

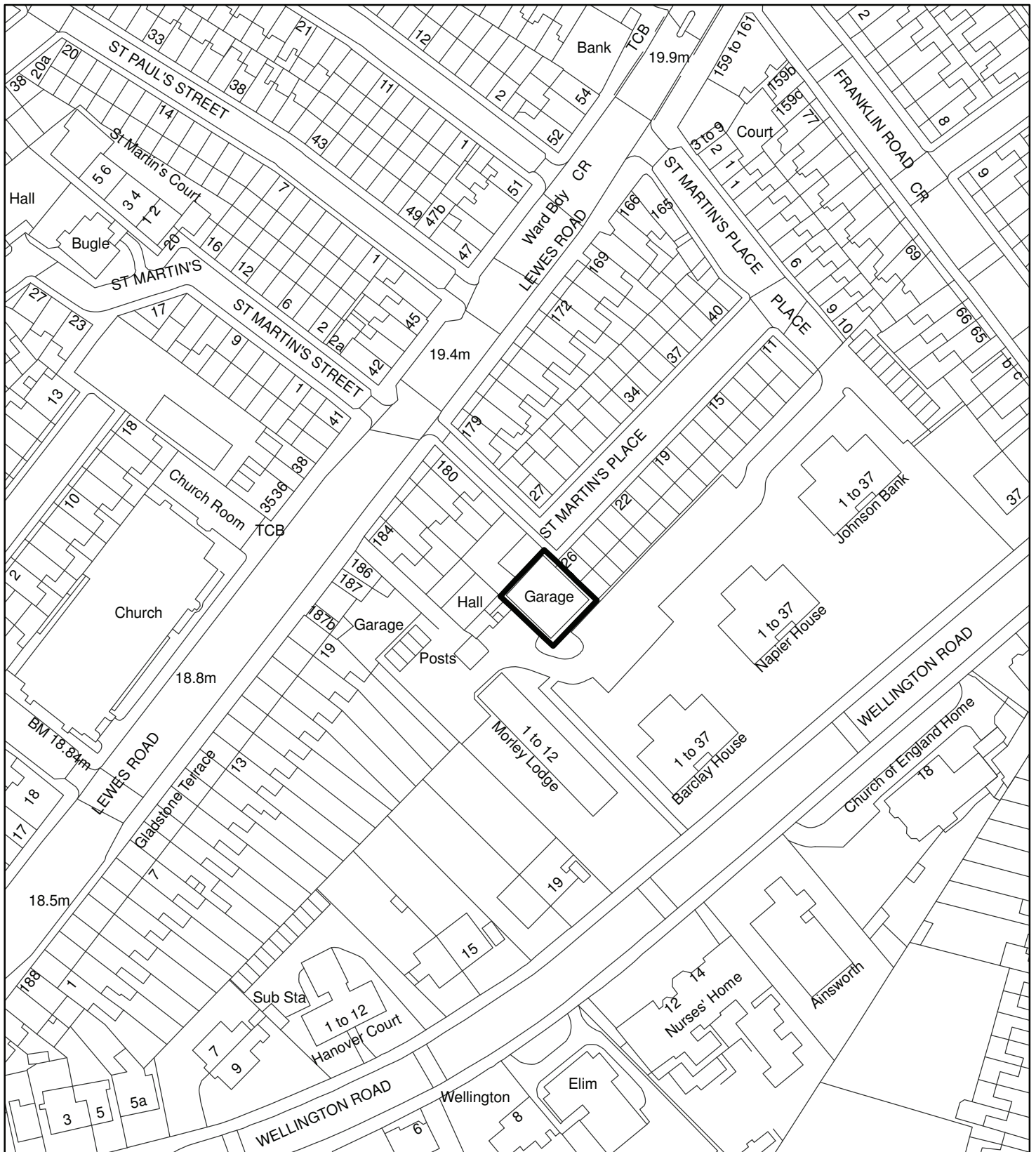
**PLANS LIST  
ITEM B**

**26A St Martins Place, Brighton**

**BH2012/02631  
Full planning consent**

**09 JANUARY 2013**

# BH2012/02631 26a St Martins Place, Brighton



**Brighton & Hove  
City Council**



**Scale: 1:1,250**

|                                      |   |                            |                                |
|--------------------------------------|---|----------------------------|--------------------------------|
| <b><u>No:</u></b>                    | <b>BH2012/02631</b>   | <b><u>Ward:</u></b>        | <b>HANOVER &amp; ELM GROVE</b> |
| <b><u>App Type:</u></b>              | <b>Full Planning</b>  |                            |                                |
| <b><u>Address:</u></b>               | <b>26A St Martins Place, Brighton</b>   |                            |                                |
| <b><u>Proposal:</u></b>              | <b>Erection of four storey building to replace existing garage comprising of office accommodation on ground floor, 2no one bedroom flats and 3no two bedroom flats on upper floors, incorporating terraces, bicycle parking and associated works.</b> |                            |                                |
| <b><u>Officer:</u></b>               | <b>Sue Dubberley, tel: 293817</b>   | <b><u>Valid Date:</u></b>  | <b>23/08/2012</b>              |
| <b><u>Con Area:</u></b>              | <b>N/A</b>  | <b><u>Expiry Date:</u></b> | <b>18/10/2012</b>              |
| <b><u>Listed Building Grade:</u></b> | <b>N/A</b>  |                            |                                |
| <b><u>Agent:</u></b>                 | <b>LCE Architects, 164-165 Western Road, Brighton</b>   |                            |                                |
| <b><u>Applicant:</u></b>             | <b>Mr Mark Buckle, Seadowns, 19 Ainsworth Avenue, Ovingdean, Brighton</b>   |                            |                                |

## 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 it is **MINDED TO GRANT** planning subject to the completion of a S106 Agreement and the Conditions and Informatives set out in section 11.

## 2 SITE LOCATION & DESCRIPTION

- 2.1 The application relates to a site located in the SW corner of St Martins Place. The site is currently occupied by a single storey pitched roof building and in use as a car repair business. The footprint of the building occupies most of the site with an internal floorspace of 200sqm.
- 2.2 The garage is located adjacent to a row of 3 storey terraces houses in St Martins Place a narrow one way street. To the rear of the site are large blocks of 70's style flats. To the north west are the rear of residential terraced properties which front onto the Lewes Road.

