



**Brighton & Hove  
City Council**

# **PLANNING COMMITTEE ADDENDUM**

**2.00PM, WEDNESDAY, 6 FEBRUARY 2019**

**COUNCIL CHAMBER, HOVE TOWN HALL**



# ADDENDUM

**ITEM**

**Page**

**101 LATE/ADDITIONAL REPRESENTATIONS LIST**



6<sup>th</sup> February 2019 Planning Committee – Additional Representations

Page	Site Address	Application No.	Comment
41	42 and 43 Park Wall Farm Cottages, Station Approach, Falmer	BH2018/02854	<p><b>Revision to the s106 Heads of Terms:</b>            Bullet Point 6 – To accommodate Sustainable Transport’s comments this should be amended to read: “A Travel Plan, including Delivery and Service Management, a Student Move In/Move Out Strategy and a Residential Travel Information Pack.”</p> <p><b>Amendments to Conditions:</b>            The Conditions will need to be renumbered as there are two Condition 3s but for the moment but the numbering is correct from Condition 5 onwards.</p> <p><b>Condition 3</b> (External Materials): Subsection e) Due to the overlaps with the landscape (Condition 12) and ecology (Condition 13) amend to read “details of propriety green wall system” and introduce an additional subsection to <b>Condition 12</b> to require a schedule of plants to be used in the proprietary green wall system.</p> <p><b>Conditions 9</b> (Arboricultural Method Statement), <b>13</b> (Ecological Development Strategy), <b>25</b> (Construction Environment Management Plan) and <b>26</b> (Waste Management) to be amended to accommodate triggers related to pre-commencement of demolition and pre-commencement construction phases.</p> <p><b>Condition 23</b> (Sound proofing) – revise to read “Other than demolition, no development above ground floor slab level of any part of the development hereby permitted shall take place until details of the soundproofing of the party ceilings, floors and walls between student rooms including communal areas, shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented during the construction phase and before the first occupation of the development hereby approved and shall thereafter be retained.”</p> <p><b>Condition 28</b> (Finished Ground and Floor Levels) – revise to read “Other than demolition, the development hereby permitted shall not commence until full details of proposed ground</p>

			<p>levels (referenced as Ordnance Datum) within the site and on land and buildings adjoining the site by means of spot heights and cross-sections, proposed siting and finished ground floor levels of all buildings and structures, have been submitted to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved level details.”</p> <p><b>Additional Sustainable Transport comments – Page 74.</b>  <b>Disabled Parking:</b> Although the response states that SPD14 requirements have not been met, the applicant has submitted amended plans meeting the requirements.</p> <p><b>Cycle Parking Provision –</b> In response to the consultation response, the applicant submitted revised details to show cycle parking including Sheffield stands and a two-tier racking system that accords with the guidance contained in Manual for Streets and the values recommended in the ‘London Cycle Design Standards’. Condition 14 does not need to be amended nor is there a requirement for an additional condition.</p> <p>The request for a Travel Plan, Student Move In/Move Out Strategy; Delivery and Service Management are to be included with the suggested revisions to Bullet Point 6, Heads of Terms. Condition 17 addressed Delivery &amp; Service Management. Condition 33 requires the submission of a travel plan post 3 months of first occupation.</p>
89	25 Preston Park Avenue, Brighton	BH2018/02536	<p><b>Amended Description:</b>  Demolition of existing garage and erection of three storey rear extension. Conversion of existing house into 6no flats (C3). Erection of 2no two storey dwellinghouses (C3) in rear garden with associated landscaping.</p> <p><b>Additional Conditions:</b>  13. 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.</p>

