

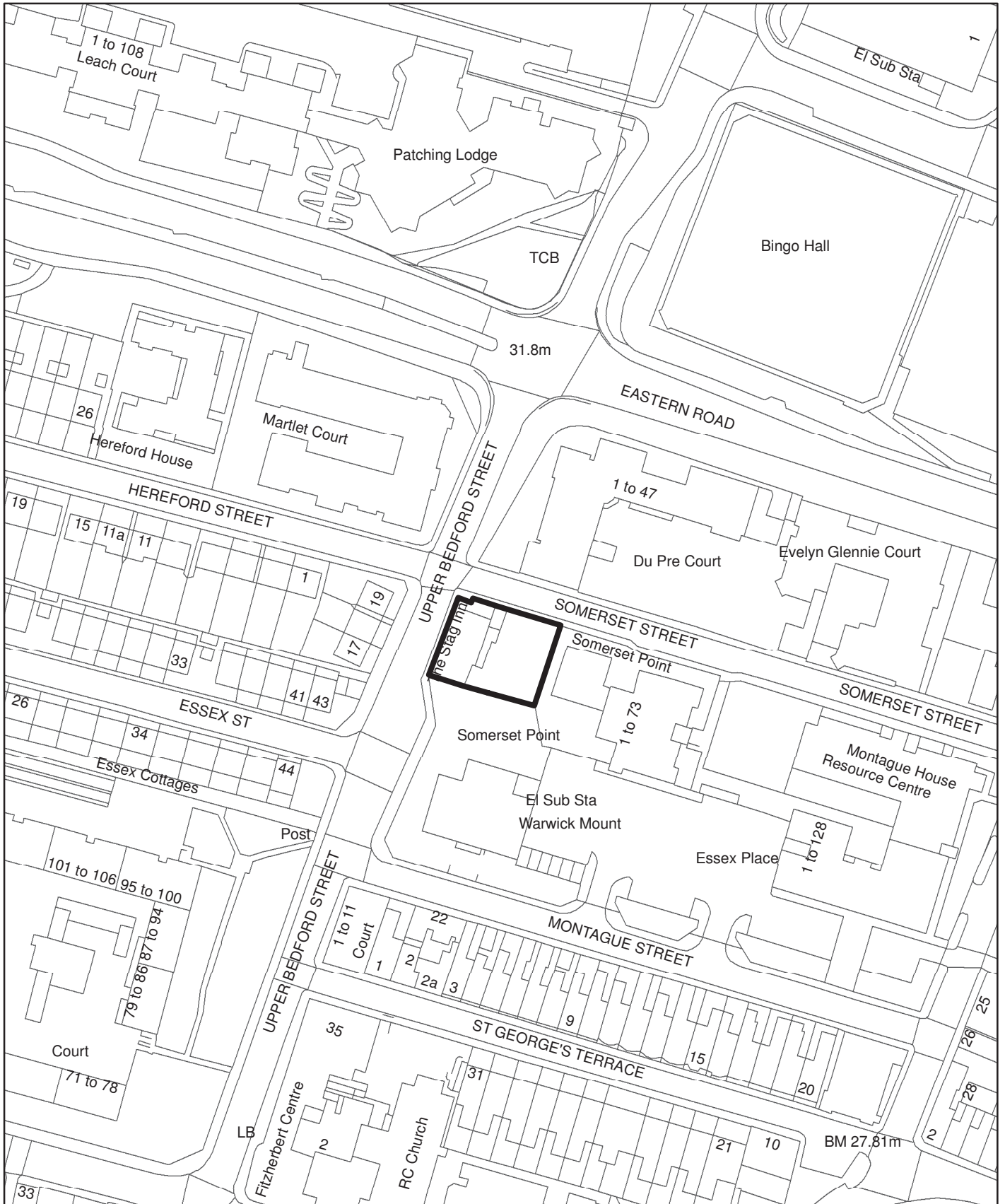
**PLANS LIST  
ITEM L**

**Stag Inn, 33 Upper Bedford Street, Brighton**

**BH2013/01403  
Full Planning**

**17 JULY 2013**

# BH2013/01403 Stag Inn 33 Upper Bedford Street, Brighton



**Brighton & Hove  
City Council**

N



**Scale: 1:1,250**

<b>No:</b>	<b>BH2013/01403</b>	<b>Ward:</b>	<b>QUEEN'S PARK</b>
<b>App Type:</b>	<b>Full Planning</b>		
<b>Address:</b>	<b>Stag Inn 33 Upper Bedford Street Brighton</b>		
<b>Proposal:</b>	<b>Demolition of existing public house (A4) and construction of a new 3 storey building comprising 9 one, two and three bedroom residential units with office space (A2) on the ground floor.</b>		
<b>Officer:</b>	Jonathan Puplett, tel: 292525	<b>Valid Date:</b>	14/05/2013
<b>Con Area:</b>	N/A	<b>Expiry Date:</b>	09/07/2013
<b>Listed Building Grade:</b>	N/A		
<b>Agent:</b>	Mohsin Cooper Limited, 7 Hove Manor Parade, Hove Street, Hove, BN3 2DF		
<b>Applicant:</b>	Godfrey Investments, 72A St Georges Road, Brighton, BN2 1EF		

## 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 Informatives set out in section 11.

## 2 SITE LOCATION & DESCRIPTION

- 2.1 The application property is situated on the southern corner of the junction of Upper Bedford Street. The site at present comprises a two-storey building fronting on to Upper Bedford Street which was most recently in use as a public house with residential unit above. The rear curtilage of the building was used as a garden area for patrons of the public house.
- 2.2 The site effectively forms the corner section of a large site which contains large blocks of flats set in open curtilage with a car parking area in the centre of the site accessed from its southern side. In the immediate vicinity of the site the northern elevation of the Warwick Mount block and the western elevation of the Somerset Point block face towards the site. Immediately to the south of the site there is a communal garden area which appears to serve the residents of Somerset Point. Immediately to the east of the site there is a single storey a community building / day centre. To the north of the site Martlet Court and Jacqueline Du Pre Court are low-rise (3 to 4-storey) residential developments. To the west of the site nos. 17, 18 and 19 Upper Bedford Street are two storey dwellings. To the eastern end of Essex Street the properties on the northern side of this road are low-rise three storey blocks, with two-storey dwellings to the southern side of the road.
- 2.3 The area surrounding the site is therefore of mixed character. The residential developments which front on to the street in the immediate vicinity of the site are of 2 to 4 storeys in height, with taller blocks set back from the street with an open curtilage to the south and east of the site.

