

25<sup>th</sup> April 2012 Planning Committee – Late List

| Page | Site Address                                      | Application No. | Update  |
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| 15   | Former Falmer High School, Lucraft Road, Brighton | BH2012/00384    | <p><u>Protected Tree</u><br/>Additional plans have been submitted which show that the ground level around the protected beech tree is to remain at the same level. This is welcomed and addressed the earlier concerns of the Council's Arboriculture Officer. A larger area of porous paving around the tree is now proposed. The Environment Agency has been consulted on these plans, with regard to any potential impact on the Groundwater source protection zone for Falmer Water Supply. The Environment Agency raise no objection.</p> <p><u>Proposed Lighting</u><br/>The applicant has confirmed that the proposed lighting will be similar to the lighting which was approved at the Brighton Aldridge Community Association. The final details of the lighting and necessary mitigation needed in order to prevent disturbance to bats will be secured by a condition. The Council's Ecologist has no objection to this being secured by condition.</p> <p><u>Changes to Recommended Conditions</u><br/><b>Condition 2</b> has been amended to read:<br/>2. The development hereby permitted shall be carried out in accordance with the approved drawings no. 11598 001, 11598 101, 11598 201 received on 10 February 2012, ED120/24 and ED120/258 received on 15 February 2012, 22082 222 A, 22082 110B received on 4 April 2012, 22082 203 B 22082 204 C, 22082 217 C received on 5 April 2012 and 11598 002, 11598 103 C, 11598 301 Rev C received on 19 April 2012.</p> <p><b>Condition 18</b> has been amended to:<br/>18. The development shall be carried out fully in accordance with the Tree Protection Measures contained within The Method Statement for the Alteration of Levels submitted on the 18 April 2012.</p> <p>Following consultation with the Council's Ecologist <b>Condition 19</b> has been amended to read:</p> |

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|  |  |  | <p>19. No lighting shall be installed until a lighting report containing details of the location, height, technical specification, LUX levels, lighting diagrams and an assessment of the impact of the lighting on bats and any necessary mitigation measures, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out fully in accordance with the approved details and retained as such thereafter until the 31<sup>st</sup> of May 2016.</p> <p>In order to be consistent with the permission for the Brighton Aldridge Community Academy, a condition of which requires floodlights to be switched off at 10pm, <b>condition 22</b> has been amended to read:</p> <p><i>22. When the car park is not in use by the American Express Community Stadium, the 9 lighting columns on the perimeter of the car park and one floodlight within the car park which is directly to the north west of the temporary building, shall only be illuminated between 7am and 10pm. Unless otherwise agreed in writing by the Local Planning Authority, when the car park is in use by the American Express Community Stadium, all lighting columns within the site shall only be illuminated between the hours of 7am to 11.30pm.</i></p> <p>The date referenced in <b>condition 24</b> has been changed from 2012 to 2016 as this was a typo.</p> <p><b>An additional condition (number 26)</b> is proposed to secure the management of the car park for the days when it is not in use by the American Express Community Stadium:</p> <p>26. The car park hereby approved shall not be brought into use until a management plan has been submitted to and approved in writing by the Local Planning Authority. The management plan shall contain details of how the car park will be managed by the applicant on days when the car park is not used in connection with the American Express Community Stadium and details of how car parking for the users of The Bridge Community Education Centre will be provided (in accordance with the requirements of condition 8) whilst preventing any other unauthorised parking by people not attending The Bridge Community Education Centre. The management of the car park shall be carried out fully in accordance with the approved details.</p> <p>Reason: In order to prevent use of the car park on non-match/event days by people not attending the Bridge Community Education Centre and to comply with</p> |
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policies TR1, TR7 and TR19 of the Brighton & Hove Local Plan.

