

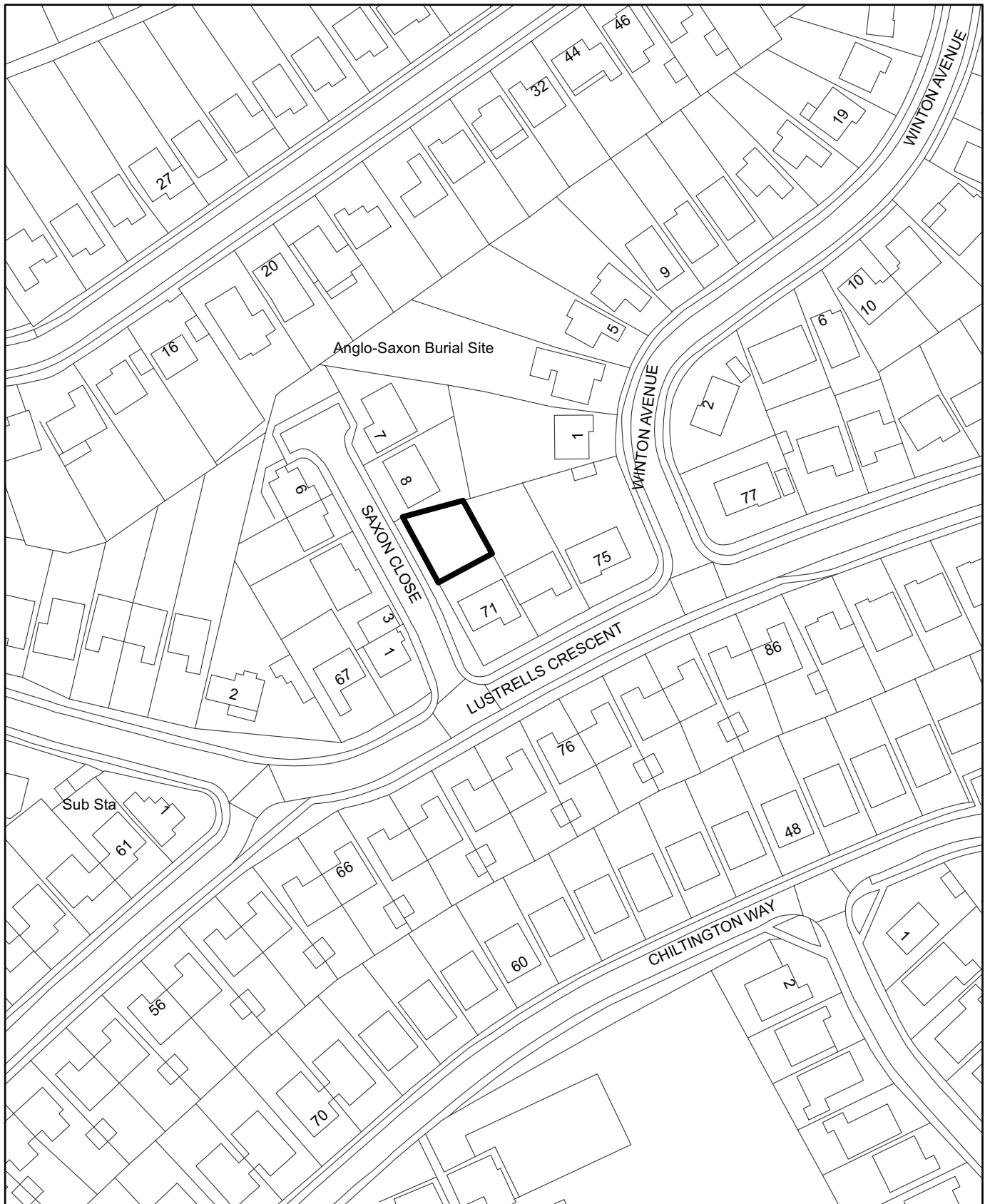
**PLANS LIST  
ITEM H**

**71 Lustrells Crescent, Brighton**

**BH2012/02168  
Full planning consent**

**21 NOVEMBER 2012**

# BH2012/02168 71 Lustrells Crescent, Brighton



**Brighton & Hove  
City Council**



**Scale: 1:1,250**

<b><u>No:</u></b>	<b>BH2012/02168</b>	<b><u>Ward:</u></b>	<b>ROTTINGDEAN COASTAL</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>71 Lustrells Crescent, Brighton</b>		
<b><u>Proposal:</u></b>	<b>Erection of a 2 storey two bed/study (3 no bed) house.</b>		
<b><u>Officer:</u></b>	Anthony Foster Tel: 294495	<b><u>Valid Date:</u></b>	24/07/2012
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	18/09/2012
<b><u>Listed Building Grade:</u></b>	N/A		
<b><u>Agent:</u></b>	Lewis & Co Planning, Paxton Business Centre, Portland Road, Hove		
<b><u>Applicant:</u></b>	Mr Paul Sheehan, 71 Lustrells Crescent, Saltdean, Brighton		

## 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 located on part of the rear garden of 71 Lustrells Crescent and fronts onto Saxon Close. A brick wall has been erected across the rear garden to separate the proposed plots. Saxon Close is a small cul de sac accessed from Lustrells Crescent and is characterised by large semi-detached and detached properties of similar design which extend along the majority of the plot frontage in which they sit. The properties fronting onto Lustrells Crescent are bungalows.
- 2.2 The application site adjoins no. 8 Saxon Close to the north and the rear gardens of nos. 71 and 73 Lustrells Crescent to the south and east.
- 2.3 As existing there is a difference in levels across the site of almost 3 metres in height as the land slopes down from north to south.

## 3 RELEVANT HISTORY

**BH2011/02227:** Erection of two storey 3 bed house. Refused. Dismissed at Appeal.

## 4 THE APPLICATION

- 4.1 Planning permission is sought for the erection of a two-storey, 2 bed dwelling which fronts onto Saxon Close.

## 5 PUBLICITY & CONSULTATIONS

### External

5.1 **Neighbours: Nine (10)** letters of representation have been received from **3A, 3B, 4 (x2), 5, 6, 7, The Annex, 8 Saxon Close, 76 Lustrells Crescent** objecting to the application for the following reasons:

- Increased pressure on car parking resulting in issues with highways safety.
- Overshadowing and loss of light to adjoining occupiers
- Loss of privacy resulting from overlooking
- Increased noise and disturbance
- The size and appearance of the property is out of keeping with the rest of the close