### 3 RELEVANT HISTORY

None.

### 4 THE APPLICATION

4.1 Planning permission is sought for the demolition of the existing public house building and the erection of a three-storey building and associated landscaping. The building would contain:

4.2 At ground floor:

- A commercial unit (Use Class A2), which could be sub-divided in to two smaller units.
- Refuse and recycling storage
- Cycle storage
- A self-contained one-bedroom flat.

4.3 At first floor:

- 1 one-bedroom flat
- 2 two bedroom-flats
- 1 three-bedroom flat

4.4 At second floor:

- 1 one-bedroom flat
- 2 two bedroom-flats
- 1 three-bedroom flat

4.5 The 8 upper floor flats would have access to balcony areas. At ground floor level the building would be set in from the boundaries of the site on three sides with hard landscaping and raised planters in front of the building.

### 5 PUBLICITY & CONSULTATIONS

#### 5.1 External

**Neighbours: 10 (ten)** letters have been received from **nos. 14, 29 (as Chairman of the Warwick Mount Residents Association), 34, 35, 54 Warwick Mount Montague Street, Flat 4 Jacqueline Du Pre Court, no. 21 Somerset Point Somerset Street, no 18 Wyndham Street, a letter from 'Sue Pearson' (address not provided) objecting** to the application for the following reasons:

- The proposed development would result in an excessive site coverage. The development involves garden grabbing.
- The proposed flats would have no outdoor space.
- The proposed development would result in increased overlooking of neighbouring properties.
- The proposed development would result in increased overshadowing of neighbouring properties. The proposed building design is bulky and would have an overbearing impact upon neighbouring occupiers.
- The proposed development would result in increased noise

disturbance for neighbouring occupiers.

- If air conditioning units are installed they would cause noise disturbance to neighbouring occupiers.
- The proposed development would result in the loss of the public house which is a community facility. The proposed development does not include alternative community facilities.
- The proposed internal accommodation is not accessible as it includes steps within the units, and no lifts are proposed.
- There has not been any consultation/ sufficient consultation of neighbouring occupiers.
- No social housing is proposed.
- No car parking is proposed.
- The proposed development is of an excessive density which the surrounding area does not have the capacity to contain.
- The proposed building could cause increased wind turbulence.
- The proposal for office space in a residential area is not appropriate.
- The existing building is of historic interest and should be preserved.

