

<u>No:</u>	BH2024/02729	<u>Ward:</u>	Whitehawk & Marina Ward
<u>App Type:</u>	Removal or Variation of Condition		
<u>Address:</u>	Royal Sussex County Hospital Eastern Road Brighton BN2 5BE		
<u>Proposal:</u>	Application to vary Conditions 1 (Approved Drawings), 3 (Plant Noise Levels), 26 (Surface Water Drainage Details, Stage 1), 40 (Acoustic Survey, Stage 2), 42 (Foul Water Disposal, Stage 2), 43 (Water Infrastructure Scheme, Stage 2), 44 (Surface Water Drainage Details, Stage 2) and 56 (Acoustic Survey, Stage 3) and remove Conditions 8 (Car Parking Numbers), 41 (Rainwater Recycling Scheme, Stage 2 Roof Terrace) and 47 (Level 6 Roof Terrace, Public Use) of planning permission BH2021/03056. (Part Retrospective) (The application includes an Environmental Impact Assessment)		
<u>Officer:</u>	Ben Daines,	<u>Valid Date:</u>	04.11.2024
<u>Con Area:</u>		<u>Expiry Date:</u>	24.02.2025
<u>Listed Building Grade:</u>	Not Applicable	<u>EOT:</u>	
<u>Agent:</u>	BDP 16 Brewhouse Yard Clerkenwell E17 7QB		
<u>Applicant:</u>	University Hospitals Sussex NHS Foundation Trust C/o BDP 16 Brewhouse Yard Clerkenwell E17 7QB		

1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to be **MINDED TO GRANT** planning permission subject to a Deed of Variation to the S106 agreement for planning permission BH2011/02886 (as amended by BH2021/03056), and the following Conditions and Informatives as set out hereunder **SAVE THAT** should the Deed of Variation not be completed on or before 30 July 2025 the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 13 of this report.

Conditions:

1. The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

Reason: For the avoidance of doubt and in the interests of proper planning.

Plan Type	Reference	Version	Date Received
Proposed Drawing	BDP-AR-ST1-A00-EL-00-0201		04-Nov-24
Proposed Drawing	BDP-AR-ST1-A00-EL-00-0202		04-Nov-24
Proposed Drawing	BDP-AR-ST1-A00-EL-00-0204		04-Nov-24

Proposed Drawing	BDP-AR-ST1-A00-EL-00-0251		04-Nov-24
Proposed Drawing	BDP-AR-ST1-A00-GA-B01-0201		04-Nov-24
Proposed Drawing	BDP-AR-ST1-A00-GA-L01-0201		04-Nov-24
Proposed Drawing	BDP-AR-ST1-A00-GA-L02-0201		04-Nov-24
Proposed Drawing	BDP-AR-ST1-A00-GA-L03-0201		11-Apr-25
Proposed Drawing	BDP-AR-ST1-A00-GA-L04-0201		04-Nov-24
Proposed Drawing	BDP-AR-ST1-A00-GA-L05-0201		04-Nov-24
Proposed Drawing	BDP-AR-ST1-A00-GA-L06-0201		04-Nov-24
Proposed Drawing	BDP-AR-ST1-A00-GA-L07-0201		04-Nov-24
Proposed Drawing	BDP-AR-ST1-A00-GA-L08-0201		04-Nov-24
Proposed Drawing	BDP-AR-ST1-A00-GA-L09-0201		04-Nov-24
Proposed Drawing	BDP-AR-ST1-A00-GA-L10-0201		04-Nov-24
Proposed Drawing	BDP-AR-ST1-A00-GA-L11-0201		04-Nov-24
Proposed Drawing	BDP-AR-ST1-A00-GA-L12-0201		04-Nov-24
Proposed Drawing	BDP-AR-ST1-A00-GA-L13-0201		04-Nov-24
Proposed Drawing	BDP-AR-ST1-A00-SE-00-0209		04-Nov-24
Proposed Drawing	BDP-AR-ST1-A00-SE-00-0212		04-Nov-24
Proposed Drawing	BDP-AR-ST2-A00-EL-00-0201		04-Nov-24
Proposed Drawing	BDP-AR-ST2-A00-EL-00-0202		11-Apr-25
Proposed Drawing	BDP-AR-ST2-A00-EL-00-0203		11-Apr-25
Proposed Drawing	BDP-AR-ST2-A00-EL-00-0204		11-Apr-25
Proposed Drawing	BDP-AR-ST2-A00-EL-00-0251		04-Nov-24
Proposed Drawing	BDP-AR-ST2-A00-GA-B01-0201		04-Nov-24
Proposed Drawing	BDP-AR-ST2-A00-GA-L01-0201		11-Apr-25
Proposed Drawing	BDP-AR-ST2-A00-GA-L02-0201		11-Apr-25

Proposed Drawing	BDP-AR-ST2-A00-GA-L03-0201		11-Apr-25
Proposed Drawing	BDP-AR-ST2-A00-GA-L04-0201		11-Apr-25
Proposed Drawing	BDP-AR-ST2-A00-GA-L05-0201		11-Apr-25
Proposed Drawing	BDP-AR-ST2-A00-GA-L06-0201		11-Apr-25
Proposed Drawing	BDP-AR-ST2-A00-GA-L07-0201		11-Apr-25
Proposed Drawing	BDP-AR-ST2-A00-SE-00-0201		11-Apr-25
Proposed Drawing	BDP-AR-ST2-A00-SE-00-0206		04-Nov-24
Proposed Drawing	BDP-AR-ST3-A00-EL-00-0203		04-Nov-24
Proposed Drawing	BDP-AR-ST3-A00-EL-00-0204		04-Nov-24
Proposed Drawing	BDP-AR-SW-A00-EL-00-0202		11-Apr-25
Proposed Drawing	BDP-AR-SW-A00-GA-00-0271		04-Nov-24
Proposed Drawing	BDP-AR-SW-A00-GA-00-0291		04-Nov-24
Proposed Drawing	BDP-AR-SW-A00-GA-00-281		04-Nov-24
Proposed Drawing	BDP-EL-SW-A00-GA-ZZ-0201		11-Apr-25
Proposed Drawing	BDP-EL-SW-A00-GA-ZZ-0202		04-Nov-24
Proposed Drawing	BDP-LS-ST2-A00-GA-02-1002		04-Nov-24
Proposed Drawing	BDP-LS-ST1-A00-GA-ZZ-0201		11-Apr-25
Proposed Drawing	BDP-LS-ST2-A00-GA-01-1001		11-Apr-25
Proposed Drawing	BDP-LS-ST2-A00-GA-01-1005		11-Apr-25
Proposed Drawing	BDP-LS-ST2-A00-GA-03-1003		11-Apr-25
Proposed Drawing	BDP-LS-ST2-A00-GA-04-1004		11-Apr-25
Proposed Drawing	BDP-LS-ST2-A00-GA-ZZ-0201		11-Apr-25
Proposed Drawing	BDP-LS-ST2-A00-GA-ZZ-1000		11-Apr-25
Proposed Drawing	BDP-LS-ST2-A00-GA-ZZ-1001		04-Nov-24
Proposed Drawing	BDP-LS-ST2-A00-SE-01-1001		04-Nov-24

Proposed Drawing	BDP-LS-ST2-A00-SE-01-1002		04-Nov-24
Proposed Drawing	BDP-LS-ST2-A00-SE-01-1005		04-Nov-24
Proposed Drawing	BDP-LS-ST2-A00-SE-02-1003		04-Nov-24
Proposed Drawing	BDP-LS-ST2-A00-SE-03-1004		04-Nov-24
Proposed Drawing	BDP-LS-ST3-A00-GA-ZZ-1000		04-Nov-24
Proposed Drawing	BDP-LS-SW-A00-GA-L01-0201		11-Apr-25
Proposed Drawing	BDP-LS-SW-A00-GA-ZZ-0201		11-Apr-25
Proposed Drawing	ST2-WSP-XX-XX-DR-C-521005		04-Nov-24
Proposed Drawing	ST2-WSP-XX-XX-DR-C-521005		04-Nov-24
Proposed Drawing	ST2-WSP-XX-XX-DR-C-5250		04-Nov-24
Proposed Drawing	ST3-WSP-XX-XX-DR-C-521000		04-Nov-24
Proposed Drawing	ST3-WSP-XX-XX-DR-C-521004		04-Nov-24
Proposed Drawing	ST3-WSP-XX-XX-DR-C-521006		04-Nov-24
Proposed Drawing	BDP-AR-SW-A00-GA-00-0201		04-Nov-24
Proposed Drawing	BDP-AR-SW-A00-GA-00-0241		04-Nov-24

2. Not Used
3. Noise associated with plant and machinery incorporated within the development (with the exception of emergency plant) shall be controlled such that the Rating Level, measured or calculated at 1m from the façade of the nearest noise sensitive premises, shall not exceed the existing LA90 background noise level. Rating level and existing background noise levels to be determined as per the guidance provided in BS 4142:2014:A1:2019, including consideration of any character corrections.
Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies DM20 and DM40 of the Brighton & Hove City Plan Part Two.
4. Apart from patient transfer, no vehicular movements nor any loading or unloading of vehicles shall take place in the Stage 3 service yard or on the southern service road except between 7am and 7pm.
Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies DM20 and DM40 of the Brighton & Hove City Plan Part Two.

5. The tree planting scheme for Bristol Gate and Whitehawk Hill Road shall be carried out in accordance with details approved under BH2022/02620 and shall be retained as such thereafter.
Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies CP10 and CP12 of the Brighton & Hove City Plan Part 1 and DM18, DM22 and DM37 of the Brighton & Hove City Plan Part Two.
6. Any trees which are planted as required by condition 5, that die within 5 years of being planted, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies CP10 and CP12 of the Brighton & Hove City Plan Part 1 and DM18, DM22 and DM37 of the Brighton & Hove City Plan Part Two.
7. Use of the basement car parking hereby approved shall be for patients and visitors only.
Reason: To ensure the development provides for the needs of patients and visitors to the site and to comply with policy DM36 of Brighton & Hove City Plan Part 2, and SPD14: Parking Standards.
8. Not used
9. The cycle parking facilities at the North Access Road shall be carried out in accordance with details approved under BH2016/00623 and retained for use at all times.
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 CP9 of the City Plan Part One, policy DM33 of Brighton & Hove City Plan Part 2, and SPD14: Parking Standards.
10. The helipad and associated plant, lifts and staircases shall be carried out in accordance with details approved under BH2022/02556 and retained as such thereafter.
Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policy CP12 and CP15 of the City Plan Part One and policies DM26 and DM29 of the City Plan Part Two.
11. The external lighting of the helipad shall be carried out in accordance with details approved under BH2022/02555 and retained as such thereafter.
Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies DM20 and DM40 of the Brighton & Hove City Plan Part Two.
12. The helipad hereby approved shall not be used other than by helicopters of the Air Ambulance, HM Coastguard or Police, for Major Trauma Medical

Emergencies or Major Incidents and will not be used for any other journeys whatsoever including visitors, personal or pleasure use.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies DM20 and DM40 of the Brighton & Hove City Plan Part Two.