- This proposal is larger than that which was previously refused
- Lack of amenity space for the new dwelling
- The proposal is an overdevelopment of the plot
- Loss of potential ecological activity on the site

5.2 **Nine (11)** letters of representation have been received from **71, 73 (x2), 74, 75, 78, 80, 82 Lustrells Crescent, 1 Winton Avenue, 16, 18 Tumulus Road,** supporting the application for the following reasons:

- The proposal makes good use of a derelict area of land
- As the flank elevation remains windowless no overlooking will occur

5.3 **County Archaeologist: Comment**

The proposed development is situated within an Archaeological Notification Area defining an area of early Saxon human burials. I have visited this site and although there has been some terracing / landscaping around the current building, the upper garden appears less disturbed, raising the potential for archaeological deposits to have survived.

5.4 In the light of the potential for loss of heritage assets on this site resulting from development the area affected by the proposals should be the subject of a *programme of archaeological works*. This will enable any archaeological deposits and features, disturbed during the proposed works, to be adequately recorded.

5.5 **Brighton & Hove Archaeological Society: Comment**

The development at Lustrells Crescent lies close to an area of archaeological sensitivity, as Saxon burials have been found around the Saltdean area.

### Internal:

5.6 **Sustainable Transport: Comment**

Recommended approval as the Highway Authority have no objections to this application.

### *Trip Generation*

5.7 There is not forecast to be a significant increase in trip generation as a result of these proposals that would warrant a refusal of planning permission. The proposals are for the increase of only one residential unit. In light of this and

the temporary recession measures that are in place the Highway Authority would not look to secure a S106 contribution in this instance.

*Car Parking*

- 5.8 The applicant is not proposing any on-site car parking spaces. SPG04 states that the maximum car parking standard for a house outside of a CPZ is 1 space per dwelling plus 1 car space per 5 dwellings for visitors. The forecast level of overspill car parking is not forecast to have a negative impact in this scenario. Therefore the level of car parking provision is deemed to be in line with these standards and is deemed acceptable.

