

10th July 2019 Planning Committee – Additional Representations

Page	Site Address	Application No.	Comment
1	Sackville Trading Estate	BH2018/03697	<p>Councillors O’Quinn and Allcock have submitted a joint representation <u>objecting</u> to the application.</p> <p>Councillor Bagaen has submitted a representation <u>objecting</u> to the application.</p> <p>Both representations are attached.</p> <p>Eight (8) further representations have been received <u>objecting</u> to the application on a number of grounds.</p> <p>No new grounds of objection have been raised that have not been previously set out and assessed within the Officer’s Report to Committee.</p> <p><u>Further submission from applicant</u> The applicant has submitted a further statement (8 July) titled, ‘Moda Response to Committee Report’ which sets out the key benefits and positive impacts which the proposals would deliver. This will be added to the public Planning Register and does not raise any new information to the scheme’s consideration.</p> <p>Alterations to Heads of Terms for Affordable Housing, s278 and Travel Plans</p> <p>Revised wording below:</p> <p style="text-align: center;"><u>Affordable housing:</u></p> <ul style="list-style-type: none"> • Provision of 10% affordable housing units on site based on rent levels 75% of market level • Provision of 9 x studios, 20 x 1-bed, 26 x 2-bed and 3 x 3-bed

			<p>affordable housing mix. The location of these affordable units may vary over time within the scheme however the reduced rent levels and overall mix of sizes shall remain the same. At least 6 of the affordable units will be to wheelchair accessible standard (initially - as location may change over time)</p> <ul style="list-style-type: none">• Affordable housing units to be secured in perpetuity and inclusion of a 'clawback' mechanism arrangement to contribute to alternative affordable housing provision based on values of the specific units at that particular time,• Provision of Affordable Housing Management Plan and Marketing and Lettings Plan, to be agreed with the Council with priority for local people / essential local workers / wheelchair or disabled users• Restriction of a set service charge for affordable tenants (for example to secure as a percentage maximum ceiling on gross income of affordable housing tenants)• Provision of Annual Statement, confirming approach to letting of affordable units and identifying how overall 10% level, range of sizes, rent levels are maintained and other relevant information• Viability Review (clawback) mechanism to reappraise the viability of the scheme at an agreed later date / trigger. Review would allow for an update to costs and values initially assessed at application stage once additional details regarding actual rents / values and other costs have been established. <p><u>Sustainable Transport and Highways:</u></p> <p><u>Sustainable Transport Contribution</u></p> <ul style="list-style-type: none">• A contribution of £457,550 to be allocated towards the following
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			<p>works and initiatives.</p> <ul style="list-style-type: none">• A scheme to introduce early start facilities for cyclists at the junction of Neville Rd, Old Shoreham Rd and Sackville Rd, as well as related minor changes to traffic islands to improve safety for cyclists and reduce capacity issues.• A scheme to declutter and resurface/upgrade footways and introduce seating within the areas surrounding the above junction, to improve its attractive as the nearest local centre for residents of the development and thereby reduce the need for travel; and/or• A scheme to improve signalised junctions south of the development on Sackville Rd, including amongst other things the potential implementation of a SCOOT or other linked control system, to improve journey times by public transport and sustainable modes.• A scheme to improve pedestrian amenity and accessibility along Clarendon Rd, to enhance connection between the development and Hove Station; and/o a scheme to improve child pedestrian and cyclist safety to one or more local schools from the development; and/or• A scheme to improve pedestrian accessibility and amenity from the development to local shopping centres on New Church Rd and Portland Rd and cyclist safety to one or more local schools from the development; and/or• Introducing additional BTN Bike Share stations in the wider area around the development; and/or• Providing on-street cycle parking hangars to streets within the Artists Corner and Clarendon Rd areas; and/or A lighting and amenity/appearance improvement scheme for the railway bridge over Sackville Rd south of its junction with Prinsep Rd to improve
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pedestrian comfort and amenity. This may also be partly funded by artistic contributions

Note that this is a reduced figure from the £617,550 that would otherwise be due as £160,000 worth may be provided as S278 highways works in lieu – though note that that does not represent a cap on the value of those highway works.