Additional Representations:

**Bicycles** object to the scheme on the following grounds:

There will be a large number of motor vehicles crossing or using cycle routes from Brighton to Falmer. The cycle routes particularly affected use Lucraft Road and Moulsecoomb estate, and the narrow tunnel under the railway line which links to the A270. Both of these roads will both become entrance/exit routes for hundreds of vehicles. This is likely to obstruct and deter cyclists, and cause inconvenience to both cyclists, pedestrians and residents. If this application is approved, there will be many more vehicle movements and emissions (when the Lewes Road already has air quality problems), more conflict with vulnerable road users and an increased likelihood of collisions. (This is more than just noise and disturbance, but encompasses those criteria for objection).

This is all counter to the essential work being done by Brighton and Hove City Council, Bricycles and Bike Train to promote sustainable travel along the Lewes Road, and for which the government has awarded £4.2 million funding to the council from the DfT's Local Sustainable Transport Fund.

Would therefore request that this application is refused and that the Club works harder to increase the number of spectators travelling by bike or other more sustainable transport. Falmer is well connected with bus, train and cycle routes, so it is difficult to accept the need for more car parking.

**Lewes Road Consortium – made up of the Chairs of the 9 TA/RA groups within Moulsecoomb, Bevendean, Coldean and Saunders Park:** object to the scheme on the following grounds:

- Relocation of the only community centre in the area – the Bridge is being moved further away from the community which it is serving, with no additional transport links and increasingly difficult access, i.e. up a steep hill of approximately 1 mile.
- The current location has a lift and ramp access making it DDA compliant and provides free parking spaces.
- It is not clear if the Bridge will be accessible on match days from Lucraft Road – if yes this is across a busy car park.
- Will there still be free parking spaces for the Bridge and what controls will be in place to protect these on match and event days.
- Although the car parking provision is above the national recommendation it is

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|  |  |  | <p>not sufficient for the increased seat capacity.</p> <ul style="list-style-type: none"> <li>• The proposed number of parking spaces is less than currently exists as they will close another car park currently being used to accommodate football parking.</li> <li>• The proposals for the Lewes Road Traffic Improvement is reducing car parking and the number of lanes (downgrading from a dual to a single carriageway) – this will cause additional congestion problems on match and event days.</li> <li>• There is no information about the non-football events and how the planning for this is being managed.</li> </ul> <p>The resident of <b>8 Dartmouth Close</b> <u>objections</u> to the entry and exit to the car park as this area is used by several thousand walking public to and from the football ground; the use of the tunnel will bring vehicles and walking public including young children into sever conflict and potential accident; and Village Way should be used to access this car park.</p> <p><b>Officer response:</b></p> <p>The background and need for the proposed car park has been set out within the report. Lucraft Road will not be used for access or egress to the proposed car park when in use by the Stadium. The use of the car park in connection with the Stadium is limited to 50 times in any 12 month period. Priority will be given to pedestrians and cyclists using the tunnel under the railway-line, through stewarding by the Club which would be secured through the recommended condition for a final Stewarding Plan.</p> <p>It is not possible to use Village way to access the car park. This would involve using an unmade emergency access route though the Brighton Aldridge Community Academy and an access route though the University of Brighton.</p> <p>It is considered that the proposed Bridge building would be an accessible building, it would provide accommodation on one level with small ramps at the main entrances. Free car parking should remain for users of the Bridge. However, it is recognised that users of the Bridge would be unable to park within the car park on match days, and may find it difficult to park within the car park within on the remaining number of times the car park may be used (total number of times the car park can be used by the Club in 12 months is 50 times). However, the times where there would be potential conflict is limited to a maximum number of 50 times per year. The stewarding details required condition would also cover use of the car park for non football use (e.g. concerts, large conferences etc).</p> |
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|    |   |              | <p><b>South Downs National Park Authority:</b> raise no objection to the principle of the proposed development subject to measures being put in place to ensure that the extant permission cannot be concurrently built out and planning conditions imposed requiring further details of the proposed temporary lighting columns to be submitted prior to development; the imposition of a travel plan to monitor event day vehicular congestion accessing the application site; and a requirement for appropriate remediation and landscaping works once the temporary consent expires.</p> <p><b>Officer Comment:</b><br/>Conditions are proposed which cover all of the above requirements apart from a 'travel plan to monitor event day vehicular congestion'. The impact of the car park would not be materially different to that which was approved previously under the original stadium consent (BH2001/02418/FP). It is considered that the Travel Management Plan and Travel Management Group for the Stadium (detailed under application BH2011/03861) is the mechanism for monitoring and addressing any congestion issues.</p>  |
| 47 | Amex Community Stadium, Village Way, Brighton | BH2011/03861 | <p><b>Wards:</b> The red edge of the application extends into Hollingdean and Stanmer Ward not just Moulsecoomb and Bevendean as shown in the report.</p> <p><u>Recommended Heads of Term</u><br/>Following consultation with the Club and the University of Brighton, some slight changes have been made to the proposed <b>Heads of Term</b> for the <b>Deed of Variation to Brighton Agreement 1</b>. For ease of reference the complete set of recommended Heads of Term has been appended to this latelist, and these replace those referenced within the Committee Report.</p> <p>The discussions between the parties are ongoing and as such are subject to minor changes which will be reported verbally at committee.</p> <p><u>Changes to Recommended Conditions</u><br/><b>Condition 1</b> should be amended to refer to 5,991 seats rather than 6,005.<br/><b>Condition 36</b> should also be amended to refer to 5,991 and the remaining capacity to 2,259 rather than 2,245. The numbers have reduced as a result of the reduction in the number of parking spaces on the former Falmer High School site.</p> <p>1. Of the additional 8,250 capacity hereby approved, only 5,991 seats of the additional capacity shall be brought into use for the 2012/2013 football season.</p> |

