

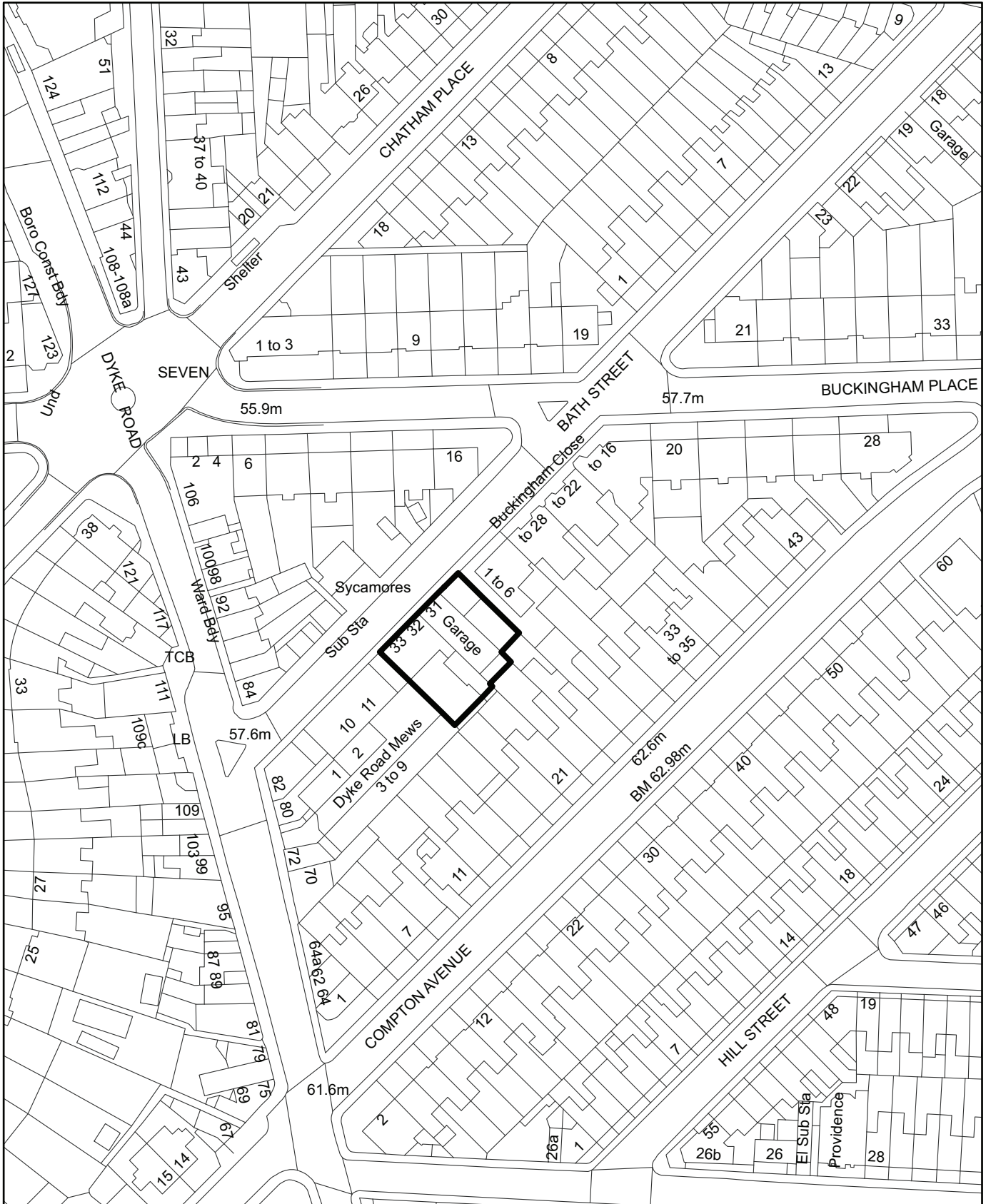
**PLANS LIST
ITEM E**

31-33 Bath Street, Brighton

**BH2012/02147
Full planning consent**

10 OCTOBER 2012

BH2012/02147 31-33 Bath Street, Brighton



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2012/02147	<u>Ward:</u>	ST. PETER'S & NORTH LAINE
<u>App Type:</u>	Full Planning		
<u>Address:</u>	31-33 Bath Street, Brighton		
<u>Proposal:</u>	Demolition of existing buildings to be replaced with proposed development of 5no residential dwellings to the rear of the site and 3no live-work units at the front of the site.		
<u>Officer:</u>	Wayne Nee Tel: 292132	<u>Valid Date:</u>	12/07/2012
<u>Con Area:</u>	West Hill	<u>Expiry Date:</u>	06/09/2012
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Turner Associates, 19a Wilbury Avenue, Hove		
<u>Applicant:</u>	PSPF 70 LLP, 1A Bryanston Square, London		

1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 and resolves to **GRANT** planning permission subject to the Conditions and Informative set out in section 11.

