

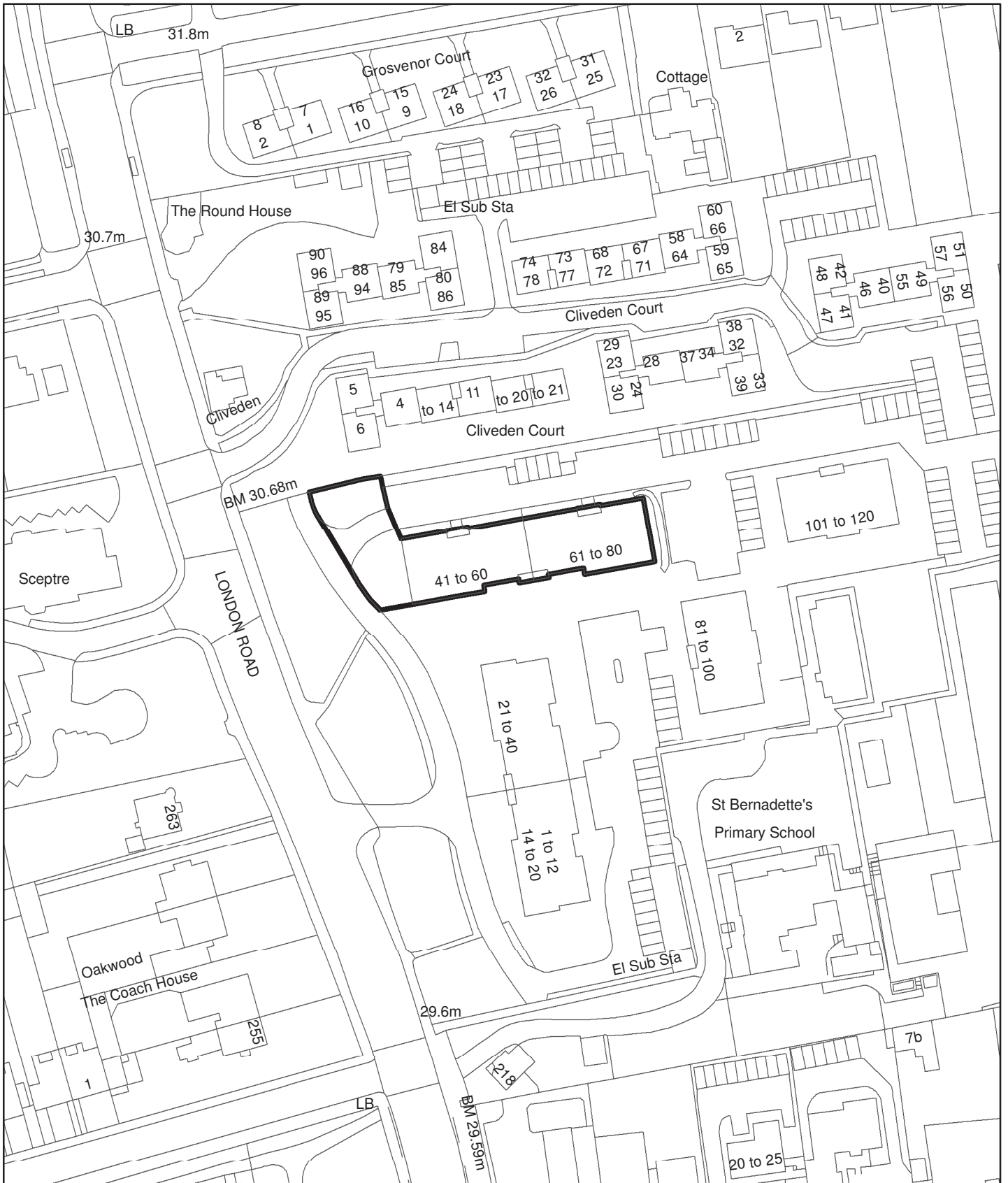
**PLANS LIST
ITEM E**

Blocks A & B, Kingsmere, Brighton

**BH2012/03673
Full planning consent**

03 APRIL 2013

BH2012/03673 Blocks A & B Kingsmere, London Road, Brighton.