## 3 RELEVANT HISTORY

**BH2011/01776:** Erection of four storey building to replace existing garage comprising of office accommodation on ground floor, 2no one bedroom flats and 3no two bedroom flats on upper floors incorporating terraces, bicycle parking and associated works. Refused 23/08/2011 for the following reasons:

1. *The proposed development would by reason of its design, bulk, materials and detailing be out of keeping with surrounding development and represents an incongruous feature that fails to respect the context of its*

*setting. The proposal is therefore contrary to policies QD1, QD2, QD3, and QD5 of the Brighton & Hove Local Plan.*

2. *The proposal would result in an overdevelopment of this site by reason of the number of units proposed, failure to respect the context of its setting and would be out of keeping with surrounding buildings and would consequently have an overbearing impact on the existing neighbouring development. The proposed development would therefore be contrary to policies QD1, QD2, and QD3, of the Brighton & Hove Local Plan.*
3. *The proposal does not provide for the travel demand it creates, and therefore represents an increased risk to users of the public highway due to the additional stopping turning and reversing traffic that would be created. It therefore fails to comply with policies TR1, TR7, and TR8*
4. *The proposed development would by reason of height, scale, layout, number of dwellings and internal floor layouts of flats lead to a significant level of overlooking and consequential loss of privacy to the rear gardens of neighbouring residential amenity and to the front windows of No26 St Martin's Place. The proposal would therefore be contrary to planning policies QD1, QD2 and QD27 of the Brighton & Hove Local Plan.*

**BH1997/01004/CL:** Continued use of open land for car sales with car repairs in main building. Approved 14/01/1998.

#### **4 THE APPLICATION**

- 4.1 Planning permission is sought for the erection of a four storey building to replace the existing garage comprising of office accommodation on ground floor, 2no one bedroom flats and 3no two bedroom flats on upper floors incorporating terraces, bicycle parking and associated works.
- 4.2 The proposed development comprises of:
  - Ground floor office space (145sqm)
  - First floor, 1 x 1 bed unit and 1 x 2 bed unit
  - Second Floor 1 x 1 bed unit and 1 x 2 bed unit
  - Third floor 1 x 2 bed unit
- 4.3 The development has a modern contemporary design with an irregular cruciform shaped footprint with three main storeys and a set back fourth floor. The proposed materials are aluminium windows and brickwork with photovoltaic panels proposed on the flat roof.