2 SITE LOCATION & DESCRIPTION

- 2.1 The site is situated on the southern side of Bath Street and is formed from two 2 no. storey buildings and a single storey garage. No. 31 is a two storey building with a pitched roof and smooth rendered elevations. Adjoining the north east elevation is the single storey brick built garage with a pitched roof. Nos. 32 and 33 are formed from an industrial style building with a flat roof and white painted smooth rendered elevations. To the rear of the vacant frontage buildings is a disused partially covered yard area.
- 2.2 In the wider context the site is within a mixed commercial and residential part of the West Hill Conservation Area. The surrounding buildings on this section of Bath Street vary somewhat in design with the majority of the residential properties being purpose built flats. All of the buildings have limited set back from the street. Adjoining the south west of the site is Dyke Road Mews which is a two storey commercial mews development with central forecourt/parking area and access via Dyke Road and Bath Street. The site backs onto the rear of predominantly residential, four storey properties which front Compton Avenue, a number of which have rear extensions with large windows overlooking the site.
- 2.3 Bath Street is a one way road, divided into two lanes with parking restrictions along the length; the surrounding area is also within a Controlled Parking Zone (CPZ).

3 RELEVANT HISTORY

BH2012/02148: Demolition of existing building – currently undetermined.

BH2011/01046: Proposed redevelopment of site providing 5no residential dwellings to the rear and A1 retail with B1 offices above to front – approved 17/02/2012

BH2007/03943: Demolition of existing buildings, to be replaced with proposed development of 2 storey building to the rear with B1 office space on the ground floor and 2x1 bedroom apartments above and 3 storey building to the front with B1 office space on the ground floor and 5x2 bedroom apartments above, with refuse, cycle storage and amenity spaces - approved 05/02/2009

BH2007/03942: Demolition of existing buildings – approved 05/02/2009

BH2007/00894: Demolition of existing buildings to allow redevelopment for residential and office accommodation – withdrawn 30/04/2007

BH2007/00891: Demolition of existing buildings with the development of 3 two-storey two-bedroom mews cottages, 1 two-bedroom maisonette, 4 two-bedroom flats and B1 commercial office accommodation with refuse and cycle storage and amenity spaces – withdrawn 25/05/2007

4 THE APPLICATION

4.1 Planning permission is sought for the demolition of the existing buildings on site and the erection of a three storey block fronting onto Bath Street containing three live-work units. To the rear of the site four two bedroom two storey properties are proposed and one three bedroom two storey property; these properties are focused around a central courtyard.

4.2 The details of the proposal are as follows:

- Size: The three storey building would cover approximately 143m², the courtyard covering 152m², with the rest of the site forming the two storey dwellings and private amenity space.
- Siting: The live-work units would be located on the north part of the site fronting Bath Street. The five residential dwellings would be located at the rear that would be accessed from Bath Street via the courtyard.
- Fenestration: The building fronting Bath Street would have extensive glazing on the ground floor, Juliet balconies on the first floor, and lead clad dormers with Juliet balconies on the second floor. The courtyard area would be overlooked from balconies on the rear of the live-work units, and Juliet balconies from the front of the two storey building.
- Materials: The building fronting Bath Street would have a natural slate roof with painted render walls. The two storey building behind would have a metal roof with painted render walls. A chalk grassland roof is proposed for the three bedroom dwelling.
- Amenity Space: The two bedroom properties would have ground floor private patio spaces at the rear, with the three bedroom property having private amenity space at lower ground floor level. The live-work units would have second floor rear balconies.
- Car parking: No car parking spaces are proposed.
- Cycle storage: Proposed for the courtyard area.
- Refuse Storage: Proposed for the courtyard area.

4.3 During the process of the application, the proposed single pane windows on the front elevation of the three storey building were removed from the scheme.

- 4.4 A Conservation Area Consent application (BH2012/02148) has also been submitted and is under consideration.