S278 Highway Works

- No development to occur above slab level until a scheme setting out the following highway works has been submitted to the Council as Local Highway Authority and been approved by them in writing. Triggers for completion of highway works listed below will be agreed with reference to an approved final phasing plan and programme of development on-site:
- Relocating existing bus stops on Sackville Rd to be closer to the site (and/or providing additional stops close to the site)
- Improving facilities at nearby bus stops on Sackville Rd and Old Shoreham Rd through the introduction of new shelters, accessible kerbs and real time information displays.
- Providing a crossing between bus stops on Sackville Rd to improve access from the development
- Amending the site access junction at Sackville Rd/Poynter Rd to tie in with proposed internal changes and increase suitability for use by cyclists, including by

			<p>providing improved right-turn facilities for cyclists approaching the site from the south and better conditions for cyclists passing through the junction from the north – the latter to be achieved by removing or revising the existing left turn slip lane.</p> <ul style="list-style-type: none">▪ Alterations to Sackville Rd to improve traffic flow to the junction with Old Shoreham Rd and to address related comfort and journey delay issues for cyclists and buses.▪ Resurfacing/upgrading the eastern footway of Sackville Rd between the junctions with Old Shoreham Rd and Clarendon Rd, and introducing seating opportunities, to improve pedestrian accessibility and amenity.▪ Resurfacing/upgrading of footways and pedestrian accessibility improvements to the western side of Sackville Rd and associated junctions between the closest bus stop to the development and the related new crossing, including to the area of the bus stop itself.▪ (If the stop is retained in its existing position) introducing a bus border build-out with accessible kerb to the existing bus stop on the eastern footway of Sackville Rd outside the Young People’s Hall, and relocating the existing bus shelter and real time information display to this, to reduce the obstruction to pedestrian access posed by those items of street furniture whilst reducing delay to bus services.
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			<p><u>Other</u></p> <ul style="list-style-type: none">▪ AiP for any changes to the retaining wall and structure abutting the eastern footway of Sackville Rd.○ 3 no. serviced off-site car club bays to be provided in the following streets triggered by occupation of 50% of the BTR accommodation and 60% of the B1 office floorspace, whichever comes first:<ul style="list-style-type: none">▪ 2 bays to be provided on one or more of: Leighton Rd, Frith Rd, Poynter Rd, Landseer Rd or Prinsep Rd.▪ 1 to be provided on one or more of: Park View Rd, Orchard Gardens, Orchard Ave, Orchard Rd.○ 2 no. serviced on-site car club bays and vehicles to be provided prior to first occupation of the development.○ Provision of a BTN bike share hub for 20 cycles within the development site along the Sackville Rd frontage, for use by occupants and the public.○ A Permissive Path Agreement to permit public access to all publically accessible areas of the site, including street facing thresholds, residential core entrances and public amenity areas.○ A Walkways Agreement to permit public access and use of the external lift in the south-west corner of the site, abutting Sackville Rd.○ Fees for the Highway Authority's time checking the conditioned Street Design proposals for internal streets and spaces and related actions like road safety audit.
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			<p><u>Travel Plans</u></p> <ul style="list-style-type: none"> ○ (The following measures are applicable across all individual uses) ○ Establishing a Bicycle User Group (to meet every 2 months) for residents and employees which can cover the entire site. This should be subsidised for the duration of the Plan to provide – <ul style="list-style-type: none"> ▪ ‘Bike buddy’ services to other residents/workers thinking of taking up cycling ▪ To hold several social rides per year, including an allowance for refreshments. ▪ 2 or more ‘Doctor Bike’ sessions per year with both a direct repair and a teaching element. ○ The Bicycle User Group should also be consulted when reviewing the Travel Plan and in relation to ongoing operational management of cycle parking facilities. The latter role should continue beyond the life span of the Plan. ○ Providing maintenance stands together with pumps and basic maintenance and repair tools within the cycle stores for resident and employee use. ○ Providing formal cyclist training to residents and employees on request, to be marketed throughout the development. ○ Providing and maintaining a notice board in a prominent communal location containing information on the following: <ul style="list-style-type: none"> ▪ road safety ▪ local sustainable travel options, ▪ Travel Plan objectives, targets, measures and progress
