

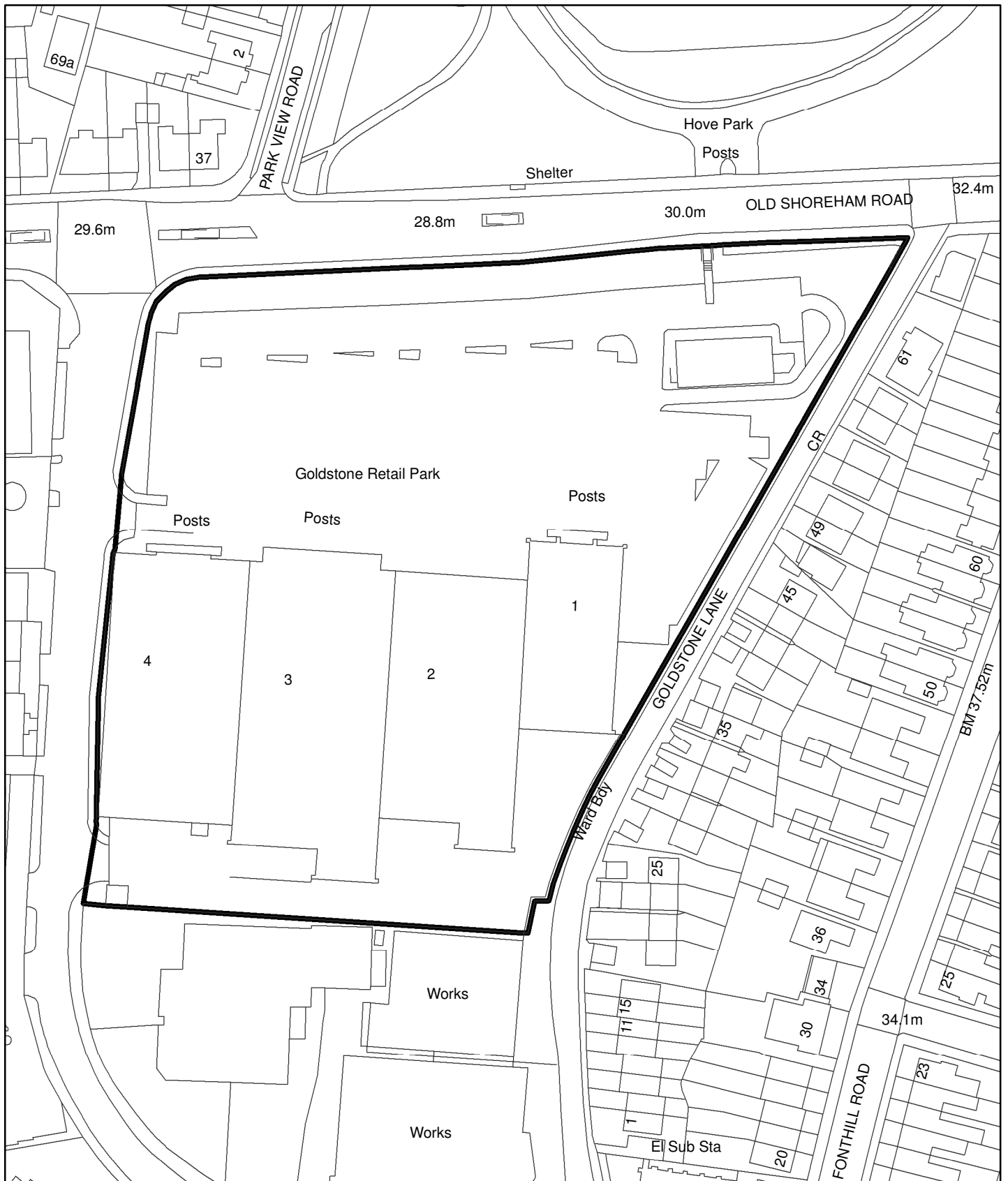
ITEM D

Goldstone Retail Park, Newtown Road, Hove

BH2013/03841
Removal or variation of condition

19 FEBRUARY 2014

BH2013/03841 Goldstone Retail Park, Newtown Road, Hove.



