

Subject:	50 Heath Hill Avenue, Brighton, Request to vary Unilateral Undertaking in connection with planning permission BH2014/00331.		
Date of Meeting:	5 May 2021		
Report of:	Executive Lead Officer – Strategy Governance & Law		
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Ward(s) affected:	Moulsecoomb and Bevendean		

1. PURPOSE OF THE REPORT

- 1.1 To consider a request to vary the Heads of Terms of the Unilateral Undertaking dated 20th April 2015 in connection with planning permission BH2014/00331 to allow for removal for the removal of the requirement to provide a replacement doctor's surgery.

2. RECOMMENDATION

- 2.1 That the S106 Head of Terms be amended in order to remove the requirement for a replacement doctor's surgery to be provided.

3. BACKGROUND INFORMATION

- 3.1 Permission was granted at appeal on 21 May 2015 for the following development:

***BH2014/00331** (50 Heath Hill Avenue, Brighton) - Application for variation of condition 2 of application BH2012/03818 (Demolition of existing surgery and residential accommodation and erection of new surgery and student accommodation comprising of 19 rooms) to permit internal alterations and changes to fenestration to increase accommodation to 24 rooms.*

- 3.2 The granting of permission was subject to a Unilateral Undertaking agreement containing the following Head of Term (amongst others) as set out in the original Committee Report:

- Provision of a temporary replacement doctor's surgery

- 3.3 The original application (**BH2012/03818**) for the demolition of the doctor's surgery and the erection of a new Purpose-Built Student Accommodation (PBSA) building containing 19 student rooms was allowed at appeal in November 2013. A later application (**BH2014/00331**) was submitted to alter the

earlier permission by way of increasing the number of rooms to 24. As set out above, this application was refused at committee but later allowed at appeal.

- 3.4 The permission was part implemented in November 2016 with the demolition of the pre-existing doctor's surgery so the permission remains extant. No further works have taken place since and the site is currently vacant.
- 3.5 The applicant sought agreement from members in February 2021 to vary the Heads of Terms to remove the requirement to replace the doctor's surgery, and to remove the requirement of the PBSA to be managed by either the University of Brighton or Sussex, and to be occupied by students of each respective university.
- 3.6 Members refused the requested variation relating to the occupation and management of the PBSA on the basis that insufficient evidence had been provided to demonstrate that part 6 of Policy CP21 could be complied with. No objections were raised to the request to remove the requirement for a replacement doctor's surgery to be provided.
- 3.7 This request exclusively seeks for the removal of the requirement for a replacement doctor's surgery to be provided.

4. PROPOSAL

- 4.1 The developer wrote to the Council on 18 March 2021 seeking to amend the Unilateral Undertaking in order to remove the requirement for a temporary replacement doctor's surgery to be provided in association with application **BH2014/00331**.

5. COMMENT

- 5.1 The developer has provided additional evidence in order to justify the amendments to the wording of the legal agreement. As set out above, the developer seeks to remove Clause 3; the requirement for a replacement doctor's surgery within the vicinity of the site, following demolition of the surgery.
- 5.2 The developer's covering letter indicates that the demolition of the surgery has had no apparent detrimental impact to the running of existing surgeries within the area and therefore this requirement is no longer necessary.
- 5.3 A letter from the Clinical Commissioning Group (CCG) has been provided which indicates that the closure of the surgery has not resulted in a dispersal pressures as this area of the city is well serviced by GP practices and branch surgeries. Furthermore, the CCG letter confirms that there is no demand for an

additional surgery at this site and there are no plans to commission additional health services in the vicinity of the site.

- 5.4 Given the fact that the surgery has been demolished for over four years with no harmful impact of the surrounding area, the removal of the requirement for a temporary replacement surgery is considered acceptable.
- 5.5 Based on the points set out above, the removal of clause 3 is considered acceptable and would accord with the priorities of policy HO20 of the Brighton and Hove Local Plan.

6. BACKGROUND DOCUMENTS

Planning Applications **BH2014/00331** and **BH2012/03818**.

Appeal Decision **APP/Q1445/A/13/2200971 (BH2012/03818)**.

Appeal Decision **APP/Q1445/W/14/3001891 (BH2014/00331)**.