#### **5 PUBLICITY & CONSULTATIONS**

##### **External:**

- 5.1 **Neighbours: Fifty-three (53)** letters of representation have been received from **2, 11 (x2), 15 (x2), 19 (x2), 20 (x2), 21 (x2), 24(x2), 27(x2), 29 (x3), 30(x4), 37(x3), 38 (x3), 39 (x2), 42 (x2), St Martins Place, 180 (x3), 180A (x2) Basement Flat (x2), Upper maisonette, Flat 2, (x2) 181, 183 (x2) Lewes Road, 11 Edinburgh (x2), 15 Brewer Street, Road, 40 Hartington Road, 24 St Mary Magdalene Street, 12 Morley Lodge, Flat 2, 31 East Street, 108**

**Court Farm Road Newhaven (freeholder of flats 181a and flat 2 181 Lewes Road), 82 Milnthorpe Road, Kendal, objecting** to the application for the following reasons:

- Plans do not address the reasons for refusal on previous application
- Design is cubic in form, modern and out of character with the street's existing architecture.
- Building will impose a blank wall four storeys high to the rear gardens and rear of houses in St Martin's Place.
- Brickwork is planned to match Gladstone Terrace, a yellowish brick not found in the street.
- Overdevelopment and out of proportion with existing properties.
- Overlooking and overshadowing of existing houses in the street.
- Loss of light particularly in late afternoon and winter periods.
- Additional noise and disturbance from residents and office staff.
- Balconies and third floor terrace will cause overlooking.
- Increase in rubbish and litter in the street.
- No parking is proposed which will lead to an increase in parking pressure already many properties are in multi-occupancy with more than one car per house. Offers of bus tickets and car schemes are irrelevant.
- Potential land contamination on the site from the garage use.
- Loss of trees and wildlife located next to the site. Some trees have already been removed leading to further loss of privacy;
- Demolition of the garage would be a great loss to the community and at least two people would be made unemployed.
- Concerned that the flats would be let to students.
- Rented flats cause more problems with litter, parking problems and no interest in the environment with buy-to-lets and absentee landlords.
- Increase in refuse problems from multi-occupancy

**5.2 Chair of the Wellington Road/Ainsworth House Tenants/Leaseholders & Residents Association. Supports** the application for following reasons;

The Right of Access to the Estate, which runs directly behind the proposed Development, is a badly-lit point of congregation for many alcoholics, drug-users and the more Windows that overlook that area would dissuade a good many of these individuals from 'Lurking' in the Shadows there and would add to the safety of our Tenants and Residents.

**Internal**

**5.3 Sustainable Transport:** The Highway Authority would not wish to restrict grant of consent of this Planning Application subject to conditions in relation to cycle parking and the reinstatement of a redundant vehicle crossover and that the developer enters into a S106 Agreement to provide Travel Plan type measures and a contribution of £7050 towards bus waiting facilities at the bus stop opposite St Pauls Street.

**5.4 Access Officer:** There should be at least 300mm clearance between the leading edge of the main entrance door and any adjacent obstruction on the

‘pull’ side. Also, the main entrance door obstructs entry when open and should be hung opposite hand. Confirmation should be obtained that drainage will be provided in the floor zone in each unit to enable the fitting of a future level entry shower.

- 5.5 **Arboriculture Officer:** The Arboricultural Section is in full agreement with the Arboricultural report submitted with the application.
- 5.6 **Economic Development:** The senior economic development officer fully supports the application. (Comments made on previous application BH2011/01776).