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2013/03841	<u>Ward:</u>	HOVE PARK
<u>App Type:</u>	Removal or Variation of Condition		
<u>Address:</u>	Goldstone Retail Park Newtown Road Hove		
<u>Proposal:</u>	<p>Application for variation and removal of conditions of application BH2013/02445 (Erection of single storey restaurant (A3) with external seating area and alterations to car park).</p> <p>Variation of condition 6 to allow deliveries and the collection of goods/refuse from the site between 08:00 - 18:00 Mondays to Saturdays and not at all on Sundays and Bank Holidays.</p> <p>Variation of condition 7 to read: All hard landscaping and means of enclosure shall be completed prior to occupation of the development.</p> <p>Variation of condition 12 to read: Within three months of a start on site, a BRE issued Interim/Design Stage Certificate demonstrating that the development has achieved an overall BREEAM rating of 'Good' shall be submitted to, and approved in writing by, the Local Planning Authority. A completed pre-assessment estimator will not be acceptable.</p> <p>Variation of condition 17 to read: Within three months of the first occupation of the development hereby approved, a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the development built has achieved an overall BREEAM rating of 'Good' shall be submitted to, and approved in writing by, the Local Planning Authority.</p>		
<u>Officer:</u>	Steven Lewis, Tel: 290480	<u>Valid Date:</u>	15 November 2013
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	10 January 2014
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Indigo Planning, Swan Court, Worple Road, Wimbledon		
<u>Applicant:</u>	Scottish Widows Investment Partnership Unit Trust, C/O Indigo Planning		

1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 11 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 site relates to a retail park on the southern side of Old Shoreham Road between the junctions with Newtown Road and Goldstone Lane.

- 2.2 The site originally comprised a row of 4 retail warehouses one of which, unit 4, has since been subdivided; the frontage of the site is dominated by extensive surface parking. The north-eastern section of the site features a single-storey takeaway / restaurant.
- 2.3 Planning permission was granted under BH2012/01182 for a pair of commercial units to house a café and mobile phone shop. Subsequently a single storey restaurant (A3) with external seating area and alterations to car park was approved under reference BH2013/02445.

3 RELEVANT HISTORY

BH2013/02445 - Erection of single storey restaurant (A3) with external seating area and alterations to car park. – Approved

BH2012/01182 - Erection of freestanding retail terrace to include 1no single storey retail unit (A1) and 1no single storey coffee shop (A3), incorporating external seating area and alterations to car park. – Approved

BH2008/00269: (Unit 4) Proposed alterations to front, side and rear elevations (*to allow sub-division of the unit*). Approved.

BH2006/00088: (Unit 4) Certificate of Lawfulness for proposed construction of a mezzanine floor. Approved.

BH1998/00870/FP: Erection of a single storey building for the use Class A3 takeaway restaurant/drive through with associated parking, servicing and landscaping. Approved (on appeal).

3/96/0634/RM: Approval of reserved matters. Approved.

3/95/0748/OL: Outline planning application for demolition of existing football ground and ancillary buildings and construction of on-food retail units with associated car parking, servicing and landscaping. Approved.

4 THE APPLICATION

- 4.1 Planning permission is sought to vary four planning conditions placed upon permission BH2013/02445 and to remove condition 10 relating to landscaping
- 4.2 During the course of the application, the applicant has amended the application to reduce the delivery times being sought, including Sundays and later in the evening and to increase the BREEAM from Pass to Good.
- 4.3 Condition 6 would be varied to allow deliveries and the collection of goods/refuse from the site between 08:00 – 18.00 Mondays to Saturdays, with no deliveries on Sundays and Public Holidays.
- 4.4 Condition 7 varied to read: All hard landscaping and means of enclosure shall be completed prior to occupation of the development.

- 4.5 Conditions 12 & 17 to be varied to allow a BREEAM 'good' Standard in place of the previously sought 'Very Good' standard.
- 4.6 During the course of the application, the applicant has amended the application to reduce the delivery times being sought, including Sundays and later in the evening and to increase the BREEAM from Pass to Good.
- 4.7 In addition, the application also originally sought to vary the opening hours of the restaurant and remove archaeological site investigation and post investigation assessments. These aspects have been withdrawn from the application.

