approved. The findings of the surveys shall be submitted to and approved in writing by the Local Planning Authority within three months of the date of the development hereby approved, and shall include suitable mitigation measures.
- Reason:** The submitted surveys did not meet the minimum effort to have confidence in a negative result. The outcome of the surveys will determine if a license is required. To ensure that any adverse environmental impacts of development are mitigated and compensated and in accordance with Policies QD18 of the Brighton & Hove Local Plan and CP10 of the Brighton & Hove City Plan Part One.
38. The works shall be carried out in accordance with the Biodiversity Method Statement (BMS) approved under BH2021/03024 and shall be retained in that manner thereafter.
- Reason:** To protect habitats and species identified in the ecological surveys from adverse impacts during construction and in accordance with Policies QD16 and QD18 of the Brighton & Hove Local Plan and CP10 of the Brighton & Hove City Plan Part One.
39. The works shall be carried out in accordance with the Ecological Design Strategy (EDS) approved under BH2021/03024 and all features shall be retained in that manner thereafter.
- Reason:** To ensure that any adverse environmental impacts of development are mitigated and compensated and to provide a net gain for biodiversity in accordance with Policies QD18 of the Brighton & Hove Local Plan and CP10 of the Brighton & Hove City Plan Part One.
40. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and approved in writing by, the local planning authority prior to the occupation of the development. The content of the LEMP shall include the following:

- a) description and evaluation of features to be managed;
- b) ecological trends and constraints on site that might influence management;
- c) aims and objectives of management;
- d) appropriate management options for achieving aims and objectives;
- e) prescriptions for management actions, together with a plan of management compartments;
- f) preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- g) details of the body or organisation responsible for implementation of the plan; and
- h) ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plans shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

**Reason:** Biological communities are constantly changing and require positive management to maintain their conservation value. The implementation of a LEMP will ensure the long term management of habitats, species and other biodiversity features and to accord with Policies QD15, QD27, NC3 of the Brighton & Hove Local Plan and CP10 of the Brighton & Hove City Plan Part One.

41. Details of active play and learning equipment to be provided in the equipped area/s of play shall be submitted to and approved in writing by the Local Planning Authority within three months of the date of the development hereby approved. The approved equipment shall be installed before the first occupation of the development or its completion, whichever is sooner.
- Reason:** To ensure the provision of satisfactory equipped area/s of play and for the amenities of the development, in accordance with the provisions of Policies HO5 the Brighton & Hove Local Plan and CP10 of City Plan Part One.
42. A scheme for protecting the proposed dwellings from noise from the A27 and Coldean Lane shall be submitted to and approved by the Local Planning Authority within three months of the date of the development hereby approved. As per the recommendation contained within the Environmental Noise Survey and Acoustic Design Statement Report produced by Hann Tucker Associates (Reference: 25354/ADS1- Rev 3 and dated 13th November 2019), an alternative ventilation scheme which does not require the opening of windows to provide fresh air flow and background ventilation is required. Each unit shall utilise a whole dwelling ventilation scheme incorporating suitable acoustic attenuation. The specification of glazing units shall also be provided.

**Reason:** To safeguard the amenities of the existing properties and future occupiers of the proposed development and to comply with Policies SU10 and QD27 of the Brighton & Hove Local Plan.

43. If notified that the results of further intrusive site testing and site walk over by a geotechnical engineer are such that site remediation is required, then:
- A detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such a scheme shall include nomination of a competent person to oversee the implementation of the works.
  - The development hereby permitted shall not be occupied or brought into use until there has been submitted to the local planning authority a written verification report by a competent person that any remediation scheme required and approved under the provisions of condition 1. has been implemented fully in accordance with the approved details (unless varied with the written agreement of the local planning authority in advance of implementation).
  - Unless otherwise agreed in writing by the local planning authority the verification report shall comprise:
    - a) Built drawings of the implemented scheme;
    - b) Photographs of the remediation works in progress;
    - c) Certificates demonstrating that imported and/or material left in situ is free from contamination.

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

44. The works shall be carried out in accordance with the details approved under BH2021/00808 and the approved system and infrastructure shall be provided as part of the ground and construction works.