5.2

A letter has been received written '**on behalf of Somerset Point residents**' raising the following comments:

- A three storey development on the Stag Inn site is welcome.
- The initial consultation the applicant carried out with residents is appreciated.
- It is of concern that the building is proposed to be built up to the boundary of the site on the eastern side.
- We would ask that the existing block work boundary wall is demolished and replaced with metal railings.
- Is it possible that the flat roof could be finished in an attractive fashion with perhaps a roof garden as many windows would look down on to this roof?
- The proposed palette of materials is of dark colours which would contrast with the materials typical of surrounding development. It is suggested that lighter materials be proposed.

5.3 **Internal**

**Transport:** In regard to transport impact the proposed development would not be likely to result in an increased level of trip generation in comparison to the existing use of the site. A contribution towards sustainable transport infrastructure is therefore not sought in this case.

5.4

No on-site car parking is proposed; the residential development is therefore 'car-free' and should be secured as such by condition. The proposed internal cycle store is considered acceptable, it also appears that 3 spaces are proposed on Upper Bedford Street. It is not clear that these spaces could be accommodated without causing obstruction of the highway and therefore further details of a more appropriate solution should be secured

by planning condition.

There are two vehicular crossovers in situ at present, these should be reinstated as pavement and raised kerbs as no vehicular access is proposed, it is recommended that such details be secured by planning condition. Further details of hard landscaping measures are required in the form of constructional details and details of how the application site will be delineated from the public highway. It is recommended that such details be secured by condition.

5.5

**Environmental Health:** The Ground Investigation Report submitted has been examined. The report raises a number of questions and further information is requested to enable an informed judgement.

5.6

**Access Consultant:** The handrails of the common stair should project 300mm beyond the top and bottom stall risers in each flight. It is not clear that the balconies would be accessible. Each unit should have floor drainage for a shower.

5.7

**Economic Development:** No comments received.

5.8

**Private Sector Housing:** No comments received.

## 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:

- 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

6.5

Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF.

- 6.6 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.

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
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
QD15	Landscape design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features
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
HO20	Retention of community facilities

#### Supplementary Planning Guidance:

SPGBH4 Parking Standards

#### Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD08	Sustainable Building Design
SPD11	Nature Conservation & Development

#### Brighton & Hove City Plan Part One (submission document)

SS1	Presumption in Favour of Sustainable Development
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## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to the principle of the demolition of the public house and residential unit to be replaced by a mixed use development, visual impact, the standard of accommodation which the proposed development would provide, impact upon neighbouring amenity, transport, environmental sustainability, landscaping and nature conservation measures.
- 8.2 **Principle of development**  
A proposal involving the loss of a public house use, which is defined as a community use by the NPPF, must be considered having regard to policy HO20 of the Brighton and Hove Local Plan which states that:
- 8.3 *'Planning permission will not be granted for development proposals, including changes of use, that involve the loss of community facilities, including: hospitals, health centres, surgeries/clinics, museums, art galleries, exhibition halls, places of worship, day care centres, libraries, schools, crèches, public toilets, church and community halls, theatres and cinemas.*
- 8.5 *Exceptions may apply when:*  
*a. the community use is incorporated, or replaced within a new development; or*  
*b. the community use is relocated to a location which improves its accessibility to its users; or*  
*c. existing nearby facilities are to be improved to accommodate the loss; or*  
*d. it can be demonstrated that the site is not needed, not only for its existing use but also for other types of community use.*
- 8.6 *Where an exception (a-d) applies, a priority will be attached to residential and mixed use schemes which may provide 'live work' and, or starter business units to meet identified local needs.'*
- 8.7 In some cases, such as in rural / suburban areas, a public house can serve an important community function and the loss of such a facility could be to the detriment of the community as a whole. In the case of the application property, the public house is one of many in the locality (the applicant has identified 6 other public houses within a five minute walk of the application site) and the community is also well connected to the community facilities of the wider city. Therefore it is considered in this particular case that the loss of the public house would not be contrary to the objectives of policy HO20 or the objectives set out in the NPPF in this case.
- 8.8 As a replacement use, the proposed mix of employment and residential uses is considered to be in compliance with the preferred alternative uses set out in policy HO20. The proposed commercial ground floor use (Use Class A2) would generate employment and would provide an active



frontage at ground floor level, the proposed residential units would contribute to meeting the housing needs of the city and would be in keeping with the prevailing residential character of the immediate area surrounding the site.

- 8.9 The principle of the proposed development is considered to be acceptable; detailed considerations relating to the proposed use are addressed below.