## 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  |
| TR8  | Pedestrian routes   |
| 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                 |
| QD4  | Design – strategic impact                                     |
| QD5  | Design – street frontages                                     |
| QD15 | Landscape design  |
| QD27 | Protection of Amenity   |
| HO3  | Dwelling type and size  |
| HO4  | Dwelling densities  |
| HO5  | Provision of private amenity space in residential development |
| HO6  | Provision of outdoor recreation space in housing schemes      |
| HO7  | Car free housing  |
| HO13 | Accessible housing and lifetime homes                         |
| EM3  | Retaining the best sites for industry                         |
| EM6  | Small industrial, business units and warehouse units          |

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 the proposed development having regard to the amenity requirements for the dwellings, the affect upon the character of the area and neighbouring residential amenity, traffic impact and sustainability.

### **Principle of development**

- 8.2 Policies EM3 and EM6 seek to resist the loss of employment use within classes B1, B2 and B8 uses unless the site can be shown to be redundant in some way. There is an existing B2 use on the site which operates as a garage with car repairs. The proposal will provide 145 sqm of B1 office space on the ground floor which replaces a large proportion of the existing commercial space (200sqm repair garage). While the proposal represents an overall loss of some 55sqm of floorspace and could be viewed as contrary to policy. The Economic Development Officer had no objections to the previous application which proposed the same loss of floor space on the basis that, the scheme proposes to replace an unsightly single storey commercial building with a modern development providing high quality commercial space as part of the overall scheme. The fact that the office layout has been designed in such a way that the offices could be used by two separate occupiers or one larger occupier taking all the space is also welcomed. In addition the existing B2 use is not considered to be compatible with the residential properties which immediately

adjoin the site and the proposal replaces a large proportion of the existing floorspace with B1 office space which is considered to be more neighbourly than the existing use, for these reason an exception to policy is considered acceptable in this case.

- 8.3 The use of the site for residential use in this location is considered acceptable in principle, where there are number of existing residential uses in the vicinity, for example there is a terrace of 3 storey houses immediately adjacent to the site.

**Design:**

- 8.4 Local plan policies require new development to demonstrate a high standard of design and make a positive contribution to the visual quality of the environment. Unless a development proposal is within an area featuring a distinctive historic style of architecture, replication of existing styles and pastiche designs will be discouraged. Policy QD2 of the Brighton & Hove Local Plan requires developments to be designed to emphasise and enhance the positive qualities of the local neighbourhood, by taking into account the local characteristics, in particular the height, scale, bulk and design of existing buildings. While Policy QD5 requires new development to pay particular attention to street frontages.
- 8.5 The existing building on the site is of no particular merit and its removal is not an issue. The previous scheme was refused on design grounds as the application was considered to be an overdevelopment which failed to respect the context of its setting, would be out of keeping with surrounding buildings and would have an overbearing impact on the existing neighbouring development. In addition the design, bulk, materials and detailing were also considered to be out of keeping with surrounding development.
- 8.6 The current application differs from the previous approval in that while the layout is similar the following changes have been made to address the earlier reasons for refusal:
- The building has now been set back significantly at its north-east corner, which faces the side of properties in St Martins Place and the rear of the site.
  - The building has also been set back on the south-eastern boundary, while the top floor has been set back on two sides, the south east and north eastern sides.
  - Internal stairs which abutted the adjoining terrace have been located more centrally to allow an offset of the top floor apartment to create a greater visual separating with the existing terrace at roof level.
  - A green wall is proposed in place of the former blank side elevation facing the adjoining electricity sub station. A honeycomb brick feature has also been added to this elevation.
- 8.7 The set back on the northeast side has resulted in a three storey element adjacent to the existing terrace of housing, which lines up with the eaves of the existing houses and provides a satisfactory integration with the neighbouring



buildings. The design would now complement the existing development in the street and the impact on the street scene is considered acceptable.

- 8.8 It is considered that the changes made to the design and the reduction in the overall mass of the scheme have sufficiently addressed the previous concerns regarding the scale and design of the proposed development, this aspect of the scheme is now considered acceptable.

