



**Planning & Public Protection**  
Hove Town Hall  
Norton Road  
Hove BN3 3BQ

**Application No: BH2013/01600**

Mrs Charlotte Grant  
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23 Baynton Road  
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**BRIGHTON AND HOVE CITY COUNCIL**  
**Town and Country Planning Act 1990**  
**PERMISSION TO DEVELOP LAND**

**IN PURSUANCE** of their power under the above-mentioned Act, the Council hereby notify you that they **PERMIT** the following development:

**Situation: City College Brighton & Hove Pelham Street Brighton**

**Description: Hybrid planning application comprising: Phase 1: Full planning application for erection of an 8 storey (ground plus 7) College building of 12,056 sqm and ancillary accommodation (use class D1), with associated access, infrastructure and, public realm improvements and landscaping. Phase 2a: Full planning application for demolition of Pelham Tower and erection of a 10 (ground plus 9) storey building of 12,647 sqm to provide 442 student residential units and ancillary accommodation (sui generis use class), with associated access, infrastructure, public realm improvements and landscaping. Phase 2b: Outline planning consent for the demolition of York, Trafalgar and Cheapside Buildings, and the erection of up to 125 residential units (use class C3) (access, layout and scale).**

In accordance with the application and plans (as modified by any under mentioned conditions) submitted to the Council on 20 May 2013 and **SUBJECT** to compliance with any condition(s) specified hereunder:

- 1 The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

Reason: For the avoidance of doubt and in the interests of proper planning.

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Site Plan	P1001	D	20 September 2013
Site Plan – As existing	P1100	C	20 September 2013
Site Survey - As Existing	P1101	C	20 September 2013
Site Layout - Proposed Masterplan	P1105	D	31 October 2013
Phasing Plan	P1106	E	20 September 2013
Pelham Tower Plans as Existing Ground to Third Floors (1 of 2)	P1107	A	30 May 2013
Pelham Tower Plans as Existing Fourth to Eleventh Floors (2 of 2)	P1008	A	30 May 2013
Site Elevations as Existing	P1110	A	30 May 2013
Site Elevations - Proposed College - Phase 1	P1111	B	20 September 2013
Site Elevations - Prop. College - Ph. 1 - Cheapside & Trafalgar St	P1112	A	30 May 2013
Site Elevations - Prop. College - Ph. 1 - York Place & Whitecross St	P1113	B	20 September 2013
Site Elevations - Proposed Masterplan - Phase 1 & 2a	P1114	B	20 September 2013
Site elevations - Prop. Masterplan - Ph. 1 & 2a - Cheapside & Trafalgar St	P1115	B	20 September 2013
Site Elevations - Prop. Masterplan - Ph. 1 & 2a - York Place & Whitecross	P1116	B	20 September 2013
Site Elevations - Proposed Masterplan - Phase 1 & 2b	P1117	B	20 September 2013
Site Elevations - Prop. Masterplan - Ph. 1 & 2b - Cheapside & Trafalgar	P1118	B	20 September 2013
Site Elevations - Prop. Masterplan - Ph. 1 & 2b - York Place & Whitecross St	P1119	B	20 September 2013
Site Sec. - Existing & Proposed - Phase 1 (sheet 1 of 2)	P1120	A	30 May 2013

Site Sec. - Existing & Proposed - Phase 1 (sheet 2 of 2)	P1121	A	20 June 2013
Site Sec. - Existing & Proposed - College Building - Phase 1 (sheet 1 of 2)	P1122	A	30 May 2013
Site Sec. - Existing & Proposed - College Building - Phase 1 (sheet 2 of 2)	P1123	B	20 September 2013
Site Sec. - Existing & Proposed - Masterplan - Phase 1 & 2b (sheet 1 of 2)	P1125	B	20 September 2013
Site Sec. - Existing & Proposed - Masterplan - Phase 1 & 2b (sheet 2 of 2)	P1126	B	20 September 2013
Site Sec. - Existing & Proposed - Masterplan - Phase 1 & 2 b (sheet 1 of 2)	P1127	B	20 September 2013
Site Sec. - Existing & Proposed - Masterplan - Phase 1 & 2b (sheet 2 of 2)	P1128	B	20 September 2013
Site Sec. - Existing & Proposed - Masterplan - Phase 1 & 2a (sheet 1 of 2)	P1130	B	20 September 2013
Site Sec. - Existing & Proposed - Masterplan - Phase 1 & 2a (sheet 2 of 2)	P1131	A	20 June 2013
Site Sec. - Existing & Proposed - Masterplan - Phase 1 & 2a (sheet 1 of 2)	P1132	A	20 June 2013
Site Sec. - Existing & Proposed - Masterplan - Phase 1 & 2a (sheet 2 of 2)	P1133	B	20 September 2013
Site Elevations - Existing & Phase 1 from Pelham Street	P1140	B	20 September 2013
Cheapside Building - Existing Floor Plans	P1150	A	30 May 2013
Trafalgar Building - Existing Floor Plans	P1151	A	30 May 2013
York Building - Existing Floor Plans	P1152	A	30 May 2013
College Building Prop' Floor Plans - Ph 1- Floors Ground to Three	P1220	A3	13 November 2013
College Building Prop' Floor Plans - Ph 1- Floors four to	P1121	A2	13 November 2013