13. The helipad shall only be used between 07.00 and 19.00 hours except in the case of a Major Incident. A Major Incident is defined within the NHS Emergency Planning Guidance (2005), or any subsequent update to this Guidance.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies DM20 and DM40 of the Brighton & Hove City Plan Part Two.

14. The number of helicopter flights landing on the helipad hereby approved shall be limited to 64 per annum plus a tolerance of 10 %.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies DM20 and DM40 of the Brighton & Hove City Plan Part Two.

15. All lighting on the helipad shall only be in use temporarily in connection with an impending helicopter landing or departure for the minimum period required for operational or safety reasons. An exception to this will be any steady red aviation warning lighting required at night by the Civil Aviation Authority on tall buildings or structures.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies DM20 and DM40 of the Brighton & Hove City Plan Part Two.

16. The helipad hereby approved shall not be used for carrying out routine repairs and maintenance to helicopters including leaving engines idling.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies DM20 and DM40 of the Brighton & Hove City Plan Part Two.

17. Following the commencement of use of the helipad, annual monitoring reports shall be submitted to the Local Planning Authority for a period of 10 years. The reports shall include details of:

- a) Total number of landings and departures in previous 12 months.
- b) Total number of daytime (0700-1900 hours) and night time flights in previous 12 months
- c) Details of the number of flights carried out by each operator permitted to use the helipad in condition 15.
- d) Trauma level and degree of medical emergencies (using the medical definition of a Major Trauma as having an Injury Severity Score of 15 or above) for which the helipad was used in daytime and night time.
- e) A log of the number of complaints in the previous 12 months received by the Trust concerning all operations of the helipad.

During this 10 year period the Trust shall make the log book of helipad use available for the Council's inspection upon 7 days prior notice.

Reason: In order to monitor and minimise the levels of activity associated with the helipad and to safeguard the amenities of local residents and to comply with policies DM20 and DM40 of the Brighton & Hove City Plan Part Two.

18. The materials used for the external surfaces of the helipad, additional lifts and energy centre shall be in accordance with details approved under BH2017/02559.

Reason: To ensure a satisfactory appearance to the development and to comply with policies CP12 and CP15 of the City Plan Part 1 and policies DM18, DM26 and DM29 of the City Plan part Two.

19. The energy centre emissions shall be in accordance with details approved under BH2021/03391 and retained as such thereafter.

Reason: To protect local air quality and to ensure that the cumulative impacts are managed and to comply with policy DM40 of the Brighton & Hove City Plan Part Two.

20. Remedial works and measures to avoid risks from contaminants and/or gases during the construction of the Stage 1 development shall be carried out in accordance with details approved under BH2016/01437 and BH2021/03392. Thereafter the scheme shall be monitored and maintained in accordance with the approved details.

Reason: To safeguard the health of future occupiers of the site and to comply with policies DM40 and DM41 of the Brighton & Hove City Plan Part Two.

21. Not used

22. The Stage 1 external lighting shall be carried out in accordance with the details approved under BH2021 BH2021/03682 and thereafter retained.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies DM20 and DM40 of the Brighton & Hove City Plan Part Two.

23. An acoustic survey shall be carried out post completion of the Stage 1 building plant installations to demonstrate that all plant and machinery is capable of running cumulatively at no higher than existing LA90 background noise level background, as per BS4142:1997, 1-metre from the façade of the nearest existing noise sensitive premises. The survey shall make reference to BS7445:2003 to ensure that there are no tonal features of the various plant. The report shall be submitted to and approved in writing by the Local Planning Authority with 5 months of the date of this permission.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies DM20 and DM40 of the Brighton & Hove City Plan Part Two.

24. The means of foul water disposal for the Stage 1 development shall be implemented in accordance with details approved under BH2016/01904 and retained as such thereafter.

Reason: To ensure the existing infrastructure can facilitate the development and to reduce the risk of flooding as a result of this development and to comply

with policy CP11 of the Brighton & Hove City Plan Part 1 and policy DM43 of the Brighton & Hove City Plan Part Two.

25. The water infrastructure for the Stage 1 development shall be implemented in accordance with details approved under BH2016/01904 and retained as such thereafter.
Reason: To ensure the existing infrastructure can facilitate the development and to reduce the risk of flooding as a result of this development and to comply with policy CP11 of the Brighton & Hove City Plan Part 1 and policy DM43 of the Brighton & Hove City Plan Part Two.
26. The development shall be implemented in accordance with drawing refs: WSP-CI-SW-A00-PL-C0-5201 Rev. C07, WSP-CI-SW-A00-PL-C0-5202 Rev. C08 and ST2-WSP-XX-XX-DR-C-521000 Rev. P04 unless otherwise agreed in writing by the Local Planning Authority and retained as such thereafter.
Reason: To reduce the increased risk of flooding, to improve and protect water quality, to ensure the future maintenance of the surface water drainage and to comply with and policy CP11 of the Brighton & Hove City Plan Part 1 and polices DM42 and DM43 of the Brighton & Hove City Plan Part Two.
27. The landscaping scheme for the Stage 1 site shall be implemented in accordance with the details approved under BH2022/02622.
Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies CP10 and CP12 of the Brighton & Hove City Plan Part 1 and DM18, DM22 and DM37 of the Brighton & Hove City Plan Part Two.
28. All planting, seeding or turfing comprised in the approved scheme of landscaping for the Stage 1 site shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All hard landscaping and means of enclosure shall be completed before the development is occupied.
Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies CP10 and CP12 of the Brighton & Hove City Plan Part 1 and DM18, DM22 and DM37 of the Brighton & Hove City Plan Part Two.
29. Not used
30. Not used
31. The cycle parking facilities for the Stage 1 development shall be carried out in accordance with details approved under BH2021/03393 and shall thereafter be retained for use at all times.

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 DM33 of Brighton & Hove City Plan Part 2, and SPD14: Parking Standards.

32. The Real Time Information and REACT facility for the Stage 1 Building shall be implemented in accordance with details approved under BH2022/02604 and shall be retained as such thereafter.

Reason: To ensure that the development incorporates the agreed sustainable transport contribution measures and complies with policy CP9 of the Brighton & Hove City Plan Part 1 and policy DM33 of the Brighton & Hove City Plan Part Two.

33. The signage strategy shall be implemented in accordance with details approved under BH2022/01939.

Reason: To ensure efficient navigation around the site and to comply with policy DM33 of the Brighton & Hove City Plan Part Two.

34. The non-clinical waste and recycling strategy shall be implemented in accordance with details submitted under BH2022/02681.

Reason: To ensure that the development would include the re-use of limited resources, to ensure that the amount of waste to landfill is reduced and to comply with policy CP8 of the City Plan Part 1.

35. The Bristol Gate Piers shall be rebuilt in accordance with details approved under BH2016/01603.

Reason: To ensure the satisfactory preservation of these listed structures and their setting and to comply with policy CP15 of the Brighton & Hove City Plan Part 1 and policies DM27 and DM29 of the Brighton & Hove City Plan Part Two.

36. Not used

- 37.

(i) The remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed shall be implemented fully in accordance with the details approved under BH2023/02691.

(ii) A competent person shall be nominated to oversee the implementation of the works required by (i). The Stage 2 development hereby permitted shall not be occupied or brought into use until there has been submitted to the Local Planning Authority verification by the nominated competent person that any remediation undertaken on site for each stage has been fully implemented. Such verification for each phase shall comprise:

- a) built drawings of the implemented scheme;
- b) photographs of the remediation works in progress;
- c) certificates demonstrating that imported and/or material left in situ in accordance with details agreed as part of (i) above.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under (i).

Reason: To safeguard the health of future occupiers of the site and to comply with policies DM40 and DM41 of the Brighton & Hove City Plan Part Two.

38. If, during development of the Stage 2 site, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for a method statement to identify, risk assess and address the unidentified contaminants.

Reason: To safeguard the health of future occupiers of the site and to comply with policies DM40 and DM41 of the Brighton & Hove City Plan Part Two.

39. No development shall commence at Level 1 of the Stage 2 building until final details of external lighting have been submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved details and thereafter retained as such.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies DM20 and DM40 of the Brighton & Hove City Plan Part Two.

40. Noise associated with plant and machinery incorporated within the Stage 2 development (with the exception of emergency plant) shall be controlled such that the Rating Level, measured or calculated at the nearest existing noise sensitive premises, shall not exceed the existing LA90 background noise level. Rating level and existing background noise levels to be determined as per the guidance provided in BS 4142:2014:A1:2019, including consideration of any character corrections. An acoustic report demonstrating this shall be submitted to the Local Planning Authority within 3 months of first occupation of the Stage 2 building, and approved in writing by the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies DM20 and DM40 of the Brighton & Hove City Plan Part Two.

41. Not used.

42. The means of foul water disposal for the Stage 2 development shall be implemented in accordance with drawing refs: ST2-WSP-XX-XX-DR-C-521002 Rev. P04 unless otherwise agreed in writing by the Local Planning Authority and retained as such thereafter.

Reason: To ensure the existing infrastructure can facilitate the development and to reduce the risk of flooding as a result of this development and to comply with policy CP11 of the Brighton & Hove City Plan Part 1 and policy DM43 of the Brighton & Hove City Plan Part Two.

43. The water infrastructure for the Stage 2 development shall be implemented in accordance with drawing refs: ST2-HLP-LM-XX-DR-P-531001 Rev. P02, and ST2-HLP-LM-B1-DR-P-531001 Rev. P04 unless otherwise agreed in writing by the Local Planning Authority and retained as such thereafter.

Reason: To ensure the existing infrastructure can facilitate the development and to reduce the risk of flooding as a result of this development and to comply

with policy CP11 of the Brighton & Hove City Plan Part 1 and policy DM43 of the Brighton & Hove City Plan Part Two.

44. The surface water drainage for the Stage 2 development shall be implemented in accordance with drawing refs: ST2-WSP- XX-XX-DR-C-521003 Rev. P04, ST2-WSP-XX-XX-DR-C-521005 Rev. P04 and ST2-WSP-XX-XX-DR-C-525000 Rev. P06 unless otherwise agreed in writing by the Local Planning Authority and retained as such thereafter.

Reason: To ensure the existing infrastructure can facilitate the development and to reduce the risk of flooding as a result of this development and to comply with policy CP11 of the Brighton & Hove City Plan Part 1 and policy DM43 of the Brighton & Hove City Plan Part Two.

45. No development shall commence at Level 1 of the Stage 2 building until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping on the Stage 2 site, including a 5 year management and maintenance plan, which shall include hard surfacing, means of enclosure, planting of the development, indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies CP10 and CP12 of the Brighton & Hove City Plan Part 1 and DM18, DM22 and DM37 of the Brighton & Hove City Plan Part Two.

