

4 September 2024 Planning Committee – Additional Representations

Item & Page #	Site Address	Application No.	Comment
Item A, page 58	Patcham Court Farm, Vale Avenue	BH2022/02232	<p>15 more objections received. Additional issues raised:</p> <ul style="list-style-type: none"> - Electric vehicles are a potential fire hazard and burn at higher temperature than regular petrol vehicles. They are also more polluting when they burn. Royal Mail fleet vehicles could pose a safety hazard and a risk to the ground water. - July 2024 parking survey is inaccurate and does not include all areas subject to gas works. <p>Officer response:</p> <p><u>Electric vehicles</u></p> <p>Vehicle safety issues including combustibility are not something that can be dealt with through the planning process. Both the provision of EV charging points and matters of fire safety are issues that would be considered, if necessary, in a future application under the Building Regulations rather than this planning application. If the Environment Agency or any consultee considered carparking on the site to pose a risk to the aquifer or otherwise through cars catching fire, they could have raised that in their response and could have required mitigation measures if necessary. This has not been raised in any consultee response as a risk that needs to be taken into account.</p> <p>While it is a matter for vehicle safety regulation, there appears to be no clear data suggesting EV vehicles are more susceptible to catching fire and numerous studies suggest that the likelihood is actually lower for EV vehicles than petrol/diesel vehicles. There are however numerous benefits of EV vehicles in terms of reducing air pollution and the reliance on fossil fuels so the Local Planning Authority will not be recommending that the Royal Mail use more petrol-based vehicles for their fleet.</p>

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			<p>With respect to any impact on the groundwater below the site as a result of an EV fire, this issue has been raised with the applicant who has responded as follows:</p> <p><i>“The concern about EV vehicle fires is noted. However, it is not considered a threat to water pollution. The impermeable membrane is located under the hardstanding areas which would provide the direct protection from damage. Even in soft landscaping areas, the membrane is not expected to be impacted by any surface fires. For reference, in the unlikely event of fire, the area would be inspected and repairs to all damaged areas undertaken.”</i></p> <p><u>Parking survey July 2024</u></p> <p>It should be noted that the July 2024 survey was undertaken in response to concerns that the March survey was not suitably robust due to ongoing gas works in the area. However, the Local Highway Authority is satisfied that the gas works did not have a significant impact on the results of the March parking survey as set out in their response to this issue received on 14 August 2024. Therefore, whilst the issues with the July parking survey are noted and acknowledged, they do not change the Local Highway Authority’s view that there is sufficient capacity on local roads to accommodate the predicted levels of parking overspill resulting from the development.</p> <p>Objection from the Campaign to Protect Rural England (CPRE) on the following grounds:</p> <ul style="list-style-type: none"> - Negative impact on biodiversity with a loss of trees and other habitat and failure to provide onsite Biodiversity Net Gain

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			<ul style="list-style-type: none"> - Negative impact on setting of the South Downs National Park (SDNP) and risk of light pollution further damaging status of SDNP International Dark Sky Reserve - Risk to water environment given siting of development in relation to local aquifer - Risk of contribution to flooding <p>Officer response: No new issues beyond those already set out in the Officer Report have been raised by the CPRE and these issues are all addressed in the report.</p>
Item A, Page 60	Patcham Court Farm, Vale Avenue	BH2022/02232	<p>Objection from Caroline Lucas (former MP): It was noted that her objection letter referred to in the Officer Report also made reference to the Brighton Water Corporation Act 1924 but this was not referenced in the Officer Report. In her objection Caroline Lucas stated amongst other things:</p> <p><i>'I believe the motivation for the Act being introduced, and its wording, means that the local authority has an additional legal duty when considering the future use of this land. Given the specific sensitivities of the site, I question whether it is acceptable for the local authority to give consideration to a planning application which falls outside of its allocated use classification in the City Plan.'</i></p> <p>Officer Response: The Brighton Water Corporation Act 1924 and its motivation are not material planning considerations but the potential impact on groundwater is a material planning consideration and has been considered as part of the assessment of the planning application.</p>