Seven			
College Building Prop' Floor Plans - Ph 1- Roof Plan	P1222	B	20 September 2013
Proposed Site Elevations - East & West Elevations	P1225	B	20 September 2013
Proposed Site Elevations - North & South Elevations	P1226	B	20 September 2013
College Building Prop' Elevations - Ph 1 - South Elevation	P1230	B	20 September 2013
College Building Prop' Elevations - Ph 1 - West Elevation	P1231	B	20 September 2013
College Building Prop' Elevations - Ph 1 - North Elevation	P1232	B	20 September 2013
College Building Prop' Elevations - Ph 1 - East Elevation	P1233	B	20 September 2013
College Building Prop' Bay Elev'n - Ph 1 - Main College Entrance	P1234	A	30 May 2013
College Building Prop' Bay Elev'n - Ph 1 - Bay Window	P1235	A	30 May 2013
SRA Building Prop' Floor Plans - Ph 2a - Floors Ground to Three	P1240	B	20 September 2013
SRA Building Prop' Floor Plans - Ph 2a - Floors Four to Seven	P1241	A	30 May 2013
SRA Building Prop' Floor Plans - Ph 2a - Floors Eight to Ten	P1242	B	20 September 2013
SRA Building Prop' Elevations - Ph 2a - North Elevation	P1250	B	20 September 2013
SRA Building Prop' Elevations - Ph 2a - East Elevation	P1251	B	20 September 2013
SRA Building Prop' Elevations - Ph 2a - South Elevation	P1252	B	20 September 2013
SRA Building Prop' Elevations - Ph 2a - West Elevation	P1253	B	20 September 2013
SRA Building Prop' Bay Elev'n - Ph 2a - Main SRA Entrance	P1254	A	30 May 2013
SRA Building Prop' Bay Elev'n - Ph 2a - Cheapside	P1255	A	30 May 2013
SRA Building Prop' Bay Elev'n - Ph 2a - Whitecross Street	P1256	A	30 May 2013
SRA courtyard elevation - East Facade	P1260	A	30 May 2013
SRA courtyard elevation - West Facade	P1261	B	20 September 2013
SRA courtyard elevation - North Facade	P1262	A	30 May 2013

SRA courtyard elevation - South Facade	P1263	A	20 June 2013
SRA Lightwell Elevation - North Elevation	P1265	A	20 June 2013
SRA Lightwell Elevation - West Elevation	P1266	A	20 June 2013
Detailed Landscape proposals	1158-1002	08	18 September 2013
Construction Details	1158-1005	P02	19 September 2013
Detailed Landscape proposals	1158-1003	08	18 September 2013
College Square Boundary screen sections	1158-1009	P01	19 September 2013
Masterplan - Prop' Residential - Phase 2b Indicative Elevations	P1286	C	13 November 2013
Masterplan - Prop' Residential - Existing - Trafalgar Court Elev	P1287	A	20 June 2013
Masterplan - Prop' Residential - Proposed - Trafalgar Court Elev	P1288	C	13 November 2013

**Phase 1: College Building and Public Square Conditions**

- 2 The Phase 1 College Building 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.
- 3 The Phase 1 College Building 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 No development shall commence of the Phase 1 College Building shall take place until there has been submitted to and approved in writing by the Local Planning Authority, a plan detailing the positions, height, design, materials and type of all existing and proposed boundary treatments. The boundary treatments (for Phase 1 only) shall be provided in accordance with the approved details before the Phase 1 College Building is occupied and retained as such thereafter.  
Reason: To enhance the appearance of the development in the interest of the visual and residential amenities of the area and to comply with policies QD1, QD15 and QD27 of the Brighton & Hove Local Plan.
- 5 No development shall commence of the Phase 1 College Building until full details of the existing and proposed land levels of the proposed development in relation to Ordnance Datum and to surrounding properties have been submitted to and

agreed in writing by the Local Planning Authority (for Phase 1 only). The details shall include finished floor levels. The development shall be constructed in accordance with the agreed details.

Reason: To safeguard the amenities of the occupiers of nearby properties and to comply with policies QD14 and QD27 of the Brighton and Hove Local Plan.

- 6 No development shall commence of the Phase 1 College Building 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 (for Phase 1 only). 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.

- 7 No development of Phase 1 College Building shall take place until samples of materials for all external windows and doors of the Phase 1 building have been submitted to and approved in writing by the Local Planning Authority (for Phase 1 only). Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development and to comply with policies QD1, QD2, QD4 and HE6 of the Brighton & Hove Local Plan.

- 8 If, during development of the Phase 1 College Building and public square, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a method statement to identify, risk assess and address the unidentified contaminants. The development shall be carried out in accordance with the approved details.

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.

- 9 No development of Phase 1 College Building shall be commenced unless and until a scheme for the provision of surface water drainage for the Phase 1 development has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority there shall be no net increase in flows to the public sewer. No infiltration of surface water drainage into the ground is permitted other than that which is first approved in writing by the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details and retained as such thereafter.

Reason: To ensure the existing infrastructure can facilitate the development and to reduce the risk of flooding and to prevent pollution of the water environment as a result of this development and to comply with policies SU3 and SU15 of the Brighton and Hove Local Plan.

- 10 Piling or any other foundation designs using penetrative methods associated with the Phase 1 College Building shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable

risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To prevent pollution of the water environment and to comply with policy SU3 of the Brighton & Hove Local Plan.

- 11 No development of Phase 1 College Building shall commence until a scheme for nature conservation enhancement for Phase 1 has been submitted to and approved by the Local Planning Authority. This shall include the number and locations of bird and bat boxes to be erected and details of any artificial external lighting. The scheme shall be fully implemented in accordance with the approved details and retained as such thereafter.