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2012/03673	<u>Ward:</u>	WITHDEAN
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Blocks A & B Kingsmere, London Road, Brighton		
<u>Proposal:</u>	Erection of additional storey to Blocks A and B to create 8no flats with private roof gardens, with associated additional car parking and cycle storage.		
<u>Officer:</u>	Steven Lewis Tel 290480	<u>Valid Date:</u>	20/11/2012
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	15/01/2013
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Strutt and Parker, 31 North Street, Chichester, West Sussex		
<u>Applicant:</u>	Anstone Properties Ltd, C/O Strutt & Parker		

1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and the policies and guidance in section 7 of this report and resolves to be **MINDED TO GRANT** planning permission subject to completion of a s106 Obligation, Conditions and Informatives as set out in section 11.

2 SITE LOCATION & DESCRIPTION

- 2.1 The application relates to a site on the eastern side of London Road known as Kingsmere: a residential development of four purpose built four-storey blocks comprising 120 flats.
- 2.2 Blocks A & B are sited to the northern side of the Kingsmere estate set back from the boundary with the adjacent Cliveden Court estate and set back from the edge of London Road by the spacious formal front landscaping and are partially screened by mature trees. Blocks A & B are a joint building of four storeys comprising flats of a modern appearance, with set back sections, forward projecting bays and tile hanging clad top floor.
- 2.3 The surrounding area is predominantly flatted residential development within large sites with off-street surface parking. London Road is partly characterised by the presence of adjoining green space and established trees / vegetation. The site is surrounded to the south east and west by, but is not specifically located within, the Preston Park conservation area.

3 RELEVANT HISTORY

There have been numerous applications on the site for the original Kingsmere development, alterations to the buildings and works to trees which are subject to a preservation order. The following applications are most relevant to this application.

BH2011/03432: Roof extension to Blocks E & F to provide 8no flats each with own private roof garden. Refused 21/03/2012 – Appeal Allowed 05/10/2012.

BH2011/01101: Additional storey to form 4no three bedroom flats with private roof gardens over Blocks A & B. Approved 07/07/2012.

BH2010/02056: Permission was granted for an additional storey of living accommodation to create 4no. three bedroom penthouse flats with private gardens over blocks E & F. Approved 03/09/2010

BH2007/02691: Planning permission was refused in 2007 for 'roof extensions to blocks A & B and E & F to provide 8 penthouse flats and provision of 22 additional car spaces and new secure cycle store'. An appeal against this decision was dismissed (see Considerations in Section 7 below). Refused 05/09/2007 – Appeal Dismissed 03/04/2008

BH2007/00709: Planning permission was refused in April 2007 for 'roof extensions to blocks A + B & E + F to provide 8 penthouse flats, provision of 23 additional car spaces & a new secure cycle store'. Refused 16/04/2007

3/93/0501/OA: Planning permission was refused in 1993 for an additional storey on the roof of each of the existing 6 blocks in the form of a mansard roof to provide an additional 16 flats and an increase in parking to provide an additional 24 spaces. Refused 31/08/1993

73/325: Permission was granted in 1973 for the erection of 115 s/c flats in 3/4 storey blocks with service roads and car parking space for 120 cars. Granted.

4 THE APPLICATION

- 4.1 Planning permission is sought for the construction of an additional storey to blocks A & B to create a total of additional eight flats comprising of 6 two bedroom units and 2, one bedroom units. The additional storey incorporates extensive full-height glazing and roof gardens enclosed by balustrades
- 4.2 The proposal is a revision of the previously approved scheme (BH2011/01101) which permitted 4no. three bedroom flats. This scheme is largely confined to internal alterations and would not result in an increase to the footprint of the previously approved additional storey, but would include some minor fenestration changes to the west elevation.
- 4.3 In addition the previous consent, 28 cycle spaces are also proposed. This parking area is located to the west of Blocks A & B and within part of the formal landscaped area of the Kingsmere grounds.

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours: Twenty (20)** letters of representation have been received from **13 Cliveden Court, 115 Crestway, 35 Grand Crescent (Rottingdean) (x2), Kingsmere Residents Association, 41, 42, 43, 47, 49, 60, 61, 79 (x2) , 81, 103 (x2), 105, 106, 110 Kingsmere** objecting to the application for the following reasons:

- Access and exit from the existing access is difficult due to the heavy volume of traffic on London Road. This development would increase these problems and place an unnecessary burden upon the traffic flow of this route and would be unsafe.