46. All planting, seeding or turfing comprised in the approved scheme of landscaping for the Stage 2 site shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All hard landscaping and means of enclosure shall be completed before the development is occupied.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies CP10 and CP12 of the Brighton & Hove City Plan Part 1 and DM18, DM22 and DM37 of the Brighton & Hove City Plan Part Two.

47. Not used.

48. Notwithstanding the drawings hereby approved, prior to the re-construction of the boundary wall along Upper Abbey Road, further details of the design and materials of the wall shall be submitted to and approved by the Local Planning Authority. A sample panel shall also be constructed on site for approval by the Local Planning Authority. The wall shall be implemented fully in accordance with the approved details prior to the occupation of the Stage 2 Building.

Reason: To ensure a satisfactory appearance to the development and to comply with policy CP12 of the Brighton & Hove City Plan Part 1 and policy DM26 of the Brighton & Hove City Plan Part Two.

49. The Stage 2 development hereby permitted shall not be occupied until details of secure and covered cycle parking facilities associated with Stage 2 as indicated on the approved plans for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and retained for use at all times.

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 CP9 of the City Plan Part One, policy DM33 of Brighton & Hove City Plan Part 2, and SPD14: Parking Standards.

50. Notwithstanding any details shown on the approved plans, no development above ground floor slab level of any part of the Stage 2 development hereby permitted shall take place until details of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):

- a) Samples/details of all brick, render and tiling (including details of the colour of render/paintwork to be used)
- b) samples of all cladding to be used, including details of their treatment to protect against weathering
- c) samples/details of all hard surfacing materials
- d) samples/details of the proposed window, door and balcony treatments
- e) samples/details of all other materials to be used externally

Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development and to comply with policies DM18 and DM26 of Brighton & Hove City Plan Part 2 and CP12 and CP15 of the Brighton & Hove City Plan Part One.

51. The Stage 2 Building shall not be occupied until details including locations of one Real Time Information and one REACT facility have been submitted to and approved in writing by the Local Planning Authority. The facilities shall be implemented fully in accordance with the approved details prior to the Stage 2 Building being first occupied and shall be retained as such thereafter.

Reason: To ensure that the development incorporates the agreed sustainable transport contribution measures and complies with policy CP9 of the Brighton & Hove City Plan Part 1 and policy DM33 of the Brighton & Hove City Plan Part Two.

52. No development at Level 1 of the Stage 2 Building shall take place until detailed plan sections at Scale 1:10 have been submitted to and approved in writing by the Local Planning Authority, and which shall show all jointing details between each type and combination of cladding material including jointing and reveals with windows, curtain walling and entrances and doorways.

Reason: To ensure a satisfactory appearance to the development and to comply with policies DM18 and DM26 of Brighton & Hove City Plan Part 2 and CP12 and CP15 of the Brighton & Hove City Plan Part One.

53.

- i) No works shall take place on the Stage 3 development site until a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented fully in accordance with the approved details.
- (ii) A competent person shall be nominated to oversee the implementation of the works required by (i). The Stage 3 development hereby permitted shall not be occupied or brought into use until there has been submitted to the Local Planning Authority verification by the nominated competent person that any remediation undertaken on site for each stage has been fully implemented such verification for each phase shall comprise:
 - a) built drawings of the implemented scheme;
 - b) photographs of the remediation works in progress;
 - c) certificates demonstrating that imported and/or material left in situ in accordance with details agreed as part of (i) above.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under (i).

Reason: To safeguard the health of future occupiers of the site and to comply with policies DM40 and DM41 of the Brighton & Hove City Plan Part Two.

54. If, during development of the Stage 3 site, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for a method statement to identify, risk assess and address the unidentified contaminants.

Reason: To safeguard the health of future occupiers of the site and to comply with policies DM40 and DM41 of the Brighton & Hove City Plan Part Two.

55. No development shall commence at Level 3 of the Stage 3 building until final details of external lighting have been submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved details and thereafter retained as such.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies DM20 and DM40 of the Brighton & Hove City Plan Part Two.

56. Noise associated with plant and machinery incorporated within the Stage 3 development (with the exception of emergency plant) shall be controlled such that the Rating Level, measured or calculated at the nearest existing noise sensitive premises, shall not exceed the existing LA90 background noise level. Rating level and existing background noise levels to be determined as per the guidance provided in BS 4142:2014:A1:2019, including consideration of any character corrections. An acoustic report demonstrating this shall be

submitted to the Local Planning Authority within 3 months of the first occupation of the Stage 2 building, and approved in writing by the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies DM20 and DM40 of the Brighton & Hove City Plan Part Two.

57. No works on the Stage 3 development site shall take place until final details of the means of foul water disposal have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented fully in accordance with the approved details and retained as such thereafter.
Reason: To ensure the existing infrastructure can facilitate the development and to reduce the risk of flooding as a result of this development and to comply with policy CP11 of the Brighton & Hove City Plan Part 1 and policy DM43 of the Brighton & Hove City Plan Part Two.
58. No works on the Stage 3 development site shall take place until final details of the proposed water infrastructure has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented fully in accordance with the approved details and retained as such thereafter.
Reason: To ensure the existing infrastructure can facilitate the development and to reduce the risk of flooding as a result of this development and to comply with policy CP11 of the Brighton & Hove City Plan Part 1 and policy DM43 of the Brighton & Hove City Plan Part Two.
59. No works on the Stage 3 development site shall take place until a final scheme detailing the surface water drainage system for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall be in accordance with the principles within the submitted document, the 'Conceptual Surface Water Strategy" (WSP-CI-SW-RP-0012 dated September 2011), with regard to the Sustainable Urban Drainage System techniques. The scheme shall also include details of how the scheme shall be maintained and managed after completion.
Prior to the occupation of the Stage 3 Building, the scheme shall be implemented fully in accordance with the approved details and retained as such thereafter.
Reason: To reduce the increased risk of flooding, to improve and protect water quality, to ensure the future maintenance of the surface water drainage and to comply with and policy CP11 of the Brighton & Hove City Plan Part 1 and polices DM42 and DM43 of the Brighton & Hove City Plan Part Two.
60. No development shall commence at Level 3 of the Stage 3 building until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping of the Stage 3 site, including a 5 year management and maintenance plan, which shall include hard surfacing, means of enclosure, planting of the development, indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies CP10 and CP12 of the Brighton & Hove City Plan Part 1 and DM18, DM22 and DM37 of the Brighton & Hove City Plan Part Two.

61. All planting, seeding or turfing comprised in the approved scheme of landscaping for the Stage 3 site shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
All hard landscaping and means of enclosure shall be completed before the development is occupied.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies CP10 and CP12 of the Brighton & Hove City Plan Part 1 and DM18, DM22 and DM37 of the Brighton & Hove City Plan Part Two.

62. No development of the Stage 3 site shall take place until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full as approved prior to first occupation of the Stage 3 development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.
Reason: To ensure the provision of satisfactory facilities for the storage of refuse and to comply with policy CP8 of the City Plan Part 1.

63. No works shall take place on the Stage 3 development site until a servicing and delivery strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall include details of the type and size of delivery vehicles that may use the service yard and arrangements for access and egress to and from the public highway and the service yard. The scheme shall also include details of a swept path analysis for HGV and larger delivery vehicles. The scheme shall be implemented fully in accordance with the approved details and retained as such thereafter.

Reason: To safeguard the amenities of the occupiers of residential properties with the objective of minimising use of the service road exit onto Upper Abbey Road and to minimise noise and disruption and congestion on Upper Abbey Road and to comply with policy DM36 of the City Plan Part Two.

64. No development at Level 3 of the Stage 3 Building shall take place until detailed plan sections at Scale 1:10 have been submitted to and approved in writing by the Local Planning Authority, and which shall show all jointing details between each type and combination of cladding material including jointing and reveals with windows, curtain walling and entrances and doorways.

Reason: To ensure a satisfactory appearance to the development and to comply with policy CP12 of the City Plan Part One and DM18 and DM26 of the City Plan Part Two.

65. The landscaping scheme for the substation site shall be carried out in accordance with details approved under BH2022/02619.
Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies CP10 and CP12 of the Brighton & Hove City Plan Part 1 and DM18, DM22 and DM37 of the Brighton & Hove City Plan Part Two.
66. All planting, seeding or turfing comprised in the approved scheme of landscaping for the substation site shall be carried out in the first planting and seeding seasons following the operation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All hard landscaping and means of enclosure shall be completed before the development is occupied.
Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies CP10 and CP12 of the Brighton & Hove City Plan Part 1 and DM18, DM22 and DM37 of the Brighton & Hove City Plan Part Two.
67. Notwithstanding the drawings hereby approved, details of the layby at the front of the Stage 2 building shall be submitted to and approved in writing by the Local Planning Authority. The layby shall be implemented in accordance with the approved details prior to commencement of use of the Stage 2 building and shall thereafter be retained.
Reason: In the interests of highway safety and to comply with policies DM33 and DM36 of the Brighton & Hove City Plan Part 2, and CP9 of the Brighton & Hove City Plan Part One.
68. In accordance with the Ecology Statement (The Environment Partnership, October 2024, Rev. P01); no development of Stage 3 (Service Yard site) shall take place, including any site preparation works involving machinery, breaking of ground, demolition and vegetation clearance, until an updated survey for the presence of bats in Building B8 (existing Sussex Cancer Centre) has been undertaken, in accordance with best practice. As a minimum, this will include an updated preliminary roost assessment (PRA) which will inform the need for further surveys. Where the PRA indicates that further surveys of the building are required, no work may be undertaken that may impact a potential bat roost until the required survey work has been completed, submitted and approved in writing by the local planning authority.
Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the local planning authority prior to the commencement of development. Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.

Reason: As bats are a mobile species whose activities/patterns varies across the year and in reaction to a range of influencing factors, it is important that the surveys reflect the situation at the time on any given impact occurring to ensure adequate mitigation and compensation can be put in place and to ensure no offences are committed under the Conservation of Habitats and Species Regulations 2017, as amended.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant is advised that a formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel 0330 303 0119), or www.southernwater.co.uk
3. The applicant is advised that the above conditions on land contamination has been imposed because the site is known to be or suspected to be contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer. It is strongly recommended that in submitting details in accordance with these conditions the applicant has reference to Contaminated Land Report 11, Model Procedures for the Management of Land Contamination. This is available on both the DEFRA website (www.defra.gov.uk) and the Environment Agency website (www.environment-agency.gov.uk).
4. The applicant is advised that the details of external lighting required by the condition above should comply with the recommendations of the Institution of Lighting Engineers (ILE) 'Guidance Notes for the Reduction of Light Pollution (2011)' for Zone E or similar guidance recognised by the council. A certificate of compliance signed by a competent person (such as a member of the Institution of Lighting Engineers) should be submitted with the details. Please contact the council's Pollution Team for further details. Their address is Environmental Health & Licensing, Bartholomew House, Bartholomew Square, Brighton, BN1 1JP (telephone 01273 294490 email: ehlpollution@brighton-hove.gov.uk website: www.brighton-hove.gov.uk).
5. The applicant is advised that this planning permission does not override the need to obtain a licence under the Licensing Act 2003. Please contact the Council's Licensing team for further information. Their address is Environmental Health & Licensing, Bartholomew House, Bartholomew Square, Brighton BN1 1JP (telephone: 01273 294429, email: ehl.safety@brighton-hove.gov.uk, website: www.brighton-hove.gov.uk/licensing).