Reason: To ensure that the development contributes to ecological enhancement on the site and in accordance with policy QD17 of the Brighton & Hove Local Plan.

- 12 No development of the Phase 1 College Building or public square or other operations in connection with the Phase 1 College Building or public square, shall commence (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 Arboricultural Method Statement for the Phase 1 College Building and public square development has been submitted to and approved in writing by the Local Planning Authority. This shall provide for the long-term retention of the trees. No development or other operations shall take place except in complete accordance with the approved Arboricultural Method Statement.

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

- 13 No development of the Phase 1 College Building or public square shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping for the Phase 1 Public Square, which shall include hard surfacing, wind mitigation screens, 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.

- 14 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.

- 15 No development of the Phase 1 College Building shall take place until details of a minimum of 56 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 or such alternative facilities as may be agreed in writing with the Local Planning Authority shall be fully implemented and made available for use prior to the occupation of the Phase 1 College Building 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.

- 16 No development of the Phase 1 College Building at first floor level or above shall take place until a BRE issued Interim/Design Stage Certificate demonstrating that the Phase 1 College Building has achieved a minimum BREEAM rating of 60% in energy and water sections of relevant BREEAM assessment within overall 'Excellent' 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.

- 17 Within 6 months of first occupation of the Phase 1 College Building hereby approved a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the Stage 1 College Building built has achieved a minimum BREEAM rating of 60% in energy and water sections of relevant BREEAM assessment within overall 'Excellent' 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.

- 18 Noise associated with plant and machinery incorporated within the Phase 1 College Building shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 10dB below the existing LA90 background noise level. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:1997. In addition, there should be no significant low frequency tones present.

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.

- 19 The testing of life safety plant incorporated within the Phase 1 College Building, shall not be carried out for no more than 1 hour per month between 09.00 and 17.00 during working weekdays, the assessment criteria is relaxed to correspond to an increase in the minimum background noise levels by no more than 10 dB(A).



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.

- 20 No servicing of the Phase 1 College Building (i.e. deliveries to or from the premises) shall occur except between the hours of 07.00 and 19.00 Monday to Friday, and 09.00 to 17.00 on Saturdays and Sundays.

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

- 21 No development of the Phase 1 College Building shall take place until an acoustic report has been submitted to and approved in writing by the Local Planning Authority which contains details of how the College Building at all storeys and all facades will be glazed and ventilated in order to protect internal occupants from road traffic noise and to comply with the "good" levels in British Standard 8233 and the levels stated in BB93 or suitable equivalent. The scheme shall be implemented fully in accordance with the approved details and retained as such thereafter.

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

- 22 Post completion of the Phase 1 College, but prior to occupation of the Phase 1 College Building, an additional noise survey and report shall be submitted to and approved in writing by the Local Planning Authority, which shall demonstrate that the noise levels internally at the Phase 1 College Building comply with the "good" levels in British Standard 8233 and the levels stated in Building Bulletin 93 or suitable equivalent. If the additional noise survey and report shows that the "good" levels in the British Standard 8233 and the levels stated in Building Bulletin 93 or suitable equivalent are not met then an additional report detailing the mitigation measures to be installed including a further test carried out to demonstrate compliance with the "good" levels in the British Standard 8233 and the levels stated in BB93 or suitable equivalent shall be submitted to and approved in writing prior to first occupation of the Phase 1 College Building.

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

- 23 No development of the Phase 1 College Building shall take place until a scheme for the fitting of odour control equipment to the Phase 1 College 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 neighbouring properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

- 24 No development of the Phase 1 College Building shall take place 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 neighbouring properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

- 25 The Phase 1 College Building hereby permitted shall not be operational except

between the hours of 06:00 and 21:00 on Mondays to Fridays and 06:00 to 17:00 on Saturdays with no opening on Sundays or Bank or Public Holidays.

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

- 26 (i) No development of the Phase 1 College Building shall take place until details of the external lighting of the Phase 1 site shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the predictions of both horizontal illuminance across the Phase 1 site and vertical illuminance affecting immediately adjacent receptors. The lighting installation shall comply with the recommendations of the Institution of Lighting Professionals (ILP) "Guidance Notes for the Reduction of Obtrusive Light" (2011,) for zone E, or similar guidance recognised by the council.

(ii) Prior to occupation of the Stage 1 College Building, the predicted illuminance levels shall be tested by a competent person to ensure that the illuminance levels agreed in part (i) are achieved. Where these levels have not been met, a report shall demonstrate what measures have been taken to reduce the levels to those agreed in part (i).

(iii) The approved installation shall be maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to a variation.

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

- 27 The Phase 1 building shall only be used for D1 education provision only with ancillary retail (A1) and restaurant (A3) as shown on the approved plans and for no other purpose including the use of any part of the building as a theatre (including any other purpose in Class D1 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).

Reason: The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of safeguarding the amenities of the area and the education aspirations for the City and to comply with policies HO20 and QD27 of the Brighton & Hove Local Plan.

- 28 All windows at the first and second floor levels of the south elevation of the three storey section of the Phase 1 College Building, which is located to the south west of the main building, shall not be glazed otherwise than with obscured glass, in accordance with details to be submitted to and approved in writing prior to work starting on the Phase 1 Building. The scheme shall be implemented fully in accordance with the approved details prior to first occupation of the Stage 1 College Building and retained as such thereafter.