**Reason:** To ensure the site is network ready and to comply with the sustainability requirements of Policy CP8 of the Brighton & 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. The applicant is advised that advice regarding permeable and porous hard surfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens' which can be accessed on the DCLG website ([www.communities.gov.uk](http://www.communities.gov.uk)).
3. The applicant is advised to contact the Council's Streetworks Team (permit.admin@brighton-hove.gov.uk 01273 290729) for necessary highway

approval from the Local Highway Authority prior to any works commencing on the adopted highway to satisfy the requirements of the condition.

4. The applicant is advised that accredited energy assessors are those licensed under accreditation schemes approved by the Secretary of State (see Gov.uk website); two bodies currently operate in England: National Energy Services Ltd; and Northgate Public Services. The production of this information is a requirement under Part L1A 2013, paragraph 2.13.
5. The water efficiency standard required under Condition 24 is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.
6. The applicant is advised to consult with the sewerage undertaker to agree a drainage strategy including the proposed means of foul water disposal and an implementation timetable. Please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (tel 0330 303 0119), or [www.southernwater.co.uk](http://www.southernwater.co.uk).
7. The applicant is advised that a formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (tel 0330 303 0119), or [www.southernwater.co.uk](http://www.southernwater.co.uk).
8. The applicant is advised that an agreement with Southern Water, prior to commencement of the development, the measures to be undertaken to divert/protect the public water supply main. Please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (tel 0330 303 0119), or [www.southernwater.co.uk](http://www.southernwater.co.uk).
9. The applicants are advised that badgers may be present on site. Badgers and their setts are protected under the Protection of Badgers Act 1992. It is a criminal offence to kill, injure or take badgers or to interfere with a badger sett. Should a sett be found on site during construction, work should stop immediately and Natural England should be contacted on 0300 060 0300.
10. Under section 1 of the Wildlife and Countryside Act 1981 any person who intentionally injures a wild bird, or damages or destroys the nest of any bird while that nest is in use or being built is guilty of an offence. This means that works to trees with nests in them should be timed to avoid the bird nesting season if possible, generally April to September.

The Wildlife and Countryside Act 1981 (as amended) states that all birds (except those listed in schedule 2 of the Act), their nests and eggs are protected by law. It is an offence to intentionally or recklessly kill, injure or take any wild bird, or damage or destroy the nest of any wild bird whilst it is in use or being built. For this reason tree work should not be undertaken during the nesting season (broadly March to August) unless a survey for nesting birds confirms their absence.

Please note that any approval given to by the Council does not give an exemption from the requirements to comply with the Wildlife and Countryside Act 1981 (as substituted by the Countryside and Rights of Way Act 2000) or any Acts offering protection to wildlife. Of particular note is the protection offered to bats, birds and their nests, whilst being built or in use. Should you require any further information on this subject please contact Natural England on 0300 060 3900 or [enquiries@naturalengland.org.uk](mailto:enquiries@naturalengland.org.uk).

11. Bats are protected under the Wildlife & Countryside Act 1981 and subsequent legislation and it is an offence to deliberately or recklessly disturb them or damage their roosts. Trees should be inspected before any works commence and if the presence of bats is suspected advice will need to be sought from Natural England via the Bat Line on 0845 1300228. Further advice on bats is available from The Bat Conservation Trust (020 7627 2629).

You are advised that a tree has the potential to support roosting bats. Bats and their roosts are legally protected under the Wildlife and Countryside Act 1981 (as amended), the Countryside and Rights of Way Act 2000 and the Conservation (Natural Habitats, etc) Regulations 1994. It is an offence to disturb or harm a bat, or damage, destroy or obstruct any place used by bats for shelter, whether they are present or not. Further advice on bats can be obtained from Natural England on 01476 584800.

12. The applicant is advised that no mechanical excavation is allowed within 3 metres either side of the Southern Gas Networks pipeline. Vehicle crossings over the pipeline should be kept to a minimum and must be crossed at 90 degrees. The crossing will require the agreement of Southern Gas Networks (SGN) and may require design and calculations, as evidence to prove there is minimal added stress to the pipeline. Method statements must be agreed before works commence.

The pipeline is of prime importance to gas supplies of this area. It is essential that the applicant complies with the restrictions detailed below and in the SGN/W1/SW/2 in order to protect plant and equipment and for the safety of the applicant's operatives. A SGN representatives must be contacted before any works commence. Further guidance/restrictions are detailed below:

1. No mechanical excavation is allowed within 3 metres each side of the pipeline.
2. No plant or storage of equipment shall be made within any easement strip.
3. If any metallic pipes or cables are being laid in proximity to gas pipelines then interference testing will be required, the cost of which to be borne

by the promoter of the works. A minimum clearance of 600mm is required.