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours: Six (6)** letters of representation have been received from **Flat 2 Sycamores 34 Bath Street, 17 Compton Avenue, (Ground, First and Second floor flats of) 23 Compton Avenue, and Unit 11b Dyke Road Mews** objecting to the application for the following reasons:

- Side and rear windows would overlook properties and gardens on Compton Avenue causing loss of privacy;
- Would block views from windows of properties on Compton Avenue;
- Overshadowing of properties on Compton Avenue;
- Inappropriate appearance, density, building height and building size for the area;
- Bath Street building not set back from narrow pavement;
- Proposed patios are small and would be overshadowed;
- Noise during construction;
- Would increase parking problems.

- 5.2 **The Brighton & Hove Archaeological Society:** Are unaware of any archaeological implications regarding this planning application. However, due to the scale of the development the Society would suggest you contact the County Archaeologist who may have some recommendations.

- 5.3 **County Archaeologist:** Although this application is situated within an Archaeological Notification Area, it is not believed that any archaeological remains are likely to be affected by these proposals. For this reason have no further recommendations to make in this instance.

- 5.4 **Conservation Advisory Group:** Support the proposal.

Internal:

- 5.5 **Access Officer:** The proposals appear satisfactory.

- 5.6 **Environmental Health:** Conditions are recommended for potentially contaminated land and to prevent noise affecting future residents.

- 5.7 **Heritage:**

Original comments:

The current application design differs from the previously approved scheme in that there is more glazing of the commercial units on the ground floor front façade, the entrance through into the courtyard has been repositioned slightly to the left and the middle bay now has a pair of fully height French doors with Juliette balconies on ground and first floor. The frontage building now is divided into three symmetrical bays divided at roof level by fire-break wall upstands. It is now a symmetrical terrace reflecting the typical Brighton & Hove terraces in a modern way. Whilst this approach is acceptable, the additional insertion of small windows between the pairs of French doors at first floor level detracts from the

rhythm and proportions of the façade. Windows in this sort of position are not typical features of Brighton & Hove terraces and these should be omitted. At the rear of the frontage block three dormers are proposed at second floor level with inset balconies in front of them, instead of the four rooflights of the approved scheme. The central full height windows on the first and second floors and raised eaves level of the middle bay are omitted and the rear eaves line is now consistent throughout. It is considered that these alterations do not harm the design and are acceptable. You will no doubt be considering any potential amenity issues arising out of these changes. There are no changes to the design of the rear block that could be identified. Provided that the first floor front windows are deleted, no objections to the application on conservation and design grounds, subject to the same conditions being attached to the planning permission.

5.8 Final comments:

The revised drawings are now acceptable.

5.9 **Planning Policy:** The general principle of this proposal is supported.

5.10 **Sustainable Transport:** Recommended approval as the Highway Authority have no objections to this application.

5.11 **Economic Development:** The Senior Economic Development officer has a number of comments regarding the loss of employment space from the previously approved scheme but does not oppose the application.

5.12 **Ecologist:** (comments from application BH2007/03943)

If there is access under the eaves, use by swift is possible - bats are unlikely at this location – it is not considered reasonable to request a bat survey in this case. A condition should be imposed requiring a survey for swift at an appropriate time of year prior to demolition and to propose appropriate mitigation (if any), to be agreed prior to commencement of works. Alternatively, owing to the difficulty in determining whether swift are using a building outside the nesting season, a condition prohibiting demolition between May and August and the erection of an artificial swift box on the new building.

6 MATERIAL CONSIDERATIONS

6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that “If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

6.2 The development plan is:

- The Regional Spatial Strategy, The South East Plan (6 May 2009);
- East Sussex and Brighton & Hove Minerals Local Plan (November 1999);
- East Sussex and Brighton & Hove Waste Local Plan (February 2006);
- Brighton & Hove Local Plan 2005 (saved policies post 2004).

- 6.3 The National Planning Policy Framework (NPPF) was published on 27 March 2012 and is a material consideration which applies with immediate effect.
- 6.4 Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF. At the heart of the NPPF is a presumption in favour of sustainable development.
- 6.5 All material considerations and any policy conflicts are identified in the considerations and assessment section of the report.

7 RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU11	Polluted land and buildings
SU13	Minimisation and re-use of construction industry waste
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD5	Design – street frontages
QD15	Landscape design
QD17	Protection and integration of nature conservation features
QD18	Species protection
QD27	Protection of Amenity
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO7	Car free housing
HO13	Accessible housing and lifetime homes
EM8	Live-work units on redundant industrial business and warehouse sites
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Guidance:

SPGBH4 Parking Standards

Supplementary Planning Documents:

SPD02	Shop Front Design
SPD03	Construction & Demolition Waste
SPD08	Sustainable Building Design

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations relating to the determination of this application are the principle of the proposed development, the proposed design and scale and its impact on the conservation area, the impact on residential amenity for future occupiers and existing neighbouring properties. Consideration is also given to traffic implications and matters relating to sustainability.

