

PLANNING COMMITTEE ADDENDUM 11

2.00PM, WEDNESDAY, 8 JULY 2020

Agendas and minutes are published on the council's website www.brighton-hove.gov.uk. Agendas are available to view five working days prior to the meeting date.

Electronic agendas can also be accessed through our meetings app available through [ModernGov: iOS/Windows/Android](#)

This agenda and all accompanying reports are printed on recycled paper

ADDENDUM

ITEM

Page

Members Questions

Planning Committee 8 July 2020 – Member Questions

<p>Item A: BH2019/01820 19 – 24 Melbourne Street, Brighton</p>		
1	<p>The contribution to affordable housing only appears to be enough to provide off-site affordable housing for one year (6.26). How can this be described as “in perpetuity” (para 1.2)?</p>	<p>For clarity, the affordable housing contribution is a <i>one-off payment</i> which will be used towards the provision of affordable housing elsewhere in the City.</p>
2	<p>On ground, first and second floors Viaduct Lofts, how many living rooms are affected by loss of daylight?</p>	<p>On the ground, first and second floors of Viaduct lofts 3 living rooms are affected by a loss of daylight.</p> <p>Viaduct lofts is sensitive to any development which increases the existing storey height of the application site by two storeys. As such it may be considered that the development has prejudiced the application site. The revised plans are now a ‘mirror development’ of neighbouring Viaduct Lofts opposite. It has been demonstrated that that each respective development is seeking a fair and equitable share of daylight and sunlight.</p>
3	<p>The 5 rooms in the new development that don't meet the average daylight level in winter - how far below it are they?</p>	<p>The co-living bedrooms have been tested against an enhanced Average Daylight Factor of 1.5% (standard for living areas) rather than 1% (standard for bedrooms). There is no formal figure for the Average Daylight Factor for co-living bedrooms.</p> <p>In this regard, 5 x first floor rooms are marginally below the standard set for <i>living areas</i> of 1.5% as follows:</p> <ul style="list-style-type: none"> - Room 5 1.39% - Room 6 1.25% - Room 7 1.26%

		<ul style="list-style-type: none"> - Room 8 1.32% - Room 9 1.46%
4	6.8 ecologist - I can't make sense of the last sentence.	<p>In summary, provided the recommended mitigation measures are implemented, the proposed development can be supported from an ecological perspective.</p> <p>Paragraph 6.8 – recommends the provision of three house sparrow terraces and three <i>bat boxes</i>.</p>
5	Who will live in these co living spaces?	<p>The development is open to anyone other than students. There are examples of people of all ages choosing co-living, including older people basing their choice on circumstance or desire to live in a more communal environment.</p> <p>However, operator data submitted by the applicant shows that >90% of co-living residents will be 25-35 years old, not married, no children yet and maybe saving up to move onto the housing-ladder.</p> <p>The main common denominator tends to be a shared lifestyle and situation for residents: contractual ease, they may be from out of town or recent graduates looking to remain in the City.</p>
6	Have these units been built elsewhere?	<p>Yes, outside of the City. Please refer to the attached document which provides examples and images of approved schemes.</p> <p>Examples exist in Guildford, London, Manchester and Liverpool. The applicant team is working on sites across the nation, London, Birmingham, Manchester, Liverpool, Leeds, Glasgow, Bristol, but also Cambridge, and Bournemouth.</p>
7	How many trees will be lost and what type are they?	<p>4 trees are proposed to be removed. 1 tree was leaning at an unnatural angle onto the existing building and has already been removed as an emergency by the Council. The remaining 3 trees are:</p> <ul style="list-style-type: none"> ▪ 2 sycamore trees – U grade value (unsuitable for retention) in the north-west corner ▪ 1 Elm tree – C1 grade value (low quality), centrally located.