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours: Six (6)** letters of representation have been received from **27 (x2), 45, 49, 51 Goldstone Lane** objecting application for the following reasons:
- The Goldstone Retail Park is already noisy. This includes beeping from reversing vehicles, metal clanging, deliveries and collections etc
 - The development would cause increased noise an disturbance
 - The smell from the cooking should be stopped and dealt with
 - The Retail Estate already causes anti social behaviour with cars racing around an empty car park
 - The restaurant would be close to the residential area, it could have be built further away.
 - The noise from the retail park appears amplified due to the elevated position of Goldstone Lane
- 5.2 Petition of **Eighteen (18)** Signatures from addresses in **Goldstone Lane** has been received objecting to the increase in opening hours and delivery/collections on noise grounds
- 5.3 **Cllrs Vanessa Brown and Jayne Bennett** a copy of the objection letter is attached.
- 5.4 **Goldstone Valley Residents Association** objecting application for the following reasons:
- The extending of hours would cause further unnecessary noise and disturbance which seems to travel further at night.

Internal:

- 5.5 **Environmental Health: Comment.**
In consideration of the location and potential disturbance from traffic movements in relation to neighbours and the needs of supplying the restaurant with goods and timely removal of waste, it is agreed that the amended opening hours and goods are acceptable.
- 5.6 **Sustainability: Comment.**

As originally submitted, applications sought BH2013/03841 to vary the condition to deliver a lower standard of sustainability and relax the timescale of delivering the BREEAM certification by 3 months. The application requested a reduction in BREEAM standard from 'very good' with a score of 50% in energy and water sections, to a level of 'pass'.

- 5.7 The 3 month delay to submit certification is considered acceptable provided the local planning authority can be reassured that the agreed BREEAM standard will be achieved.
- 5.8 Following discussions with the BREEAM Assessor from Envision consultancy in December 2013, and the submission of a further document in January 2014, the design team have agreed to raise the proposed standard of the Nandos scheme to achieve a 'BREEAM Retail 'good' standard, achieving 59.25% (including a score of 9 in BREEAM category ENE1). A pre-assessment has been submitted indicating that a score of 47% is achievable. This is in the lower range of a 'good' score (which ranges 45-54).
- 5.9 This has significantly raised the proposed energy performance of the development and is considered an acceptable level to address local policy. Credits are predicted to be achieved in the energy section which meet the mandatory minimum for an 'excellent' score. This has been achieved by, for example:
- improvements to fabric performance (40% improvement on Part L compliance)
 - a PV array of 7.5 kWp, 50m² sized to provide 5,655 kWh/yr, and a CO₂ reduction of 2.995tonnes/yr or 23.4% of the Buildings Total Emissions. This works. (Based on 250W panels this would be 30 no Panels)
- 5.10 It is therefore recommended that the application be approved and text of Condition 12 and 17 varied, to cover the suggested text below.

Condition 12

- Within three months of commencement
- a BRE issued Interim/Design Stage Certificate
- Overall BREEAM rating of 'Good'
- Evidence to demonstrate that a minimum of 9 credits to be scored in BREEAM Energy category ENE1 (as proposed)

Condition 17

- Within three months of the first occupation
- BREEAM Building Research Establishment Post Construction Review Certificate
- confirming that the development built has achieved an overall BREEAM rating of 'Good'
- Evidence to demonstrate that a minimum of 9 credits have been scored in BREEAM Energy category ENE1 (as proposed)

5.11 County Archaeologist:

Recommend that the condition relating to the archaeological programme and works is not varied.

5.12 Environment Agency:

No objections

5.13 Sussex Police

No objections

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) is a material consideration.

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
QD15	Landscape design
QD16	Trees and hedgerows
QD27	Protection of Amenity
SR1	New retail development within or on the edge of existing defined shopping centres
SR2	New retail development beyond the edge of existing established shopping centres

Supplementary Planning Guidance:

SPGBH4 Parking Standards

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste

SPD08 Sustainable Building Design

Brighton & Hove City Plan Part One (submission document)

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the impact of the requested variations of conditions upon the amenity of nearby residential occupiers, the visual amenity of the area and the sustainability performance of the proposed building.