*Cycle Parking*

- 5.9 SPG 4 states that a minimum of 1 cycle parking space is required for every dwelling. For this development of 1 house the minimum cycle parking standard is 1 cycle parking space. In order to be in line with Policy TR14 of the Brighton & Hove Local Plan 2005 cycle parking must be secure, convenient, well lit, well signed and wherever practical, sheltered. The Highway Authority's preference is for the use of Sheffield type stands spaced in line with the guidance contained within the Manual for Streets section 8.2.22.

- 5.10 The applicant indicates that they intend to provide 3 cycle parking spaces in a rear bike store with access round the side of the property. This level of cycle parking is deemed acceptable. The Highway Authority would look for further details of the nature of the cycle parking to be secured via condition. The Highway Authority's preference is for Sheffield Stands.

*Developer Contribution*

- 5.11 To comply with the Brighton & Hove Local Plan 2005 policies TR1 and QD28 and the Council Interim Guidance on Developer Contributions approved by Cabinet on the 17th February 2011 the applicant is expected to make a financial contribution of £1500.

**Arboriculturalist:**

- 5.12 On the north side of the development site is a Euonymous hedge that creates a screen between the site and the neighbouring property. On the east side of the development site, a line of Bamboo has been planted as future screening between the site and the neighbouring property. The above two screens should be protected during the course of the development. There is no other vegetation or trees on site. Overall, the Arboricultural Section has no objection to these proposals.

**Access Officer**

- 5.13 The Lifetime Homes notes incorrectly claim that Criteria 10a and 10b do not apply to this application. The exemption allowing the smaller (Part M) WC only applies to small properties with no more than 2 habitable rooms in addition to the living room and any kitchen/diner. The proposed house has not only a large dining room but also a study in addition to the 2 bedrooms so a fully accessible WC with appropriate approach and side transfer spaces and suitable drainage for the installation of a future level entry shower is required at entrance level.

## **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
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 frontage
QD6	Trees & Hedgerows
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
HO13	Accessible housing and lifetime homes
HE12	Scheduled ancient monuments and other important archaeological sites

Supplementary Planning Guidance:  
SPGBH4 Parking Standards

Supplementary Planning Documents:  
SPD03 Construction & Demolition Waste  
SPD08 Sustainable Building Design  
SPD11 Nature Conservation & Development

## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to the principle of the proposed development, the suitability of the site to accommodate an additional dwelling having regard to the affect upon the character of the area and neighbouring and future residential amenity. Also of consideration is the Planning Inspector's appeal decision in relation to the previously refused application BH2011/02227.

### **Planning History**

- 8.2 A previous application reference BH2011/02227 was refused on two grounds in October 2011. The previous reasons for refusal related to the impact of the scheme in design terms, and the impact on neighbouring amenity. The Planning Inspector dismissed the subsequent appeal on the grounds of impact of the development in design terms and the poor provision of usable amenity space for the future occupiers.
- 8.3 When assessing the scheme in design terms the Inspector made reference to: *"Although the width of the appeal site would be commensurate with a number of others along Saxon Close the proposed dwelling would be seen as occupying a smaller proportion of the plot width. This apparently more spacious setting would only serve to emphasise its small scale in comparison to the other properties, particularly Nos 7 & 8. Consequently the proposed dwelling would appear as a discordant element in the street scene, out of place with its setting."*
- 8.4 In relation to the provision of amenity space for future occupiers the Inspector *"The amenity area for the proposed house would be some 80sqm. However, this figure belies the fact that it would be arranged in a number of areas. The area immediately outside the patio doors to the dining and living rooms, likely to be the most important and well used, would be small, enclosed by a privacy screen and would suffer from significant shading in the late afternoon. The lower area alongside the boundary with No 71 would be narrow and would contain the cycle store and recycling bins."*
- 8.5 *In these circumstances the shortcomings of the amenity area would be more acute and, like the Council, I regard the proposed space as being of poor quality."*
- 8.6 This application seeks to address the concerns raised by the Planning Inspectorate.

**Principle of development**

- 8.7 The site forms part of the rear garden of no. 71 Lustrells Crescent. A wall has been erected across the centre of the plot to divide the application site from the remainder of the garden. The applicant indicates that this occurred in March 2011.
- 8.8 The site is located within the Built-up Area as designated in the Brighton & Hove Local Plan, and as such there is no objection to the principle of a residential dwelling on the site. The principle of developing a dwelling on the site was not ruled out by the Planning Inspectorate when assessing the appeal.