**Visual Impact**

- 8.10 The proposed building is a three-storey flat roofed structure. External materials consists of a dark grey glazed brick / light grey buff brick faced walls, zinc clad projecting bays at first and second floor levels, railed balcony balustrades and grey powder coated window and door frames. At ground floor level the building would be set back from the highway boundary with paved areas and raised planted areas. This would provide an attractive break between the highway and the built form, and would effectively increase the width of the walkway alongside to the benefit of pedestrians.
- 8.11 Overall it is considered that the design is well conceived. The form and scale of the proposed building pays respect to the low rise development to the north and west of the site. The detailing and materials proposed are of a contemporary nature. The building does not seek to match or replicate surrounding buildings; instead a high quality design is proposed of a contemporary nature. It is considered that the building would make a positive contribution to the street scene.
- 8.12 The proposed development would be visible from the East Cliff Conservation Area to the south and east of the application site, it is considered that the development would not harm the setting of the conservation area or views from the conservation area.
- 8.13 Full details of materials and landscaping can be secured by planning condition.
- Standard of accommodation**
- 8.14 The proposed commercial space (Use Class A2) would provide a high quality commercial space would has the possibility of being subdivided into two units and could also offer the flexibility to be occupied for other uses such as B1(a) office space should such a use be proposed under a formal planning application in the future. Kitchen and W.C. facilities are proposed and the cycle and refuse/recycling storage proposed could serve both the commercial and residential uses proposed.
- 8.15 The proposed residential units would provide an acceptable standard of accommodation. Each unit at first and second floor level would have access to a balcony space. The ground floor unit proposed would not have an outdoor area, it is however acknowledged that it be difficult to provide a

space with a degree of privacy in association with this unit as it fronts on to Somerset Street. The proposed units would comply with Lifetime Homes Standards and could be secured by condition as such. It is noted that a lift is not proposed. This is not ideal as without a lift the upper floor units would not be suitable for some people of limited mobility and would not be accessible for wheelchair users. Lifetime Homes Standards do not require that a communal lift be provided, the good practice recommendations set out in Lifetime Homes do however advise that in addition to the requirements set out in the standards, it is good practice to provide lift access to all dwellings above entrance level as far as is practical. Given the scale of the development proposed, it would not however be reasonable to insist upon the provision of a lift to comply with this recommendation of good practice.

- 8.16 Overall the proposed standard of accommodation is considered to be acceptable.

**Neighbouring amenity**

- 8.17 The proposed building is of a greater footprint heights and scale than the building which is currently in situ. The proposed building will therefore result in some increased overshadowing of some neighbouring properties and will enclose the outlook from some neighbouring properties to some extent. The proposed windows and balconies will cause some increased overlooking of neighbouring properties. It is however the case that significant spacing would remain between the proposed building and the neighbouring residential buildings as follows:

- 15 metres spacing from the Somerset Point building to the East.
- 15 metres spacing from the Warwick Mount building to the South.
- 11 metre spacing from the Jacqueline Du Pre Court building to the North.
- 15 metre spacing from nos. 17-19 Upper Bedford Street to the West.

- 8.18 Having regard to these distances, and the scale of the building proposed, whilst it is acknowledged that some negative impact upon neighbouring amenity would be caused, it is considered that significant harm of a magnitude which would warrant the refusal of planning permission would not result.

- 8.19 The proposed building would be constructed adjacent to the eastern boundary of the site and would be set away from the single storey community / day centre to the east of the site by 2.3 – 2.5 metres. There are two side windows to this building which face towards the boundary wall between the two sites, the building also has windows and glazed doors to its northern, southern and western sides. The proposed building would have some impact upon outlook from this property and would cause some increased overshadowing, overall however it is considered that the standard of accommodation for users of the centre would not be significantly diminished.

8.20 In regard to the proposed uses, the residential units would result in comings and goings and some noise emanating from the building. Such noise and activity would be in keeping with the residential character of the surrounding area and would not cause harm to neighbouring amenity. The proposed ground floor commercial use (Use Class A2) would result in comings and goings of staff and visitors / customers, and again some noise would emanate from the building, A2 uses do not however in general create significant levels of noise and disturbance; subject to securing appropriate hours of use by planning condition it is considered that such a use would be unlikely to cause significant harm to neighbouring amenity.