			<p><b>Reason:</b> 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 &amp; Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.</p> <p>14. The development hereby permitted shall not be occupied until details of secure cycle parking facilities for the occupants of, and visitors to, the development have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.</p> <p><b>Reason:</b> 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 &amp; Hove Local Plan and SPD14: Parking Standards.</p> <p>15. The development hereby permitted shall not be occupied until the extended crossover and access has been constructed.</p> <p><b>Reason:</b> In the interests of highway safety and to comply with policies TR7 of the Brighton &amp; Hove Local Plan and CP9 of the Brighton &amp; Hove City Plan Part One.</p> <p><b>Amended Wording to Condition 11:</b> Notwithstanding the plans hereby permitted, the development hereby permitted shall not be occupied until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out and provided in full in accordance with the approved details prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.</p> <p><b>Reason:</b> To ensure the provision of satisfactory facilities for the storage of refuse and to comply with policy QD27 of the Brighton &amp; Hove Local Plan, policy CP8 of the Brighton &amp; Hove City Plan Part One and Policy WMP3e of the East Sussex, South Downs and Brighton &amp; Hove Waste and Minerals Local Plan Waste and Minerals Plan.</p>
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			<p><b>Additional Sustainable Transport comments:</b></p> <p>Given the lack of level pedestrian access, the new dwellings will not comply with accessible design standards (e.g. BS 8300). People with restricted mobility may be unable to reach them without assistance from others and would therefore be negatively impacted. Committee should therefore satisfy themselves that there is a suitable “objective justification” for this impact.</p> <p>The new dwellings would be further than 45m from the carriageway of Preston Park Avenue. The case officer should therefore satisfy themselves that appropriate means of access for a fire tender is available. It may be that this could be achieved via the private access to no.25 which runs the length of the northern boundary.</p> <p>Notwithstanding the proposed plans, a scheme for refuse and recycling should be secure by condition.</p> <p>The reduction in the proposed level of on-site car parking does not result in any concerns about potential overspill on to nearby roads. This is because parking surveys included in the original submission demonstrate that there is substantial spare capacity to absorb this. However, the hardstanding for the 2 streetfront spaces is wider than the existing crossover. It is therefore recommended that the new/extended crossover condition and informative is attached to secure works to widen this before occupation.</p> <p>A scheme of cycle parking should be secured by condition as the current parking proposed requires re-orientation.</p> <p>The requested sustainable transport contribution will be allocated towards bus stop and pedestrian improvements in the local vicinity, including but not limited to:</p> <ul style="list-style-type: none"><li>○ introducing an accessible kerb at the Surrenden Road South End bus stop; and /or</li><li>○ a scheme to install of dropped kerbs and tactile paving along Preston Park</li></ul>
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			<p>Avenue at pedestrian entry points to Preston Park; and/or</p> <ul style="list-style-type: none"> <li>○ a scheme to level vehicle entrance points to dwellings along the eastern side Preston Park Avenue, including outside of the neighbouring property to the north.</li> </ul> <p><b>Officer Response:</b> The amended / additional conditions shall be added accordingly, as detailed above. The lack of level access to the dwellings to the rear has been addressed within the officer's report.</p> <p><b>Additional Representations:</b> Following a re-consultation to neighbouring occupiers, a further 12 letters of <b>objection</b> have been received raising similar concerns to those already raised within the original consultation. A number of the objections raise concerns that the original concerns have not been addressed within the amended proposal.</p> <p><b>Officer Response:</b> All objections raised are addressed in the committee report.</p>
111	Land at rear of 1-45 Wanderdown Road, Brighton	BH2018/01336	<p><b>Condition 5</b></p> <p><b>Additional Sustainable Transport comments:</b> Condition 5 (parking areas) is generally fine. However, to address concerns that residents/visitors/general public may attempt to park in the access road - potentially obstructing this and the footway in the process - please can you add a line on the end to say that "No motor vehicles shall park/wait except in/on the private driveways and/or garages to each individual dwelling, and the number of vehicles doing so at any time shall not exceed two per dwelling".</p> <p><b>Officer Response:</b> The suggested wording would not be something that would be practicable to enforce by the Local Planning Authority. It should not therefore be added to the condition.</p>