36. When the 650 space temporary car park on land to the east of the Stadium (planning application reference LW/11/0466) ceases to be in use, of the additional 8,250 capacity hereby approved, only 5,991 seats of the additional capacity shall continue to be in use. None of the remaining capacity of 2,259 seats shall be brought into use unless details of a permanent park and ride solution, or an alternative transport solution, to replace the 650 space temporary car park, has been agreed in writing by the Local Planning Authority and until the permanent park and ride solution, or an alternative transport solution has been implemented.

**Condition 23** shall be preceded by '*unless otherwise agreed in writing by the Local Planning Authority*' to allow flexibility should the works on the adjoining BACA site, which is out of the applicant's control, run over schedule. The condition should therefore read as follows:

23. Unless otherwise agreed in writing by the Local Planning Authority, the approved access ramp located at the western end of the footway/cycleway from the former Falmer High School to Stadium and the transportation method for people with limited mobility, shall be fully constructed and carried out in accordance with the details previously approved (by letter on 14 October 2010) and as shown on drawing nos. N71041 – FL (01) revision D, N71041 – FL (01) revision G submitted on 8 October 2010, and drawing ref: 220 submitted on 29 March 2012 by the 31 December 2012 and retained as such thereafter.

**Condition 24:** Reference should be made to 'condition 23' not 'condition 21' as referred to and should read as follows:

24: The additional capacity hereby approved shall not be brought into use until a scheme detailing the interim methods of transportation and the routes from the car park at the former Falmer High School (ref: BH2012/00384) to the Stadium, for people with limited mobility has been agreed in writing with the Local Planning Authority. The details shall include a timeframe for implementation and specification for the temporary ramp and access route along with the temporary access route which will be in place while the permanent ramp detailed in condition 23 is under construction. The scheme shall be implemented fully in accordance with the approved details.

**Additional conditions recommended:**

37. The use of the car park approved under planning application BH2012/00384 plus the use of the adjacent Brighton Aldridge Community Academy site, for parking

to serve this development, shall not exceed 1,000 car parking spaces at any one time.

**Reason:** Planning application BH2012/00384 has been assessed on the basis of no more than 1,000 cars being parked on the two sites and no more than 1,000 cars accessing the site from the A270 via the railway-bridge, and an increased number of trips has not been considered in terms of the impact on the local highway network and highway safety and neighbouring amenity, and in relation to policies TR1, TR7, TR19 and QD27 of the Brighton & Hove Local Plan.