Background

- 8.2 A previous planning application (BH2011/01046), for the proposed redevelopment of the site providing 5no residential dwellings to the rear and A1 use (retail) with B1 use (offices) above to front, was approved.
- 8.3 This resubmission removes the ground floor A1 (retail) units and B1 (offices) above in the three storey building fronting Bath Street, and instead proposes 3 live-work units. The main changes include alterations to the design of the three storey building, including repositioning of the gated entrance to the courtyard, changes to the arrangement of ground floor windows and doors, increased size of front dormer windows, balconies on the second floor at the rear, and the removal of an obscure glazed side window.

Principle of Development

- 8.4 The site is situated within the built up area and within West Hill Conservation Area. The current use of the site as a whole is Sui Generis, as the site used to operate as a garage and car showrooms with ancillary offices and a residential unit. The buildings have been vacant for a considerable amount of time and are in a state of disrepair. The existing use is not offered protection under any planning policy.
- 8.5 The proposed use of the three storey building is for live-work units (Sui Generis). The ground floor would provide the work space with the residential accommodation on the upper floors. Although the work spaces each have a separate entrance, they also have a shared entrance that creates a lobby with internal entrance to the workspace and staircase up to the residential accommodation. It is therefore clear that the work space and residential are linked and so it is accepted that live-work units are proposed. Although the applicant intends for the use of the workspaces to be B1 (office/light industry) the proposal does not involve the creation of class use B1 units and so therefore local policies EM3 and EM4 do not apply.
- 8.6 Although the proposal involves the change of use from a Sui Generis use to another Sui Generis use, policy EM8 is pertinent for the proposed live-work units. In this case, the floor spaces of the work areas proposed range from 22m² and 32m² which is considered an appropriate size for light industrial use. The design and impact on amenity is assessed below.
- 8.7 The proposed residential use in the other buildings would be consistent with the NPPF that encourages the effective use of land by reusing land that has been previously developed (brownfield land). The overall acceptability of development on this site would be subject to the provision of suitably designed buildings which would not cause detriment to the existing street scene or to

neighbouring living conditions, and which provides suitable standard of living conditions for future occupiers. Residential use on the site was considered acceptable in principle in the previously approved application (BH2011/01046).

- 8.8 The site is within a sustainable location with respect to accessibility by public transport, walking and cycling and this is assisted by the provision of adequate levels of secure cycle parking. The site is largely developed and derelict, so it would not result in the loss of an important open space either.
- 8.9 The principle of the mixed use development on this site is therefore considered acceptable and adequately accords with policy.

Design and Appearance:

- 8.10 Policies QD1 and QD2 of the Brighton & Hove Local Plan seek to ensure all new development demonstrates a high standard of design and makes a positive contribution to the visual quality of the environment; with policy QD3 seeking to make efficient and effective use of sites, subject to the intensity of development being appropriate to the locality and/or the prevailing townscape. HE6 relates to development within or affecting the setting of conservation areas.
- 8.11 The site has the benefit of planning permission for a similar scale and density of development with a different mix of uses across the site. The current scheme has been the subject of pre-application advice and further negotiation during the course of the application to the detailing of the frontage block primarily, which lead to amendments to the design.
- 8.12 It is considered that the site design adequately reflects the mews style of the neighbouring development, Dyke Road Mews, by setting the rear block back in the plot to follow the alignment closely so that it relates more to the general layout and grain of the surrounding area. The design of the residential rear buildings is unchanged from the previously approved application.
- 8.13 The frontage block now has a pitched roof with a consistent ridge height throughout. This along with the introduction of Juliet balconies in the middle part results in a frontage that reads as one uniform stretch rather than three separate blocks. The only division on the upper floor level are the fire-break wall upstands on the roof. This ordered and uniform appearance is consistent with the nearby modern purpose built blocks of flats.
- 8.14 The proposed second floor dormer windows are now larger and offer less solid wall between the first and second floor Juliet balconies. The strong vertical emphasis of these Juliet balconies counter balances the horizontal emphasis of the uniformed fenestration. Larger scale sections and areas of the proposed front elevation and sections through at 1:20 have been provided which detail and materials of the glazing on all floors. The sections show the depth of the recesses and slim glazing and the balustrade to the Juliette balconies set within the recess. The plans also show an indicative design for the architectural ironwork of the railings, this has been indicated to add interest to this element of the design which is encouraged in principle however it is recommended that the design is secured and agreed via condition.