6. Additionally, the holding of a planning consent, does not guarantee against the Council receiving and being required to investigate complaints of noise or light nuisance. The Council has a statutory duty to investigate such matters under the Environmental Protection Act 1990 and if deemed to be a statutory nuisance, to serve an abatement notice to remedy the matter accordingly.
7. Not used.
8. The applicant is advised that details of the BREEAM assessment tools and a list of approved assessors can be obtained from the BREEAM websites (www.breeam.org).
9. With regard to condition 12, a Major Trauma Medical Emergency is defined as having an Injury Severity Score of 15 or more, using the Association for the Advancement of Automotive Medicine's global Abbreviated Injury Scale (1974).
10. With regard to conditions 12 and 13, the NHS Emergency Planning Guidance (2005) defines a Major Incident as 'any occurrence that presents serious threat to the health of the community, disruption to the service or causes (or is likely to cause) such numbers or types of casualties as to require special arrangements to be implemented by hospitals, ambulance trusts or primary care organisations.'
11. Not used.
12. The applicant should note that the CEMP as finally agreed should include details of 24 hour helpline for local residents to contact Council officers as well as the applicant/contractor.
13. The s106 Public Art Contribution should in part be used to fund the installation of a blue plaque to commemorate the work of Charles Barry on the site.
14. The existing historic signage located on the site should not be lost and should be re-used throughout the site as appropriate.

2. SITE LOCATION

- 2.1. This application relates to the Royal Sussex County Hospital (RSCH) which is bounded by Eastern Road on its south side, Bristol Gate to the east, Upper Abbey Road and Whitehawk Hill Road to the west, and Turton Close and the Bristol Estate to the north.
- 2.2. The main focus of this application is on the land to the south of the Southern Service Road that runs east to west through the hospital. It comprises part of the '3Ts development' - the Brighton Trauma, Tertiary and Training redevelopment of the hospital site initially permitted in 2012 (ref. BH2011/02886). This land currently comprises the following:

- The Louisa Martindale building with basement car park (Stage 1 of the 3Ts development) which was completed in 2023;
 - A vacant area of land where the Barry Building was previously located until it was demolished in 2024 to allow for the development of the Stage 2 Cancer Centre building;
 - The land currently comprising the Sussex Cancer Centre located to the east of the Louisa Martindale building, adjacent Bristol Gate, comprising Stage 3 of the 3Ts development.
- 2.3. The wider site also includes the Thomas Kemp Tower, Royal Alexander Children's Hospital (RACH), the A&E building to the north of the South Service Road, and to the north of North Road is the Millenium Wing building and the multi-storey car park.
- 2.4. The RSCH site rises up steeply north of Eastern Road and there is a difference in levels of approximately 18 metres from Eastern Road to the northern boundary of the hospital site.
- 2.5. There are other RSCH buildings on the south side of Eastern Road including the Outpatients building, the Audrey Emerton Building and the Sussex Eye Hospital. These buildings are located outside of the application site. The Macmillan Horizon Centre is located to the east of the site and east of Bristol Gate.
- 2.6. Upper Abbey Road to the west consists of two-storey Victorian terraced residential properties, as well as Courtney King House, a 10 storey residential block, to the south of the terrace at the junction with Eastern Road.
- 2.7. Two and three-storey residential properties are present to the south of the site on Eastern Road, east of the Eye Hospital. To the east of Bristol Gate on the north side of Eastern Road are a block of four storey terraced dwellings.
- 2.8. Further to the east is St Mary's Hall and to the north of the playing field is the former Junior School which is now in use by Brighton College.
- 2.9. To the north of the main RSCH is the Bristol Estate, which comprises a number of blocks of flats ranging from 3 to 9 storeys in height. These flats are set in spacious open grassed amenity grounds and are in an elevated position overlooking the hospital site. The residential blocks at Turton Close and Chadbourn Close are closest to the hospital site. Nos. 1 -24 Turton Close is a 6 storey block and Nos. 2 - 4 Chadbourne Close are 3 storeys.
- 2.10. The East Cliff Conservation Area runs along the southern side of Eastern Road (omitting the hospital buildings to the south of Eastern Road) and extends down to the seafront. The north-east part of the conservation area nearest the hospital comprises tightly knit streets of two storey Victorian terraced dwellings.
- 2.11. The College Conservation Area to the west of the site is much smaller and mainly comprises the Brighton College School site and the terraced residential

streets on its east and north side. The front of the College on Eastern Road comprises Grade II Listed buildings.

- 2.12. The Kemp Town Conservation Area adjoins East Cliff to the east and comprises Arundel Terrace, Chichester Terrace and the set pieces of Sussex Square and Lewes Crescent. The grand four storey white rendered residential properties here are Grade I Listed although many of them have had a variety of roof extensions and alterations carried out.

3. RELEVANT HISTORY

- 3.1. Whilst there is a substantial volume of historic planning and listed building applications associated with the RSCH, the following are considered to be of most relevance to this application:
- 3.2. **PRE2023/00146:** Pre-application discussions took place between August 2023 and November 2024. A Planning Performance Agreement (PPA) between the applicant and the Council was also signed during this period.
- 3.3. Discussions related to the proposed amendments to the Stage 2 building, new public plaza, removal of basement parking under the Stage 2 building, the proposed layby in front of the Stage 2 building, and the boundary treatment along Upper Abbey Road. There have only been relatively minor changes made to the proposals since the pre-application enquiry was first submitted relating to the façade of the building, and how it addresses Eastern Road and Upper Abbey Road. Some minor alterations were also made to the proposed layby on Eastern Road, south of the Stage 2 building, and at a late stage in the pre-application process, the Trust decided to remove both floors of basement parking under the proposed Stage 2 building.
- 3.4. **BH2021/03056:** Demolition of existing hospital buildings located to the north of Eastern Road and to the south of the existing children's hospital building and Thomas Kemp Tower. Addition of a helicopter landing pad and associated trauma lift on top of Thomas Kemp Tower. Erection of new hospital buildings incorporating Stage 1: Part 10, 11 and 12 storey building including reinstatement of the interior of the Chapel; Stage 2: 5 storey building; and Stage 3: Service yard with single storey building. Site wide infrastructure including substation, energy centre and flues, 2 floors of underground parking (390 spaces) with new access from Bristol Gate and associated highway works. Cycle parking, external amenity spaces including roof gardens and landscaping on Eastern Road. (Part retrospective to address non-compliance with Condition 2 (approved drawings) and Condition 10 (helipad height and design)). (The application includes an Environmental Impact Assessment). **Approved** 18 October 2022.
- 3.5. **BH2011/02886:** *[the original '3Ts' development]* Demolition of existing hospital buildings located to the north of Eastern Road and to the south of the existing children's hospital building and Thomas Kemp Tower. Addition of a helicopter landing pad and associated trauma lift on top of Thomas Kemp

Tower. Erection of new hospital buildings incorporating Stage 1: Part 10, 11 and 12 storey building including reinstatement of the interior of the Chapel; Stage 2: 5 storey building; and Stage 3: Service yard with single storey building. Site wide infrastructure including substation, energy centre and flues, 2 floors of underground parking (390 spaces) with new access from Bristol Gate and associated highway works. Cycle parking, external amenity spaces including roof gardens and landscaping on Eastern Road. **Approved** 28 March 2012.

4. APPLICATION DESCRIPTION

- 4.1. This planning application is submitted under S73 of the Town and Country Planning Act and proposes amendments to planning permission BH2021/03056 (which previously amended planning application BH2011/02886). These amendments are as follows:
- An increase in the height of the main Stage 2 Cancer Centre building by up to 6.5m. The building will still remain at 5 storeys however.
 - An overall reduction in the amount of floorspace of the building from 19,536sqm (excluding basement parking) to 12,808sqm.
 - Alterations to the design and materials of the Stage 2 building.
 - The removal of 2 floors of basement parking proposed beneath the Stage 2 building. This results in a reduction in the number of parking spaces provided as part of the 3Ts development from 390 to 98 parking spaces.
 - Provision of a new landscaped public plaza between the Louisa Martindale building and the amended Cancer Centre building. This is partly to compensate for the proposed loss of the roof terrace on the Cancer Centre previously approved under BH2021/03056.
 - Amendments to the layby at the front of the Cancer Centre for Patient Transport Services, taxis and private vehicles
 - The addition of two 10m high vacuum insulated evaporator (VIE) tanks in the Stage 3 service yard area at the south eastern end of the site.
- 4.2. In addition to the above changes, a number of conditions are proposed to be amended including conditions relating to plant and machinery noise levels, surface water drainage, acoustic surveys, rainwater recycling, foul water, water infrastructure, and the roof terrace on the Stage 2 building. These amendments are considered in further detail later in this report.
- 4.3. Many of the above amendments have arisen through the need to meet the functional /operational requirements of the hospital as well as the requirements of legislative updates that have occurred since planning permission was originally granted in 2012.
- 4.4. It should be noted that an Environmental Impact Assessment (EIA) was submitted with the original 2011 planning application and so an EIA addendum has been submitted with this current application which updates the original EIA to include updated baseline data and take account of new legislation introduced since 2011.

5. REPRESENTATIONS

5.1. During the course of the application, objections from 34 individuals were received, raising the following concerns:

- Design of updated scheme has little in common with the original in terms of scale and design, undermine the initial vision, raises questions about the project's overall coherence and integrity. No account taken of resident feedback. Detrimental impact on the surrounding environment, listed buildings and conservation areas.
- Proposed building extends much further north than the Barry Building.
- Reduction in parking will lead to increased competition for street parking and higher congestion in the surrounding area. In combination with proposals for Brighton College, traffic impacts will get much worse for residents.
- Travel Plan and parking plan is not rigorous enough.
- Loss of outlook and light as a result of the increased height of the building, overbearing and will dwarf neighbouring properties. Public realm should be reduced or removed to move the building away from Upper Abbey Road.
- New public realm will become wind tunnel, will receive very little light, better situated at the western side of the site where it will get more light. Not good use of space.
- Stage 2 building will create a wind tunnel between the new building and Courtney King House
- Increased disruption, noise and light pollution.
- Ongoing problems with ventilation noise, smokers, litter etc without action from Trust.
- Upper Abbey Road will be in the highest dust zone and there appears to be no plan to deal with this.
- Stepped roofline westwards and northwards would address the increased height of the proposal.
- Noise and sunlight surveys have not been carried out correctly and assume best case scenario.

5.2. Three letters of support have also been received and are summarised below:

- Whole community will benefit from an improved Cancer treatment facility which will save countless lives.
- Building complements its surroundings and matches the Louisa Martindale building.