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			<ul style="list-style-type: none">▪ Bicycle User Group▪ initiatives being promoted by residents and employees, the Travel Plan Coordinator and the Bicycle User Group relating to any of the above▪ initiatives being promoted by Brighton & Hove City Council relating to any of the above, as may be sent by the City Council from time to time. <p>(For the C2 Care Home Travel Plan)</p> <ul style="list-style-type: none">○ Providing a Travel Pack to each new resident (or their lead family member/carer), which shall include information on local options for sustainable transport, the other measures and offers below, and road safety.○ Providing those residents who do not already qualify for free bus travel (or their lead family member/carer) with 1 or more years of free or heavily subsidised tickets/memberships for each of the following local public and shared transport services<ul style="list-style-type: none">▪ Local buses and/or train services;▪ BTN Bike Share; and○ Providing residents (or their lead family member/carer) with a voucher, available on request, of ≥£150 to go towards the cost of purchasing a bicycle, which may be an electric bicycle.○ Providing information on sustainable transport options and the other measures and offers above in all marketing material (including any on-line).
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			<p>(For the C3 Residential Travel Plan)</p> <ul style="list-style-type: none">○ Providing a Travel Pack to each new resident, which shall include information on local options for sustainable transport, the other measures and offers below, and road safety.○ Offer residents 1 or more years of free or heavily subsidised tickets/memberships for each of the following local public and shared transport services -<ul style="list-style-type: none">▪ Local buses and/or train services;▪ BTN Bike Share; and▪ Enterprise Car Club○ Providing residents a voucher, available on request, of ≥£150 to go towards the cost of purchasing a bicycle, which may be an e-bicycle.○ Providing information on sustainable transport options and the other measures and offers above in all marketing material (including any on-line).○ Providing information packs to each resident including information on local options for sustainable transport, the other measures and offers above, and road safety.○ Providing a Travel Pack to each new employee, which shall include information on local options for sustainable transport for travel to work and work-related travel, the other measures and offers below, and road safety. <p>(For the A1-3 Retail, D1/2 and MODA Management Suite Travel Plan)</p> <ul style="list-style-type: none">● Providing a Travel Pack to each new employee, which shall include information on local options for sustainable transport for travel to
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			<p>work and work-related travel, the other measures and offers below, and road safety.</p> <ul style="list-style-type: none"> • Providing interest-free loans to employees for the purchase of bus and rail season tickets and bicycle purchase. This may be in the format of a salary advance. • Offering annually to each employee and where accepted providing a personalised travel planning service. • Offering annually to each employee and where accepted providing formal cycle training. <p>(For the B1 Office Travel Plan)</p> <ul style="list-style-type: none"> • Providing a Travel Pack to each new employee, which shall include information on local options for sustainable transport for travel to work and work-related travel, the other measures and offers below, and road safety. • Providing interest-free loans to employees for the purchase of bus and rail season tickets and bicycle purchase. This may be in the format of a salary advance. • Offering annually to each employee and where accepted providing a personalised travel planning service. • Offering annually to each employee and where accepted providing formal cycle training. <p>Reason for changes <u>Affordable Housing</u> In respect of the 4th bullet point the word ‘eligibility criteria’ has been removed as the Council cannot specifically nominate for BTR affordable housing. In respect of the 7th bullet point relating to the review mechanism, this has been</p>
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revised to remove wording that set out the percentage of affordable housing / rent percentages as this is already set out elsewhere in the Heads of Terms and as such is not necessary.