4. All precautions stated in publication SGN/WI/SW2 (Safe Working in the Vicinity of High Pressure Gas Pipelines) shall be fully complied with in all respects. Acceptance of SGN/WI/SW2 shall be acknowledged by the responsible site person signing and returning the form Appendix A (back page) to the SGN representative contacted in (7).
5. No thrust boring shall take place within 3 meters of the pipeline.
6. All planting within the easement strip should comply with 'Notes for Guidance on Tree Proximity'.
7. Before commencing work on site you must contact SGN's Pipeline Maintenance Section on the number above at least three days before work commences. A Southern Gas Networks representative will then contact you to arrange to visit site. Details of working near to high-pressure gas pipelines can then be discussed.
8. Pipeline sections that are planned and agreed by SGN to be permanently covered (i.e. by road surface) will require a coating survey. SGN will repair any indicated coating defects free of charge. The survey costs will be borne by the promoter of the works. Prior to any surface cover cathodic protection coupons and reference cells will require installation at no cost to SGN.
9. This pipeline is cathodically protected and as such has test cables located in test posts, were these to be lost through this work we would look to you for remedial action at no cost to SGN.
10. Intrusive construction methods will require an agreed method statement prior to work starting.
11. Any extended period of SGN site supervision may incur charges to the applicant. These will be charged based on visiting times, materials and occurrences. The Applicant will be informed when these come into effect and be invoiced direct.
12. Any piling or boreholes within 15 metres of the pipeline may require vibration monitoring. No piling or boreholing must take place within 3 metres of the pipeline.

## **2. SITE LOCATION**

- 2.1. This triangular-shaped application site of approximately 3.38 hectares is located to the north east side of Coldean Lane and noticeably rises up the steep slopes of the coombe toward the cutting of the A27 bypass. The site is contained by mature trees, the remnants of former woodlands. Varley Halls, an existing Halls of Residence for university students, is located downhill to the to the southeast of the site on Chalvington Close. Works in relation to the approved development (see relevant history) commenced 31 May 2021.
- 2.2. The site is not within a conservation area, although the Stanmer Village Conservation Area is located on the other side of the A27 bypass, and does not contain any listed buildings. Despite severance by the A27 bypass, the site remains parts of the Grade II Stanmer Park Registered Historic Park and Garden. The site is designated as Open Space, a Nature Improvement Area



(NIA) and a Local Wildlife Site (LWS) by reason of being a proposed Local Nature Reserve (LNR). Part of the site is also identified as 'Urban Fringe' and it is within a Source Protection Zone and an Archaeological Notification Area.

### **3. RELEVANT HISTORY**

- 3.1. **BH2018/03541:** Erection of 2no seven storey buildings and 4no six storey buildings (including lift overruns) to provide 242no residential dwellings (C3), 162 car parking spaces, 365 cycle parking spaces, new access from Coldean Lane; associated landscaping incorporating areas of play/amenity space/active learning and substations. Approved 23 March 2020

### **4. APPLICATION DESCRIPTION**

- 4.1. Planning permission is sought for the variation of Conditions 1 and 13 of application BH2018/03541 to allow alterations to the following:
- Site access, from a central reservation lane on Coldean Lane for northbound vehicles to turn right into the site to left in only;
  - Elevations in respect of the addition of support posts to all six blocks and a slight reduction in the height of Block A;
  - The removal of 19 further trees, result in changes to the arboricultural documentation; and
  - The updating of outstanding pre-commencement conditions (nos. 4, 18, 30, 32, 33, 34, 37, 41 and 42) because works have commenced on site.

### **5. REPRESENTATIONS**

- 5.1. **Two (2) objections** were received, raising the following concerns:
- Local residents were assured that the treeline along Coldean Land would be protected to act as a visual and safety screen. The proposed removal of another 19 mature trees is an absolute disgrace.
  - Why were the drainage and detailed groundwork information not available at the time of the original report?
  - This poorly planned and poorly executed housing development is turning out to be a vastly different from expected.
  - A valuable wildlife site has now been completely destroyed, healthy trees are being felled and the danger from the continual fast traffic on Coldean Lane is only now being taken seriously.
  - It will be years before the 'early mature' trees can function as mature trees.