- 8.15 The ground floor has more glazing than the previous application. To ensure an appropriate street frontage, a condition requiring further details of the doors is required.
- 8.16 The Heritage Officer has no objection to the design changes, including the rear elevation balconies on the three storey building. It is considered that the rear elevation now has a more consistent design approach.
- 8.17 With the imposition of conditions to control the details, the amended scheme is considered to be of an acceptable design and would not harm the character of the surrounding conservation area.

Impact on Amenity

- 8.18 Policy QD27 of the Brighton & Hove Local Plan 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.
- 8.19 Previous approved applications had been altered somewhat to address concerns relating to residential amenity, both neighbouring and that of future occupiers. The existing wall between the rear garden of 23 Compton Avenue and the application site has a height of 2.5m, and the wall between 21 Compton Avenue and the application site being 4m in height. The roof, rear windows and gap for patio space have all been designed to minimise the potential impact on the neighbouring properties on Compton Avenue. The section drawings show that this would preclude overlooking above the boundary wall. The orientation of the buildings and the limited increase in height when compared with the existing rear boundary is not considered likely to result in adverse overshadowing or loss of light to the rear gardens of properties on Compton Avenue. The proposed rear buildings are as approved in the previous application, and so subject to an appropriate condition to restrict overlooking from the rear windows it is considered that adequate levels of amenity would be maintained.
- 8.20 Due to the distances between Beau House to the north-east and the application site, as well as the proposed heights of the buildings, it is considered that no significant loss of amenity would occur to these nearby residents. No side windows are now proposed for the east side elevations of the proposed buildings.
- 8.21 Owing to the limited separation between the front and rear blocks (approximately 8m) it is likely that some mutual overlooking within the courtyard would occur. It is considered prudent to condition that the glazing to the balconies is obscured to aid privacy levels. It is considered that acceptable levels of privacy will be maintained and a decent standard of living accommodation provided.

Standard of Accommodation

- 8.22 Local Plan policy HO13, including PAN03 ‘Accessible Housing and Lifetimes Homes’, states that proposals for conversions and changes of use to provide residential accommodation will be expected to demonstrate that wherever it is practicable, Lifetimes Homes criteria have been incorporated into the design.
- 8.23 The proposed development is high density and the units have limited levels of outlook however with the courtyard area landscaped to a high standard, using good quality materials and the greening of the rear of the frontage block rear walling will provide a suitable outlook for this ‘mews style’ development. The layout of each unit is considered to be acceptable with respect natural light and ventilation and each is considered to be of an adequate scale for this form of development.
- 8.24 The surrounding area is quite mixed in character with a number of purpose built flatted developments and converted period properties with limited and in some cases no private amenity space. The proposed development makes provision for a limited size of private amenity space, each dwelling with a yard area to the rear, each live-work unit with a small rear balcony, and a shared courtyard space to the centre of the development. The private space is very limited however given the character of this form of development and the surrounding context, plus the shared provision of the courtyard which provides semi-private space, the provision is considered to be acceptable in this instance and it is not considered that refusal of the application could be sustained on this ground alone. The scheme is therefore considered to adequately accord to policies HO5 and QD2.
- 8.25 On assessment of the floor plans the development appears to accord with Lifetime Homes standards; a condition will be imposed on an approval requiring the scheme to fully accord.
- 8.26 The proposal scheme makes adequate provision for both cycle parking and refuse and recycling storage; however a condition securing their provision and further elevational details will be requested by condition.

Sustainable Transport

- 8.27 Brighton & Hove Local Plan policy TR1 requires all new development to provide for the travel demand it creates, whilst policy TR14 requires that new development must provide covered cycle parking facilities for residents.
- 8.28 Sustainable Transport have been consulted on this application and do not consider that there are exceptional circumstances which might include significant implications for highway safety as a result of no parking provision being made on site and there appears to be no significant circumstances in the surrounding area that would be exacerbated by this proposal. The Sustainable Transport Team point out that the removal of office space from the proposal would reduce the impact on trip generation to and from the site.

- 8.29 The existing vehicle crossover would be made redundant and so it has been suggested by the Transport Team for the footway and curb to be reinstated. This can be secured via a condition.