**Officer comment:** The restriction has been taken out of the proposed Heads of Terms and a condition is recommended instead to ensure that no more than the number of vehicles assessed in the TA for BH2012/00384 use the parking on both sites.

38. The overall maximum attendance at an indoor event or events in the conferencing/banqueting facilities within the Stadium shall not exceed 2510.

**Reason:** In order to avoid excessive noise and disturbance in accordance with policies NC6 and QD27 of the Brighton & Hove Local Plan.

**Officer comment:** This is condition 39 of BH2008/02732 and should be replicated on this decision notice.

Additional Representations:

**Lewes Road Consortium – made up of the Chairs of the 9 TA/RA groups within Moulsecoomb, Bevendean, Coldean and Saunders Park:** object to the scheme on the following grounds:

- Noise, anti-social behaviour (primarily noise and drink related), car vandalism, parking – inconsiderate and illegal parking, increased level of traffic in a quiet residential area, blocking emergency vehicle access.
- Although the car parking provision is above national recommendation it is not sufficient for the increased capacity.
- The total car parking provision will reduce once Bennett's Field car park closes.
- The proposals for the Lewes Road Traffic Improvements will cause additional congestion problems on match days.
- No information on non-football events has been submitted or how this will be managed.

Additional comment from **Falmer Parish Council:** The Parish Council asks for the following to be sought through a legal agreement to address the impacts of the additional capacity on the Village:

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|  |  |  | <ol style="list-style-type: none"> <li>1. That there are match day /event day traffic orders developed and implemented with costs paid for by BHA to prevent football fans and stadium employees parking in the village. For BHCC and ESCC to work together on developing and implementing these orders.</li> <li>2. That BHA is required to commit to improved stewarding in the village especially at the Falmer footbridge.</li> <li>3. That Wayfinding signage is introduced to direct fans drinking at the Swan pub Falmer to the stadium via the Sussex University underpass.</li> </ol> <p>Additional <u>comment</u> received from <b>Lewes District Council</b> which supports the above requests made by Falmer Parish Council.</p> <p>Additional <u>comment</u> from <b>East Sussex County Council Highway Authority</b>: It is acknowledged that significant progress has been made by the football club to try and prohibit the dropping off or picking up of spectators along Village Way and within Falmer Village since operation of the stadium commenced. This has been a direct result of enhanced stewarding and police presence.</p> <p>While the progress made is noted, it is imperative that should consent be granted any recommendation should consider the likely impact on Falmer Village and include reasonable mitigation measures to ensure that Falmer Village is not adversely impacted by the proposed stadium expansion. The existing match day parking restrictions appear to be working.</p> <p><b>Officer comment:</b></p> <p>As noted by ESCC HA the existing measures to control parking in Falmer Village appear to be affective and will continue to be in place. Parking in the Village will continue to be controlled and monitored. The original legal agreement also contains a clause for penalty charges to be paid if defined parking thresholds are exceeded and it remains the decision of ESCC HA and Lewes District Council to consider whether they wish to use such charges to fund a formal CPZ. Stewarding will continue to be monitored through the Travel Management Group (TMG) however stewards do not have the power to prevent any football supporters walking through the village as it is a public highway. An amendment is also proposed to the existing Lewes Unilateral Obligation to include securing a strategy to address private drop off in the vicinity of the stadium which will also be monitored by the TMG.</p> <p><b>South Downs National Park Authority:</b> Raise <u>no objection</u> to the principle of the proposed development subject to planning conditions requiring the submission of sample materials for the new external works and requirement of a travel plan</p> |
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encouraging collaborative working to, minimise unauthorised parking, improve the capacity of Falmer Train Station, minimise congestion at the junction of the A27 and B2123 which is harmful to the landscape setting and accessibility of the South Downs National Park and reduce the carbon footprint of stadium users through the discouragement of the use of private motor vehicles and the promotion of sustainable modes of transport.

**Officer comment:** The external works do not require planning permission.

**Eight (8)** additional letters of support have been received from the occupants of **17 Wellands Close Wickham Bishops Essex, 190 mile oak road, 58 Dewe Road, 34 Stansfield Road, Badgers Way Cottage, 20 Park Street SP1 3AU, 86 Norwich House Norwich House Road Falmer and 4 Lakeside Horsham.**

**One (1)** additional letter of comment has been received from the occupant of **8 Lancing Way** who states: Provide car charging points.