Section 278

The need for a phasing plan has been added which will set out triggers for delivery.

Travel Plans

Minor revisions agreed by the Highway Authority.

Revised conditions:

Condition 13

Notwithstanding the plans hereby permitted, the parking areas for motor vehicles set out in the tables below shall be available for use prior to occupation within each development parcel and the number of car parking spaces within these shall not be above or below any stated maximums and minimums, as applicable. Details of spaces (including numbers and types), allocations (to uses and users), circulation, signing and lining including the marking out of disabled bays, car club bays and electric charging bays and pedestrian and vehicular access ways shall have been submitted to the Local Planning Authority and approved by them prior to the car parks and parking areas being brought into use, and the number, type and allocation of spaces in the submission shall be in accordance with the tables below.

Parking Area within Development	Number of motor vehicle parking spaces	
	Minimum (where relevant)	Maximum (where relevant)
Development Parcel 01: ground floor undercroft	19	N/A

				Development Parcel 03.B: undercroft	36	141
				On-site surface parking	56	132
				Total within whole development	107	292
			The minimum figures shall be as follows:			
				Land-use and user	Number of motor vehicle parking across all parking areas in the table above	
					Minimum, all spaces (where relevant)	Minimum, disabled user parking spaces (where relevant)
				C2 Residents		5% of total
				C2 Staff	25	
				C2 Visitors		
				C3 Residents		5% of total
				C3 Visitors	23	
				B1 Staff & Visitors	44	5% of total
				A1/A2/A3 Staff & Visitors	9	5% of total
				D1/2 Staff & Visitors	4	5% of total
				Car club	2	
			Reason: To ensure that adequate parking provision is retained and prevent excess overspill onto surrounding streets, and to comply with policies TR7 and TR18 of Brighton & Hove Local Plan policy, policies QD27 and CP9 of the Brighton and Hove City Council City Plan Part One, and SPD14 Parking Standards.			

			<p>Condition 14 Notwithstanding the plans hereby approved, prior to first occupation, a car parking management plan shall be submitted to and approved by the Local Planning Authority, such plan to include details of the following</p> <ul style="list-style-type: none">• The allocation of car parking spaces between land-uses, users, bay types and locations within the development• 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• A scheme to provide security for users of parking areas. <p>The approved Car Parking Management Plan shall be fully implemented within each development parcel prior to first occupation of that phase of the development and thereafter maintained.</p> <p>Reason: To ensure that adequate parking provision is retained for all types of users, To encourage travel by more sustainable means and seek measures which reduce fuel use and greenhouse gas emissions and prevent excess overspill onto surrounding streets, and to comply with policy TR18 of Brighton & Hove Local Plan policy TR18 of the Brighton & Hove City Council Local Plan, CP9 of the Brighton and Hove City Council City Plan Part One and SPD14 Parking Standards.</p> <p>Condition 15 Notwithstanding the plans hereby permitted and prior to first occupation/use within each development parcel 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 within each development parcel 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>
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			<p>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.</p> <p>Condition 16 Notwithstanding the submitted plans, prior to first occupation/use of the B1 accommodation within each development parcel hereby permitted, details of secure cycle parking facilities and showers and changing facilities for the occupants of, and visitors to, the B1 office space hereby permitted 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 B1 office floorspace within each development parcel and shall thereafter be retained for use at all times.</p> <p>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.</p> <p>Condition 18 Notwithstanding the plans hereby permitted, prior to commencement of the proposed development above ground floor slab level, full details of electric vehicle charging points within the proposed car park hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of each development parcel within the development hereby permitted and shall thereafter be retained for use at all times.</p> <p>Reason: To encourage travel by more sustainable means and seek measures which reduce fuel use and greenhouse gas emissions and to comply with policies SA6, CP7, CP9, CP12, CP13 and CP15 of the City Plan Part One and SPD14 Parking Standards.</p> <p>Condition 19</p>
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			<p>Notwithstanding the plans hereby permitted, no development above ground floor slab level shall commence within each development parcel until details of the design of internal streets and spaces have been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall -</p> <ul style="list-style-type: none">• Include full details, of the following - Geometry and layout, including dimensions and visibility splays Pavement constructions and surfacing, kerbs and edge restraints Levels and gradients Lighting Drainage Street furniture Trees and planting Traffic signs and road markings;• 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;• Be supported by a statement detailing that engagement and steps taken in response, as well as an equality impact assessment; and• Have completed a road safety audit up to stage 2, with the Highway Authority acting as Overseeing Organisation. <p>Prior to first occupation within each development parcel of the development -</p> <ul style="list-style-type: none">• the scheme shall be implemented in full as approved; and• a stage 3 road safety audit, with the Highway Authority acting as overseeing organisation, shall be completed and any actions from this shall be implemented, such actions may include amendments to the approved scheme <p>Thereafter the approved scheme within each development parcel (as may be amended owing to stage 3 road safety audit actions) shall be retained for use at all times.</p> <p>Reason: In the interest of highway safety, sustainability, quality design, the and</p>
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public amenity and to comply with policies TR7, TR14 and QD27 of the Brighton & Hove Local Plan and SA6, CP7, CP9, CP12 and CP13 of the City Plan Part One.