- The development would increase parking demand for spaces within the estate. At present there are 110/119 parking spaces with some being used for commercial parking. With the additional demand from this development and blocks E & F the demand would rise to a level that would exceed the capacity of the site.
- The additional storey could damage the foundation and original structure, endangering lives of inhabitants. There are already some faults developing in the original structure and it is not accepted that these are due to window replacements.
- The new flats will harm the amenities of existing occupiers from greater overlooking, loss of privacy, overshadowing and noise from people using gardens and an additional floor of accommodation above.
- The application is based upon financial gain without consideration for residents.
- There is already an abundance of flats available in the London Road area
- The development would not meet Lifetime Homes.
- It is urged that the LPA requests a Construction Management Plan to cope with the logistical and environmental problems associated with the construction in this case.
- The appearance of the additional storey and its height is unsuitable and will harm the character and appearance of the estate and wider area.
- The proposal will place an additional burden upon demand for refuse and recycling facilities. No refuse facilities have been provided within the application.
- The suitability of the lift for disabled access is questionable and full structural survey is requested.

Internal:

5.2 Sustainable Transport:

Recommended approval with conditions to protect the interests of the public using the roads and footways.

Contributions narrative

- 5.3 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 £6000 to help finance off-site highway improvement schemes such as the erection of a bus shelter at the bus stop on Harrington Road, (Northbound).

Cycle Parking provision

- 5.4 The applicant is proposing 28 cycle parking spaces in a space that measures approximately only 5m x 5m. The proposed dimensions appear not to comply with guidance. 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. The Highway Authority requests that the applicant submits a drawing of a space that details the proposed cycle parking stands/spaces and suggest a condition to secure this.

Car Parking

- 5.5 The applicant proposes no parking on site. Therefore any such parking would occur on the highway. There appear to be no significant circumstances in the surrounding area that would be exacerbated by this proposal. It would therefore not be reasonable or supportable at an Appeal to make a recommendation for refusal based upon a lower level of car parking than could be permitted by the Council's standards in SPG4

Pedestrian access to the site

- 5.6 The Highway Authority notes that adjacent to the site there is a pedestrian path that connects London Road to the Service Road and site and that here is however no dropped kerbs that enable residents with a mobility impairment to access the path. The Highway Authority requests that the suggested Grampian condition is imposed to require appropriate works to be conducted by the applicant.

Arboriculture Comment

- 5.7 No objection subject to suitable conditions regarding arboricultural method statement and full details of necessary tree works being attached to any planning consent granted.
- 5.8 Trees in the vicinity of the proposed new car parking area may be covered by Tree Preservation Order (No 5a) 1972, namely one Yew, one Holly and one Lime. The proposed parking area will need to be configured around these trees, and the Arboricultural Section would ask that a condition be attached to any planning consent granted regarding the precise position and construction of the parking bays in the vicinity of the trees.
- 5.9 The proposed cycle storage is in the vicinity of the above mentioned Yew tree, and this should also be constructed paying heed to any roots from this tree that may be in this vicinity. The construction of this unit should also be the subject of a condition attached to any planning consent granted.
- 5.10 Several shrubs of little arboricultural value will need to be removed to facilitate the proposed car parking bays, eg, Ornamental Laurel, Portuguese Laurel, Eleagnus spp. The Arboricultural Section has no objection to the loss of these shrubs.
- 5.11 Overall, the Arboricultural Section has no objection to the proposals in this application, subject to suitable conditions being attached to any planning consent granted.

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, namely The South East Plan (6 May 2009);
 - Brighton & Hove Local Plan 2005 (saved policies post 2007);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
 - East Sussex and Brighton & Hove Minerals Local Plan (November 1999); Saved policies 3,4,32 and 36 – all outside of Brighton & Hove;
 - East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only – site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.
- 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.
- 6.5 The Brighton & Hove City Plan Part One (submission document) is an emerging development plan. The NPPF advises that weight may be given to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies to the policies in the NPPF.
- 6.6 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
TR18	Parking for people with a mobility related disability
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU10	Noise nuisance
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
QD14	Extensions and alterations
QD16	Trees and hedgerows
QD27	Protection of amenity
QD28	Planning obligations
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
HE6 Development within or affecting the setting of conservation areas

Supplementary Planning Guidance:

SPGBH4 Parking Standards

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste

SPD06 Trees & Development Sites

SPD08 Sustainable Building Design

8 CONSIDERATIONS & ASSESSMENT

8.1 The main issues in the determination of this application are the impact of the design of the proposal upon the character and appearance of the area, the planning history of the site, amenity issues, transport and highways issues, sustainability and living accommodation standards.