**Impact on Amenity:**

- 8.9 The building is sited immediately adjacent to three storey terrace residential properties in St Martins Place. The fourth reason for refusal of the previous scheme related to the impact on existing residential properties in particular overlooking and loss of privacy to the rear gardens of adjoining properties in St Martin's Place and to the front windows of No.26 St Martin's Place. In order to address these issues the following changes have been made to the scheme:
- Omission of windows on the southeast corner to prevent overlooking of neighbouring gardens.
  - The setting in of the balconies on the southwest and southeast elevations.
  - The first and second floors have been set in a further 3m from the side boundary with the nearest property in St. Martins Place giving a total set back of 6.3m.
- 8.10 There have been objections from properties on Lewes Road whose rear elevations face onto the northwest side of the proposed development, there is some 19m between the rear wall of these properties and the proposed wall of the new development, which is considered acceptable, particularly in this densely populated location where there are examples of back to back terrace housing with only small rear gardens separating the rear of these houses.
- 8.11 The rear southwest and southeast elevations where the balconies to the flats are to be positioned on the development would look out onto the car parks of the large blocks of 70's style flats to the rear. The flats themselves are located some 29m in the case of Barclay House which would face the southeast elevation and 12m in the case of Morley Lodge which would face the southwest elevation. This relationship is considered acceptable in terms of overlooking and loss of privacy.
- 8.12 A terrace is proposed at fourth floor level however it would be located 6.7m from the side boundary with the adjoin property in St Matins Place and in addition a 2m high privacy screen in proposed. A condition requiring further details of the screen forms part of the recommendation.
- 8.13 While there may still be some oblique overlooking into the front windows of no.26 St Martin's Place from bedroom windows at the front of the site this is not considered to be significant enough to justify refusal on these grounds.

**Standard of accommodation**

- 8.14 The proposed internal layout of the flats is considered to be acceptable and would provide satisfactory accommodation.
- 8.15 Policy HO5 requires all new residential units to have private useable amenity space appropriate to the scale and character of the development. This application proposes that each flat on the first and second floor would have its own private balcony and the flat on the third floor would have access to two private balconies/terraces. Shared refuse and recycling storage are located within the entrance court.
- 8.16 Policy HO13 requires all of the residential units to be lifetime home compliant and the plans indicate that all the residential units would all be built to Lifetime Homes standards. A condition to ensure Lifetime Homes standards are met is included in the recommendation.

**Sustainable Transport:**

- 8.17 Policy TR1 stipulates that all new development should provide for the travel demand that it creates with a particular emphasis upon promoting sustainable modes of transport. The site is not situated within a controlled parking zone (CPZ) and the proposal has no off street car parking. Secure cycle parking would be provided.
- 8.18 The previous application was refused on traffic grounds as it was considered that the proposal did not provide for the travel demand it created, and therefore represented an increased risk to users of the public highway due to the additional stopping turning and reversing traffic that would be created, as the forecast level of overspill car parking could cause road safety issues.
- 8.19 In order to address the reasons for refusal the current application includes supporting information to forecast the likely number of vehicles associated with the proposed development and the amount of overspill parking. The report concludes that the forecast level of overspill would only be 4 vehicles.
- 8.20 The Council's Traffic Engineer has considered the transport report and commented that given the existing use (garage) has the benefit of a 9 space car park, there is not considered to be any level of overspill car parking from the existing use. It is predicted that the maximum level of parking demand generated by the office in any one hour period is 4 vehicles. Any parking demand associated with the office is forecast to be generated between the hours of 8am and 6pm. From the census data it is forecast that the parking demand for residential units would also be 4 vehicles. The highest parking demand associated with the residential units is likely to occur in the evenings and is unlikely to occur when the parking demand for the office is occurring. Therefore the forecast overspill car parking demand for the proposed development is forecast to be a maximum of 4 vehicles at any one point. This is likely to be associated with the office development in the day and the residential at evenings and weekends.