5.3. Three representations neither objecting nor supporting the application have also been received but these do not raise any issues not already set out above.

6. CONSULTATIONS

Internal Consultees

- 6.1. **Air Quality:** No objection but make the following comments:
It is in the public interest that the developer fund NO2 and PM2.5 monitoring at various height on the hospital. Reasons to justify this are public awareness and to evidence and verify model predictions in pollutant concentrations, that include combustion emissions and effects of new buildings.
- 6.2. **Economic Development:** No comment
- 6.3. **Environmental Health:**
No objection to changing the wording of condition 3 (plant noise) and condition 40 (Stage 2 acoustic survey).
- 6.4. Insufficient information to justify amending the wording of condition 56 (Stage 3 acoustic survey).
- 6.5. **Heritage:** No objection subject to appropriate conditions. Heritage make the following comments:
Elevations: On the pedestrian level the long brick and flint wall facing Upper Abbey Road is of limited historic character but not listed or in the conservation area and therefore there should be no objection to its removal and reconstruction, provided the replacement does not harm the historic character of the street. However, the proposed wall elevations would become bleaker than was previously proposed as they are shown in the west elevation drawings of the proposal. Also, the finish of these walls should be related in materials on the south and west elevations. The removed materials of the demolished wall are now said to be insufficient for reuse. There is no objection to the use of new materials, but a more detailed design of this wall should be devised for approval in conditions with samples prepared on site for the use of different materials. The wall should have a more positive impact for pedestrian outlook. More activity variation of pattern or material design should be possible. The proposed elevation is a cheapening of the proposal that is at the expense of quality of the environment for pedestrians.
- 6.6. Longer views: The building will affect the setting of those terraced houses on Upper Abbey Road. This is especially negative where the long blank wall of the hospital faces the southern end of the terrace, however, the existing wall is already quite bleak. Anything that can be done to improve the design of that wall onto the footpath should be considered and included in conditions. From the south the development will be seen from within the East Cliff Conservation Area. The development will be most prominent from Paston Place and while there are no listed buildings at the north end of the road and the conservation area does not reach the corner there are a number of listed buildings further south on each side of the road. On the west side is the grade II listed St Georges Church and further North is the grade II listed Southpoint House (previously The Royal Gymnasium). Between these listed buildings are regular terraces of three storey stucco finished nineteenth century houses, all within the conservation area and of historic significance. Though somewhat further back the new hospital will cut across the end of this view with its 5

storeys. However, on balance the view will only be slightly more harmed than the approved scheme as the historic buildings are sufficiently far away for the increase in height to be less noticeable. Viewed from Abbey Road the proposal will have a less significant impact as the listed building on the west side of the corner does not come close to the sightlines of the development.

- 6.7. **Scale and Massing:** The greater bulk of the building is taller than the approved development (BH2021/03056) and has a boxier form, lacking some of the architectural interest of the previously approved scheme. It will have a less positive elevation that will not contribute so much to the character of Eastern Road, but the buildings on the opposite side of the road that directly face the site are of less historic significance so the harm will be limited. In addition, the massing is mitigated by the open space between this development and the previous phase of the hospital offering some relief to view at the street level views and a break in the building line.
- 6.8. **Materials:** Conditions should be attached to ensure a high quality of materials. This is especially important at ground floor level. Much of the building is faced in precast concrete panels with varying finishes, the specifications and samples of all of these should be approved in conditions.
- 6.9. **Planning Policy:** No comment
- 6.10. **Urban Design Officer:** No objection subject to conditions securing further details of materials, landscaping, and boundary treatments (particularly the west wall along Upper Abbey Road).
- 6.11. **Sustainable Drainage:** No objection
- 6.12. **Sustainable Transport:** Object for the following reasons:
- Safety concerns regarding the proposed layout of the layby on Eastern Road
 - Car parking arrangements (that these proposals are dependent upon) not being detailed adequately, and external staff car parks not demonstrated to be available in the long term.
 - The County Hospital westbound bus stop on Eastern Road not being proposed to be improved, either fully or temporarily, before the completion of the project in several years.
- 6.13. [Negotiations ongoing, to be updated via late list/verbally at Committee]
- External Consultees
- 6.14. **Brighton & Hove Archaeological Society:** No objection
- 6.15. **Brighton City Airport:** No objection
- 6.16. **County Archaeology:** No objection
- 6.17. **Country Ecology:** No objection subject to a condition securing an updated survey for the presence of bats in the existing Sussex Cancer Centre building.

- 6.18. **Historic England:** No comment
- 6.19. **National Highways:** No objection
- 6.20. **Sussex Police Designing Out Crime Officer:** No objection
- 6.21. **South Downs National Park Authority:** No comment
- 6.22. **Southern Water:** No objection but make the following comments:
The public sewer is a combined system, receiving both foul and surface water flows, therefore no flows greater than are currently directly received can be accommodated in this system. However, it is possible that by removing some of the existing surface water entering the sewer, additional foul flows could be accommodated, i.e. no net increase in flows.
- 6.23. If the applicant wishes to investigate this option, the applicant will be required to provide Southern Water with a topographical site survey and/or a CCTV survey showing the existing impermeable areas draining to the sewer and their connection points, pipe sizes, gradients and calculations confirming the proposed flows will be no greater than the existing flows received by the sewer.

7. MATERIAL CONSIDERATIONS

- 7.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report.
- 7.2. The development plan is:
- Brighton & Hove City Plan Part One (March 2016);
 - Brighton & Hove City Plan Part Two (October 2022)
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
 - Shoreham Harbour Joint Area Action Plan (JAAP) 2019.

8. POLICIES

The National Planning Policy Framework (NPPF)

Brighton and Hove City Plan Part One:

SS1 Presumption in favour of sustainable development

DA5 Eastern Road and Edward Street Area

CP8 Sustainable buildings

CP7 Infrastructure and Developer Contributions

CP9 Sustainable transport
CP10 Biodiversity
CP12 Urban design
CP13 Public Streets and Spaces
CP15 Heritage
CP18 Healthy City

Brighton and Hove City Plan Part Two:

DM9 Community Facilities
DM18 High quality design and places
DM20 Protection of Amenity
DM22 Landscape Design and Trees
DM26 Conservation Areas
DM27 Listed Buildings
DM29 The Setting of Heritage Assets
DM33 Safe, Sustainable and Active Travel
DM36 Parking and Servicing
DM37 Green Infrastructure and Nature Conservation
DM40 Protection of the Environment and Health – Pollution and Nuisance
DM44 Energy Efficiency and Renewables

Supplementary Planning Documents

SPD03: Construction and Demolition Waste
SPD06: Trees and Development Sites
SPD11: Biodiversity and Nature Conservation
SPD14: Parking Standards
SPD16: Sustainable Drainage
SPD17: Urban Design Framework

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the following: the principle of development; design, scale, layout, appearance, and heritage; impact on amenity; sustainable transport; landscape and ecology; sustainability; air quality and noise pollution; sustainable drainage and water quality, and wind microclimate.
- 9.2. Whilst the current application covers all three stages of the 3Ts development at the hospital, given the Stage 1 Louisa Martindale building has been completed in accordance with the previous S73 consent on the site, no further consideration is given to the Stage 1 building in this report. Instead the report focuses on the amendments to the Stage 2 Cancer Centre building and the removal of the previously approved basement parking beneath it, and the amendments to the Stage 3 service yard area.

Principle of Development

- 9.3. The principle of the redevelopment and enlargement of the Royal Sussex County Hospital (RSCH) has already been established by planning consent BH2011/02886, and the subsequent S73 application BH2021/03056. In

considering the application, significant weight must be given to the fact that the applicant can implement the schemes approved through these applications.

- 9.4. It should also be noted that the principle of the redevelopment and enlargement of the RSCH is supported by Part C1 of Policy DA5 of the Brighton & Hove City Plan Part One which allocates the site for the following: *‘Comprehensive redevelopment and enlargement of the hospital to provide 74,000sqm additional hospital (C2 use) floorspace, including the floorspace granted planning permission in 2012...’*
- 9.5. The current planning application would accord with this policy.
- 9.6. Also relevant to this application and the principle of development is paragraph 101 of the National Planning Policy Framework (NPPF) which states that *‘Significant weight should be placed on the importance of new, expanded or upgraded public service infrastructure when considering proposals for development.’* The enhancement of hospital facilities within the City would have significant health benefits for residents of the City and beyond.
- 9.7. The principle of hospital-related development on the site is therefore clearly established and acceptable.

Design, Scale, Appearance and Heritage

- 9.8. Policy CP12 (Urban Design) of the City Plan Part 1 (CPP1) states, amongst other things, that all new development will be expected to:
1. *“Raise the standard of architecture and design in the City;*
 2. *Establish a strong sense of place by respecting the diverse character and urban grain of the city’s identified neighbourhoods;*
 3. *Achieve excellence in sustainable building design and construction;*
 4. *Conserve or enhance the city’s built and archaeological heritage and its settings;*
 5. *Have regard to impact on the purposes of the National Park, where within the setting of the National Park;*
 6. *Protect or enhance strategic views into, out of and within the city;*
 7. *Be inclusive, adaptable and accessible;*
 8. *Ensure that the design of the external spaces is an integral element of the overall design approach, in a manner which provides a legible distinction between public and private realm; and*
 9. *Incorporate design features which deter crime or disorder and the fear of crime.”*
- 9.9. Policy DM18 (High Quality Design and Places) of the City Plan Part 2 reinforces Policy CP12 and seeks to ensure that development considers and responds positively to the local context in respect of layout, scale of buildings, materials and architectural detailing.
- 9.10. The design aspects of the amended Stage 2 building and the Stage 3 service yard of the RSCH 3Ts development are assessed separately below.

Stage 2 - Cancer Centre

Scale

- 9.11. The most significant design amendments proposed as part of this application relate to the Stage 2 Cancer Centre building. In respect of the scale of the building, whilst still being five storeys in height, the overall height of the proposed building would increase by up to 6.5 metres. Therefore, when measured from Eastern Road, the height of the main building would increase from approximately 20.5m to 27m and when measured from the rear of the building adjacent to the South Service Road, the building would increase from approximately 14.5m to 21m. The reason why the measurement of the height of the building from ground level is significantly greater at the front of the building than the rear is due to the significant increase in site levels from south to north. The proposed Stage 2 building would be sunken into the ground at the northern end.
- 9.12. The applicant has stated that the reason for the proposed increase in the height of the Stage 2 building is due to the additional space required for ventilation services to meet modern infection control, energy efficiency and fire safety standards.
- 9.13. Even with the proposed increase in height, the Stage 2 building would still be significantly lower than the Stage 1 Louisa Martindale building to the east and the Royal Alexander Children's Hospital (RACH) to the north, and would be a very similar height to Courtney King House, the flat block to the west of the proposed Stage 2 building. Therefore the amended Stage 2 building would not appear incongruous or out of character in the streetscene. The RSCH site is characterised by tall buildings and much of the Eastern Road/Edward Street corridor including the hospital is designated as an area with potential for tall buildings within the Council's Urban Design Framework (SPD17).
- 9.14. A series of viewpoints of the proposed Stage 2 and Stage 3 developments have been assessed in a Landscape and Visual Impact Assessment (LVIA) contained within the EIA addendum. The viewpoints generally demonstrate that the proposed amended Stage 2 building is barely visible in most long views and generally only visible at relatively close range. The one exception to this is the view from Marine Parade looking up Paston Place. This is a mid-range view rather than long-range but the proposed Stage 2 building can be seen clearly from Marine Parade. Whilst the proposed building is less sympathetic to the overall heritage context than the now demolished Barry Building, the impact of the amended Stage 2 building would not be significantly greater than the impact of the previously consented Stage 2 scheme on this view and any additional impacts resulting from the increased height are not considered so harmful as to warrant a reason for refusal of planning permission.