Planning history and principle of development

8.2 The Kingsmere estate was granted planning permission in January 1973 (ref 72/4136 & 73/325). Contrary to representations received, neither planning permission imposed a planning condition to restrict further floors of accommodation on the Kingsmere estate. In any case a planning application has been made and needs to be considered.

8.3 Planning permission was refused in December 2007 for roof extensions to blocks A & B and E & F to provide 8 penthouse flats and provision of 22 additional car spaces and new secure cycle store. This application was refused on design grounds, harm to residential amenity and the unknown impact of the new parking facilities upon protected trees located on the site. The decision was subsequently appealed and was dismissed by the Planning Inspector, who upheld the Council's reasons for refusal on design and arboricultural grounds.

8.4 A planning application in 2010 with a differing design and scope to that of the 2007 proposal for an additional storey was approved by the Planning Committee in September of that year (BH2010/02056). That approval was for an additional storey upon blocks E & F. The design had been amended compared to the previous refusal, to present a predominantly glazed upper storey set back from the existing front, side and rear elevations rather than being flush. That proposal did not provide any further parking spaces to avoid having any adverse impact on trees around the previously proposed car park.

8.5 The previous decisions to grant the additional storey were also taken in light of a case at The Priory located on London Road to the north of the application site, on the western side of the road opposite the junction with Carden Avenue (BH2009/00058). This application was similar to the previously approved and present scheme now under consideration in respect that it sought an additional storey of accommodation with a comparable design. That case was refused in September 2009 and subsequently allowed on appeal in April 2010. The design of the original building, the appearance of the immediate locality and provision

of parking differs between the two cases. However, the applications are sufficiently similar with respect to a number of issues raised that weight should be afforded to the Inspector's decision upon the Priory as a material consideration in determining this application.

- 8.6 Of even more relevance, planning permission was allowed upon appeal after refusal by Planning Committee for a roof extension to Blocks E & F Kingsmere (BH2011/03432) to provide 8 no. flats each with own private roof garden. The extension and layout of this scheme with the exception of the car parking is almost identical to the allowed scheme at Block E & F and accordingly is a material consideration in this case.
- 8.7 Significant weight should be attached to the recent planning decisions to allow an additional storey upon blocks E&F and A&B of Kingsmere under BH2011/01101. There are differences between the previous approval and the proposal, most significantly the increase in the number of self contained units from four to eight. This report considers these differences, specifically in relation to transport, living standards, amenity, sustainability and design.
- 8.8 In principle subject to meeting the applicable policies of the Local Plan and other material considerations, the provision of an additional storey in this location remains acceptable.

Design:

- 8.9 Policy QD1 relates to design and the quality of new development. It confirms that all proposals for new buildings must demonstrate a high standard of design and make a positive contribution to the visual quality of the environment.
- 8.10 Policy QD2 relates to design and key principles for neighbourhoods. It confirms that new development should be designed to emphasise and enhance the positive qualities of the local neighbourhood, by taking into account the local characteristics of the area.
- 8.11 Policy QD3 relates to efficient and effective use of sites and confirms that new development will be required to make efficient and effective use of a site, including sites comprising derelict or vacant land and buildings.
- 8.12 HE6 relates to development within or affecting the setting of conservation area. The policy seeks that new development preserve or enhances the character and appearance of conservation areas.
- 8.13 It is noted that the design has some minor external differences to that approved recently on the same block. There are some minor fenestration changes upon the western elevation.
- 8.14 The additional storey by reason of its scale, height, materials, form, detailing and siting would remain acceptable and would provide a quality design adding visual interest to the building. Furthermore, an additional height with an acceptable design is a more efficient and effective use of the site without compromising the intensity of development appropriate to the surrounding area. The additional

height would not affect the setting of the Preston Park Conservation Area given it lies outside of the designated area, would be seen in the context of the modern Kingsmere estate and remains satisfactorily designed in relation to its surroundings.