Reason: To safeguard the amenity of adjacent occupiers and to comply with policies QD27 of the Brighton & Hove Local Plan.

- 29 No development of the Phase 1 College Building shall take place until a written Site Waste Management Plan for Phase 1 College Building, confirming how demolition and construction waste will be recovered and reused on site or at other sites, has been submitted to and approved in writing by the Local Planning Authority. The

Plan shall be implemented in strict accordance with the approved details.

Reason: To ensure that the development would include the re-use of limited resources, to ensure that the amount of waste for landfill is reduced and to comply with policies WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan and SU13 of the Brighton & Hove Local Plan and Supplementary Planning Document 03 Construction and Demolition Waste.

- 30 No development of the Phase 1 College Building Residential Building shall take place until detailed elevations at scale 1:20 of all proposed gates to be installed at the Phase 1 site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented fully in accordance with the approved details and retained as such thereafter.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 of the Brighton & Hove Local Plan.

- 31 No development of the Phase 1 College Building shall take place until details of the photovoltaics to be installed at rooftop level of the Phase 1 College Building have been submitted to and approved in writing by the Local Planning Authority. The development shall be on carried out fully in accordance with the approved details and shall be retained as such thereafter.

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 to ensure a satisfactory appearance to the development.

### **Student Residential Development - Phase 2a**

- 32 The Phase 2a Student Residential Building 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.

- 33 No development of the Phase 2a Student Residential Building hereby approved 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 recycling and to comply with policy QD27 of the Brighton & Hove Local Plan.

- 34 No development of the Phase 2a Student Residential Building at first floor above shall take place until there has been submitted to and approved in writing by the Local Planning Authority, a plan detailing the positions, height, design, materials and type of all existing and proposed boundary treatments for Phase 2a. The boundary treatments shall be provided in accordance with the approved details before the building is occupied.

Reason: To enhance the appearance of the development in the interest of the visual and residential amenities of the area and to comply with policies QD1, QD15

and QD27 of the Brighton & Hove Local Plan.

- 35 No development shall commence of the Phase 2a Student Residential Building until full details of the existing and proposed land levels of the proposed Phase 2a development in relation to Ordnance Datum and to surrounding properties have been submitted to and agreed in writing by the Local Planning Authority. The details shall include finished floor levels. The development shall be constructed in accordance with the agreed details.

Reason: To safeguard the amenities of the occupiers of nearby properties and to comply with policies QD14 and QD27 of the Brighton and Hove Local Plan.

- 36 No development of the Phase 2a Student Residential Building 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 Phase 2a Student Residential Building 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.

- 37 No development of the Phase 2a Student Residential Building shall take place until samples of materials for all external windows and doors of the Phase 2a building 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 policies QD1, QD2, QD4 and HE6 of the Brighton & Hove Local Plan.

- 38 No development of the Phase 2a Student Residential Building shall be commenced unless and until a scheme for the provision of surface water drainage for the Phase 2a development has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority there shall be no net increase in flows to the public sewer. No infiltration of surface water drainage into the ground is permitted other than that which is first approved in writing by the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details and retained as such thereafter.

Reason: To ensure the existing infrastructure can facilitate the development and to reduce the risk of flooding and to prevent pollution of the water environment as a result of this development and to comply with policies SU3 and SU15 of the Brighton and Hove Local Plan.

- 39 Piling or any other foundation designs using penetrative methods associated with the Phase 2a Student Residential Building shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To prevent pollution of the water environment and to comply with policy SU3 of the Brighton & Hove Local Plan.

- 40 No development of the Phase 2a Student Residential Building shall commence

until a scheme for nature conservation enhancement for Phase 2a has been submitted to and approved by the Local Planning Authority. This shall include the number and locations of bird and bat boxes to be erected and details of any artificial external lighting. The scheme shall be fully implemented in accordance with the approved details and retained as such thereafter.

Reason: To ensure that the development contributes to ecological enhancement on the site and in accordance with policy QD17 of the Brighton & Hove Local Plan.

- 41 No development of the Phase 2a Student Residential Building or other operations shall commence on site in connection with the Phase 2a Student Residential Building, (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 Arboricultural Method Statement for the Phase 2a Student Residential Building development has been submitted to and approved in writing by the Local Planning Authority. This shall provide for the long-term retention of the trees. No development or other operations shall take place except in complete accordance with the approved Arboricultural Method Statement.

Reason: To ensure the adequate protection of the protected 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.

- 42 No development of the Phase 2a Student Residential Building shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping for the Phase 2a site, 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.

- 43 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.

- 44 No development of the Phase 2a Student Residential Building shall take place until details of a minimum of 160 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 Phase 2a

Student Residential Building 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.

- 45 No development of the Phase 2a Student Residential Building at first floor level or above shall take place until a BRE issued Interim/Design Stage Certificate demonstrating that the Phase 2a Student Residential Building has achieved a minimum BREEAM rating of 60% in energy and water sections of relevant BREEAM assessment within overall 'Excellent' for the Phase 2a Student Residential Building 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.

- 46 Within 6 months of first occupation of the Phase 2a Student Residential Building hereby approved a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the Phase 2a Student Residential Building as built has achieved a minimum BREEAM rating of 60% in energy and water sections of relevant BREEAM assessment within overall 'Excellent' 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.

- 47 Noise associated with plant and machinery incorporated within the Phase 2a Student Residential Development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 10dB below the existing LA90 background noise level. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:1997. In addition, there should be no significant low frequency tones present.