Layout, Appearance and Materials

- 9.15. Having regard to the overall floor area of the Stage 2 building, this would be reduced significantly from 19,536sqm (excluding the basement car park) to 12,808sqm which would partly help to mitigate the increase in height. This

overall reduction in floorspace is a result of changes in cancer care requirements, such as a greater reliance on outpatient and ambulatory care, and an increased number of virtual appointments. In addition, the completed Louisa Martindale Building has been able to service some of the ancillary uses of the previously approved Sussex Cancer Centre.

- 9.16. Internally the Stage 2 Cancer Centre would be laid out as follows:
- Level 01 (Ground level) – Main entrance and radiotherapy. This includes the radiotherapy bunkers on the western side of the building adjacent to Upper Abbey Road.
 - Level 2: Haematology/Oncology Outpatients Department
 - Level 3: This floor primarily comprises plant as well as staff facilities and two counselling rooms
 - Level 4: Haematology and Oncology Ward – contains 36 single bedrooms placed along the perimeter to maximise natural light.
 - Level 5: Day Unit including the assessment unit and treatment chairs
- 9.17. Despite the decrease in floor area, the number of patient beds within the building has increased from 26 to 36 to increase overall capacity for cancer patients.
- 9.18. This reduction in floorspace allows for the creation of a landscaped public plaza between the Stage 1 and Stage 2 buildings which would help to break up the overall mass of the entire 3Ts development and provide soft landscaping/planting to improve the appearance of the site visually, particularly when viewed from Eastern Road. A link between the Stage 1 and proposed Stage 2 building would be provided at the northern end of the public plaza. The Stage 2 building, which has the main entrance on the east elevation, would be accessed via the new public plaza.
- 9.19. Having regard to the façade/external materials and overall appearance, a number of changes are proposed to the Stage 2 building as part of the current application. The previously consented scheme had a frontage split into three separate components including an atrium rotunda as a central focal point and two elevations flanking it on either side. The consented scheme was said to draw inspiration from the rounded facades of Brighton’s Regency terraces and coastal buildings.
- 9.20. The Stage 2 building proposed as part of this application would appear more utilitarian than the previously consented scheme with a greater emphasis on functionality rather than form or design. The reduction in the size of the footprint of the building has resulted in the loss of the three separate components of the frontage which characterised the approved scheme. The proposed building, as amended, would be of a squarer form laid out around a central external landscaped courtyard. Whilst the majority of the building is 5 storeys high, the eastern side of the building which houses the radiotherapy bunkers is single storey with a landscaped terrace on top of this single storey element.

- 9.21. As with the previously approved scheme and similar to the Louisa Martindale building, the main elevations of the Stage 2 building would comprise reconstituted stone panels with textured surfaces. The finish of the panels at ground floor level is slightly different to the rest of the building in that has a flint-like finish informed by the existing flint wall along Upper Abbey Road. Anodized aluminium will be employed for the shading systems, spandrel panels and the soffit. A condition will be added to any planning consent to secure further details regarding materials to ensure a high quality finish.
- 9.22. Overall, despite the amended Stage 2 building being of a simpler design of lesser quality than the previously approved scheme, the design and appearance is still considered to be generally consistent with the adjacent Louisa Martindale building and is not considered that the Stage 2 building's more basic form would be so harmful as to warrant a refusal of planning permission, particularly given the significant weight that must be given to the public benefits of the scheme.

Heritage

- 9.23. Policy DM26 (Conservation Areas) states that *'development proposals within conservation areas will be permitted where they preserve or enhance the distinctive character and appearance of that conservation area, taking full account of the appraisal set out in the relevant character statement.'*
- 9.24. Whilst the site is not within a conservation area, it is located adjacent to the East Cliff Conservation Area to the south, immediately across Edward Street, and relatively close to the College Conservation Area to the west. There are also some Listed buildings - the Grade II Listed 53 College Street (and attached walls and railings), 17 & 19 Abbey Road (and attached walls and railings), and the Royal Gymnasium and attached railings on Paston Place – as well as a locally listed building (Sussex Eye Hospital) within the vicinity of the site, although not immediately adjacent.
- 9.25. In considering whether to grant planning permission for development which affects a listed building or its setting, the Council has a statutory duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Moreover, when considering whether to grant planning permission for development that affects the setting of a conservation area, the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.
- 9.26. Case law has held that the desirability of preserving a listed building or its setting or any features of special architectural or historic interest it possesses, and the desirability of preserving or enhancing the character or appearance of a conservation area should be given "considerable importance and weight".
- 9.27. The impact on heritage assets is assessed relative to that of the already consented Stage 2 building as this consented scheme is extant and can be implemented at any time. As set out above, whilst the current proposal would be up to 6.5m higher than the approved scheme (albeit still 5 storeys), this is

not considered a significant issue in relation to the setting of the Conservation Area and other heritage assets given the height of the building would still be significantly lower than the Louisa Martindale building to the east and the RACH to the north-east, and comparable to the height of Courtney King House to the west. The overall reduction in the footprint of the building would also help to reduce the impact of the increased height on the East Cliff Conservation Area and the inclusion of the public plaza is considered to provide some enhancements to the setting of the Conservation Area, particularly when viewed from the northern end of Paston Place.

- 9.28. Whilst it is not considered that the quality of the design for the current Stage 2 proposal is as high as that of the previously approved scheme, the design is still considered to be consistent with that of the Louisa Martindale building and appropriate in relation to the other hospital buildings. As a result, the additional impact of the amended Stage 2 building on the Conservation Area, nearby heritage assets and views up Paston Place from Marnie Parade, is not considered to be significant.
- 9.29. The removal of the flint wall along the western boundary of the site facing Upper Abbey Road was already approved under BH2011/02886. The original flint wall will be replaced by a new flint wall which is proposed to be a modern interpretation of the old wall. It is considered that the replacement flint wall could feel relatively oppressive for users of Upper Abbey Road if it does not have any additional visual interest and features to break up the potential monotony of this wall. Further details regarding the finished elevational treatment of this wall will therefore be secured by planning condition to ensure that it provides some visual interest.
- 9.30. No objections to the proposal are raised by the Council's Heritage Officer and the proposal is considered to be compliant with policies DM26, DM27, DM28 and DM29 of the City Plan Part Two.

Stage 3 site

- 9.31. The layout of the Stage 3 Service Yard would not change significantly from the previously consented scheme. The current proposal would still retain an unloading area for delivery vehicles to the east and rear of the Louisa Martindale building, a brown roof over the proposed storage building on the east and south boundaries of the service yard, a line of trees along Bristol Gate, and planting at the entrance to the basement car park.
- 9.32. The main difference between the proposed scheme and the previously approved scheme is the inclusion of two 10m tall oxygen storage vessels (and associated access) which the applicant states are there to 'improve the resilience of the hospital's critical infrastructure.' Such vessels are location specific and although other less prominent locations were assessed for the vessels, the need for them to be in a gated and well-ventilated area free of overhead powerlines and sources of ignition restricted the amount of locations in which they could be situated. Whilst visible from Bristol Gate, the storage vessels are set back from the main street between the service yard storage building and the landscaped area to the south. The vessels, within the context

of the wider hospital, are not considered to appear incongruous and they are set away from the East Cliff Conservation Area thereby reducing their impact on nearby heritage assets.

- 9.33. Overall therefore the impact of the scheme on heritage assets in the area is considered acceptable.

Impact on Amenity

- 9.34. Policy DM20 of the CPP2 states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 9.35. The residential properties nearest to the proposed Stage 2 Cancer Centre building are those at Courtney King House on the western side of Upper Abbey Road, and the dwellings on Upper Abbey Road just to the north of Courtney King House, 27 Upper Abbey Road being the closest of these properties.
- 9.36. A number of the flats on Courtney King House have east facing primary windows serving the main living spaces that would look directly towards the proposed Stage 2 building. Given that there is already an existing consent in place for the Stage 2 Cancer Centre, any consideration of amenity impacts must focus on the differences between the approved and current proposals rather than comparisons with the now demolished Barry Building. Whilst the proposed Stage 2 building is still 5 storeys in height, it is up to 6.5m higher than the approved Stage 2 building which has the potential for additional impacts on neighbouring residential properties in respect of outlook and sunlight/daylight. However, it should also be noted that the main bulk of the current proposal is approximately 3m further to the east than the previously approved building which partially helps to mitigate the impact of the height increase.
- 9.37. A Daylight, Sunlight and Overshadowing Assessment has been undertaken for the amended Stage 2 and 3 developments. The results of the assessment in respect of the Stage 2 development are summarised below.
- Daylight assessment: The Outpatients' building to the south of the site would be the most impacted. The proposal is considered to have a minor adverse effect on this building and a negligible impact on all other buildings surrounding the site.
 - Sunlight assessment: A negligible impact overall given 98.9% windows are generally unaffected. However, it should be noted that two windows are impacted (one to high degree and one to a medium degree) in Courtney King House to the west of the Stage 2 building. These windows are at ground and first floor respectively.
- 9.38. Given the overall impact of the proposed development on sunlight and daylight is not significant when assessed cumulatively, it is not considered that the proposed increase in the height of the Stage 2 Cancer Centre building would warrant a refusal of planning permission on this basis. The sunlight impact on

the two windows at Courtney King House is acknowledged and is regrettable but also needs to be weighed against the wider benefits of the development which are considered further in the conclusion of this report.