- 8.15 The additional height would be approximately 3m taking the building to an approximate total height of 14.6m, with an additional 0.4m protrusion to accommodate the lift motor rooms. The footprint of the extension remains the same as that previous approved and therefore the front and rear elevation of the extension are set back approximately 2m with some variation from the existing elevations and approximately 4m from the side elevation. This approach, combined with the use of glazing and set back sections for the rendered parts has been previous accepted on this site, whilst the changes related to the glazing pattern would continue to significantly reduce the visual impact of the additional height and articulate an acceptable form.
- 8.16 Despite the minor glazing pattern changes now proposed, the large exposure of glazing and simple pattern would maintain an acceptable modern contrast to the existing building and provide visual relief to the main building preserving the positive characteristics of the area. Samples of materials should be secured by planning conditions to ensure that a satisfactory finish to the development.

Amenity

- 8.17 Policy QD27 relates to protection of amenity and confirms that permission will not be granted where development 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.
- 8.18 The Kingsmere estate is characterised by modest sized block of flats set within a spacious communal formal grounds with attractive landscaping. The proposed extension would be entirely within the current footprint of an existing block of flats and as such the new extension will maintain an acceptable relationship with its surroundings. The blocks within Kingsmere estate are sufficiently spaced from one another as to avoid a harmful loss of privacy, loss of outlook, loss of light or cause overshadowing and overlooking or any adverse increase as a result of the additional height.
- 8.19 The additional concerns raised by neighbouring occupiers concerning potential additional noise, disturbance and inconvenience during the construction period have been noted. These matters do not fall within the remit of planning control. However, local residents may have recourse under Environmental Health legislation in relation to noise and disturbance outside normal working hours.
- 8.20 As such it is considered that the development would not cause a harmful level of noise, disturbance or environmental harm.
- 8.21 Members' attention is drawn to the previous approval upon this site and the Appeal Decision on Block E & F Kingsmere, where the Inspector found a very similar development acceptable in terms of the impact upon the amenities of existing and future occupants.

Living Accommodation Standards and Housing Issues

- 8.22 The proposal would provide eight flats capable of providing an acceptable standard of living for occupants. Whilst the previous proposal sought four, 3 bedroom flats all capable of family occupation, it is considered that the proposal would continue to meet a strategic housing need in the city. The quality of the accommodation would be acceptable in respect of the standards of living space, private amenity space and access.
- 8.23 Each of the proposed units would have access to its own private amenity space in the form of roof gardens. Each of the gardens would be separated by obscure glazed screen and provide an appropriate amount of private space. Each of the flats would have joint kitchens and living rooms, adequate sized bedrooms and bathroom. The floor space of each unit is below the amount expected of new affordable and/or social housing standards, but would meet an acceptable standard for market housing. Each would have appropriate facilities and would provide a comfortable standard of living for the occupiers.
- 8.24 Policy HO13 requires that applications demonstrate that wherever practicable, Lifetime Homes criteria should be incorporated into the scheme.
- 8.25 Whilst the Design and Access statement contends that the flats will meet Lifetime Homes Standards, it is considered in this case that it would be unlikely that all standards could be met in a building with existing access and other physical constraints. Given the layout and the design of the additional storey it is considered that a number of Lifetime Homes criteria could be incorporated into the scheme and a planning condition is therefore recommended to secure appropriate additional measures.
- 8.26 Member's attention is drawn to the previous application upon this site and the Appeal Decision on Block E & F Kingsmere, where the Inspector found a similar development acceptable on the amount of amenity space and quality of living standards.

Sustainability

- 8.27 Any new residential development upon the site would need to conform to the requirements of SPD08 in respect of medium scale developments as conversions. In addition, and to conform to the requirements of policy SU2, any development must demonstrate that issues such as the use of materials and methods to minimise overall energy use have been incorporated into siting, layout and design.
- 8.28 The application has been accompanied by a sustainability checklist which details the sustainability features of the scheme. These include the use of solar hot water system, a reduction in CO2 emissions, smart metering, joining the considerate constructor's scheme, solar panels, refuse and recycling facilities and attaining BREEAM Very Good, or Code level 3 for Sustainable Homes.
- 8.29 Planning conditions should be imposed to secure this standard of sustainability. The planning statement also sets out a number of other criteria which can be met

which goes beyond EcoHomes for refurbishment standards and a general sustainability measures condition may be added.