Sustainability:

- 8.30 Policy SU2 of the Brighton & Hove Local Plan, including SDP08 'Sustainable Building Design', requires new development to demonstrate a high level of efficiency in the use of water, energy and materials.
- 8.31 Proposals for new build residential development of this size on previously developed land should include a completed sustainability checklist, should achieve Level 3 of the Code for Sustainable Homes, and should meet all Lifetimes Homes Standards. The completed sustainability checklist details that the proposal would meet Code Level 3 to include green walls and roof, solar PV equipment, and rainwater butts. Subject to conditioning to ensure code level 3, it is considered that the proposal is in line with the requirements of SPD08.

Ecology

- 8.32 The previously approved application sought conditions related to Swift during the nesting season. These are still considered relevant and therefore it is recommended that a condition prohibiting demolition during the nesting season (between May and August) and the inclusion of a Swift box on the new building.

9 CONCLUSION

- 9.1 The proposed development would make a more efficient and effective use of this site by providing the city with additional residential dwellings and live-work units. The proposed development can be adequately accommodated on site without detriment to existing or future occupiers. Subject to conditions to control the development in detail there would be no adverse impact upon the character or appearance the wider street scene and surrounding conservation area. There will be no significant harm to neighbouring amenity. The proposal accords with Development Plan policies.

10 EQUALITIES

- 10.1 The proposed dwelling would comply with policy HO13: lifetime homes standards subject to a planning condition.

11 CONDITIONS / INFORMATIVES

11.1 Regulatory Conditions:

- 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
- 2) 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.

PLANS LIST – 10 OCTOBER 2012

Plan Type	Reference	Version	Date Received
Site location plan	TA657/01		11 July 2012
Block plans	TA657/02		11 July 2012
Existing plans and elevation	TA657/03		11 July 2012
Proposed site plan	TA657/10		11 July 2012
Proposed lower ground floor plan	TA657/11		11 July 2012
Proposed ground floor plan	TA657/12		11 July 2012
Proposed first floor plan	TA657/13A		07 September 2012
Proposed second floor plan	TA657/14		11 July 2012
Proposed section AA	TA657/15		11 July 2012
Proposed Bath Street elevation	TA657/16A		07 September 2012
Proposed courtyard (north)	TA657/17		11 July 2012
Proposed courtyard (south)	TA657/18		11 July 2012
Proposed rear elevations	TA657/19		11 July 2012
Proposed side elevation (East)	TA657/20		11 July 2012
Proposed section EE	TA657/21		11 July 2012
Proposed section FF	TA657/22		11 July 2012
Proposed section GG	TA657/23		11 July 2012
Typical building details	TA657/30A		24 September 2012

- 3) Unless otherwise agreed in writing by the Local Planning Authority, no demolition of the building shall take place during the bird nesting season (1 March - 31 July inclusive).
Reason: To ensure that nesting birds are not disturbed and to comply with policy QD18 of the Brighton & Hove Local Plan.
- 4) The windows servicing the bathrooms within the dwellings hereby approved shall not be glazed otherwise than with obscured glass. The upper half of the sash windows servicing the bathrooms within units R4 and R5 shall also be fixed shut and thereafter permanently retained as such.
Reason: To safeguard the privacy of the occupiers of the adjoining properties and to comply with policy QD27 of the Brighton & Hove Local Plan.
- 5) The top half of the sash windows servicing the second bedrooms within the rear elevations of units R2 and R3 hereby approved shall not be glazed otherwise than with obscured glass and shall also be fixed shut and thereafter permanently retained as such.
Reason: To safeguard the privacy of the occupiers of the adjoining properties and to comply with policy QD27 of the Brighton & Hove Local Plan.

PLANS LIST – 10 OCTOBER 2012

- 6) The walls of the new buildings shall be smooth rendered down to ground level and shall not have bell-mouth drips or channels.
Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.
- 7) All new rainwater goods, soil and other waste pipes shall be in cast iron.
Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.
- 8) All planting, seeding or turfing comprised in the approved details of landscaping 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 accord with policy QD15 of the Brighton & Hove Local Plan.
- 9) The use of the three units fronting Bath Street hereby permitted shall be for live / work units only, comprising a mixed Use Class B1 and Use Class C3 use in accordance with the approved floor plans, and shall exclude the use of the whole premises for an individual Class B1 or Class C3 use.
Reason: For the avoidance of doubt and in order to secure a mixed live / work use in compliance with policy EM8 of the Brighton & Hove Local Plan.
- 10) No outside working or storage shall be permitted at any time.
Reason: To protect neighbour amenity and to comply with policy QD27 of the Brighton & Hove Local Plan.
- 11) Unless otherwise agreed in writing by the Local Planning Authority, the new dwellings hereby permitted shall be constructed to Lifetime Homes standards prior to their first occupation and shall be retained as such thereafter.
Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.
- 12) BH06.03 Cycle parking facilities to be implemented
The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development 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 TR14 of the Brighton & Hove Local Plan.