		The s.106 contribution would go towards the provision of 3 semi-mature trees, including an Elm Tree.
8	Any TPO or Elm Trees?	There are no Tree Preservation Orders (TPO's) on the site. 1 Elm tree (C1 grade) is proposed to be removed and replaced within the vicinity of the site.
9	No car parking but are there any parking area on site especially as there are people with learning difficulties and disabled people visiting the gym/community space?	There are 3 existing disabled bays on Melbourne St and a further 1 at the Lewes Road end of Hartington Road, approximately 150m from the site and accessible without crossing a road.
10	Where is the letter from Councillor Powell dated the 24 July?	Apologies, this appears to have been omitted during the transfer and rescheduling of the committee date. Please see letter attached.
11	Why is affordable housing contribution only 120k? Seems odd that the tree contribution is then 64k.	The affordable housing contribution has been recommended and agreed by the Housing Strategy Team. Details of the breakdown is covered in Q. 15. The tree contribution is relatively high as it includes: <ul style="list-style-type: none"> - Planting of 3 x semi-mature tree replacements (including 1 x Elm) - A <i>20-year maintenance</i> programme for existing trees identified in the submitted Tree Protection Plan, which includes circa 20 trees within the tree belt adjacent to the site.
12	Is this kind of co-living residential unit a first for the city or are there others that you know about?	Yes, outside of the City. As noted above in Q.6. Please refer to the attached document which provides examples of approved schemes.
13	How would the owner ensure that they aren't let to students? Would BHCC be able to/have the resources to check on this in the future?	The applicant's aim is to create an environment that attracts professionals looking to live and work in a stimulating environment and therefore consider "letting to students would not offer a good fit commercially". Although details are to be secured through a building management plan, the applicant proposes to manage the site by approximately 4 full time staff. There will be clear house rules as part of the tenancy agreement, monitored and if

		<p>necessary, enforced by the on-site management.</p> <p>Condition 45 would restrict the premises being let to students and states: <i>The living accommodation hereby approved shall be occupied for sui generis residential purposes only as a main residence and shall not be permitted to be occupied by any other form of residential or short stay accommodation within Class C of the 1987 Use Classes Order (as amended) nor as sui generis class student accommodation by occupiers who are <u>in any form</u> of full time education or study.</i></p>
14	Why can some of the units be affordable or take tenants from our list?	<p>Housing Strategy Team concluded that a housing offer would be inappropriate for people on the housing register and a commuted sum payment would be more appropriate.</p> <p>The co-living concept, the tenure and the nature of the units at this development do not lend themselves to nominations from the council's Housing Register.</p>
15	The contribution to affordable seems limited.	<p>A commuted sum contribution towards affordable housing equivalent to 40% of the units. The basis for the commuted sum calculation has been recommended by the Housing Strategy team.</p> <p>The affordable housing commuted sum value breakdown:</p> <ul style="list-style-type: none"> - The difference between the proposed annual rent for the accommodation* and an equivalent annual affordable rent based on the Local Housing Allowance 'room rate' for Brighton & Hove <p>This value will be multiplied to cover 40% of the units in line with Policy CP20.</p> <p>* excluding the value of the additional elements included in the rental payment such as Council Tax, utility bills and gym membership</p>
16	Also roof terrace, how much overlooking is there? Will the noise impact nearby properties?	<p>The overlooking is not significant.</p> <p>On the 4th floor at the western end direct views would be <i>above</i> windows opposite</p>

		<p>on the lower end of Viaduct Lofts.</p> <p>The fifth floor terrace proposed at the eastern end has an outlook directly down the road or towards high level windows to the corner flats in Viaduct Lofts.</p> <p>Other measures to prevent any undue loss of amenity include the following:</p> <ul style="list-style-type: none"> - A landscaping scheme condition has been imposed (condition 35) - The use of the roof terrace is restricted to the hours of 7am-10.00pm Monday-Saturday and 8am-10pm on Sunday (condition 46) - Management of outside amenity areas is to be secured by condition (condition 44- building management plan) to be reviewed by the LPA. <p>The applicant has stated that through their experience of managing similar developments extensive experience shows that “<i>residents exhibit mature behaviour and also tend to socially enforce basic rules of consideration for the well-being of their co-residents and neighbours</i>”.</p>
17	Is this build to rent or buy?	Yes.
<p>Item B: BH2018/01622 295 - 305 Portland Road</p>		
1	Affordable - as it's an outline application, is there provision later at reserved matters for the applicant to argue that the affordable contribution should be reduced?	<p>Yes, if at a later date the applicant does not consider that the scheme could viably support 40% affordable housing then they could put this argument forward in their reserved matters application. The applicant would have to submit a Financial Viability Assessment (FVA) with their submission. The LPA would independently access the information as part of the application and would consider whether such a reduction was justified.</p> <p>Alternatively, the applicant could apply to vary the s106 legal agreement to reduce the level of affordable housing (and again provide a FVA which the LPA would independently review).</p>