### **6. CONSULTATIONS**

- External
- 6.1. **Brighton and Hove Archaeological Society:** Suggestion to contact the County Archaeologist for their recommendations

- 6.2. **County Archaeology:** No significant archaeological remains are likely to be affected by these proposals
- 6.3. **Ecology:** Support, subject to the recommended mitigation being implemented
- 6.4. **South Downs National Park Authority (SDNPA):** The continued intention to provide a pedestrian crossing and refuge is welcomed and, where it is necessary for trees to be removed, replacement planting of a suitable native species mix should be sought elsewhere within the site.
- Internal
- 6.5. **Arboriculture:** A commitment to plant an appropriate amount of compensatory trees through the discharge of the landscaping condition is acceptable given that elm disease and ash dieback has dramatically increased the proposed removals.
- 6.6. **Heritage:** No comments
- 6.7. **Highways:** Recommend approval

## 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. Section 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 Joint Area Action Plan (October 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. RELEVANT POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development  
CP9 Sustainable transport  
CP10 Biodiversity  
CP12 Urban design  
CP13 Public streets and spaces

Brighton & Hove Local Plan (retained policies March 2016)

TR7 Safe Development  
SU3 Water resources and their quality  
QD15 Landscape design  
QD16 Trees and hedgerows  
QD18 Species protection  
QD27 Protection of amenity  
NC3 Local Nature Reserves (LNRs)

Brighton & Hove City Plan Part 2:

Policies in the Proposed Submission City Plan Part 2 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 relevant CPP2 policies considered in determining this application is set out in the Considerations and Assessment section below where applicable.

DM18 - High quality design and places  
DM20 - Protection of Amenity  
DM22 - Landscape Design and Trees  
DM33 - Safe, Sustainable and Active Travel  
DM37 - Green Infrastructure and Nature Conservation  
DM42 - Protecting the Water Environment

Supplementary Planning Documents

SPD06 Trees and Development Sites  
SPD11 Nature Conservation and Development

## **9. CONSIDERATIONS & ASSESSMENT**

9.1. The main considerations in the determination of this application relate to design, trees, landscaping and ecology, neighbouring amenity and highways.

**Design:**

9.2. The design alterations include the addition of support posts to all six blocks and a slight reduction in the height of Block A;

9.3. Support posts are proposed to the two central sets of balconies as well as to the inner sides of the outer-most balconies on the front elevation to all six blocks. To the left side elevation, an additional support post is proposed to the front wrap-around balconies. There are four sets of balconies to the rear elevation and each of them would feature another support post. The balcony

posts are proposed to be steel and painted anthracite grey (RAL 7016) to match the approved posts as well as the window frames and doors. Given that these are required for structural reasons following detailed design following permission being granted and that their design matches the approved support posts, no objections are raised on aesthetic grounds.

- 9.4. There is also proposed to be a slight reduction in the height of the front and rear parapets of Block A. Given this is negligible, no objections are raised.
- 9.5. As such, the proposed alterations would be compliant with City Plan Part One Policy CP12 and emerging Policy DM18 of City Plan Part Two as well as paragraphs 130 and 135 of the NPPF. These mean that developments are visually attractive as a result of good architecture, create places that are safe and their quality is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme.

**Trees, Landscaping and Ecology:**

- 9.6. The approved Arboricultural Impact Assessment (AIA) required the removal of 43 trees largely on the basis of sound arboricultural management and not as a result of the proposed development. The 62 trees proposed to be felled, both as part of this application and as approved, would be a mixture of category B, C and U and it is noted that three of the B category trees have significant folia dieback due to Dutch Elm Disease.
- 9.7. It is also noted that there has been an outbreak of ash dieback, which has decimated trees along the frontage to Coldean Lane. None of these were subject to any kind of protection, by way of a Tree Preservation Order or by condition.
- 9.8. The approved landscaping drawings proposed 200 new trees to be planted given that it had already been anticipated that some additional trees may need to be felled. In this case, due to the revised location of the drainage outfall (discharge point), to facilitate the construction of the bellmouth entrance, conflict with a footpath and parking bays, the external ground having to be cut back to allow the construction of the buildings and trees not being worthy of retention due to existing defects, 19 additional trees will be felled.
- 9.9. 29 trees were felled due to disease previously, four are proposed to be removed as a result of the disease spreading, two are proposed to be removed due to defects and 13 would be removed due to the proposed changes.
- 9.10. Based on a measurement of trees trunks, the 33 trees to be removed have been categorised in terms of their maturity. 5 of these would be young, 1 young to semi mature, 9 semi mature, 1 semi to early mature, 13 early mature and 4 mature.
- 9.11. Condition 10 of BH2018/03541 required a detailed landscaping scheme to include “{i a schedule detailing sizes and numbers/densities of all proposed trees/plants including details of tree pit design, use of guards or other protective measures and confirmation of location, species and sizes, nursery