**Design:**

- 8.9 Brighton & Hove Local Plan Policies QD1, QD2 and QD3 require a high standard of design for new development to provide a positive contribution to the visual quality of the area. Policies QD3 and HO4 both seek to prevent the overdevelopment of sites that would result in 'town cramming'.
- 8.10 The properties which surround the site are a mix of bungalows and two storey dwellings. Those which front Lustrells Crescent are predominantly bungalows with hipped roofs, with the exception of properties to the south which have gable roofs. The dwellings which front Saxon Close are two storey and predominantly have a gabled roof design and are brick built.
- 8.11 The application proposes a two storey detached dwelling measuring 10.1m in width and circa 7.7m in depth. The dwelling would have a maximum height of 5.1m to the eaves and 8.1m to the ridgeline. The overall size of the dwelling has been increased compared to the previously refused design, to respond to the concerns raised by the Inspector. The proposed dwelling would have a stronger presence than the previously refused scheme, within the existing street scene of Saxon Close. The dwelling is more in keeping in terms of its height and scale in comparison to Saxon Close.
- 8.12 The proposed design of the front elevation incorporates characteristics from the dwellings which front onto Saxon Close, including a front gable end feature and a front balcony at first floor level. The dwelling is to be finished in facing brick, timber cladding, concrete tiles and aluminium windows, to provide a more contemporary finish.
- 8.13 Given the Inspector's comments within the decision letter it is considered that the proposed dwelling is more in keeping with the size, scale and design of the properties within Saxon Close. As such it is considered that the development is in accordance with policies QD1, QD2, and QD3 of the Brighton & Hove Local Plan.

**Standard of accommodation**

- 8.14 Policy QD27 of the Local Plan seeks to ensure that new development provides a satisfactory level of amenity for the future occupiers. The proposed dwelling is considered to provide an adequate standard of living accommodation which is suitably laid out internally and provides adequate levels of outlook, privacy and natural light for future occupiers.



- 8.15 Policy HO5 of the Local Plan specifies that private useable amenity space should be provided in new residential development appropriate to its scale and character. The new dwelling would have the use of an area measuring circa 95sqm to the side and rear of the building, this represents an increase in space of 15sqm. The Inspector raised concern over the usability of the previous amenity space due to it being set on a number of different levels. The proposed amenity space is to be predominately level with only a small area of garden adjacent to 8 Saxon Close which is raised. Given the Inspectors comments the proposed amenity space is considered acceptable in terms of it's provision and usability.
- 8.16 The proposal does result in the removal of a rear projecting element which formed part of the previously refused scheme adjacent to the boundary of 8 Saxon Close. This element provided additional screening from adjoining occupiers to the north from overlooking into the amenity space from the existing balcony. There is a high degree of mutual overlooking which takes place within the locality, mainly due to the topography of the land. In this instance due to the existing levels of overlooking it is considered that the amenity space provided would be acceptable.
- 8.17 Policy HO13 requires residential units to be lifetime homes compliant, new residential dwellings should comply with the standards. The floor plans submitted with the application show that the internal layout of the proposed dwelling is acceptable in relation to Lifetime Homes Standards, however a slight alteration to the internal layout may be required, however this can be secured by an appropriate condition.
- 8.18 Policies TR14 and SU2 require all new residential developments to have secure, covered cycle storage and refuse and recycling storage. The scheme makes provision for the refuse storage and cycle parking within the proposed amenity space and is therefore considered acceptable.

**Impact on adjoining residential properties**

- 8.19 Policy QD27 requires the protection of amenity for proposed, existing and/or adjacent residents. Notwithstanding the above issues, the proposed dwelling is considered to provide an adequate standard of living accommodation which is suitably laid out internally and provides adequate levels of outlook, privacy and natural light.
- 8.20 The Inspector assessed the application in terms of its impact on neighbouring amenity and concluded:  
*"In respect of those residents living on the opposite side of Saxon Close I do not see the proposed development as being different to any other 'cross street' relationship. With regard to the impact of the development on the living conditions of the residents at No 8 I note that the lobby doors opposite the proposed development are said to provide 60% of the daylight to the Annex studio room. Nevertheless, I agree with the Council that, given the changes in level between the sites, the height of the proposed dwelling and the siting off the shared boundary any loss of light or outlook to the side windows to No 8 is unlikely to be so severe as to result in material harm. However, the fact that I*