Planning Policy:

- 8.2 Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.

Condition 6 – Delivery times

- 8.3 The current condition attached to BH2013/02445 stated
“Deliveries of goods to and collection of goods / refuse from the site shall not take place other than between the hours of 08:00 and 18:00 on Mondays to Fridays and the hours of 09:00 and 12:00 on Saturdays. There shall be no such deliveries or collections on Sundays or Public Holidays. **Reason:** To safeguard the amenities of the occupiers of adjoining properties and to comply with policy QD27 of the Brighton & Hove Local Plan.”

- 8.4 As originally submitted the applicant proposed deliveries and servicing to take place between 08:00 – 23:00hrs Monday – Saturdays and on a Sunday. During the course of the application, the deliveries and servicing proposed on a Monday to Saturday has been reduced to reflect deliveries across the Retail Park. In addition, Sunday deliveries and servicing has been removed from the scheme.
- 8.5 Condition 6 would be varied to allow deliveries and the collection of goods/refuse from the site between 08:00 – 18.00 Mondays to Saturdays, with no deliveries on Sundays and Public Holidays. In effect the proposal seeks to extend the hours of deliveries on a Saturday from 09:00 to 12:00, to 08:00 to 18:00, an increase of 7 hours, starting an hour earlier and finishing 6 hours later than presently consented. Hours during the week would not be affected.
- 8.6 The main commercial units within Goldstone Retail Park are presently permitted to deliver between 07:00 to 18:00 Monday to Saturday and not at any time on Public Holidays.
- 8.7 Objections have been received from local residents with respect to operating noise from the existing stores and premises within the Goldstone Retail Park. There is no evidence to suggest at this stage that any of the units are presently operating outside of permitted planning conditions for operation or that there is a breach of planning control.
- 8.8 Local Residents could have recourse under other Primary Legislation, in this case the Environmental Protection Act 1990, no such complaints have been made to the Environmental Health team.
- 8.9 The Environmental Health team have no objection to the proposed hours. When considering the present operating hours and conditions, it is considered that the increase in delivery times is unlikely to cause a significant or material impact upon the nearby residents.

Condition 7 – Landscaping

- 8.10 The current condition attached to BH2013/02445 states
- “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”.

- 8.11 The applicant seeks to vary Condition 7 to read: All hard landscaping and means of enclosure shall be completed prior to occupation of the development.
- 8.12 The primary aim of condition 7 was to ensure that the proposed hard landscaping was implemented. The proposed landscaping scheme did not include soft planting given the already hard surface of the car park and its surroundings. After reviewing the condition placed it is considered that the condition could be reworded to be more specific with regards to the implementation of the hard landscaping scheme previously approved. Furthermore, condition 10 requiring landscaping can be removed on the basis that the hard landscaping scheme is acceptable for this location.

Conditions 12 & 17 – Variation of BREEAM standard

- 8.13 The current conditions state

“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.”

and

“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.

- 8.14 The application originally applied to vary the condition to deliver a lower standard of sustainability and relax the timescale of delivering the BREEAM certification by 3 months. The application requests a reduction in BREEAM standard from ‘very good’ with a score of 50% in energy and water sections, to a level of ‘pass’.
- 8.15 The applicant outlined their case for the reduction in standard with the following justification
- the requirement would ‘threaten delivery of the unit’, adding £80,000 cost to a development costing £400,000.

- that the building is in the lower end of the definition of medium scale as defined in SPD08, and that for smaller developments the requirement for BREEAM assessments and surveys becomes disproportionately high.
- That Nandos have signed an agreement to lease the building without being aware of the BREEAM requirement (p2) which will add to fit out costs.

8.16 The 3 month delay to submit certification is considered acceptable provided the local planning authority can be reassured that the agreed BREEAM standard will be achieved.