11.2 Pre-Commencement Conditions:

- 13) Unless otherwise agreed in writing, no development shall commence until details of the proposed green walling and chalk grassland roof, including a

PLANS LIST – 10 OCTOBER 2012

timetable for implementation, maintenance programme, sections of the grassland roof and seed mix, have been submitted to and approved in writing by the Local Planning Authority. The scheme shall then be carried out in accordance with the approved details.

Reason: To ensure that the development contributes to ecological enhancement on the site and in accordance with policy QD17 of the Brighton & Hove Local Plan.

- 14) No development shall take place until samples of the materials (including colour of render, paintwork and coloured panels) to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.

- 15) No development shall take place until elevational details of the refuse and recycling storage indicated on the approved plans have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in full as approved prior to occupation 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 policies SU2 and QD27 of the Brighton & Hove Local Plan.

- 16) Notwithstanding the approved drawings, no development shall commence until details including a 1:10 scale elevation of the architectural metalwork of the Juliet balconies and the central entrance gates, which shall be of an artistic design, have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.

- 17) Notwithstanding the approved drawing no. TA657/18, no development shall commence until full details of the balcony balustrades have been submitted to and approved in writing by the Local Planning Authority. All glazing to the second floor rear balconies hereby approved shall not be glazed otherwise than with obscured glass and thereafter permanently retained as such.

Reason: To safeguard the privacy of the occupiers of the adjoining properties and to comply with policy QD27 of the Brighton & Hove Local Plan.

- 18) A method statement setting out how the existing boundary walls are to be protected, maintained, repaired and stabilised during and after demolition and construction works, shall be submitted to and approved by the Local Planning Authority before works commence. The demolition and construction works shall be carried out and completed full in accordance with the approved method statement.

Reason: To ensure satisfactory protection of the existing boundary walls which are considered to be an important feature within the conservation area, in accordance with policy HE6 of the Brighton & Hove Local Plan.

- 19) Before development commences details of the treatment to all boundaries to the site including details of any retained walling shall be submitted to

PLANS LIST – 10 OCTOBER 2012

and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details prior to first occupation of the development and retained thereafter.

Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

- 20) No development shall commence until details of the type and location of a swift nesting box has been submitted to and approved in writing by the Local Planning Authority. The box shall then be provided in accordance with the approved details prior to first occupation and retained as such thereafter.

Reason: To ensure protection of species on the site in accordance with policy QD18 of the Brighton & Hove Local Plan.

- 21) No development shall take place until a scheme for landscaping has been submitted to and approved by the Local Planning Authority, which shall include hard and soft landscaping, tree and shrub planting, level changes, reinstated paths, new paths and hard paved areas, fences, walls and gates, and the works shall be carried out in strict accordance with the approved details and maintained as such thereafter.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to accord with policy QD15 of the Brighton & Hove Local Plan.

- 22) A scheme for the suitable treatment of all plant and machinery against the transmission of sound and/or vibration shall be submitted to and approved by the local planning authority and the use of the premises shall not commence until all specified works have been carried out to the satisfaction of the local planning authority. Machinery shall not be operated outside of business hours.

Reason: To protect neighbour amenity and to comply with policy QD27 of the Brighton & Hove Local Plan.

- 23) A scheme for the soundproofing of the building shall be submitted to the Local Planning Authority and no development shall commence until a scheme is approved by the Local Planning Authority. The end use of the premises shall not commence until all soundproofing works have been carried out to the satisfaction of the Local Planning Authority.

Reason: To safeguard the amenities of adjoining occupiers and to accord with policies QD27 and SU10 of the Brighton & Hove Local Plan.

- 24) BH06.06 Reinstatement of Redundant Vehicle Crossing
Prior to the occupation of the development the applicant shall reinstate the redundant vehicle crossover to Bath Street back to footway by raising the existing kerb and footway. The works shall be completed prior to the occupation of the development hereby permitted and shall thereafter be retained.

Reason: In the interests of highway safety and to comply with policies TR7 and TR8 of the Brighton and Hove Local Plan.