Condition 20

Notwithstanding the plans hereby permitted, no external doors within any building shall open outwards, other than as an emergency means of escape or if requested by a statutory utility organisation.

Reason: In the interests of pedestrian safety and equality and to ensure compliance with Brighton & Hove Local Plan policy TR7 and Brighton & Hove City Plan Part One policy CP12.

Condition 21

The wheelchair accessible dwelling(s) hereby permitted as detailed on the approved drawings shall be completed in compliance with Building Regulations Optional Requirement M4(3)(2b) (wheelchair user dwellings) prior to first occupation within each development parcel 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 within each development parcel 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.

Condition 27

No customers of the hereby permitted commercial units (A1/A3/D1/D2) shall remain on the premises outside the hours of 07.00 to 23.00. No activity associated with the operation of the A1/A3/D1/D2 uses within the site shall take place between the hours of 23.30 and 06.30 daily.

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

Condition 31

All separating walls and floors between the residential units and commercial floorspace, plant rooms, recycling and refuse stores and vehicle and cycle parking areas shall be designed to achieve a sound insulation value of 5dB better than that required by Approved Document E of the building regulations performance standards for airborne and impact noise. Written details of the scheme, including calculations/specification of how this standard will be achieved, shall be submitted to and agreed by the Local Planning Authority prior to occupation.

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

Condition 32

No development parcel of the development hereby permitted containing either A3 or C2 uses with a commercial kitchen shall be first occupied until a scheme for the fitting of odour control equipment (to include the sound insulation of the odour control equipment) to the specific unit(s) has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the first occupation of the development and shall thereafter be retained as such.

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

Condition 33

To be omitted.

Condition 35

35. No parcel of the development hereby permitted shall be first occupied until
i) details of external lighting for that parcel, which shall include details of; levels

			<p>of luminance, hours of use, siting, predictions of both horizontal illuminance across the site and vertical illuminance affecting immediately adjacent receptors, hours of operation and details of maintenance have been submitted to and approved in writing by the Local Planning Authority.</p> <p>ii) the predicted illuminance levels have been tested by a competent person to ensure that the illuminance levels agreed in part 1 are achieved. Where these levels have not been met, a report shall demonstrate what measures have been taken to reduce the levels to those agreed in part i).</p> <p>iii) The submitted details should clearly demonstrate 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.</p> <p>The lighting installation shall comply with the recommendations of the Institution of Lighting Professionals (ILP) e.g. Guidance On Undertaking Environmental Lighting Impact Assessments. A report and certification on completion, from a competent person shall be submitted to show the lighting installation complies with the guidance. The external lighting shall be installed, operated and maintained in accordance with the approved details and thereafter retained.</p> <p>Reason: To safeguard the amenities of the occupiers of adjoining properties and to protect light sensitive bio-diversity and to comply with policies QD25 and QD27 of the Brighton & Hove Local Plan and policy CP10 of the Brighton and Hove City Plan.</p> <p>Condition 40</p> <p>If during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority), shall be carried out until a method statement identifying and assessing the risk and proposing remediation measures, together with a programme for such works, shall be submitted to and approved in writing by the Local Planning Authority. The remediation measures shall be carried out as approved and in accordance with the approved programme.</p> <p>Reason: To safeguard the health of future residents or occupiers of the site from unidentified contamination and to ensure that the development does not contribute</p>
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to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution or risk to public health from previously unidentified contamination sources at the development site and to comply with policies and SU3 and SU11 of the Brighton & Hove Local Plan and the terms of paragraph 170 of the National Planning Policy Framework.

Condition 41

Prior to the commencement of development, other than demolition and works to trees, within any development parcel hereby permitted an Acoustic Report which shall include an Acoustic Design Statement shall be submitted to and approved in writing by the Local Planning Authority. The mitigation measures and design features required for the users of the site and those living and working nearby are to be outlined in detail, in accordance with BS8233. WHO standards and ProPG guidance should be used to design acceptable internal noise levels in all habitable rooms for both day and night. The approved scheme for each development parcel shall be implemented prior to occupation of any of the development within that development parcel and shall be permanently retained thereafter. Prior to occupation of each development parcel details shall be submitted to the Local Planning Authority certifying that the agreed noise mitigation measures have been achieved and installed.