8.17 A BREEAM 'pass' standard was considered too far below the standard expected for this development to be able to recommend approval. The applicant focused on energy and water areas in particular bearing in mind that the condition of the permission was to deliver 50% in energy and water sections.

8.18 Further information submitted received during the course of the application about intended improvements to lift the score towards these standards was requested and following discussions with the BREEAM Assessor from Envision consultancy in December 2013, and the submission of a further document in January 2014, the applicants have agreed to raise the proposed standard of the Nandos scheme to achieve a 'BREEAM Retail 'good' standard, achieving 59.25% (including a score of 9 in BREEAM category ENE1).

8.19 A pre-assessment has been submitted indicating that a score of 47% is achievable. This is in the lower range of a 'good' score (which ranges 45-54). This significantly raises the proposed energy performance of the development and is considered an acceptable level to address local policy. Credits are predicted to be achieved in the energy section which meet the mandatory minimum for an 'excellent' score.

8.20 It is therefore recommended that the application be approved and the wording of Condition 12 and 17 varied, to cover the following

Condition 12

- Within three months of commencement
- a BRE issued Interim/Design Stage Certificate
- Overall BREEAM rating of 'Good'
- Evidence to demonstrate that a minimum of 9 credits to be scored in BREEAM Energy category ENE1 (as proposed)

Condition 17

- Within three months of the first occupation
- BREEAM Building Research Establishment Post Construction Review Certificate
- confirming that the development built has achieved an overall BREEAM rating of 'Good'

- Evidence to demonstrate that a minimum of 9 credits have been scored in BREEAM Energy category ENE1 (as proposed)

8.21 Such an approach is considered acceptable and subject to appropriate conditions would meet the broad policy aims of policies SU2 and SPD08.

Other Considerations:

8.22 Matters with respect to the variation or removal of the opening hours and archaeological conditions have been withdrawn from the application and therefore are no longer effects the application.

8.23 Due to the changes outlined in condition 7, it is also considered that condition 10 should be amended to reflect the hard landscaping nature of the development

8.24 Since the previous approval (BH2013/02245) there have been no substantial changes in circumstance or policies to require changes to the other imposed conditions. Development has not commenced upon the site and therefore the other non effected conditions should be re-imposed.

9 CONCLUSION

9.1 The proposed changes to the permission comprising of an extension to delivery hours upon a Saturday, landscaping and sustainability standards would not have an unduly harmful impact upon the amenity of residents, the visual amenity of the area and are justified when considering other mitigation measures in the energy and water sections of the sustainability performance of the building.

10 EQUALITIES

10.1 The unit incorporates an accessible level threshold, with the disabled accessible WCs. The revised car park layout makes provision for 2 accessible spaces along the frontage of the building.

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

11.1 Regulatory Conditions:

1. The development hereby permitted shall be commenced before 26/09/2016. **Reason:** To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
2. The development hereby permitted shall be carried out in accordance with the approved drawings listed below.
Reason: For the avoidance of doubt and in the interests of proper planning.

Plan Type	Reference	Version	Date Received
Site Location Plan	02880035/1	-	19/07/2013
Location Plan	782-N01	A	19/07/2013

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Proposed Site Plan	782-N02	A	19/07/2013
Proposed Ground Floor Plan	782-N03	A	19/07/2013
Proposed Elevations	782-N04	A	19/07/2013
Proposed Part External Layout	782-N05	-	19/07/2013

3. The hereby unit, as indicated on drawing no. 782-N03 Rev A received 19 July 2013, shall only be used within Class A3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) unless prior planning permission is obtained from the Local Planning Authority. **Reason:** The Local Planning Authority would wish to retain control over any subsequent change of use of the premises in the interests of safeguarding the amenities of the area, protecting the vitality and viability of existing shopping centres, and to comply with policies SR1 and SR2 of the Brighton & Hove Local Plan.

4. No intoxicating liquor shall be sold or supplied within the unit hereby approved except to persons who are taking meals on the premises and who are seated at tables. 'Meals' means food that has been cooked or prepared and purchased within the premises. Any alcohol sales shall be ancillary to the approved use.
Reason: In the interest of general amenity and public order and to comply with policies QD27 and SR12 of the Brighton & Hove Local

5. The premises shall not be open for customer trading except between the hours of 08:00 to 23:00 Monday to Saturdays; and 09:00 to 22:00 on Sundays and Bank Holidays.
Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policy QD27 of the Brighton & Hove Local Plan.