- 8.30 Policy SU13 seeks to minimise construction industry waste. SPD03 supports the objectives on this policy. However new legislation on Site Waste Management Plans (SWMP) was introduced on 6 April 2008 in the form of Site Waste Management Plan Regulations 2008. This legislation sits within Section 54 of the Clean Neighbourhoods and Environment Act 2005. On that basis a condition to secure waste minimisation management is not necessary.

Sustainable Transport:

- 8.31 Policy TR1 confirms that development proposals should provide for the demand for travel they create and maximise the use of public transport, walking and cycling.
- 8.32 Policy TR14 confirms that all proposals for new development and change of use should provide facilities for cyclists in accordance with the parking guidance.
- 8.33 The site provides 119 car parking spaces and this is in line with the council's adopted parking standards. The Highway Authority is not aware of any safety capacity concerns relating to overspill on to the public highway. Furthermore they comment there are no significant adverse circumstances in the surrounding area that would be exacerbated by the proposal.
- 8.34 The comments from the Transport Team are noted, in that the scheme would be acceptable subject to a sustainable transport contribution of £6,000. The applicant has confirmed their willingness to enter into a Legal Agreement for the total requested sum and a number of off-site highway improvement schemes within the local area have been identified. These include pedestrian crossing facilities on the A23, bus stop improvements or installing Real Time Information boards.
- 8.35 The applicant has provided details of a cycle parking, to include a cycle store with parking for up to 28 cycles. This cycle storage is in addition to the existing 25 spaces located on the Kingsmere Estate. The preference is for the use of Sheffield type stands spaced in-line with the guidance it is therefore recommended that a condition is imposed to ensure its use.
- 8.36 It is noted that adjacent to the site there is a pedestrian path that connects London Road to the Service Road and site and that here is there is no dropped kerbs that enable residents with a mobility impairment to access the path. A suggested Grampian condition below is recommended to secure the appropriate works to be conducted by the applicant.

Arboriculture

- 8.37 Trees in the vicinity of the proposed new car parking area are covered by Tree Preservation Order (No 5a) 1972, including one Yew, one Holly and one Lime tree. The proposed parking area would need to be configured around these trees to ensure that the trees are not damaged. The Arboricultural team have requested that a condition is attached to any planning consent granted to agree

the precise position and construction of the parking bays within the vicinity of the trees.

- 8.38 The proposed cycle storage is also in the vicinity of the Yew tree and this should also be constructed paying heed to any roots from this tree that maybe within the immediate area. The construction of the cycle storage unit should also be the subject of a condition attached to any planning permission granted.
- 8.39 Several shrubs of little arboricultural value will need to be removed to facilitate the proposed car parking bays, eg, Ornamental Laurel, Portuguese Laurel, Eleagnus spp. There are no objections to the loss of these shrubs.
- 8.40 Subject to suitable conditions to secure an arboricultural method statement and full details of necessary tree works and location of parking bays being attached to any planning consent granted it's considered that the development would not have a harmful impact upon the health of any adjacent Trees of high amenity value.

9 CONCLUSION

- 9.1 The proposed development would make an effective and efficient use of site, have a satisfactory appearance and would have an acceptable visual impact on the character and visual amenity of the area. The design includes provision of an acceptable standard of environmental sustainability, including on-site energy production.
- 9.2 The development would not result in harmful loss of light or outlook, or increased noise or disturbance, for occupiers of adjoining properties; and subject to an appropriate level of financial contribution to be spent on local transport infrastructure improvements and cycle parking it would not have a significant transport impact and travel demand would be catered for.

10 EQUALITIES

- 10.1 The development should incorporate Lifetime Home standards wherever practicable into the design.

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

11.1 Planning obligation

The completion of a Section 106 obligation to secure the following:

- A contribution of £6,000 towards sustainable transport improvements in the vicinity of the site.

11.2 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.