Reason: To protect the amenity of future residential and commercial occupiers of the development and also to protect the amenity nearby residents, in accordance with policies SU10 and QD27 of the Brighton & Hove Local Plan.

Condition 42

Prior to completion and occupation of each development parcel, details of all plant and machinery incorporated within that development parcel and the noise associated with it shall be submitted to and approved in writing by the Local Planning Authority. Noise associated with plant and machinery shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the

			<p>nearest existing noise sensitive premises, shall not exceed the representative background noise level. Rating Level and existing representative background noise levels to be determined as per the guidance provided in BS 4142:2014. In addition, there should be no significant adverse impacts from low frequency noise.</p> <p>Reason: To safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.</p> <p>Condition 43 Prior to the first occupation of development parcel 01 hereby permitted a Noise Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall set out how noise will be managed throughout the site, including details of the management of the communal external amenity spaces, including roof terraces, smoking arrangements for commercial operations and management of on-site events.</p> <p>Reason: To protect the amenity of future residential and commercial occupiers of the development and also to protect the amenity nearby residents, in accordance with polices SU10 and QD27 of the Brighton & Hove Local Plan.</p> <p>Condition 44 Prior to the first occupation of each development parcel (02a, 02b 02c, 03a and 03b) hereby permitted a Noise Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall set out how noise will be managed throughout the site, including details of the management of the communal external amenity spaces, including roof terraces, smoking arrangements for commercial operations and management of on-site events.</p> <p>Reason: To protect the amenity of future residential and commercial occupiers of the development and also to protect the amenity nearby residents, in accordance with polices SU10 and QD27 of the Brighton & Hove Local Plan.</p> <p>Condition 53</p>
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			<p>The development within each development parcel hereby permitted shall not be occupied until details showing the type, number, location and timescale for implementation of the compensatory bird, bat and insect bricks / boxes has been submitted to and approved in writing by the Local Planning Authority. The scheme for each development parcel shall then be carried out in strict accordance with the approved details prior to occupation and thereafter retained.</p> <p>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.</p> <p>Condition 54 No development above ground floor slab for any development parcel shall take place until an example bay study showing full details of window(s) and their reveals and cills and the commercial ground floor frontages including 1:20 scale elevational drawings and sections for the development hereby permitted in that development parcel have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details for each parcel and shall be retained as such thereafter.</p> <p>Reason: To ensure a satisfactory appearance to the development and to comply with policy CP12 of the Brighton & Hove City Plan Part One.</p> <p>Condition 56 All boiler flues shall have vertical termination above roof.</p> <p>Reason: To safeguard the amenities of the local residents and minimise air pollution and to comply with policies SU9 and QD27 of the Brighton & Hove Local Plan and policy CP8 of the Brighton & Hove City Plan Part One.</p> <p>Condition 57 No more than 75 percent of the build to rent residential units hereby permitted shall</p>
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be occupied prior to the completion of all of the B1 floorspace and the 10 live/work units. **Reason:** To safeguard the supply of office floorspace in the city given the identified shortage and to comply with policies CP3 and DA6 of Brighton & Hove City Plan Part One.

Condition 58

Prior to occupation of any development parcel of the development hereby permitted a wind mitigation scheme within each development parcel outlining specific landscaping and screening to ensure a safe and comfortable use of the public realm and the external amenity areas shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the safety and amenity of future occupiers and comply with policy QD27 of the Brighton and Hove Local Plan.

Condition 59

Prior to occupation of any development parcel of the development hereby permitted a Scheme for Crime Prevention Measures for the development within that parcel shall be submitted to and approved in writing by the Local Planning Authority. The agreed crime prevention measures shall be implemented and retained within the development thereafter.

Reason: In the interests of crime prevention, to comply with policy CP12 of the Brighton and Hove City Plan Part One.

Reason for changes to Conditions

The wording of the above conditions has been altered either to add 'development parcel' rather than 'parcel' or add 'development parcel' where it was absent to ensure clarity and achieve a consistent approach throughout and to allow parcels to come forward independently. In addition further alterations are set out below.

