

22 May 2024 Planning Committee – Additional Representations

Page	Site Address	Application No.	Comment
P9	Gas Works, Marina Way	BH2021/00477	<p>Change to Heads of Terms</p> <p>Affordable housing:</p> <ul style="list-style-type: none"> o Prior to implementation <u>(exclusive of any demolition, site preparation or enabling works)</u> of the development the applicant shall use reasonable endeavours to enter into a contract with a Registered Provider (RP) with sufficient grant funding to acquire 40% of the total dwellings on the site which will be provided as affordable housing by the RP. o The applicant shall use reasonable endeavours to ensure that the contract provides for the affordable housing to be provided is in broad alignment with the Council's target mix and tenure split. <u>the mix set out in paragraph 9.42 of the committee report</u> <p>Officer Comment: Implementation has been defined, to be the same as set out in the conditions – and to be agreed by condition 4 of the report.</p> <p>It has also been clarified that the affordable housing mix and tenure split should broadly align with the tenure split and mix that has been set out in the applicant's submission (and is supported by the Council's Strategic Housing & Development Team.</p>
16			<p>Additional Representation Received</p> <p>One (1) additional objection has been received– no new issues have been raised.</p>
22			<p>Four (4) additional representations of support have been received, including one from Sovereign Network Group (Housing Association).</p>

			<ul style="list-style-type: none"> - An additional point has been raised setting out that the council has under provided housing for over a decade, so housing schemes such as this should be supported. <p>The representation from Sovereign Network Group sets out that they have been working closely with the applicant and support the housing mix, tenure, distribution and integration of the affordable housing within the proposed masterplan. The s106 head of terms have been drafted to allow the affordable housing to be secured as additionality. SNG are a long-standing strategic partner of Homes England and eligible for funding for the delivery of affordable housing in the Southeast.</p>
Updates in Committee Report			
P11			<p>Paragraph 2.2</p> <p>The northeastern part of the site is occupied by two redundant gasholders, with the frame of one still in situ. Directly to the south of the gasholders are several small buildings that contain operational gas equipment and accordingly there remain low and, medium and high-pressure gas mains underneath parts of the Site.</p> <p>Officer Comment: there are no high-pressure gas mains underneath parts of the Site.</p>
P38			<p>Paragraph 6.100</p> <p>Since the planning policy comments were made the SHLAA has been updated (2023 SHLAA - April 2024) and the Council's housing position has worsened.</p> <p>Recent figures (2022 <u>2023</u> SHLAA) show a five-year shortfall of 7,714 <u>7,786</u> dwellings (4.8 <u>1.7</u> years of housing supply).</p>
P55			<p>Paragraph 9.85</p> <p>To clarify that the re-use of flints will be throughout the wider development and not the front</p>

			<p>boundary walls to the townhouses.</p> <p>Some of the flints are proposed to be reused in front boundary walls and the <u>Some of the flints are proposed to be reused throughout the wider development.</u> A condition securing a landscaping scheme will require a visual marker of the historic wall which will help to signpost the siting of the historic boundary.</p>
P30 and p59			<p>Paragraph 9.114 and 6.41</p> <p>72% of combined living areas (living/kitchen/dining rooms and studios) hit the highest target for kitchens of 200 lux. 85% of combined living areas (living/kitchen/dining rooms and studios)</p> <p>These figures should be updated to the following:</p> <p>74% of combined living areas (living/kitchen/dining rooms and studios) hit the highest target for kitchens of 200 lux. 88% of combined living areas (living/kitchen/dining rooms and studios)</p>
P61			<p>Paragraph 9.130</p> <p>It is a measure of sunlight <u>daylight</u> falling on a vertical plane (i.e. a window) from an overcast sky.</p>
P76			<p>9.248 – Additional paragraph for clarity:</p> <p><u>The Heads of Terms set out the site-specific contributions and obligations that are to be sought to make the scheme acceptable within a s106 Agreement. These include, amongst other things, public art, local employment and training measures and highways works.</u></p> <p><u>However, most infrastructure (education, health, parks, sport and leisure and sustainable transport etc) is now either funded through the Community Infrastructure Levy (CIL), or other funding streams</u></p>

			<p><u>outside of the planning process and as such specific contributions relating to these cannot lawfully be secured for these through individual planning applications. This site is 'nil-CIL rated' but this has been determined separately through the planning policy process so cannot be taken into account in deciding this application.</u></p> <p><u>The city has an Infrastructure Delivery Plan (IDP). CIL is part of the funding mechanism for this plan. The plan is updated over time as the needs of the city changes in respect of infrastructure.</u></p> <p><u>It is noted that the Sussex NHS Commissioners sought a contribution towards health infrastructure, though noting a new facility would not be warranted. However, contributions can only be secured where they are directly related to the development or necessary to make the development acceptable in planning terms. Financial contributions for health are not required in accordance with the council's technical guidance on contributions. Funding for GP facilities, which allows for population growth is already set out within the council's IDP so secured through CIL. If there were a future funding deficit the council could consider whether it was appropriate to use monies from the wider CIL pot for any shortcomings.</u></p>
Changes to Conditions			
			<p>Condition 6</p> <p>Prior to the commencement of the development hereby permitted, a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing the establishment of a Community Liaison Group to include representation from the applicant and site contractor, the Council and local residents. The scheme shall include provision for:</p> <ul style="list-style-type: none"> i) The appointment of a chairperson, ii) The appointment of a liaison representative from the developer or their appointee, and any relevant contractors and their contact details; iii) A community complaints procedure; iv) The production, approval and publication of minutes of Community Liaison Group meetings;