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.

- 48 The testing of life safety plant incorporated within the Phase 2a Student Residential Development, shall not be carried out for no more than 1 hour per month between 09.00 and 17.00 during working weekdays, the assessment criteria is relaxed to correspond to an increase in the minimum background noise levels by no more than 10 dB(A).

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.

- 49 No servicing of the Phase 2a Student Residential Building (i.e. deliveries to or from the premises) shall occur except between the hours of 07.00 and 19.00 Monday to Friday, and 09.00 to 17.00 on Saturdays and Sundays.

Reason: To safeguard the amenities of the occupiers of neighbouring properties

and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

- 50 The Party Walls/Floors between the ground floor of the Phase 2a Student Residential Building and the first floor residential units should be designed to achieve a sound insulation value of 5dB better than Approved Document E performance standard, for airborne sound insulation for floors of purpose built dwelling-houses and flats.

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

- 51 No development of the Phase 2a Student Residential Building shall take place until a an acoustic report has been submitted to and approved in writing by the Local Planning Authority which contains details of how the Phase 2a Student Residential Building submitted at all storeys and all facades will be glazed and ventilated in order to protect internal occupants from road traffic noise and meet the "good" levels in British Standard 8233. The scheme shall be implemented fully in accordance with the approved details and retained as such thereafter.

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

- 52 Post completion of the Phase 2a Student Residential Building, but prior to occupation of the Phase 2a Student Residential Building, an additional noise survey and report shall be submitted to and approved in writing by the Local Planning Authority, which shall demonstrate that the noise levels internally at the Phase 2a Student Accommodation Building comply with the "good" levels in British Standard 8233. If the additional noise survey and report shows that the "good" levels in the British Standard 8233 are not met then an additional report detailing the mitigation measures to be installed including a further test carried out to demonstrate compliance with the "good" levels in the British Standard 8233 shall be submitted to and approved in writing prior to first occupation of the Phase 2a Student Accommodation Building.

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

- 53 No development of the Phase 2a Student Residential Building shall take place until a scheme for the fitting of odour control equipment to the Phase 2a Student Residential 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 neighbouring properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

- 54 No development of the Phase 2a Student Residential Building shall take place 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 neighbouring properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

55 (i) No development of the Phase 2a Student Residential Building shall take place until details of the external lighting of the Phase 2a site shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the predictions of both horizontal illuminance across the site and vertical illuminance affecting immediately adjacent receptors. The lighting installation shall comply with the recommendations of the Institution of Lighting Professionals (ILP) "Guidance Notes for the Reduction of Obtrusive Light" (2011,) for zone E, or similar guidance recognised by the council.

(ii) Prior to occupation of the Phase 2a Student Residential Building, the predicted illuminance levels shall be tested by a competent person to ensure that the illuminance levels agreed in part (i) are achieved. Where these levels have not been met, a report shall demonstrate what measures have been taken to reduce the levels to those agreed in part (i).

(iii) The approved installation shall be maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to a variation.

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

56 (i) No development of the Phase 2a Student Residential Building shall take place until there has been submitted to and approved in writing by the local planning authority: (A desktop study shall be the very minimum standard accepted. Pending the results of the desk top study, the applicant may have to satisfy the requirements of b and c below, however, this will all be confirmed in writing).

(a) A desk top study documenting all the previous and existing land uses of the Phase 2a Student Development 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;

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 nomination of a competent person to oversee the implementation of the works.

(ii) The Phase 2a Student Residential Building hereby permitted shall not be occupied or brought into use until there has been submitted to the local planning authority verification by a competent person approved under the provisions of condition 56 (i)c that any remediation scheme required and approved under the provisions of condition 56 (i)c 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;



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 condition 56 (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.

- 57 No development of the Phase 2a Student Residential Building shall take place until a written Site Waste Management Plan for Phase 2a Student Residential Building, confirming how demolition and construction waste will be recovered and reused on site or at other sites, has been submitted to and approved in writing by the Local Planning Authority. The Plan shall be implemented in strict accordance with the approved details.

Reason: To ensure that the development would include the re-use of limited resources, to ensure that the amount of waste for landfill is reduced and to comply with policies WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan and SU13 of the Brighton & Hove Local Plan and Supplementary Planning Document 03 Construction and Demolition Waste.

- 58 No development of the Phase 2a Student Residential Building shall take place until the details of the height, materials and technical specification for the flue serving the Combined Heat and Power system has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented in accordance with the approved details and unless otherwise agreed in writing with the Local Planning Authority shall be retained as such thereafter.

Reason: To ensure a satisfactory appearance to the flue and to ensure that emissions can be dispersed effectively and to comply with policies QD1 and SU9 of the Brighton & Hove Local Plan.

- 59 No development of the Phase 2a Student Residential Building shall take place until detailed elevations at scale 1:20 of all proposed gates to be installed at the Phase 2a site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented fully in accordance with the approved details and retained as such thereafter.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 of the Brighton & Hove Local Plan.

- 60 No development of the Phase 2a Student Residential Building shall take place until details of the photovoltaics to be installed at rooftop level of the Phase 2a Student Residential Building have been submitted to and approved in writing by the Local Planning Authority. The development shall be on carried out fully in accordance with the approved details and shall be retained as such thereafter.

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 to ensure a satisfactory appearance to the development.