			<p>Condition 33 has been amalgamated into condition 32 and has been removed.</p> <p>In Condition 57, the percentage of residential occupation has been increased from 50% to 75% to allow the BTR scheme to come forward in line with the indicative phasing plan starting with the south of the site.</p> <p>Conditions 31, 32, 35, 39, 41 and 42 have had minor alterations to the language after discussion with the Environmental Health Officer.</p> <p>Condition 27 – ‘No activity associated with the operation of the A1/A3/D1/D2 uses within the site shall take place between the hours of 23.30 and 06.30 daily.’ This has been revised from 23.00 and 07.00 to allow occupiers to be able to set up / close down these uses before and after customers arrive / leave.</p>
137	Land to East of Coldean Lane	BH2018/03541	<p>Heads of Terms / S106 Addition of requirement for Permissive Path Agreement</p> <p>S106 Contributions The Agent has pointed out that this is a 100% affordable scheme, 50% of which is as per the National Planning Policy Framework of ‘Affordable’. The remaining 50% is still affordable but presented as such to secure funding.</p> <p>Against this scenario, the Agent has indicated that they are prepared to offer S106 contributions up to £1M on a 50% Affordable Scheme which is 10% above the Policy requirement. This is a significant improvement on the initial position of zero contributions and needs to be seen in the light of an overall 100% affordable housing provision.</p> <p>Additional information has been requested regarding the monetary sum and its allocations in respect of the Heads of Terms. A verbal update will be provided at Planning Committee.</p>

			<p>Agent Pre-Commencement Conditions Response Agent has been contacted regarding pre-commencement conditions. Responses will be updated verbally. Initial requests are for the removal of Condition 37 - Dormouse Survey as additional information to be submitted and for a rewording of Condition 44 on future proofing for provision/linkage to a communal heating system.</p> <p>Proposed revised wording to Condition 44:</p> <p>“Prior to the commencement of the development hereby approved, detailed plans are to be submitted to and approved by the local planning authority to demonstrate how the scheme will be able to connect to any future decentralised energy scheme, should one become available. Specifically these plans shall include details of below ground works which will be implemented within the scheme to ensure that appropriate piping routes are available and safeguarded to enable future connections from Coldean Lane, and demonstrate where connections will be made into the blocks including where space is left available in designated plant rooms for future heat exchanger installation or similar.</p> <p>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.</p> <p>Additional Condition: Window setback – Solar Shade Prior to the commencement of development, excluding slab level, a detailed section at a scale of 1:5 through the window frame and reveal to show the setback depth shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details.</p> <p>Reason: To create shade and reduce solar overheating and to accord with policy CP8 of Brighton City Plan Part One.</p> <p>Amendment to Condition 10: Landscaping Details Amend (d) to read as follows:</p>
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			<p>'details of all communal food production areas, <u>allotments, beds</u> and receptacles'</p> <p>Additional Neighbour Letters: One (1) further letter of objection has been submitted. Grounds of objection are similar to those raised before but add:</p> <ul style="list-style-type: none"> - Flats will be bought by landlords and rented out - Instead of building on green fields, what about Brighton General Hospital Site? - Important Green Corridor - Traffic measures and parking arrangements are completely unacceptable <p>E-Petition A total of 822 signatures are currently recorded on the petition. This is an increase of 174 since the writing of the committee report.</p> <p>Consultee Comments on Amended Scheme:</p> <p>Conservation Officer: <u>Object</u> Previous comments remain unchanged as only comparatively minor amendments that do not significantly address heritage concerns.</p> <p>Policy: <u>Support on Balance</u> Previous position unchanged.</p> <p>South Downs National Park Authority: <u>Object</u> Although noting the changes, retain previous objection in full.</p> <p>County Ecologist: Agents lodged a Dormouse Survey and comments are awaited. Verbal update to be provided.</p> <p>County Landscape Architect: <u>Supports</u></p>
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			<ul style="list-style-type: none"> • Subject to imposition of conditions including mitigation measures and appropriate design details for external works and planting schemes. • Buildings would follow natural contours, set into the slope, helping to reduce potential impact. • Revised schemes goes some way to address concerns raised by various organisations including the SDNP and Sussex Gardens Trust. • Allows more views through the development to open space and woodland beyond • Improves permeability • Helps mitigate landscape and visual impact. • Reduced height of block E will further mitigate the impact • Revised photomontages provide a more realistic image of the proposed finished materials • Choice of materials would help to integrate buildings into the downland setting • Landscape and open space strategy generally supported with some exceptions to detailed planting. • Makes comments regarding various species of trees not to be included. • Costs issues for green walls and roofs noted but some consideration should be given to green roofs on for example D, E and F which would be visible from above. • Overall conclusions that the proposed development would not have an unacceptable impact on local landscape character and views. <p>Sustainability Consultant: Comments have been received in respect of the amended scheme. A number of recommended conditions have been put forward, many of which area already covered by conditions in the report and/or are covered by other legislation such as the Building Regulations.</p> <p>Officer Response: GSHP or troughs and ASHP (communal or individual) would be difficult to</p>
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			<p>accommodate given the topography of the site, its ecological value and appearance. The lack of green roofs and green walls has been accepted by the County Landscape Architect due to costs of installation and maintenance. The provision of additional technologies including GSHP, ASHP and Green Roofs would add to construction costs and affect the delivery of a 100% affordable housing scheme.</p> <p>With reference to overheating controls, the mechanism of providing solar shading would cause a material change to the external appearance of the building and would require a further planning application. It is suggested that a condition be imposed to seek the set back of the window frames deep into the reveal to create a degree of shadow and shade but also acknowledging that this is a balance between good sunlight/daylight provision.</p> <p>The provision of additional growing areas can be part of the existing landscape condition.</p>
273	239 - 243 Kingsway Hove	BH2018/00937	<p>Additional comments from Highway Authority: Recommendation to approve, subject to outlined conditions and obligations.</p> <p>Officer Response: The additional comments are noted and are mostly covered by the recommended conditions within the report.</p> <p>Additional condition in relation to Highway Authority comments:</p> <p>28. The new/extended crossovers and accesses shall be constructed prior to the first occupation of the development hereby permitted.</p> <p>Reason: In the interests of highway safety and to comply with policies TR7 of the Brighton & Hove Local Plan and SA6, CP7, CP9, CP12, CP13 and CP15 of the City Plan Part One.</p> <p>Additional informative in relation to Highway Authority comments:</p>