			<p>v) Details of how the group will operate, including its terms of reference, and frequency of meetings; and,</p> <p>vi) An implementation programme.</p> <p>Thereafter, the scheme shall be implemented and adhered to in accordance with the approved details throughout the lifetime of the <u>construction of the</u> development.</p> <p>Officer comment: Change to remove contractors from ii) as the applicant is ultimately responsible. Add 'lifetime of the construction of the development' to clarify it is only for the duration of the construction period.</p>
			<p>Condition 25</p> <p>Notwithstanding the details on the drawings hereby approved, full details of screening and / or planting to protect the amenity of any residential occupiers with private terraces fronting onto the residential podium gardens for each phase of the development shall be submitted and approved by the Local Planning Authority <u>prior to first occupation of the relevant phase of development.</u> The screening and / or planting shall be installed prior to first occupation of each phase and shall thereafter be retained.</p> <p>Officer comment: amendment to add a trigger point for the submission of information.</p>
			<p>Condition 39:</p> <p>39. Prior to first occupation of any non-residential unit hereby permitted within use class E(b) a scheme for the control of fumes, smells and odours has been <u>shall be</u> submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in strict accordance with the approved details prior to first occupation of that <u>non-residential unit</u> phase of the development, and shall thereafter be retained as such.</p> <p>Officer comment: amendment to clarify the condition seeks to protect residential users, not other uses.</p>

			<p>Condition 40: Prior to first occupation of any commercial unit which would include a fitness, gym, sport or health club use a separate acoustic report shall be carried out and submitted to and approved by the Local Planning Authority. The assessment shall make specific reference to both airborne and impact noise, and vibration as described in ProPG (Gym Acoustics Guidance-GAG dated March 2023). Specific attention shall be made to the criteria stated within Table 2 and the accompanying notes within the ProPG (GAG) dated March 2023. The report shall include reference to baseline acoustic testing between the premises/property <u>and the nearest identified sensitive receptor to</u> inform detailed acoustic design works for the fit out of each of the units. Any required mitigation measures shall be implemented prior to occupation <u>of that commercial unit</u>. Operation of the use shall be carried out in strict accordance with the approved details which shall thereafter be maintained.</p> <p>Officer comment: updated for clarity/precision.</p>
			<p>Condition 44.</p> <p>Within three months of first completion of any phase of the development hereby permitted, a Marketing Strategy for the commercial units shall be submitted to and agreed in writing by the Local Planning Authority. The Marketing Strategy shall include as a minimum,</p> <ul style="list-style-type: none">i) Details of the proposed sales particulars, including information such as site location, size of units, site description, specifications and costs, including services and any other charges.ii) Details of when and for how long active marketing will commence and end.iii) Details of the channels of marketing to be used.iv) Details of the commercial agents to be used and any draft letter of instruction,v) Details of how marketing will target local, regional and national occupiers,vi) Evidence that marketing rentals reflect current market trends. <p>The marketing of the commercial units shall be carried out for each phase in accordance with the agreed Marketing Strategy, <u>unless otherwise agreed in advance and in writing by the local planning authority</u>.</p> <p>Officer Comment: flexibility required to reflect minor changes to market conditions over time with this phased developed.</p>

		<p>Condition 46. The dwelling(s) hereby approved shall be implemented in strict accordance with the internal layouts detailed on the approved floorplans received on 1 December 2023 unless otherwise agreed in writing by the Local Planning Authority. The internal layouts shall be retained as first implemented thereafter.</p> <p>Officer Comment: to be deleted as not considered to meet the tests for conditions including being necessary, reasonable, and enforceable on a development of this scale with numerous owners/tenants.</p>
		<p>Condition 47. A minimum of 2,000sqm of the commercial floorspace hereby permitted, including all of the floorspace within the four units within the area annotated as 'The Yard' shall be used solely as office, research and development or light industrial space (Use Class E(g) (i), (ii) and (iii)) only and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification), No change of use of the Use Class (g)(i), (ii), and (iii) floorspace shall occur without planning permission obtained <u>agreement in advance and in writing from the Local Planning Authority.</u></p> <p>Officer Comment: additional clarity required, and flexibility to ensure commercial use of the site is not unduly fettered.</p>
		<p>Condition 55. No installation of electronic communications apparatus as provided for within Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification) shall be carried out without planning permission obtained from <u>the prior written consent of</u> the Local Planning Authority.</p> <p>Officer Comment: unduly restrictive, particularly if telecoms installations are replacements or</p>

			required in an emergency.
			<p>Informative 13: The applicant is advised that work must not commence on the public highway until a Section 278 Agreement has been completed and a start date has been agreed with Streetworks following technical approval of the detailed design by the City Council. Both the detailed scheme and any associated Traffic Regulation Orders (TROs) must be approved to the satisfaction of the Highway Authority prior to the commencement of any development. Thereafter, before first occupation of the proposed development, a Section 278 (of the Highways Act 1980) Agreement to implement the scheme shall be agreed with the Highway Authority and the scheme completed to its satisfaction. The approved scheme shall be implemented prior to first occupation of the development.</p> <p>Officer Comment: unduly detailed wording that should be secured through the S278 agreement rather than used in an informative.</p>