- 8.21 The applicant has also submitted an on-street parking survey to establish whether there is sufficient capacity in the surrounding streets to accommodate the forecast demand generated by the proposed development. The results of the survey are accepted; although the Traffic Engineer has commented that ideally this survey should have been undertaken later on in the evening to capture the worst case scenario. The survey indicates that at the times of highest residential parking stress, for when the survey was carried out, the parking availability ranged from 1 to 3 spaces on St Martin's Place. The applicant suggests that within the 400m survey area there were between 15 and 19 spaces available at the various times that they surveyed. While some of the streets included within the survey are deemed to be too far away from the proposed development to be attractive (Trinity Street, and the far ends of St Mary Magdalene Street and St Paul's Street) the relatively small number of overspill vehicles associated with the development can be mitigated by the measures suggested below.
- 8.22 Based upon the TRICS data submitted within the Transport Statement the forecast increase in vehicle trips between the hours of 7am and 7pm is by 29 vehicles from 40 vehicles to 69 vehicles. The Traffic Engineer considers that this level of trip generation is not considered to be deemed a reason for refusal given the mitigation measures detailed below.
- 8.23 In regard to disabled parking the Traffic Engineer has commented that it is unfortunate that due to site constraints it is not possible to provide any level of disabled car parking on-site. However it is noted that there are opportunities, if some what limited, in the form of on-street parking opportunities for disabled staff and visitors to park when visiting the site by car. Blue Badge holders are also able to park, where it is safe to do so, on double yellow lines for 3 hours. Therefore in this instance the Highway Authority would not consider the lack on off-site disabled car parking to be a reason for refusal.
- 8.24 The plans show ten cycle parking spaces located within the entrance court and the Traffic Engineer has asked for further details by condition.
- 8.25 As the existing vehicular access would be redundant it is also recommend that the existing crossover is reinstated back to footway via the inclusion of a Grampian condition, which forms part of the recommendation. This will ensure short, safe and attractive walking routes are provided from the site and also help prevent drivers from parking on the footway which would pose road safety issues.
- 8.26 A contribution to Sustainable transport is required of £7050 which will provide improvements to bus waiting facilities at the bus stop opposite St Pauls Street.
- 8.27 The travel plan proposes further mitigating measures against the proposed impact of the development and includes:
- Free membership for 2 years to a car club scheme to the new occupiers:

- A free bus pass for a period of 3 months for each new tenant after first occupation.

8.28 These measures are welcomed although the Traffic Engineer has suggested that other Travel Plan type measures are also secured to promote alternative means of travel to the private car, therefore a condition requiring a travel plan to be submitted is included in the recommendation.

**Sustainability:**

8.29 Policy SU2 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. SPD08 – Sustainable Building Design requires the scheme to meet Code Level 3 of the Code for Sustainable Homes (CSH). The applicant is also required to submit a Sustainability Checklist.

8.30 A sustainability check list has been submitted which states that high levels of insulation along with technologies such as air source heat pumps and mechanical ventilation heat recovery will be used to achieve CSH Code Level 3. Solar panels are also shown on the roof and a green wall is proposed on the northwest elevation adjacent to the electricity sub-station. The Sustainability Officer has confirmed that Code level 3 would be required. The checklist confirms that the commercial element will undergo a BREEAM assessment although the level that will achieve is not specified. A condition requiring code Level 3 for the residential units and a BREEAM rating of at least 'Very Good' with a score of 50% or more in the energy and water sections for the offices forms part of the recommendation.

**Arboriculture**

8.31 To the west of the development site is an electricity sub-station. In between the electricity sub-station and the current is a strip of land approximately half a metre wide. In this half metre strip are two semi-mature Sycamores. An arboricultural report has been submitted which states the intention to remove the trees on structural grounds. The Council's Arboricultural Officer has also stated that the trees have bowed inwards towards the electricity sub-station wall, and actual structural damage is foreseeable to the garage, if it has not occurred already and therefore recommends that these trees should be removed regardless of whether the development proceeds.

8.32 A lime tree to the east of the site sits on a higher level and is behind a brick wall. It may need to be pruned back to the boundary to prevent damage during the course of the development, however, the Arboricultural Section would not object to this.

**Additional Considerations:**

8.33 A report on air quality was submitted with the application which concludes that the site is acceptable in terms of air quality.

8.34 While no comments have been received from Environmental Health it is clear that there may be the potential for land contamination on the site given the existing use and therefore a condition requiring land contamination desk top study forms part of the recommendation.

8.35 Some of the objections received have expressed concerns that the flats may be rented and right to light is infringed upon by the development; however these are not valid planning considerations.