*have found that no material harm would be caused to the living conditions of neighbouring residents does not affect my other concerns.”*

- 8.21 The proposed development is larger in terms of its overall height by 1.3m and is also set closer to the adjoining boundaries to both 8 Saxon Close and 71 Lustrells Crescent.
- 8.22 The applicant has submitted an External Daylight and Overshadowing Assessment of the proposed development. This assesses the impact of the development on the daylight to the windows on the southern elevation of the Annex of 8 Saxon Close. The report concludes that whilst there would be a noticeable difference to the level of daylight to one of the ground floor windows on the southern elevation of no 8 Saxon Close, the level of daylight received would still be greater than 27% which is considered by the BRE to be an acceptable level of daylight provision. The report also assesses the potential overshadowing of both the proposed amenity space and the existing amenity space of no 71 Lustrells Crescent. The report concludes that the development would have a minimal impact upon the amenity space to the south at no 71 Lustrells Crescent and that the proposed amenity space would receive sufficient sunlight during the daytime. It is therefore considered that the development would not have a detrimental impact upon the residential amenity of the neighbouring occupiers in terms of overshadowing and loss of light.
- 8.23 The application proposes two windows at first floor level to the rear elevation. One of the proposed windows serves the bedroom/ensuite, is at a high level and proposed to be obscurely glazed. The second window serves the staircase and is proposed to be obscurely glazed. Given the proposed pattern of fenestration and as the windows are to be obscurely glazed, subject to appropriate conditions, it is considered that the proposal would not result in an undue level of overlooking to the detriment of the adjoining occupiers.

#### **Transport issues**

- 8.24 The site is not situated within a Controlled Parking Zone (CPZ) and the proposal does not make provision for off street parking. Sustainable Transport have been consulted and have raised no objection to the scheme with the imposition of condition relating to the provision of cycle parking, a ratio of one per dwelling is in line with the Council's adopted standards contained with SPGBH note 4. Overall the proposal is considered to be in accordance with policies TR1, TR7 and TR19.

#### **Sustainability**

- 8.25 Policy SU2 which seeks to ensure that development proposals are efficient in the use of energy, water and materials. Proposals are required to demonstrate that issues such as the use of materials and methods to minimise overall energy use have been incorporated into siting, layout and design.
- 8.26 Policy SU2 requires proposals to demonstrate a high standard of efficiency in the use of energy, water and materials. The NPPF excludes private residential gardens from the definition of previously developed land and the application site where the proposed house would be located would constitute previously

undeveloped land or Greenfield land. SPD08 Sustainable Building Design requires Code level 5 to be achieved for Greenfield sites or applicants will be required to provide evidence to justify a reduced Code level. In this case the completed sustainability checklist states that Code Level 5 would be achieved and the agent has confirmed that they would be happy for this to be controlled by a suitably worded condition.

### **Archaeology**

8.27 Policy HE12 relates to Scheduled Ancient Monuments and other important archaeological sites. It confirms that development proposals must preserve and enhance sites of known and potential archaeological interest and their settings.

8.28 It has been advised that the site lies within an archaeological sensitive area and is close to the location of a Saxon Grave. An Archaeological Watching Brief may be secured by a suitably worded condition.

### **Biodiversity**

8.29 The existence of badgers on the site has been alleged by neighbouring occupiers. A set was previously removed in November 2010 under the Protection of Badgers Act 1992 and the Wildlife and Countryside Act 1981 (amended 1991). The Council's Ecologist has previously commented on the site and considers there to be no badgers on the site.

## **9 CONCLUSION**

9.1 The proposal has overcome previous concerns raised by the Local Planning Authority and the Planning Inspectorate in terms of the design of the development, impact on neighbouring amenities and the amenity of future occupiers. As such the proposal is considered to be in accordance with Local Plan Policies.