8.21 In regard to hours of use, Question 20 of the planning application form has been answered as 'not known'. In the absence of any information regarding the likely hours of operation of use, the Local Planning Authority considers that the following hours would be appropriate in this case:

- 08.00 - 21.00 Mondays to Saturdays
- 09.00 - 20.00 on Sundays, Bank or Public Holidays

8.22 It is noted that the existing public house use, if bought back in to active use, has the potential to have a negative impact upon amenity by way of noise and disturbance, and that the proposed development would remove this potential harm.

8.23 Overall it is considered that the proposed development would not cause significant harm to neighbouring amenity.

#### **Transport**

8.24 The Transport Officer has commented in detail upon the application. In regard to transport impact, having considered the likely trip generation associated with the existing public house use, it has been determined that the proposed use is unlikely to result in a significantly increased level of trip generation. A contribution towards sustainable transport infrastructure in the vicinity of the site is therefore not sought in this case.

8.25 No on-site car parking is proposed; this is in compliance with local plan policy and guidance which sets out maximum parking standards rather than minimum. As no off-street parking provision is proposed, the residential development proposed is considered as 'car-free'. Policy HO7 of the Brighton and Hove Local Plan states that planning permission will be granted for car-free housing which is in locations with good access to public transport and local services where there are complementary on-street parking controls, and where it can be demonstrated that the proposed development will remain genuinely car-free over the long term. It is considered that the development site is in a well connected location, with bus routes to the north and south of the site, and the city centre and the St.

James's Street / St. George's Road shopping centres within walking distance. The application site is located within Controlled Parking Zone C and as such the Local Planning Authority can secure development as genuinely car-free in the long term by applying a condition which ensures that future occupiers would not be eligible for resident parking permits.

- 8.26 In regard to cycle storage, the proposed internal cycle store is considered acceptable provision for residents of the residential development and staff of the proposed ground floor commercial use. It also appears that 3 external spaces / stands are proposed on Upper Bedford Street which could serve visitors to the development. It is not clear that these spaces could be accommodated without causing obstruction of the highway and therefore it is recommended that further details of a more appropriate solution be secured by planning condition.
- 8.27 There are two vehicular crossovers in situ at present (one on Upper Bedford Street and one on Somerset Street), these should be reinstated as pavement and raised kerbs as no vehicular access is proposed, it is recommended that these works be secured by planning condition. Further details of hard landscaping measures are required in the form of constructional details and details of how the application site will be delineated from the public highway. It is recommended that further details and the implementation of such works be secured by condition.

**Sustainability**

- 8.28 Policy SU2 and the guidance set out in SPD08 require that all new developments demonstrate efficient use of energy water and materials. A design stage report has been submitted which indicates that the proposed residential units would be likely to achieve a Code for Sustainable Homes rating of Level 3. Such a level is considered acceptable as it is in accordance with the guidance set out in SPD08. In regard to the proposed commercial space BREAAAM ratings of 50% in energy and water and an overall rating of Very Good are proposed which again is compliant with the guidance set out in SPD08. These levels of sustainability can be secured by the imposition of appropriate planning conditions.

**Landscaping and nature conservation**

- 8.29 Policy QD15 requires that all new development includes high quality soft and hard landscaping. Policy QD17 and the guidance set out in SPD11 requires that all new development incorporates nature conservation enhancement measures.
- 8.30 The proposed development would see the open space behind the existing public house building, which is partially grassed and partially paved, constructed upon and therefore would have a negative impact in terms of loss of open space and potential habitat. The proposed development includes some raised planted areas to three sides at ground floor level. The proposed balcony areas and flat roof may also provide areas for planting

and nature conservation enhancement features. It is considered that full details of landscaping measures and nature conservation enhancement measures can be secured by condition to ensure that the requirements of policy QD15 and QD17 and the guidance set out in SPD11 are appropriately addressed.

**Environmental Health**

8.31 A Ground Investigation Report has been submitted. The Environmental Health Officer has raised a number of questions relating to the methodology of the submitted report. The Agent for the application has stated that additional information will be submitted to answer these queries; this information had not however been submitted at the time of the writing of this report. It is therefore recommended that a condition requiring the submission of further information be applied. Should further information be submitted prior to the planning committee meeting, an update in regard to these matters will be reported to member and the recommended condition amended or removed if appropriate.

**9 CONCLUSION**

9.1 The principle of the proposed development is considered acceptable in this case. The proposed building would be of an appropriate appearance, no significant harm to neighbouring amenity would be caused, and subject to compliance with conditions matters relating to transport, sustainability, landscaping and potential land contamination would be successfully addressed. Approval is therefore recommended.