### **Phase 2b: Residential Development & Pelham Street Improvements**

61 The Phase 2b Residential Development hereby permitted shall be commenced before the expiration of three years from the date of this permission or two years from the approval of the last of the reserved matters as defined in Condition 62 below, whichever is the later.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

62 a) Details of the reserved matters set out below ("the reserved matters") shall be submitted to the Local Planning Authority for approval within three years from the date of this permission:

(i) appearance; and

(ii) landscaping.

b) The reserved matters shall be carried out as approved.

c) Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 (as amended) of the Town and Country Planning Act 1990.

63 The Phase 2b Residential Development shall not commence until a scheme for the details of the provision of Affordable Housing for at least 20% of the residential units hereby approved as part of the development, has been submitted to and approved in writing by the Local Planning Authority. Save where Condition 64 below applies, the affordable housing shall be provided in accordance with the approved scheme which shall include:

i. the numbers, type, tenure mix and location on the site of the affordable housing provision to be made which shall consist of not less than 20% of housing units. 55% of the affordable housing units shall be provided as Affordable Rented Housing and 45% shall be provided as Intermediate Affordable Housing.

i. the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;

ii. the arrangements for the transfer of the affordable housing to an affordable housing provider;

iii. the arrangements to ensure that the affordable housing remains as affordable housing for both first and subsequent occupiers of the affordable housing; and

iv. the occupancy criteria shall be agreed by Brighton & Hove City Council Housing Team

and for the purposes of this condition and Condition 64 below 'Affordable Housing', 'Affordable Rented Housing' and 'Intermediate Affordable Housing' have the meaning ascribed to it by the National Planning Policy Framework.

Reason: To ensure the provision and retention of an appropriate amount of affordable housing in accordance with policy HO2 of the Brighton & Hove Local Plan.

64 Should all the Phase 2b Residential Buildings hereby approved not have been constructed to at least first floor level by the fourth anniversary of the date of this permission; or if the gross internal floor area (combined) of the residential units hereby approved (excluding any communal areas such as entrance halls, staircases and lifts) exceed 7,265 square metres; a viability assessment which

assesses, at that date, the number of affordable housing units that the proposed development could provide whilst remaining viable, together with a scheme ('the reassessed scheme') of affordable housing provision based on that viability assessment (including numbers, type, tenure mix and location on the site of the affordable housing provision to be made), shall be submitted to, and for approval in writing by, the Local Planning Authority. The affordable housing shall be provided in accordance with the approved reassessed scheme which reassessed scheme shall also include:

v. the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;

vi. the arrangements for the transfer of the affordable housing to an affordable housing provider;

the arrangements to ensure that the affordable housing remains as affordable housing for both first and subsequent occupiers of the affordable housing.

vii. the occupancy criteria shall be agreed by Brighton & Hove City Council Housing Team

Reason: To ensure the provision and retention of an appropriate amount of affordable housing in accordance with policy HO2 of the Brighton & Hove Local Plan.

65 No development of the Phase 2b Residential Development shall commence until the internal layouts for the residential development hereby approved has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented fully in accordance with the approved details and retained as such thereafter.

Reason: To ensure the provision of an appropriate mix of units and acceptable living conditions and to comply with policies HO3 and QD27 of the Brighton & Hove Local Plan.

66 The number of residential units within the Phase 2b Residential Development shall not exceed 125 units.

Reason: For the avoidance of doubt over what has been approved.

67 No development of the Phase 2b Residential Development shall be commenced unless and until a scheme for the provision of surface water drainage for the Phase 2b development has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority there shall be no net increase in flows to the public sewer. No infiltration of surface water drainage into the ground is permitted other than that which is first approved in writing by the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details and retained as such thereafter.

Reason: To ensure the existing infrastructure can facilitate the development and to reduce the risk of flooding and to prevent pollution of the water environment as a result of this development and to comply with policies SU3 and SU15 of the Brighton and Hove Local Plan.

68 Piling or any other foundation designs using penetrative methods associated with the Phase 2b Residential Development shall not be permitted other than with the

express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To prevent pollution of the water environment and to comply with policy SU3 of the Brighton & Hove Local Plan.

69 (i) Prior to the commencement of the Phase 2b Residential Development details of the external lighting of the Phase 2b site shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the predictions of both horizontal illuminance across the site and vertical illuminance affecting immediately adjacent receptors. The lighting installation shall comply with the recommendations of the Institution of Lighting Professionals (ILP) "Guidance Notes for the Reduction of Obtrusive Light" (2011,) for zone E, or similar guidance recognised by the council.

(ii) Prior to occupation, the predicted illuminance levels shall be tested by a competent person to ensure that the illuminance levels agreed in part (i) are achieved. Where these levels have not been met, a report shall demonstrate what measures have been taken to reduce the levels to those agreed in part (i).

(iii) The approved installation shall be maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to a variation.

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

70 Unless otherwise agreed in writing by the Local Planning Authority, no works shall start in relation to the Phase 2b Residential Development shall commence until a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development achieves a Code for Sustainable Homes rating of Code level 4 as a minimum 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.

71 Unless otherwise agreed in writing by the Local Planning Authority, none of the residential units hereby approved as part of the Phase 2b Residential Development 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 4 as a minimum 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.

72 No development of the Phase 2b Residential Buildings shall commence until a scheme for nature conservation enhancement on Phase 2b has been submitted to

and approved by the Local Planning Authority. This shall include the number and locations of bird and bat boxes to be erected and details of any artificial external lighting. The scheme shall be fully implemented in accordance with the approved details and retained as such thereafter.