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Item A, page 60	Patcham Court Farm, Vale Avenue	BH2022/02232	<p>Objection from Sian Berry (now MP) in June 2024 prior to becoming an MP, with the issues raised summarised below:</p> <ul style="list-style-type: none"> - Proposed development is an inappropriate use of this land and is not supported by the NPPF of the City Plan. - Risks to the water supply and proposal conflicts with historical laws to protect water supply. - Unacceptable transport impacts to surrounding roads and risks to health from air pollution. The air quality report is not robust and does not use sufficiently up to date data. - Concerns that Royal Mail will not comply with conditions, a number of which are unenforceable. <p>Officer Response: Issues regarding the use of land and risks to water supply have previously been raised and are addressed in the Officer Report.</p> <p>In respect of air quality issues, the comments are noted but the Council's Air Quality Officer has worked with the applicant to ensure the report is sufficiently robust and has raised no objection to the proposal.</p> <p>All conditions have been carefully considered and drafted by the Local Planning Authority and other relevant consultees to ensure that they are reasonable and enforceable (and meet the other requirements for conditions).</p>
Item A, page 74	Patcham Court Farm, Vale Avenue	BH2022/02232	<p>Amendment required to Paragraph 9.26 as the assessment of the heritage impact of the proposal when weighed against the public benefits (in accordance with paragraph 208 of the NPPF) is considered at paragraph 10.3, as follows:</p>

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			<p>“The vehicular access to the site has been located in the south-west corner which helps to reduce the visibility of the proposed building and associated parking from Church Hill and Patcham Conservation Area. However, the existing trees along the front of the site would need to be removed to enable an accessible path and steps. As noted above, they will be replaced with a 74 landscaped belt, but less substantial so likely to allow glimpses of the proposed development between the trees. Nevertheless, it is considered that views of the proposed development from the Conservation Area would be largely screened. and the visual impact of the building and car parking area is not considered so harmful as to warrant a refusal of planning permission on these grounds, particularly given what is already on site, and the site allocation for commercial use.”</p>
Item A, Page 77	Patcham Court Farm, Vale Avenue	BH2022/02232	<p>Correction required of paragraph 9.39:</p> <p>“The quietest period in respect of background noise is between 3am and 4am so any noise during this period has potential to have a detrimental impact on the nearest neighbours. During this period it is anticipated that one HGV would depart the site (having arrived between 2 and 3am) and it has been calculated that the noise associated with this vehicle at the most sensitive location (134 Vale Avenue) would <u>be 40dB (LAeq 15 min) which would only still not exceed</u> the background noise level of <u>39dB (LA90, 15 min) by 40-1dB</u>. However, this would only be subject to planning conditions ensuring, amongst other things, the approval and compliance with a delivery management plan which includes maintenance, vehicle types, speed limits and driving training.”</p>
Item A, Page 90	Patcham Court Farm, Vale Avenue	BH2022/02232	Correction required of paragraph 10.8:

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			<p>“Whilst the proposal would result in a clear loss of biodiversity on the site, through various on-site ecological measures and off-site provision, a 10% biodiversity net gain can be achieved on-site.”</p>
Item B, Page 100	Court Farm King George VI Avenue Hove	BH2022/03483	<p>Eleven additional representations have been received <u>objecting</u> to the proposal.</p> <p>Officer response: No new issues raised beyond those already addressed in the Officer Report.</p>
Item C, Page 152	76 - 79 And 80 Buckingham Road, Brighton	BH2022/02361	<p>Comments from the Flood Risk Officer have been received confirming they raise <u>no objections</u> to the application and noting the following:</p> <p>“The risk of flooding from all sources is minimal. Although the site is in a conveyance zone, it doesn’t look like the development will change the characteristics of the site regarding this. Therefore, it seems unlikely that there will be a significant risk of flooding to this development.”</p>
Item F, page 207	Land Adjoining the Farriers, 24G Hythe Road, Brighton	BH2024/00309	<p>Comments from the Transport Team have been received confirming they raise <u>no objections</u> to the application. They confirm there is level access to the site; the cycle storage is acceptable; there is enough space for a car on the driveway without overhanging the highway; and the increase in trips generated would be minimal and not a reason to object.</p> <p>Officer response: These points are covered in the Officer Report.</p>