**10 EQUALITIES**

10.1 The proposed development would provide full compliance with Lifetime Homes Standards.

**11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES**

11.1 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 AND BLOCK PLAN	0116/S001		03/05/2013
EXISTING ELEVATION	0116-S002		03/05/2013
EXISTING ELEVATION	0116-S003		03/05/2013
EXISTING ELEVATION	0116-S004		03/05/2013
EXISTING ELEVATION	0116-S005		03/05/2013
SITE SURVEY	7157		03/05/2013
DRAINAGE LAYOUT	13-019 50	P1	03/05/2013
PROPOSED GROUND	0116-P010		03/05/2013

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FLOOR PLAN			
PROPOSED FIRST FLOOR PLAN	0116-P011		03/05/2013
PROPOSED SECOND FLOOR PLAN	0116-P012		03/05/2013
PROPOSED ROOF PLAN	0116-P013		03/05/2013
PROPOSED ELEVATION	0116-P014		03/05/2013
PROPOSED ELEVATION	0116-P015		03/05/2013
PROPOSED ELEVATION	0116-P016		03/05/2013
PROPOSED ELEVATION	0116-P017		03/05/2013
PROPOSED SECTION	0116-P018		03/05/2013
PROPOSED SECTION	0116-P019		03/05/2013

- 3) The ground floor commercial use hereby permitted shall not operate except between the hours of 08.00 and 21.00 on Mondays to Saturdays and 09:00 and 20:00 on Sundays and Bank/Public Holidays.

**Reason:** To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

- 4) The new dwelling(s) 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.

- 5) The hard surfaces 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.

11.2

Pre-Commencement Conditions:

- 1) The development hereby permitted shall not begin until such time as a scheme has been submitted to and approved in writing by the Local Planning Authority to provide that the residents of the development, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit.

**Reason:** To ensure that the development is car-free and to comply with policy HO7 of the Brighton & Hove Local Plan.

- 2) Unless otherwise agreed in writing by the Local Planning Authority, no residential development shall commence until Design Stage/Interim Code for Sustainable Homes Certificates demonstrating that the development hereby approved achieves a Code for Sustainable Homes rating of Code level 3 as a minimum for all residential units have 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.

- 3) No non-residential development shall commence until a BRE issued Interim/Design Stage Certificate demonstrating that the development has achieved a minimum 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.

- 4) Notwithstanding the details shown in the approved drawings, the development hereby permitted shall not be commenced until revised 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.

- 5) 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, boundary treatments, 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.

- 6) No development shall commence until detailed drawings, including levels, sections and construction details of the hard landscaping works proposed (which would adjoin the public highway) have been submitted to and be approved in writing by the Local Planning Authority. The works shall be completed in strict accordance with the approved details and shall be retained as such thereafter.

**Reason:** In the interests of highway safety, to ensure an acceptable appearance and to comply with policies TR7, TR8, QD1 and QD15 of the Brighton & Hove Local Plan.

- 7) 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 accord with the standards described in Annex 6 of SPD 11 and 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 and Supplementary Planning Document SPD11 Nature Conservation and Development.

8) (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.

### 11.3 Pre-Occupation Conditions:

1) Unless otherwise agreed in writing by the Local Planning Authority, none of the residential units hereby approved shall be occupied until Final/Post Construction Code Certificates issued by an accreditation

body confirming that each residential unit built has achieved a Code for Sustainable Homes rating of Code level 3 as a minimum have 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.

- 2) None of the non-residential development hereby approved shall be occupied until a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the non-residential development built has achieved a minimum 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.

- 3) 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.

- 4) Prior to the first occupation of the development hereby permitted the redundant vehicle crossovers on Upper Bedford Street and Somerset Street shall be reinstated back to footway by raising the existing kerbs and footways.

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

#### 11.4 Post-completion Conditions

- 1) 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.

11.5 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.
2. 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 principle of the proposed development is considered acceptable in this case. The proposed building would be of an appropriate appearance, no significant harm to neighbouring amenity would be caused, and subject to compliance with conditions matters relating to transport, sustainability, landscaping and potential land contamination would be successfully addressed.
3. The applicant is advised that the required 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).
4. The applicant is advised that the scheme required to be submitted by Condition 6 should include the registered address of the completed development; an invitation to the Council as Highway Authority (copied to the Council's Parking Team) to amend the Traffic Regulation Order; and details of arrangements to notify potential purchasers, purchasers and occupiers that the development is car-free.