6. Deliveries of goods to and collection of goods / refuse from the site shall not take place other than between the hours of 08:00 and 18:00 on Mondays to Saturdays. There shall be no such deliveries or collections on Sundays or Public Holidays.
Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policy QD27 of the Brighton & Hove Local Plan.

7. All hard landscaping and means of enclosure shall be completed before the development is occupied.
Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.

11.2 Pre-Commencement Conditions:

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8. No development shall take place until samples of the materials (including colour of render, paintwork and colourwash) to be used in the construction of 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.
9. Prior to the commencement of development hereby permitted a plan demonstrating that the number of disabled parking spaces meets the requirements of the adopted Parking Standards (SPGBH4 - Parking Standards). The use of the building shall not commence till all parking spaces have been marked out in accordance with approved details and thereafter the parking spaces shall not be retained \and not used other than for the parking of vehicles.
Reason: To ensure that satisfactory facilities for the parking of vehicles are provided and to comply with policies TR1, TR7 and TR18 of the Brighton & Hove Local Plan and Supplementary Planning Guidance Note 4 (SPGBH4 – Parking Standards).
10. No development shall commence until fences for the protection of trees to be retained have been erected in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority. The fences shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences. **Reason:** To protect the trees which are to be retained on the site in the interest of the visual amenities of the area and to comply with policies QD1 and QD16 of the Brighton & Hove Local Plan.
11. Within three months of the commencement of development a BRE issued Interim/Design Stage Certificate demonstrating that the development has achieved a minimum BREEAM assessment within overall 'Good' and that a minimum of 9 credits to be scored in BREEAM Energy Category ENE1 (as Proposed) for all non-residential development has been achieved shall be 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.
12. No development shall commence until a scheme for the fitting of odour control equipment to the building has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such.

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

13. No development shall commence until a scheme for the sound insulation of the odour control equipment referred to in the condition set out above has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such.

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

14. No development shall take place until details of external lighting have been submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved details and thereby retained as such unless a variation is subsequently submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies QD25 and QD27 of the Brighton & Hove Local Plan.

15. No development shall take place until the developer has secured the implementation of a programme of archaeological work, in accordance with a Written Scheme of Archaeological Investigation which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with policy HE12 of the Brighton & Hove Local Plan

11.3 Pre-Occupation Conditions:

16. Within three Months of occupation BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the non-residential development built has achieved a minimum BREEAM rating of overall 'Good and that a minimum of 9 credits to be scored in BREEAM Energy Category ENE1 (as Proposed) has been achieved shall be 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.

- Within three months of the first occupation
- BREEAM Building Research Establishment Post Construction Review Certificate
- confirming that the development built has achieved an overall BREEAM rating of 'Good'

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- Evidence to demonstrate that a minimum of 9 credits have been scored in BREEAM Energy category ENE1 (as proposed)

17. The development hereby permitted shall not be occupied until details of secure and, unless otherwise agreed in writing by the Local Planning Authority, covered cycle parking facilities 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.

18. The development hereby permitted shall not be brought into use until the archaeological site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 15 and that provision for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with policy HE12 of the Brighton & Hove Local Plan

11.4 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 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 changes to the permission comprising of an extension to delivery hours on a Saturday and changes to landscaping and sustainability standards would not have an unduly harmful impact upon the amenity of residents, the visual amenity of the area and are justified when considering other mitigation measures in the energy and water sections of the sustainability performance of the building.

From: Jayne Bennett
Sent: 01 December 2013 19:56
To: Steven Lewis
Subject: BH2013/03841

Dear Mr Lewis,

As ward councillors for this area we are very concerned about the noise and disturbance that may be caused for nearby residents should deliveries and refuse collectors be allowed until 11pm. We would prefer Sunday and Bank Holidays be restricted to 10pm as per the original application.

Councillors Jayne Bennett and Vanessa Brown