Reason: To ensure that the development contributes to ecological enhancement on the site and in accordance with policy QD17 of the Brighton & Hove Local Plan.

- 73 Noise associated with plant and machinery incorporated within the Phase 2b Residential Development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 10dB below the existing LA90 background noise level. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:1997. In addition, there should be no significant low frequency tones present.

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.

- 74 The testing of life safety plant incorporated within the Phase 2b Residential Development, shall not be carried out for no more than 1 hour per month between 09.00 and 17.00 during working weekdays, the assessment criteria is relaxed to correspond to an increase in the minimum background noise levels by no more than 10 dB(A).

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.

- 75 The reserved matters application required by Condition 62 shall include details of an acoustic report which contains details of how the Residential Buildings submitted at all storeys and all facades will be glazed and ventilated in order to protect internal occupants from road traffic noise and meet the "good" levels in British Standard 8233. The scheme shall be implemented fully in accordance with the approved details and retained as such thereafter.

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

- 76 The reserved matters application required by Condition 62 shall include details of a daylight and sunlight report which shall contain details of the levels of daylighting and sunlighting to all habitable windows in the Residential Buildings in accordance with the BRE Site Layout Planning for Daylight and Sunlight A Guide to Good Practice and BS8206-2:2008 Lighting for Buildings Part 2: Code of Practice for daylighting.

Reason: To provide adequate levels of daylight and sunlight for the future occupiers of the building and to comply with policies QD27 of the Brighton & Hove Local Plan.

- 77 The reserved matters application required by Condition 62 shall include details of how the windows on the east facing elevation at first floor of the eastern building of Block C shall be designed to limit overlooking to properties on York Place.

Reason: To safeguard the amenity of adjacent occupiers and to comply with policies QD27 of the Brighton & Hove Local Plan.

- 78 The east facing elevation of the northern wing of Block A which is adjacent to Cheapside shall not contain balconies and any windows shall not be glazed

otherwise than with obscured glass and thereafter permanently retained as such and open inwards in accordance with details to be submitted as part of the reserved matters application required by Condition 62.

Reason: To safeguard the amenity of adjacent occupiers and to comply with policies QD27 of the Brighton & Hove Local Plan.

- 79 The east facing elevation of the southern wing of Block A which is adjacent to the new pedestrian route to 15 York Place shall not contain balconies and any windows shall not be glazed otherwise than with obscured glass and thereafter permanently retained as such and open inwards in accordance with details to be submitted as part of the reserved matters application required by Condition 62.

Reason: To safeguard the amenity of adjacent occupiers and to comply with policies QD27 of the Brighton & Hove Local Plan.

- 80 (i) No development of the Phase 2b Residential Buildings shall take place until there has been submitted to and approved in writing by the local planning authority: (A desktop study shall be the very minimum standard accepted. Pending the results of the desk top study, the applicant may have to satisfy the requirements of b and c below, however, this will all be confirmed in writing).

(a) A desk top study documenting all the previous and existing land uses of the Phase 2b Residential Development 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;

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 nomination of a competent person to oversee the implementation of the works.

(ii) The Phase 2b Residential Building hereby permitted shall not be occupied or brought into use until there has been submitted to the local planning authority verification by a competent person approved under the provisions of condition 80

(i)c that any remediation scheme required and approved under the provisions of condition 80 (i)c 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;

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 condition 80 (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.

- 81 The new dwellings hereby permitted shall be constructed to Lifetime Homes standards prior to their first occupation and shall be retained as such thereafter.  
Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.
- 82 No works shall commence on the Phase 2b Residential Buildings until a scheme has been submitted to and approved in writing by the Local Planning Authority which shows that a minimum of 10% of the affordable housing units and 5% of market housing residential units are fully wheelchair accessible. The scheme shall be fully implemented in accordance with the approved details.  
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.
- 83 The heights of the residential buildings shall not exceed the following Ordnance Datum levels (AOD); Block A 34.5 metres, Block B 30.95 metres Block C ridge height 23.42 metres and eaves height 20.349 metres as shown on plans referenced P1286 C and P1288 C received on 13 November 2013.  
Reason: For the avoidance of doubt over what is approved.
- 84 The Phase 2b Residential Development hereby permitted shall not be commenced until details of a minimum cycle parking standards in accordance with the details contained within Supplementary Planning Guidance Note 4 Parking Standards or any subsequent Supplementary Planning Document which replaces SPG4, has 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 Phase 2b Residential 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.
- 85 The 13 disabled car parking spaces to the rear of Block A shall be fully implemented and made available for the occupants of Block A hereby approved prior to first occupation of Block A and shall thereafter be retained for use at all times.  
Reason: To ensure the development provides for the needs of disabled occupiers and to comply with Local Plan policy TR18 and SPG4.
- 86 No development of the Phase 2b Residential Buildings shall take place until a scheme for the storage of refuse and recycling for Phase 2b 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.
- 87 The roofs of Block A and Block B shall contain a green or sedum roof, and the roofs of Block A, Block B and Block C shall contain renewable solar technologies,

the details of which shall be submitted as part of the reserved matters application required by Condition 62.

Reason: To ensure that the development contributes to ecological enhancement on the site and in accordance with policy QD17 of the Brighton & Hove Local Plan.

- 88 The reserved matters application required by Condition 62 shall include details of an ventilation strategy which contains details of how the units at the ground and first floor levels of the Cheapside elevation of Block A shall be ventilated so that they are protected from the outside ambient air quality. The scheme shall be implemented fully in accordance with the approved details and retained as such thereafter.