**Concurrent planning application** under consideration: **BH2012/00873:** Application for variation of condition 11 of previously approved planning application BH2001/02418 and condition 11 of previously approved planning application BH2008/02732. The condition currently reads "There shall be no laser and/or firework displays at the Stadium". This application seeks to vary the condition to read as follows, "There shall be no laser or pyrotechnics/fireworks displays other than within the confines of the Stadium and then any such display shall be limited to lasers and pyrotechnics/fireworks, none of which shall exceed the highest point of the Stadium roof".

**Officer comment:** Condition 8 on this application is currently worded in accordance with the original permissions. If both applications are recommended for approval and the decision for BH2012/00873 is issued prior to this (BH2011/03861) application, then condition 8 of this decision will be updated to accord with the approved wording.

Additional consultation response received: **Sports Facilities and Sports Development:** Support the proposal.

Amended summary of **University of Brighton's objection** provided by the University to replace that in the report:

**'University of Brighton:** Object –The University has lodged a holding objection to the application. The planning application was submitted without the club first obtaining the agreement of the University as required by Clause 7.1 of the s106 agreement. There are a number of matters relating to the Travel Management Plan,

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|     |                         |              | based on the current seating capacity, which are causing practical problems for the University. The main problems relate to congestion around the A27 and the entry/exit to the Falmer site which the University is concerned will be made worse by the expansion. It is also unclear whether the proposals breach the noise conditions under the lease. The University requested an early meeting to discuss how its concerns can be addressed and at the time of writing this report discussions are ongoing with the aim of achieving a solution that will allow the objection to be withdrawn.'  |
| 211 | 191 Kingsway            | BH2011/03956 | <ul style="list-style-type: none"> <li>• 3x CGI's received.</li> <li>• Error pg 215- 3x objections received from 189 Kingsway, not 191.</li> <li>• Clarification on the possibility of an injunction being served on the applicants by objectors: The applicants (191 Kingsway) are of the opinion that there are no grounds to serve an injunction in respects of the rights to light on the grant of permission as the injunction would only be available should work physically commence onsite.</li> </ul> <p><b>Officer response:</b> Right-to-light issues and the possibility of an injunction being served in respect of right to light are not material planning considerations. Counsel's view is that an injunction could be sought (although not necessarily granted) either on the grant of permission or on commencement.</p> <p>Late representation from representative of 189 Kingsway: Subject to further legal advice, it may well be that our clients will seek a judicial review of any decision based on advice that the rights to light issue are a non-material factor for the committee to take into account. The legal point is that if the Sackville Hotel had remained standing, there would have been windows in the west facing flank wall, all of which giving light to the rooms behind them. In this circumstance it is inconceivable that the Council would contemplate building right up to the mutual boundary blocking all light to these windows. However, because those rights to light exist and because my clients are intending to build back the windows in broadly the same position as they were before, that is a material factor for your Council to take into account.</p> <p><b>Officer response:</b><br/>Right-to-light issues remain non-material to this application.</p> |
| 279 | 27-29 Pembroke Crescent | BH2011/03764 | <p>Highways comments:</p> <ul style="list-style-type: none"> <li>• Recommended <u>refusal</u> as the proposal does not provide adequate justification for removing the necessary condition to ensure that the property remains car free for the long term.</li> </ul>  |

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|  |  |  | <ul style="list-style-type: none"><li>• The site in question benefits from being in close proximity to bus services along New Church Road, Sackville Road and Portland Road. Both Aldrington and Hove railway stations are approximately a 12 minute walk or a walking distance of 600m. Therefore the site is deemed to have good access to public transport and be in a sustainable location. It is an appropriate site to be car free.</li></ul> |
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NB. Representations received after midday the Friday before the date of the Committee meeting will not be reported (Sub-Committee resolution of 23 February 2005).