stock type, supplier and defect period}”. It will therefore be ensured that the developer plants an appropriate amount of compensatory trees through the discharge of this condition. This is considered acceptable on this particular site.

- 9.12. Although the tree loss is regrettable, it is not considered to significantly impact on the agreed ecological mitigation for the site. The drainage run buffer is just over 10m from an inactive outlier badger sett, which was recently closed due to the location of the drainage outfall, and an even greater distance from the main sett badger, which is still active. This is considered acceptable. It should be noted that the Biodiversity Method Statement (BMS), the Ecological Design Strategy (EDS) and Landscape and Ecological Management Plan (LEMP) were updated to account for the badger setts and drainage changes, resulting in the re-discharge of Conditions 38 and 39 (ref. BH2021/03024). An ecologist would oversee the digging of the excavation trenches for the proposed new foul outfall, but it is not safe to hand dig excavations at a depth of 2m. As such, the impact on ecology is considered acceptable.

**Impact on Neighbouring Amenity:**

- 9.13. Paragraph 130 of the NPPF outlines that planning decisions should ensure that developments create places that promote health and well-being, with a high standard of amenity for existing and future users.
- 9.14. It is considered that there would be no material impact on amenity from the proposed changes in line with Local Plan Policies SU10 and QD27 and emerging CPP2 Policy DM20 (which can be given significant weight).

**Impact on Highways:**

- 9.15. The main change is to the site access. This was approved with a central reservation lane on Coldean Lane for northbound vehicles to turn right into the site. Vehicles exiting the site could only turn left towards the south. Following discussions with the Local Highways Authority (LHA), highways safety concerns have been raised in respect of a build-up or tail-back of vehicles heading northbound being created by traffic waiting to turn into the site, and vehicles travelling southbound from the A27 roundabout tending to do so at high speed. The revised site access of left in only is considered to resolve this issue. Vehicles exiting the site could still turn left as well as right now that the central reservation lane is no longer proposed.
- 9.16. It is considered necessary to revise Condition 18 regarding street design on the basis that a Road Safety Audit would not be necessary because the single street within the development is primarily for car park access in a low speed environment, it is not a through route and would not be adopted by the LHA. It is worth noting that a RSA has been undertaken for the works on the existing public (adopted) highway. The retention of the pedestrian island is supported.
- 9.17. All other highways issues can be resolved through a S278 Agreement and therefore the revised proposal would result in an acceptable impact on the local highways network.

## **10. CONCLUSIONS**

- 10.1. The proposal would result in the loss of additional trees, but this can be acceptably mitigated by condition, and an improvement in highways safety to the site entrance and Coldean Lane. No concerns are raised on design, ecology or neighbouring amenity grounds. Therefore, it would be compliant with City Plan Part One Policies CP10, CP12 and CP13, Local Plan Policies QD15 as well as emerging CPP2 Policy DM22. As such, it is considered acceptable to amend these conditions in the manner proposed and this application is recommended for approval.

## **11. EQUALITIES**

- 11.1. None beyond those identified by the original application.

## **12. CLIMATE CHANGE / BIODIVERSITY**

- 12.1. The material issues relating to climate change / biodiversity have already been set out above. This section is for highlighting and bringing together factors which benefit climate change and / or biodiversity.
- 12.2. The proposal results in the removal of an additional 19 trees and therefore there are concerns about the implications for CO2 absorption and ecology from this. However, there is a sound basis for removing these and a condition does provide a means of mitigating against this through securing appropriate replacement tree planting via condition. In addition, the original scheme contained conditions to enhance biodiversity and include sustainable drainage measures, install bird boxes and protect ecology.