- 25 (i) The development hereby permitted shall not be commenced until there has been submitted to and approved in writing by the Local Planning Authority:

(a) a desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as

PLANS LIST – 10 OCTOBER 2012

set out in Contaminated Land Research Report Nos. 2 and 3 and BS10175:2001 - Investigation of Potentially Contaminated Sites - Code of Practice; and, unless otherwise agreed in writing by the Local Planning Authority,

- (b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175:2001; and, unless otherwise agreed in writing by the Local Planning Authority,
 - (c) 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. Such scheme shall include the nomination of a competent person to oversee the implementation of the works.
- (ii) The development hereby permitted shall not be occupied or brought into use until there has been submitted to the Local Planning Authority verification by the competent person approved under the provisions of (i) (c) above that any remediation scheme required and approved under the provisions of (i) (c) above has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Unless otherwise agreed in writing by the Local Planning Authority such verification shall comprise:
- a) as built drawings of the implemented scheme;
 - b) photographs of the remediation works in progress; and
 - c) certificates demonstrating that imported and/or material left in situ is free from contamination.

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

Reason: To safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.

- 26) Unless otherwise agreed in writing by the Local Planning Authority, no residential development shall commence until:
- (a) evidence that the development is registered with an accreditation body under the Code for Sustainable Homes and a Design Stage/Interim Report showing that the development will achieve Code level 3 for all residential units have been submitted to the Local Planning Authority; and
 - (b) a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development will achieve Code level 3 for all residential units has been submitted to, and approved in writing by, the Local Planning Authority.

A completed pre-assessment estimator will not be acceptable.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.

- 27) Code for Sustainable Homes – Pre-Occupation (New build residential)
Unless otherwise agreed in writing by the Local Planning Authority, none of the residential units hereby approved shall be occupied until a

PLANS LIST – 10 OCTOBER 2012

Final/Post Construction Code Certificate issued by an accreditation body confirming that each residential unit built has achieved a Code for Sustainable Homes rating of Code level 3 has been submitted to, and approved in writing by, the Local Planning Authority.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.

28) The following details shall be submitted to and approved in writing by the Local Planning Authority before works commence:

- i) sectional profiles at 1:1 scale of window, door and shopfront frames.
- ii) details and samples of materials.
- iii) details of colours and finishes.

The scheme shall then be carried out in strict accordance with the agreed details.

Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.

11.3 Informatives:

1. This decision to grant Planning Permission has been taken:
 - (i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including Supplementary Planning Guidance and Supplementary Planning Documents:
(Please see section 7 of the report for the full list); and
 - (ii) for the following reasons:-

The proposed development would make a more efficient and effective use of this site by providing the city with additional residential dwellings and live-work units. The proposed development can be adequately accommodated on site without detriment to existing or future occupiers. Subject to conditions to control the development in detail there would be no adverse impact upon the character or appearance the wider street scene and surrounding conservation area. There will be no significant harm to neighbouring amenity. The proposal accords with Development Plan policies.
2. The applicant is advised that the above condition 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. To satisfy the condition a desktop study shall be the very minimum standard accepted. Pending the results of the desk top study, the applicant may have to satisfy the requirements of (i) (b) and (i) (c) of the condition. It is strongly recommended that in submitting details in accordance with this condition 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).

PLANS LIST – 10 OCTOBER 2012

3. The phased risk assessment should be carried out also in accordance with the procedural guidance and UK policy formed under the Environmental Protection Act 1990. 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 the above conditions that the applicant has reference to CLR 11, Model Procedures for the management of land contamination. This is available online as a pdf document on both the DEFRA website (www.defra.gov.uk) and the Environment Agency (www.environment-agency.gov.uk) website.
4. The applicant is advised that details of the Code for Sustainable Homes can be found on the Planning Portal (www.planningportal.gov.uk), on the Department for Communities and Local Government website (www.communities.gov.uk) and in Supplementary Planning Document SPD08 Sustainable Building Design, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk). Accreditation bodies at March 2010 include BRE and STROMA; other bodies may become licensed in future.
5. The applicant is advised that details of Lifetime Homes standards can be found in Planning Advice Note PAN 03 Accessible Housing & Lifetime Homes, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk).
6. IN06.06 Reinstatement of Redundant Vehicle Crossing
The applicant is advised that the proposed highways works should be carried out in accordance with the Council's current standards and specifications and under licence from the Network Co-ordination team. The applicant should contact the Network Co-ordination Team (01273 293366).