			<p><b>Condition 6(ii)</b> <b>Additional Representation:</b> Condition 6(ii) – Whilst we do not have an issue with the principle of a Construction Environment Management Plan, and indeed this is a fairly standard requirement for any new development, we do however have concern regarding the requirement to commit to comply with separate Environmental Health legislation. This requirement to comply with other regulatory regimes does not satisfy the tests of necessity and relevance to planning, and indeed is explicitly mentioned as such in Planning Practice Guidance (Paragraph: 005 Reference ID: 21a-005-20140306). We therefore request this requirement be removed from Condition 6.</p> <p><b>Additional Sustainable Transport comments:</b> Please can you add the following informative in relation to condition 6:</p> <p><i>A road safety audit in accordance with DMRB GG 119 should be undertaken to evidence the appropriateness of the internal access road scheme and related works on the existing adopted highway. Brighton &amp; Hove City Council in its capacity as Local Highway Authority should be identified as the Overseeing Organisation and Project Sponsor for audit purposes. Any works necessary within the public highway will be subject to an appropriate highway agreement or licence. For further details please contact s278@brighton-hove.gov.uk.</i></p> <p><b>Officer Response:</b> Section 61 of the 1974 Act would require the applicant to provide details of the proposed working times, location, methods, plant and any steps to mitigate noise for each element of the project in advance. This offers the applicant protection from any subsequent action by the local authority under Section 60 or Section 66 of the Control of Pollution Act 1974 or under the Environmental Protection Act 1990 to impose further controls on noise from the site. Parts ((iv) and (v) of the condition would provide the LPA with the details regarding noise and construction times and so there would be no objection to the omission of part (ii) of the condition.</p>
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			<p>No objection to the additional informative.</p> <p><b>Condition 8:</b> <b>Additional Sustainable Transport comments:</b> In condition 8 can you add the words “inter alia” to all the “shall includes...” so we’re not limiting what we require.</p> <p><b>Additional Representation:</b> Condition 8 – This requires the submission and approval of details of junction improvements, specifically including dropped kerb and tactile paving. Again, the principle of this condition is not objected to; however, the onus to deliver specific highway improvement works (such as tactile paving) may not be borne out through the necessary detailed design stage, and as such could lead to an overly engineered means of access not necessary for the scale of this development. We therefore request that specific reference to ‘dropped kerbs and tactile paving’ be removed. The conditions still requires a scheme to be submitted and approved as part of a scheme, however the ‘scheme’ will be fully reflective of the detailed design.</p> <p><b>Officer Response:</b> The comments are generally seeking not to have the condition impose limits on what the scheme may need to provide, albeit through different approaches. Removing the sentence: “<i>The scheme shall also include full details of the junction design and pedestrian crossing treatment, including dropped kerbs and tactile paving</i>” from the condition would not prejudice the Council’s position in what details under the terms of the condition it was willing to accept. From a planning perspective, given the location of the site an over-engineered solution would be likely to raise concerns.</p> <p><b>Condition 9:</b> <b>Additional Sustainable Transport comments:</b></p>
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			<p>In condition 9 can you add reference to the cycle parking facilities consisting of “Sheffield-style stands, which shall be space in accordance with the guidance in the Department for Transport’s “Manual for Streets”.</p> <p><b>Officer Response:</b> There is no need to be overly prescriptive in the condition. An informative stating the following would be sufficient:</p> <p><i>The cycle parking facilities should consist of “Sheffield-style stands, which should be spaced in accordance with the guidance in the Department for Transport’s “Manual for Streets.</i></p> <p><b>Condition 12:</b> <b>Additional Representation:</b> Condition 12 – This requires compliance with other legislative regimes. As noted under condition 6(ii), this requirement to comply with other regulatory regimes does not satisfy the tests of necessity and relevance to planning. The applicant will be required to comply with Building Regulations however it is not for planning to duplicate the requirements of other legislation.</p> <p><b>Officer Response:</b> The LPA is entitled to include conditions relating to housing standards with regard to accessible and adaptable dwellings. Local Plan policy HO13 seeks to ensure houses are accessible. In the absence of factors such as flooding, site topography, or other circumstances which may make a specific site less suitable for M4(2) there is no reason to depart from the stated wording.</p> <p><b>Condition 16:</b> <b>Additional Representation:</b></p>
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			<p>Condition 16 – This condition duplicates, in part, the requirements of condition 4 (means of enclosure) and condition 17 (replacement tree planting). We request that these elements are removed to avoid unnecessary duplication.</p> <p><b>Officer Response:</b> Condition 16 as a whole includes some fundamental requirements with regard to tree planting which help to mitigate the impact of the scheme and make the scheme acceptable. The requirements sought by this condition are not duplications of conditions 4, which removes permitted development rights, or condition 17, which protects existing trees. Condition 16 does include reference for the need to replace trees which die and that only the approved means of enclosure can be erected. However, given that condition 16 relates specifically to the landscaping plan and means of enclosure, it helps any reader of the permission understand the limitations of this important condition without having to cross reference other condition. In the circumstances this is not considered to be unnecessary duplication.</p> <p><b>Conditions 18 &amp; 19:</b> <b>Additional Representation:</b> Condition 18 and 19 – These Arboricultural conditions could be streamlined into a single condition, in particular the requirements of condition 19 are usually contained within an AMS (secured by Condition 18).</p> <p><b>Officer Response:</b> The advice has been sought from the Council’s Arboricultural Officer and the conditions written on the basis of this advice. Accordingly it is not suggested that any changes are made to the wording of the conditions.</p> <p><b>Conditions 20 &amp; 21:</b> We consider these requirements to be disproportionate to the scale of the development for three dwellings. Indeed, we consider that compliance with a streamlined condition 18, as</p>
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			<p>suggested above, would more than adequately secure the protection measures for retained trees on site.</p> <p><b>Officer Response:</b> The advice has been sought from the Council's Arboricultural Officer and the conditions written on the basis of this advice. Accordingly it is not suggested that any changes are made to the wording of the conditions.</p> <p><b>Condition 25:</b> We have already submitted a comprehensive and robust suite of ecological reports, surveys and proposed mitigation measures. We strongly consider this additional level of control to be disproportionate to the scale of development for three dwellings.</p> <p><b>Officer Response:</b> The condition has been imposed following the receipt of the surveys and the subsequent comments of the County Ecologist. The need for an Ecological Design Strategy (EDS) has been identified given the status and location of the site and accordingly it is not recommended that any changes are made to the condition.</p>
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NB. Representations received after midday the Friday before the date of the Committee meeting will not be reported (Sub-Committee resolution of 9 February 2019).