		<p>The third option open to an applicant would be to submit a minor material amendment application (section 73) to revise the planning permission (the outline planning permission in this case) and they could put forward an argument for reduced affordable housing provision at this stage (The submission of a FVA would be required).</p>
2	<p>Was there a particular use proposed for the D1 medical/health component which has now been removed, and was it something that's needed in the area? E.g. a GP surgery</p>	<p>There was no specific use suggested for the D1 use.</p> <p>We did contact the NHS Care Commissioning Group (CCG) in respect of potential use as a doctor's surgery. They commented that the current trend was for larger scale surgeries and as such they did not consider the proposed unit appropriate. Comment below:</p> <p><i>CCGs do not commission surgeries as such. General Practices are independent contractors and as such may have conversations with developers to which we are not party. Having said that, the small scale of the development makes it unlikely that such discussions were being held – the trend is now for larger scale practices (such as Trinity, which is very nearby) where a wider range of services can be offered and are more attractive in terms of recruitment for the prospective workforce.</i></p>
3	<p>At reserved matters, will we be constrained by our acceptance now of an indicative number of units? I say this as there are concerns about single-aspect deep north-facing units. It's difficult to tell right now if the number of units is okay or not, because we aren't evaluating internal plans.</p>	<p>The planning permission is for up to 47 residential units and up to 1650sqm of office (B1) floorspace within the building envelope (height, footprint) shown.</p> <p>Whilst this planning permission would not secure the internal layouts the illustrative layouts have been submitted to show how 47 units and the proposed commercial space might be accommodated and allow the LPA to make an informed assessment of the application.</p> <p>The officer recommendation has been informed by the illustrative layouts.</p> <p>Whilst members are not approving internal layouts they will be assessing whether</p>

		they consider the quantum of development proposed could be acceptability accommodated within the building envelope proposed. Members should consider the illustrative layout plans as an aid to their assessment of the application.
Item C BH2020/00895 Palmer & Harvey House		
1	Why has the Applicant not provided a Tall Building Statement?	A tall building statement was submitted 2 nd June 2020 and is available to view on the Planning Register. The 3D visualisation within the officer presentation is taken from the statement. The statement is referenced within the Planning Policy comment section of the officer report.
Items E & F BH2020/00961 & BH2020/00962 Nile House		
1	What is the main difference with this application and the two previous ones refused?	<p>This application follows on from the refusal of applications BH2019/02864 and BH2019/02865 which was refused on heritage/design grounds.</p> <p>The design approach for the current scheme has sought to minimise the visual impact of the proposed roof extension on the surrounding townscape of the Old Town conservation area.</p> <p>The current scheme has set the footprint of the extension back further at the western end of the roof and has removed the previously deeply overhanging canopy, leaving an appropriately simpler roof form at the end. The roof terrace area has been significantly reduced in size and set back from the western edge. The roof to the listed building on the corner (16 Prince Albert Street) would no longer be extended upwards at an angle to create a tall parapet. The cumulative effect of these changes from the refused scheme mean that the roof extension would not be an intrusive or incongruous feature and its visibility would be much</p>

		<p>reduced, not visible at all or barely visible (detailed in the officer report).</p> <p>The proposal measures a net internal area of 304sqm B1 office space compared to 309sqm for the previous scheme.</p> <p>Additional slides have been added to the Committee Presentation to show a visual comparison between the current scheme and the previously refused scheme.</p>
<p>Item G BH2019/03387 126 Church Road</p>		
1	Should there not have been an enforcement with the unauthorised work to the shop front?	There is an ongoing enforcement investigation into the site including the change of use and the shopfront (ENF2018/00056) – this investigation is pending on the outcome of this planning application.
2	Will they put back the traditional shopfront features?	Some traditional features have already been retained (such as the recessed entranceways). Condition 2 requires the submission and implementation of further traditional shopfront joinery features.
3	There seems to be a problem with the extractor fan to the rear.	Is this referring to noise? Conditions 4 and 5 require noise levels of plant and machinery to be controlled to within acceptable levels.