

St Aubyns Public Questions from RPC Meeting held 3 December 2018 – Response from Parish Council

Introduction

Since some of the questions overlap and others are subjective of better directed to the City Council, we have prepared this comprehensive response to cover the questions raised by members of the public at our December meeting.

Context

Rottingdean Parish Council has no statutory planning powers. Planning applications within the Brighton and Hove area, including Rottingdean, are determined by the Planning Committee at Brighton and Hove City Council. Rottingdean Parish Council is a statutory consultee in relation to applications within the Parish boundary and to a number of BHCC strategic documents, such as the Local Plan.

In determining planning applications, members of BHCC's Planning Committee are bound by legislation to make their decisions on planning grounds alone and not to vote on party political lines. It is worth noting that deterioration of a site due to non-use or vandalism is not a material planning consideration.

In the case of application BH2017/02680 in relation to the former St Aubyns School, the application was approved subject to 47 detailed conditions and a number of other requirements, including a substantial S106 agreement, yet to be completed.

This was after rejection of previous applications lodged by Linden Homes - BH2015/03018, BH2015/03110 and BH2015/03112 on 22 April 2016.

Our objections

RPC lodged its objections to Planning Application BH2017/02680 in a 6 page letter dated 6 October 2017. Reasons for objecting spanned the following areas:

- **Density and overall appearance** (BH2017/02680)

- **Economic viability**- lack of transparency on financial viability of the housing scheme (& its many possible permutations);
- **Direct and cumulative impact on transport systems** – overcrowding, physical congestion of village space & air pollution; (plus some on-street car parking losses) from increasing reliance on private car ownership;
- **Impact of additional traffic on AQMA**
- **Pressure on services** – Village GPs/dentists & primary schools
- **Construction period** – enforcement of site-working that respects fully the community and an historic village environment.

Our comments regarding the AQMA are worth restating in full here:

‘AQMA

- Rottingdean High Street experiences high pollution due to both the number of vehicles moving through the High Street and congestion levels both within it and at the A259 Junction this frequently causes queuing in the narrow canyon area at speeds claimed by the traffic assessment to be 5KPH but have been observed to be at less than 2.5 KPH and sometimes stationary
- this means vehicles spend twice the time in the canyon and emissions will be higher to such an extent that the threshold value will no longer be ‘negligible’.
- Nitrogen Dioxide as measured by BHCC show concentrations very close to the legal limit. There is inadequate volumetric dispersal of traffic fumes in the canyon.
- The RPC is very concerned that NO₂ emissions will increase as a result of the additional traffic from the development. The Claim that the traffic of the extinct school can be used to offset the impact is not supported , the school has been closed for four years and the levels of air pollution continue to be close to the limit. The school runs suggested in the TA do not stand close local inspection and would not have been used by the majority of parents, more likely routes would have meant parents not entering the High Street at all
- Parish Councillors **do not** accept that there will be minimal impact to overall volumes and air quality from these proposals. A traffic Increase will come from these developments from deliveries to the houses, from visitors, trades and service vehicles.
- Overall it is unlikely that concentrations will fall below the annual mean maximum of 40 µg per cubic metre **without proactively managed change to transport systems and behaviour.**

Furthermore, RPC commented ‘Councillors ideally would prefer full Local Green Space designation for the *entire* former School Playing Field. This is in response to our [2016] consultation undertaken to support an emerging Neighbourhood Plan and a proposal therein for protecting the *whole* of the private field and opening up this central green space for the community, and for visitors to Rottingdean too.

The Parish Council welcomes sympathetic redevelopment of the old school ‘brownfield’ site, but remains to be convinced whether the degree of building proposed on the former playing field at over 50% of the total number of units is *appropriate* or whether the re-development of the former school brownfield site is only viable *if such a significant portion of the field* is intensively turned over to a residential estate. This is a key issue and one which the available application documents do not address.’

This letter of objection was included along with the other objections lodged and reflects many of the concerns expressed by residents both in objections made prior to the decision date and at the Parish Council meeting on 3 December 2018.