			<p>6. The planning permission granted includes vehicle crossovers which require alterations and amendments to areas of the public highway. All necessary costs including any necessary amendments to a Traffic Regulation Order (TRO), the appropriate license and application fees for the crossing and any costs associated with the movement of any existing street furniture will have to be funded by the applicant. Although these works are approved in principle by the Highway Authority, no permission is hereby granted to carry out these works until all necessary and appropriate design details have been submitted and agreed. The crossover is required to be constructed under licence from the Highway Authority. The applicant must contact the Council's Streetworks Team (permit.admin@brighton-hove.gov.uk 01273 290729) for further information at their earliest convenience to avoid any delay and prior to any works commencing on the adopted (public) highway.</p> <p>Additional Condition:</p> <p>27. No development above ground floor slab level of any part of the development hereby permitted shall take place until full details of the external materials and finishes of the east elevation of no.245 Kingsway have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.</p> <p>Reason: To ensure a satisfactory appearance to the development and to comply with policies QD14 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.</p>
433	26 Brentwood Crescent	BH2019/01050	<p>Additional letter of <u>objection</u> received from neighbour raising the new grounds of objection:</p> <ul style="list-style-type: none"> - A restricted covenant exists on the site - The application would infringe property rights over the shared driveway - A number of new addresses identified as HMO's within the vicinity <p>Officer Response:</p>

			<p>These additional objections are noted. The council has looked into the additional neighbouring addresses provided and no HMO licence or planning history can be found for any of the properties identified.</p> <p>Condition 4 replaced and to read: Notwithstanding the approved plans, 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>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.</p>
483	126 Wolesley Road	BH2019/00315	Councillor Hill letter of objection is attached

NB. Representations received after midday the Friday before the date of the Committee meeting will not be reported (Sub-Committee resolution of 23 February 2005).