- 9.39. It should be noted that an independent review of the Daylight, Sunlight and Overshadowing Assessment was commissioned by the Council to ensure that the assessment was sufficiently robust. Whilst some clarifications and amendments to the report were necessary following this review, these issues have since been resolved and the assessment is considered robust in its conclusion that the development is acceptable.
- 9.40. Having regard to the impact on the outlook of the closest residential properties, the windows on the eastern elevation of Courtney King House are primary windows serving living spaces and face directly on to the proposed Stage 2 building. However, the distance from these windows to the main 5 storey element of the proposed Stage 2 building would be approximately 34m, across Upper Abbey Road, so whilst the proposed building would dominate views from these west facing windows, the distance would allow some relief from the main bulk of the Stage 2 building.
- 9.41. The closest property to the site is 27 Upper Abbey Road. This property has primary east facing windows serving a living room and bedroom at a distance of just under 30m from the main 5 storey element of the proposed Stage 2 building. However, unlike Courtney King House, the outlook onto the Stage 2 building is at a slightly oblique angle. Nevertheless, the occupier of No.27 would clearly be aware of the new building which would dominate views south-east from the property. Again, a distance of 30m provides some relief from the building, so whilst the outlook from this property would be impacted by the increased height of the proposed Stage 2 building, the impact is not considered to be unacceptable or significantly more harmful than the previously approved Stage 2 building.
- 9.42. A number of objectors have stated that if the new public plaza were located to the west of the Stage 2 development this would enable the proposed Stage 2 building to be moved further from Upper Abbey Road. Whilst this is acknowledged, it is the acceptability of the scheme itself that must be considered. Nonetheless, as set out above, the current proposals have shifted the main Stage 2 building away from Upper Abbey Road by around 3m so the creation of the public plaza has come about as a result of a reduction in the footprint of the building rather than any westward shift of the building. Additionally, the current location of the proposed public plaza would make it more usable for users of both the Stage 1 Louisa Martindale building and the Stage 2 Cancer Centre, and it also has the added benefit of breaking up the mass of hospital buildings fronting on to the north side of Eastern Road.
- 9.43. With regard to the proposed Stage 3 development, as previously set out, the main difference between the current and approved scheme is the inclusion of the 10m tall oxygen storage vessels. It is considered that these storage vessels are a sufficient distance from the residential properties to the west of the site to ensure no harmful impacts on outlook or light.

9.44. In conclusion, it is acknowledged that due to the impact on the sunlight available to two of the windows in Courtney King House there is some degree of conflict with policy DM20 of the City Plan Part Two. However, the overall planning balance and wider benefits of the proposed development are weighed up in the conclusion of this report.

Sustainable Transport

- 9.45. City Plan Policy CP9 states that the council will work with partners, stakeholders and communities to provide an integrated, safe and sustainable transport system that will accommodate new development; support the city's role as a sub-regional service and employment hub; and improve accessibility. The policy seeks to ensure developments promote and provide measures that will help to manage and improve mobility and lead to a transfer of people and freight onto sustainable forms of transport to reduce the impact of traffic and congestion, increase physical activity and therefore improve people's health, safety and quality of life.
- 9.46. Policy DM33 requires that new developments are designed in a way that is safe and accessible for all users and encourages the greatest possible use of sustainable and active forms of travel. DM35 sets out the standard and scale of information required in assessing Highways impacts. DM36 sets standards for parking and servicing of new development.
- 9.47. The revised application proposes the removal of the two lower-level car parks beneath the Stage 2 Cancer Centre building that were approved as part of the 2012 consent (and subsequent 2022 consent). This will result in a reduction in the amount of parking for the 3Ts development from 390 parking spaces to 98 parking spaces. The main reason for this is due to a significant amount of staff parking (550 parking spaces) now taking place at Brighton Racecourse and Whitehawk Football Club with a shuttle bus running to and from the hospital. It should be noted that the lease at Brighton Racecourse expires in May 2026 with an extension to the lease planned, and the Trust are currently working to finalise a new 5-year lease at Whitehawk Football Club.
- 9.48. Across the wider RSCH site there will be a total of 476 parking spaces including:
- 98 spaces within the existing Louisa Martindale Building basement car park
 - 302 spaces within the existing Muti storey car park
 - 39 spaces at Sussex House
 - 29 spaces at St Marys Hall
 - 1 space within A&E
 - 7 spaces at the Outpatients Department
- 9.49. Due to the provision of the aforementioned 550 off-site parking spaces for staff, and the new basement car park at the Louisa Martindale building, an on-site occupancy survey has identified spare capacity at the RSCH of at least 40 parking spaces at times of peak occupancy. The Local Highway Authority are satisfied that car parking on the site is sufficient and therefore raise no objection to the proposed removal of the basement car parking spaces,

subject to the receipt of further information regarding the long-term availability of the off-site park and ride areas.

- 9.50. The amended 3Ts development will include a total of 403 cycle parking spaces. As part of the Stage 2 and Stage 3 development, 115 cycle parking spaces will be provided within the new public plaza and on Bristol Gate to the east of the service yard. The 115 spaces exceed the requirement of 62 short stay spaces that would be required for the Stage 2 and Stage 3 development under the parking standards set out in SPD14.
- 9.51. An updated Transport Assessment has been submitted with the planning application which assesses Trip Generation associated with the proposed development and concludes that 32 additional trip will take place in the morning and 31 additional trips in the afternoon when compared against the existing situation at the hospital. A Traffic Impact Assessment to assess the impact of the additional trips on the road network has been undertaken and this is concluded that the impact on the road network would be negligible. These conclusions are not disputed by the Local Highway Authority.
- 9.52. An updated Travel Plan has been submitted with the application to look at ways of promoting more sustainable forms of transport to and from the site such as car sharing, car clubs, use of park and ride, public transport discounts, public transport timetabling information, cycling discounts etc. In accordance with the requirements of the S106 agreement for the 2012 permission, within 3 months of the occupation of the Stage 2 building the Trust is required to submit for approval by the Council a final Full Travel Plan, so the overall Travel Plan for the site will be enhanced and refined in due course.
- 9.53. The current application also proposes an amended layby directly adjacent the Stage 2 Cancer Centre building to accommodate Patient Transport Services, taxis, and private vehicles between the hours of 7am to 11pm. The details of this layby will be secured by planning condition. Layby details originally submitted with the application were considered to be unacceptable to the Local Highway Authority due to the potential impact on the flow of pedestrians and traffic along Eastern Road.
- 9.54. Subject to appropriate conditions to secure an acceptable layby design and appropriate cycle parking, the proposal is considered to have an acceptable impact on the highway network and would accord with policies CP9 and DM33.

Landscape and Ecology

- 9.55. Policy DM37: Green Infrastructure and Nature Conservation of the City Plan Part Two states, amongst other things, that *'development proposals will be required to demonstrate that they safeguard and/or contribute positively to the existing multifunctional network of Green Infrastructure that covers all forms of green and open spaces.'*
- 9.56. The policy goes on to state that *'development should avoid adverse impacts and seek to conserve and enhance biodiversity and geodiversity features...'*

- 9.57. As set out earlier in this report, a significant amendment to the original planning permission proposed under this current application is the removal of the green roof from the Stage 2 building as a result of its redesign and instead the creation of a landscaped public plaza between the Stage 1 and Stage 2 buildings. Visually, the public plaza at ground level would have a more positive impact on the streetscene than a landscaped area at roof level due to its increased visibility, and it would help to break up the mass of hospital buildings on the north side of Eastern Road. This new landscaped area, in addition to trees and planting, would also have seating areas and paving.
- 9.58. The level 1 courtyard within the centre of the Stage 2 Cancer Centre building would be amended and enlarged and a greater area of landscaping would be provided on the western side of the Stage 2 building on the roof of the radiotherapy bunkers.
- 9.59. A green roof would also be provided on the link between the Stage 1 and Stage 2 buildings at the northern end of the proposed public plaza.
- 9.60. Overall, it is considered that the proposal would provide significant landscaping and ecology improvements when compared with the existing situation on site which incorporates very little biodiversity. Calculations submitted by the applicant indicate a Biodiversity Net Gain on site of 795%. The County Ecologist has raised no objection to the proposed landscaping amendments but conditions would be added to the planning permission to secure further landscaping details as well as an additional bat survey of the existing cancer centre on the eastern side of the site prior to its demolition.
- 9.61. The proposal is therefore considered to accord with policy DM37 of the City Plan part Two.

Sustainability

- 9.62. Policy CP8 of the City Plan Part 1 requires that all developments incorporate sustainable design features to avoid expansion of the City's ecological footprint and mitigate against and adapt to climate change. The policy also requires all major and greenfield non-residential developments to achieve BREEAM Excellent standard.
- 9.63. The proposed Stage 2 Cancer Centre building would achieve BREEAM Excellent through the following sustainability measures:
- Photovoltaics on the roof top
 - Hot water from Water Source Heat Pumps (WSHP)
 - Green roofs and landscaped areas
 - Petrol Interceptors
 - Low flow sanitary fittings with monitoring and leak detection
- 9.64. Whilst the Stage 1 Louisa Martindale building was required to achieve BREEAM 'Excellent', this relied on the use of Combined Cooling Heat and Power (CCHP). The Sustainability Statement submitted with the current S73 application states that CCHP is no longer considered best practice as

advancements in technology and decarbonising the grid mean the electricity generated by CCHP no longer offsets the gas consumed. Therefore CCHP is no longer being used in the development. As a result, under the BREEAM 2011 the Louisa Martindale building would only achieve 'Very Good' rather than 'Excellent'. However, the decision to no longer use CCHP was agreed with the Council's Sustainability Officer during pre-application discussion.

- 9.65. Assessed collectively, the Louisa Martindale building and the Sussex Cancer Centre would score 'Very Good' as there are limited opportunities for the Sussex Cancer Centre building to uplift the Louisa Martindale building to 'Excellent' because of their relative sizes.
- 9.66. Whilst this is not ideal and conflicts with the requirements of Policy CP8 of the City Plan Part One, this situation is very much a result of the fact that the Louisa Martindale building was primarily constructed under the 2012 consent and sustainable technologies have progressed significantly since this time. Therefore, the proposed scheme is not considered unacceptable in this regard, particularly given that the Stage 2 building would achieve BREEAM 'Excellent'.

Air Quality and Noise Pollution

- 9.67. Policy DM40 of the City Plan Part 2 states, amongst other things, that *'Planning permission will be granted for development proposals that can demonstrate they will not give rise nor be subject to material nuisance and/or pollution that would cause unacceptable harm to health, safety, quality of life, amenity, biodiversity and/or the environment (including air, land, water and built form). Proposals should seek to alleviate existing problems through their design.'*
- 9.68. It is not considered that the proposed amendments to the Stage 2 building and Stage 3 service yard area would result in any additional air quality impacts above and beyond the existing planning consents. The proposed reduction in 283 car parking spaces on the site, particularly for staff, and the continued use of the park and ride facilities at Brighton Racecourse (330 spaces) and Whitehawk FC (200 spaces), which were not in place at the time of the original planning consent in 2012, are likely to result in less cars driving directly to the hospital and within the Eastern Road Air Quality Management Area (AQMA).
- 9.69. The Air Quality Assessment included within the submitted ES Addendum confirms that the revised quantum of development associated with the Cancer Centre results in fewer air quality impacts and the building will be mechanically ventilated with sealed windows meaning future occupants will not be exposed to pollutant concentrations exceeding air quality objectives, particularly from traffic on Eastern Road. This conclusion is not disputed by the Local Planning Authority.
- 9.70. With regard to the noise impacts of the proposed development, it is not considered that the proposed amendments to the Stage 2 building and Stage 3 service yard area would notably worsen such impacts. A condition requiring acoustic reports for the Stage 2 and Stage 3 developments to be submitted within 3 months of occupation will be added to any planning consent. It will

need to be demonstrated through the acoustic reports that the noise associated with any plant and machinery will not exceed the background noise level when measured at the nearest existing noise sensitive premises.