Fairfax Properties worked with BHCC and consulted with the Parish Council in the 14 months following the lodging of this application with the intention of addressing the many concerns raised as a result of the previous applications and from their own public consultation exercises. The number of conditions and other requirements reflect both the concerns raised and the commitment made by both parties (Fairfax Properties and the City Council) to address these.

This application reflected the Planning Brief we had developed with BHCC more closely than previous applications made by Linden Homes and paid more attention to the heritage attributes of the Grade 2 listed building and other heritage assets. Fairfax also raised with us the prospect of a significant portion of the field being handed over to the Parish, to become a public asset in perpetuity. Prior to this the field had been in private ownership with limited access. The Parish Council was not encouraged by the failure of BHCC to designate the whole of the field Local Green Space through the process of City Plan Part 2, particularly as the Parish Council had made clear its intention to seek such designation through the Neighbourhood Plan, in response to views expressed through our own Village Survey in 2013 **and** subsequent petitions.

In the meantime, the new National Planning Policy Framework published in July 2018 appeared to raise the bar for refusing major development applications, including diminishing the significance of a made Neighbourhood Plan. Whilst we maintained the objections previously lodged, we were also concerned about the potential impact of further delay which might put at risk any opportunity to afford all or some of the field Local Green Space designation and were mindful of the need for an increase in footfall on our High Street. Our remarks to the Planning Committee reflected our mixed feelings over the prospect of the application being refused.

AQMA

Our work with BHCC to tackle the AQMA predates this letter of objection and has continued to the present day. We anticipate a report proposing an experimental traffic order with the intention of countering the unacceptably high air pollution levels going to the Environment Committee on **22/01/2019**.

Dilapidation of the site

In October 2017, we were contacted by Fairfax Properties to alert us to the fact that an arson attack had taken place. We expressed concerns about trespassers and subsequently security measures were introduced onto the site.

Potential loss of trees and hedgerows

The Parish Council worked to protect the Twitten via the St Aubyns Planning Brief. It has opposed the removal of the hedgerow on the east side of the Twitten but supports a reduction in height as a deterrent to criminal activity. The Parish Council is not in principle opposed to a more open aspect to the field from Steyning Road, particularly along the remainder of the field which will become publicly accessible land.

Community Representation

The Parish Council is made up of a spectrum of members of the local community who seek to reach consensus on a variety of matters as part of

their decision-making process. Members are elected to serve a four year term as independent individuals and not as delegates. Members seek to come to a reasonable view on how to maintain and improve the local environment. There is no provision in the Parish Council's standing orders for referenda. The only referendum due to take place in the near future is the one enabled by national legislation for the Neighbourhood Plan.

DEFINITIONS

Sustainability

Sustainability is one of the grounds that can be given for refusing an application.

The most widely accepted definition in the UK is currently this. "Sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs."

This definition came from the "Bruntland Report: Our Common future" (1987) and is commonly referred to as "the Bruntland definition" of sustainable development.

The NPPF section 2 also describes sustainable development in this way and sets out how there are three key objectives in achieving sustainable development which are interdependent and should be pursued equally: these being economic, social and environmental. See: [National Planning Policy Framework - GOV.UK](#)

Affordable Housing

Current affordable housing policy is set out in City Plan Policy CP20. Further detail on the application of the policy is provided in the City Council's [Affordable Housing Brief](#)

However, the [new NPPF](#) has broadened the definition of AH. Paragraph 64 reads:

Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups. Exemptions to this 10% requirement should also be made where the site or proposed development:

- a) provides solely for Build to Rent homes;
- b) provides specialist accommodation for a group of people with specific needs (such as purpose-built accommodation for the elderly or students);
- c) is proposed to be developed by people who wish to build or commission their own homes; or d) is exclusively for affordable housing, an entry-level exception site or a rural exception site.

The City Council is in the process of updating its Affordable Housing Brief to reflect the wider definition.

The rationale for the extension of the construction period from 2 to 4 years is not one that has been shared with the Parish Council. This question is therefore better directed at Brighton and Hove City Council or Fairfax Properties. A comprehensive Construction Plan will need to be proposed by the company which takes forward the build-out of the site and agreed with the City Council, in consultation with RPC.