## **10 EQUALITIES**

10.1 The proposed dwelling would have to meet Lifetime Homes Standards.

## **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.

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Existing Site Plan Measured Survey	0143.EXG.001	A	24/07/2012

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Existing Site Sections and Elevations	0143.EXG.002	A	24/07/2012
Proposed Location, Block and Site Plan	0143.PL.010	A	24/07/2012
Proposed Plans and Elevations Lifetime homes notes	0143.PL.011	E	25/10/2012
Proposed Context Elevations Street Scenes	0143.PL.012	C	25/10/2012

- 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extension, enlargement or other alteration of the dwellinghouse(s) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.  
**Reason:** The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
- 4) The first floor windows on the rear (north-east) and side (north-west) elevations shall not be glazed otherwise than with obscured glass to a height of 1.7m, top hung and thereafter permanently retained as such.  
**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.
- 5) Unless otherwise agreed in writing by the Local Planning Authority, full details of how the proposed dwelling shall be constructed to Lifetime Homes Standards shall be submitted to and approved by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details and 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.
- 6) The hard surface hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.  
**Reason:** To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policy SU4 of the Brighton & Hove Local Plan.
- 7) All planting, seeding or turfing comprised in the approved scheme 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 comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.

11.2 Pre-Commencement Conditions:

- 8) No development shall take place until samples of the materials (including colour of render, paintwork and colourwash) to be used in the construction of all the external surfaces, including the proposed doors and windows 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 QD1 of the Brighton & Hove Local Plan.

- 9) 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 5 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 5 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.

- 10) The development hereby permitted shall not be commenced until details of secure cycle parking facilities 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 made available for use prior to the occupation of the development hereby permitted 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 TR14 of the Brighton & Hove Local Plan.

- 11) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping, 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 QD1 and QD15 of the Brighton & Hove Local Plan.

- 12) No development shall commence until fences for the protection of trees and hedgerows to be retained have been erected in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority. The fences shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences.

**Reason:** To protect the trees which are to be retained on the site in the interest of the visual amenities of the area and to comply with policies QD1 and QD16 of the Brighton & Hove Local Plan.

- 13) No development shall take place within the application site until the applicant has secured the maintenance of an on-site watching brief by a suitably qualified and experienced archaeologist during construction work in accordance with written details which have been submitted to and approved in writing by the Local Planning Authority. In the event of important archaeological features or remains being discovered which are beyond the scope of the watching brief to excavate and record and which require a fuller rescue excavation, then construction work shall cease until the applicant has secured the implementation of a further programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

**Reason:** In order to provide a reasonable opportunity to record the history of the site and to comply with policy HE12 of the Brighton & Hove Local Plan.

- 14) No development shall commence until a scheme to enhance the nature conservation interest of the site has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented in full prior to the occupation of the development hereby approved.

**Reason:** To increase the biodiversity of the site, to mitigate any impact from the development hereby approved and to comply with Policy QD17 of the Brighton & Hove Local Plan.

- 15) No development shall be commenced until full details of existing and proposed ground levels within the site and on land adjoining the site by means of spot heights and cross-sections; proposed siting, finished floor levels and ridge heights of the proposed building and neighbouring development have been submitted to and approved in writing by the Local Planning Authority. All levels shall be in metric units and related to Ordnance Survey Datum. The development shall thereafter be built in accordance with the agreed details.

**Reason:** To safeguard the character and appearance of the area, and to comply with policies QD1 and QD2 of the Brighton & Hove Local Plan

### 11.3 Pre-Occupation Conditions:

- 16) The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.

**Reason:** To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policy QD27 of the Brighton & Hove Local Plan.

- 17) Unless otherwise agreed in writing by the Local Planning Authority, none of the residential units hereby approved shall be occupied until a 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 5 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.

#### 11.4 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 proposal has overcome previous concerns raised by the LPA and the Planning Inspectorate in terms of the design of the development, impact on neighbouring amenities and the amenity of future occupiers. As such the proposal is considered to be in accordance with Local Plan Policies.
2. 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](http://www.brighton-hove.gov.uk)).
3. The applicant is advised that details of the Code for Sustainable Homes can be found on the Planning Portal ([www.planningportal.gov.uk](http://www.planningportal.gov.uk)), on the Department for Communities and Local Government website ([www.communities.gov.uk](http://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](http://www.brighton-hove.gov.uk)). Accreditation bodies at March 2010 include BRE and STROMA; other bodies may become licensed in future.
4. The applicant is advised that advice regarding permeable and porous hardsurfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens' which can be accessed on the DCLG website ([www.communities.gov.uk](http://www.communities.gov.uk)).