- 9.71. The proposed amendments to conditions 3 (plant noise levels), 40 (acoustic survey stage 2) and 56 (acoustic survey Stage 3) proposed as part of this S73 application are primarily to ensure that the conditions reference the most recent British Standards for noise assessment rather than those in place when the 3Ts development was first approved in 2012, and are therefore considered acceptable.

Sustainable Drainage and Water Quality

- 9.72. Policy DM42 (Protecting the Water Environment) of the CPP2 states, amongst other things, that *'development proposals will not be permitted if they have an unacceptable impact on the quality and potential yield of local water resources used for public water supplies.'* The policy goes on to state that *'planning permission may be refused if relevant site investigations and risk assessment have not been undertaken and if necessary mitigation measures are not provided.'*
- 9.73. Policy DM43 (Sustainable Drainage) of the City Plan Part Two states that 'The design and layout of all new buildings, and the development of car parking and hard standing, will be required to incorporate appropriate Sustainable Drainage Systems (SuDS) capable of ensuring that there is a reduction in the level of surface water leaving the site unless it can be demonstrated not to be reasonably practicable.'
- 9.74. The proposed drainage system for the Stage 1 Louisa Martindale building has already been approved and constructed. For the Stage 2 and Stage 3 developments, the proposed drainage system is for all water to be discharged via deep bore soakaways. Surface water is proposed to be captured through conventional gulleys and slot drains, with some drainage through permeable surfaces in landscaped areas and green roof areas. A SuDS assessment has been submitted as well as a maintenance and management plan.
- 9.75. Foul water would be discharged to the adjacent public sewer in Bristol Gate and combined sewer in Upper Abbey Road via new connections.
- 9.76. The Council's Sustainable Drainage section have confirmed that they have no objection to the proposed drainage strategy and the resultant proposed amendments to conditions 26, 42, 43 and 44 of BH2021/03056 to reflect the updated drainage strategy. It is therefore considered that the proposal is acceptable in this regard and would accord with Policy DM42 of the City Plan Part Two.

Other Considerations

Wind Microclimate

- 9.77. Concern has been raised in representations about the creation of 'wind tunnels' as a result of the development. A Wind Microclimate Assessment has

been undertaken as part of the application submission. The results show that the proposed Sussex Cancer Centre and Service Yard together have a relatively minimal impact on the wind conditions within and in close proximity to the site.

- 9.78. However, it should be noted that the Pedestrian Comfort Annual Assessment shows some areas within the new public plaza as having relatively windier conditions more suitable for standing rather than sitting. The majority of seating proposed in the public plaza area is outside of this more windy area but there is some seating proposed within it. However, given such windy conditions would not occur in summer months when the plaza is likely to be most used, it is not considered a significant issue to have some seating located within this area.
- 9.79. The Assessment also shows a minor increase in wind conditions in a few small areas of Upper Abbey Road. However, these affected parts of Upper Abbey Road would still be suitable for standing and walking which is appropriate for this road given there are no seating areas in these windier locations.
- 9.80. The Summer Comfort plots reveal that certain areas along the South Service Road, adjacent to the proposed Cancer Centre, experience wind conditions suitable for standing rather than sitting. However, as a result, the seating along the South Service Road has been relocated to zones that meet the sitting comfort criteria.
- 9.81. It should be noted that an independent review of the Wind Microclimate Assessment was commissioned by the Council to ensure that the assessment was sufficiently robust. Whilst some clarifications and amendments to the report were necessary following this review, these issues have since been resolved and the Wind Microclimate Assessment is considered robust, and the development acceptable in terms of wind microclimate impacts.

Sunlight and Daylight to Amenity Areas

- 9.82. The Daylight, Sunlight and Overshadowing Assessment also assessed the impact of the proposed Stage 2 and Stage 3 developments on the amenity areas within the proposed development. The BRE guidance recommends that 50% or more of these amenity spaces should receive at least 2 hours of sunlight on 21st March. The majority do meet or exceed the BRE recommendation including the new public plaza between the Stage 1 and proposed Stage 2 building. The two spaces that fall under the BRE recommendations are the central courtyard within the proposed Stage 2 building which would receive no sunlight at all at 21st March and the Level 2 East Staff Terrace located towards the rear of the proposed public plaza which falls marginally below the 50% requirement. Given these areas will be used by staff and patients with other options for on-site amenity space, unlike a residential development, this is considered acceptable.

Sunlight and Daylight Impacts to Other Hospital Buildings

- 9.83. It should be noted that the Daylight, Sunlight and Overshadowing Assessment identified some impacts on other hospital buildings as follows:

- Minor adverse loss of daylight to the Outpatients' Building on the south side of Eastern Road as 8 out of the 13 windows assessed would be below the BRE recommendations. However, this impact is considered to be no worse than the previously approved Stage 2 Cancer Centre building.
 - A negligible impact on the daylight available to the Royal Alexander Children's Hospital as 19 out of 165 windows assessed on this building would be below the BRE recommendations.
- 9.84. Whilst the loss of some daylight to existing hospital buildings is regrettable, the impact is not considered to be significant or harmful enough to warrant a reason for refusal of planning permission. Additionally, this impact needs to be balanced against the significant health benefits of providing a new Cancer Centre in the City.

Deed of Variation

- 9.85. A deed of variation to the original S106 agreement for the 2012 planning consent would be required before any decision to approve the planning application can be issued. Such amendments to the original S106 would be minor to reflect some of the alterations to the proposal set out above, including the change from BREEAM 'Excellent' to BREEAM 'Very Good' in respect of the Louisa Martindale building.

10. CONCLUSION

- 10.1. Paragraph 11 of the NPPF makes it clear that planning application decisions should apply a presumption in favour of sustainable development.
- 10.2. As set out in this report, the principle of development on the site is considered acceptable given the previous planning consents on the site for the 3Ts development and the fact that the redevelopment and enlargement of the RSCH is supported by Part C1 of Policy DA5 of the Brighton & Hove City Plan Part One. The significant enhancement of hospital facilities within the City would have significant health benefits for residents of the City and beyond.
- 10.3. Having regard to design and heritage considerations, whilst the proposed Stage 2 building would be more simplified and functional in appearance than the previously consented scheme, the design and materials would still be consistent with the adjacent Louisa Martindale building. The 6.5m increase in the height of the Stage 2 building, whilst notable, is not considered to have a significant impact on the streetscene or heritage assets and would still be significantly lower than adjacent hospital buildings such as the Louisa Martindale building and the Royal Alexander Children's Hospital.
- 10.4. Whilst it is acknowledged that there would be some impact on the outlook and light available to the nearest residential properties, the impact is not considered to be significantly greater than the previously approved Stage 2 building. Having regard to the overall planning balance, it is not considered that the relatively limited harm to sunlight available to neighbouring properties

would outweigh the significant health benefits, both City wide and beyond, of providing a new Cancer Centre.

- 10.5. The proposed removal of basement level parking beneath the Stage 2 Cancer Centre building is considered to be acceptable due to the significant amount of staff parking and associated park and ride facilities at Brighton Racecourse and Whitehawk Football Club. This has freed up a significant amount of space within the multi-storey car park and, with the addition of the new basement parking at the Stage 1 Louisa Martindale building, results in some free capacity at the Hospital to accommodate the additional parking required for the amended Stage 2 building.
- 10.6. The amended proposals are also considered to be acceptable having regard to landscape and ecology, sustainability, sustainable drainage, air quality, noise, and wind microclimate and would not have any notably increased impacts in respect of these issues than the existing consented scheme.
- 10.7. It is therefore considered that the proposed development complies with national and local planning policies and planning permission is therefore recommended subject to the conditions within the report and a Deed of Variation to the original S106 agreement.

11. COMMUNITY INFRASTRUCTURE LEVY

- 11.1. Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23 July 2020 and began charging on all CIL liable planning applications on and from the 5 October 2020. However, due to the proposed use of the building as a hospital, the proposal would not be CIL liable.

12. EQUALITIES

- 12.1. Section 149(1) of the Equality Act 2010 provides:
 - 1) A public authority must, in the exercise of its functions, have due regard to the need to—
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 12.2. Officers considered the information provided by the applicant, together with the responses from consultees (and any representations made by third parties) and determined through an Equalities Impact Assessment that the proposal would not give rise to unacceptable material impact on individuals or identifiable groups with protected characteristics.

- 12.3. Step-free routes are provided to all key facilities within the proposal and passenger lift access is provided to all floors.

13. REASONS FOR REFUSAL IF S106 NOT COMPLETED

- 13.1. A Deed of Variation to the S106 for planning permission BH2011/02886 is required for this planning application as the original S106 does not allow for any amendments to the original planning permission via a S73 application.

- 13.2. The Heads of Terms for the original S106 agreement were as follows:

- A Construction Phasing Plan.
- A Construction Environmental Management Plan (CEMP).
- Fourteen days prior written notice of commencement of development.
- Contribution towards Sustainable Transport of £556,190.
- Employment of a Travel Plan Co-Ordinator
- Provision of Framework Travel Plan
- Commitment to enter into a S278/S38 agreement to carry out off site works
 - to the highway
- Agreement to fund the necessary Traffic Regulation Orders (TROs) for the highway works
- Residents/Transport Liaison Group to be set up to include a list of invitees with transport interest.
- Employment Strategy to be submitted aimed at employing a minimum 20% of local construction workers from within Brighton & Hove City boundary.
- Artistic component to be provided in accordance with the Trust's Public Art Strategy at a cost of not less than £421,000 index linked to 2012 costs.
- Off-site consolidation centre to be operational prior to commencement of demolition works on Stage 1.
- Updated Wind Assessment and Mitigation Scheme.
- Peregrine falcon relocation measures and exclusion works at Thomas Kemp Tower.

- 13.3. In the event that the S106 agreement has not been signed by all parties, the application shall be refused for the following reasons:

1. The proposed development fails to deliver an employment strategy in accordance with Policy CP2 of the Brighton and Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
2. The proposed development fails to deliver a Travel Plan and other necessary measures to help reduce the impact of the development on the highway, enhance Sustainable Transport and reduce car use in accordance with policies CP9 of the Brighton and Hove City Plan Part One, DM33 and DM35 of the City Plan Part Two, and the City Council's Developer Contributions Technical Guidance.
3. The proposal fails to ensure the adequate protection of neighbouring amenity, highway safety and managing waste throughout development

works in accordance with policies DM20, DM33, and DM40 of the Brighton & Hove City Plan Part Two.

4. The proposal fails to provide an artistic component in accordance with Policy CP12 of the City Plan Part One and the City Council's Developer Contributions Technical Guidance.
5. The proposal fails to protect biodiversity in accordance with Policy CP10 of the Brighton & Hove City Plan Part One and DM37 of the City Plan Part Two.