## 9 CONCLUSION

9.1 The development will make efficient and effective use of land within the built up area without causing detriment to the character and appearance of the site or surrounding area, subject to conditions and Section 106. The development will not have a significant impact on amenity for occupiers of adjoining properties, or create a harmful demand for travel.

## 10 EQUALITIES

10.1 The residential units would all be built to Lifetime Homes standards.

## 11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

### 11.1 Planning Obligation:

#### **Section 106 to secure:**

- A contribution of £7,050 to provide improvements to bus waiting facilities at the bus stop opposite St Pauls Street.

### 11.2 Regulatory Conditions:

1. BH01.01 Full Planning.
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.

| Plan Type                      | Reference    | Version | Date Received |
|--------------------------------|--------------|---------|---------------|
| Location Plan                  | 11785/PA/001 | B       | 23/08/12      |
| Existing Plans and elevations  | 11785/PA/002 |         | 23/08/12      |
| Existing sections & elevations | 11785/PA/003 | A       | 23/08/12      |
| Proposed floor plans           | 11785/PA/010 | A       | 23/08/12      |
| Proposed Plans & elevations    | 11785/PA/020 | A       | 23/08/12      |
| Proposed sections & elevations | 11785/PA/021 | B       | 23/08/12      |
| Proposed Plans & elevations    | 11785/PA/022 |         | 23/08/12      |
| Detailed elevation study       | 11785/PA/023 |         | 23/08/12      |

3. 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.

4. 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

#### 11.3 Pre-Commencement Conditions:

5. No development shall take place until samples of the materials (including colour of render, paintwork and colourwash) 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 QD1 of the Brighton & Hove Local Plan.

6. 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.

7. Unless otherwise agreed in writing by the Local Planning Authority, no non-residential development shall commence until:
  - a) evidence that the development is registered with the Building Research Establishment (BRE) under BREEAM (either a 'BREEAM Buildings' scheme or a 'bespoke BREEAM') and a Design Stage Assessment Report showing that the development will achieve an BREEAM rating of 50% in energy and water sections of relevant BREEAM assessment within overall 'Very Good' for all non-residential development have been submitted to the Local Planning Authority; and
  - b) BRE issued Design Stage Certificate demonstrating that the development has achieved a BREEAM rating of 50% in energy and water sections of relevant BREEAM assessment within overall 'Very Good' for all non-residential development 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.

8. 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.

9. (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 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.

10. No development shall commence until details of the proposed green walling, timetable for implementation and maintenance programme 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.

#### 11.4 Pre-Occupation Conditions:

11. 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 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.

12. None of the non-residential development hereby approved shall be occupied until a BREEAM Design Stage Certificate and a Building Research Establishment issued Post Construction Review Certificate confirming that the non-residential development built has achieved a BREEAM rating of 50% in energy and water sections of relevant BREEAM assessment within overall 'Very Good' 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.

13. Prior to the occupation of the development the applicant shall reinstate the redundant vehicle crossover in front of the development 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 & Hove Local Plan.

14. Prior to first occupation of the development a Travel Plan (a document setting out a package of measures tailored to the needs of the site and aimed at promoting sustainable travel choices and reduce reliance on the car) for the development shall be submitted to the Local Planning Authority. The Travel Plan shall be approved in writing prior to first



occupation of the development and shall be implemented as approved thereafter. The Travel Plan shall include a process of annual monitoring and reports to quantify if the specified targets are being met, and the council shall be able to require proportionate and reasonable additional measures for the promotion of sustainable modes if it is show that monitoring targets are not being met.

**Reason:** To seek to reduce traffic generation by encouraging alternative means of transport to private motor vehicles in accordance with policy TR4 of the Brighton & Hove Local Plan.

11.5 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 Brighton & Hove Local 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 development will make efficient and effective use of land within the built up area without causing detriment to the character and appearance of the site or surrounding area subject to conditions and Section106. The development will not have a significant impact on amenity for occupiers of adjoining properties, or create a harmful demand for travel.
2. 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).
3. 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](http://www.defra.gov.uk)) and the Environment Agency website ([www.environment-agency.gov.uk](http://www.environment-agency.gov.uk)).

