

QD27 Protection of amenity

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.

- 3.118 When determining planning applications the planning authority will endeavour to protect the amenity of an area, its users, residents and occupiers, including a development's future users, residents and occupiers. Residents and occupiers can be seriously affected by changes in overlooking, privacy, daylight, sunlight, disturbance and outlook. Disturbance includes factors such as speed, volume and type of traffic, noise, artificial lighting, smell and other pollution, erosion and flooding. The policies in this Plan dealing with these factors will be applied rigorously where new development, including alterations and extensions, unduly affects an area and its users, occupiers and residents.

QD28 Planning Obligations

Matters related to the achievement of one or more of the various aims listed below will be sought by means of planning obligations when planning permission is granted. In all cases, the obligations sought will be necessary, relevant to planning, directly related to the proposed development, fairly and reasonably related in scale and kind to the proposed development and reasonable in all other respects.

The aims include:

- a. **community or other infrastructure facilities, including educational, cultural, health, social and fire service facilities;**
- b. **the provision of shopmobility, parking and other facilities for people with mobility problems;**
- c. **public transport infrastructure including the provision or enhancement of public transport services;**
- d. **provision of cycle parking facilities / contributions towards pedestrian and cycle route infrastructure;**
- e. **off-site highway improvements / traffic-calming schemes;**
- f. **affordable housing and / or housing for elderly / people with mobility problems;**
- g. **integrated public art;**
- h. **environmental improvements and their maintenance, including the provision of open space and nature conservation features;**
- i. **leisure, sport and recreation facilities including the provision and maintenance of outdoor recreation space;**
- j. **the preservation of a building which is particularly important from an architectural or historic point of view;**
- k. **off-site land stability measures, soil erosion and water run-off prevention and reduction measures;**
- l. **off-site coastal defence / protection measures;**

- m. enhancements to retail facilities in conjunction with shopping developments;**
- n. recycling facilities for domestic and commercial waste; and**
- o. a contribution to fund the regeneration of a brownfield site in the city to meet local employment, housing, or other local needs as agreed by the planning authority.**

Reference should also be made to other policies in this Plan detailing more specific provisions that will be sought under a planning obligation.

- 3.119 The planning authority will seek planning obligations wherever they fall within the consideration of acceptability as set out in government legislation, policy or guidance. In order to secure the appropriate elements, a legal agreement made under Section 106 of the Town and Country Planning Act 1990 (as substituted by section 12 of the Planning and Compensation Act 1991) will be sought. The legal agreement will be in accordance with the guidance given in of the DOE Circular 5 / 05 or subsequent revisions.
- 3.120 Large retail developments should relate well to existing shopping centres and contribute to the objective of enhancing the vitality and attractiveness of the centre as a whole.
- 3.121 Respondents to the consultation leaflet identified public transport and recycling as two key methods of encouraging greater energy efficiency as part of new development. Participants in community visioning workshops identified a number of priorities including: improved accessibility for all (with minimum car use); clean streets; child friendly places; and widespread recycling from all premises in the town centre.
- 3.122 Recycling facilities in relation to residential developments may include kerbside collection schemes. The recycling facilities to be provided in association with major new shopping developments should be for recycling / composting by shoppers as well as for the source separation and storage of waste produced by the occupiers for collection. This would accord with policies for recycling in the 'East Sussex and Brighton & Hove Waste Local Plan.'
- 3.123 This council attaches the highest priority to the protection of previously undeveloped (greenfield) land. Previously built-on (brownfield) land must therefore be developed in preference to previously undeveloped (greenfield) land. If an applicant seeks to develop a greenfield site they will be expected to demonstrate that there are no alternative brownfield sites that could meet their requirements. A brownfield site costs more to develop than a greenfield one because of factors such as site clearance and survey costs. The 'East Sussex and Brighton & Hove Structure Plan,' Policy E9 states that local authorities, in particular Brighton & Hove, will seek appropriate contributions towards achieving the re-use and redevelopment of unused or under-used urban land. In order to help bring forward brownfield sites for redevelopment, a contribution will be sought.