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- 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
Site Plan	A2112/02	-	22/01/2013
Existing Plan	A2112/03	A	20/11/2012
Existing elevations	A2112/04	A	20/11/2012
Existing Side elevations	A2112/05	A	20/11/2012
Proposed Plan & West Elevation	A2112/06	A	20/11/2012
Proposed Elevations	A2112/07	A	20/11/2012
Existing Roof Plan	A2112/08	A	20/11/2012
Proposed Plan	A2112/10	A	20/11/2012
Proposed Plan	A2112/11	A	20/11/2012

11.3 Pre-Commencement Conditions:

- 3) 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.
- 4) No development shall take place until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full as approved prior to first occupation of the development 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 policy QD27 of the Brighton & Hove Local Plan.
- 5) Unless otherwise agreed in writing by the Local Planning Authority, no residential development shall commence until:
- 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
 - 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*.
- 6) Notwithstanding the approved floor plans, the development hereby permitted shall not commence until revised floor plans incorporating lifetime home standards have been submitted and agreed in writing by the Local

Planning Authority. The development shall be carried out in strict accordance with the agreed details and retained 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.

- 7) The development hereby permitted shall not be commenced until details of sustainability measures have been submitted to and approved in writing by the Local Planning Authority. These details shall demonstrate how the development would be efficient in the use of energy, water and materials in accordance with Supplementary Planning Document SPD08 Sustainable Building Design. The development shall be carried out in strict accordance with the approved details.

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

- 8) No development or other operations shall commence on site in connection with the development hereby approved, (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery) until a detailed Construction Specification/Method Statement for the construction of the parking bays and the construction of the cycle storage has been submitted to and approved in writing by the Local Planning Authority. This should provide for the long-term retention of the trees. No development or other operations shall take place except in complete accordance with the approved Construction Specification / Method Statement.

Reason: To protect the arboricultural and visual amenity of protected trees within the vicinity of the development and 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

- 9) Prior to the commencement of development, details of the following shall be submitted to and approved in writing by the Local Planning Authority:
- (a) A plan showing the location of, and allocating a reference number to, each existing tree, shrub and hedgerow on the site which has a stem with a diameter, measured over the bark at a point 1.5 metres above ground level, exceeding 75mm, showing which trees, shrubs and hedgerows are to be retained and the crown spread of each retained tree.
 - (b) Details of the species, diameter (measured in accordance with paragraph (a) above) and the approximate height and an assessment of the general state of health and stability, of each retained tree and of each tree which is on land adjacent to the site and to which paragraphs (c) and (d) below apply.
 - (c) Details of any proposed topping or lopping of any retained tree or any tree on land adjacent to the site.
 - (d) Details of any proposed alterations in existing ground levels, and the position of any proposed excavation, within the crown spread of any retained tree or of any tree on land adjacent to the site, or within a

distance from any retained tree or any tree on land adjacent to the site, equivalent to half the height of that tree.

- (e) Details of the specification and position of fencing and of any other measures to be taken for the protection of any retained tree from damage before or during the course of the development. In this condition “retained tree” means an existing tree that is to be retained in accordance with the plan referred to in paragraph (a) above.

Reason: To protect the arboricultural and visual amenity of protected trees within the vicinity of the development and 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.

- 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) Prior to the commencement of the development, details of a scheme of works to lower the kerb and footway to improve the pedestrian link in front of the proposed site are to be submitted to and approved in writing by the Local Planning Authority. The works shall be completed prior to the occupation of the development hereby permitted and shall thereafter be retained.

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

11.4 Pre-Occupation Conditions:

- 12) 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 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.

11.5 Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.

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2. The applicant is advised that new legislation on Site Waste Management Plans (SWMP) was introduced on 6 April 2008 in the form of Site Waste Management Plans Regulations 2008. As a result, it is now a legal requirement for all construction projects in England over £300,000 (3+ housing units (new build), 11+ housing units (conversion) or over 200sq m non-residential floorspace (new build)) to have a SWMP, with a more detailed plan required for projects over £500,000. Further details can be found on the following websites: www.netregs.gov.uk www.wrap.org.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), 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.
4. The applicant is advised that the proposed highways works should be carried out in accordance with the Council approved Manual for Estate roads and the Highways Operations Manager. The applicant should contact the Network Co-ordination Team (01273 293366)
5. 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 have a satisfactory appearance and would have no adverse impact on the character and visual amenity of the area. There would be no material detriment to the amenities of nearby residential occupiers and subject to planning conditions would provide an acceptable level of sustainability, transport measures, lifetime homes and refuse and recycling facilities. The development would be in accordance with the policies of the adopted local plan.