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

- 89 No development of the Phase 2b Residential Development shall take place until a written Site Waste Management Plan for Phase 2b Residential Development, confirming how demolition and construction waste will be recovered and reused on site or at other sites, has been submitted to and approved in writing by the Local Planning Authority. The Plan shall be implemented in strict accordance with the approved details.

Reason: To ensure that the development would include the re-use of limited resources, to ensure that the amount of waste for landfill is reduced and to comply with policies WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan and SU13 of the Brighton & Hove Local Plan and Supplementary Planning Document 03 Construction and Demolition Waste.

- 90 No demolition of York or Trafalgar buildings and their associated extensions, shall take place unless a programme of building survey and recording of York or Trafalgar buildings and their associated extensions, has been carried out in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority prior to commencement of the Phase 2 development.

Reason: To ensure the satisfactory recording of these buildings and to comply with policy QD1 and QD2 of the Brighton & Hove Local Plan.

- 91 Apart from the 13 disabled vehicle parking bays to the rear of Block A as shown on drawings referenced P1105 Rev D received on 31 October 2013, no other area within the Phase 2b site, including the landscaped areas, amenity areas and new route from Pelham Street to York Place, shall be used for the parking of vehicular cars.

Reason: To ensure that apart from the disabled vehicular parking the development is 'car free' and to preserve the visual amenities of the area and to comply with policies QD1, QD2 and HO7 of the Brighton & Hove Local Plan.

#### 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:

The National Planning Policy Framework (NPPF)

Brighton and Hove Local Plan

- TR1 Development and the demand for travel
- TR2 Public transport accessibility and parking
- TR4 Travel Plans
- TR5 Sustainable transport corridors and bus priority measures
- TR7 Safe development
- TR8 Pedestrian routes
- TR10 Traffic calming
- TR13 Pedestrian network
- TR14 Cycle access and parking
- TR18 Parking for people with a mobility related disability
- TR19 Parking standards
- SU1 Environmental impact assessment
- SU2 Efficiency of development in the use of energy, water and materials
- SU5 Surface water and foul sewage disposal infrastructure
- SU8 Unstable land
- SU9 Pollution and nuisance control
- SU10 Noise nuisance
- SU11 Polluted land and buildings
- SU13 Minimisation and re-use of construction industry waste
- SU14 Waste management
- SU15 Infrastructure
- SU16 Production of renewable energy
- QD1 Design - quality of development and design statements
- QD2 Design - key principles for neighbourhoods.
- QD4 Design - strategic impact.
- QD5 Design - street frontages
- QD6 Public art
- QD7 Crime prevention through environmental design.
- QD15 Landscape Design
- QD16 Trees and hedgerows
- QD17 Protection and integration of nature conservation features.
- QD25 External lighting
- QD26 Floodlighting
- QD27 Protection of amenity
- QD28 Planning obligations

- HO2 Affordable housing - 'windfall' sites
- 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
- HO19 New community facilities
- HO20 Retention of community facilities
- HO21 Provision of community facilities in residential and mixed use schemes
- HE3 Development affecting the setting of a listed building
- HE6 Development within or affecting the setting of conservation areas

Supplementary Planning Guidance:

- SPGBH4 Parking Standards
- SPGBH9 A guide for Residential Developers on the provision of recreational space
- SPGBH15 Tall Buildings
- Interim Guidance on Developer Contributions

Supplementary Planning Documents:

- SPD03 Construction & Demolition Waste
- SPD06 Trees & Development Sites
- SPD08 Sustainable Building Design
- SPD10 London Road Central Masterplan
- SPD11 Nature Conservation & Development

Brighton & Hove City Plan Part One (submission document)

- SS1 Presumption in Favour of Sustainable Development
- DA4 New England Quarter and London Road Area
- CP12 Urban Design
- CP21 Student Housing and Housing in Multiple Occupation

Background Documents

- Strategic Housing Land Availability Assessment (SHLAA) 2013
- Student Housing Strategy 2009-2014 (2009)
- Pelham Street Development Brief (2008)
- The North Laine Conservation Area Study 1995

; and

(ii) for the following reasons:-

It is considered that the principle of the mix of uses on site is acceptable and is compliant with the Local Plan and the Submission City Plan. In addition, the redevelopment proposals would bring about substantial public benefits to

the City due to the provision of the purpose built modern College building, purpose built student accommodation, up to 125 units of residential accommodation and public realm improvements. 20% of the residential units would also be secured as affordable housing. The general layout of the proposals and the footprint of the buildings are considered to be appropriate in urban design terms and would recreate a building line along Pelham Street and Whitecross Street. The height, massing and design of all of the buildings are appropriate. The College and student buildings are of a high enough design quality and would sit acceptably in the mixed context of the immediate street scenes. The proposal and the demolition of Pelham Tower would enhance a number of key views from the adjacent Valley Gardens conservation area and North Laine conservation areas and would engage the setting of St Peter's Church and St Bartholomew's.

The loss of daylight and sunlight to certain properties is regrettable however it is considered that this is outweighed by the gains in daylight and sunlight to other properties and also by the public benefits of the scheme. It is considered that the proposal would have an acceptable impact on the outlook and privacy of adjacent residents. Subject to conditions and the Section 106 Agreement it is considered that the management plans will mitigate the noise impacts of the student residential building and the public square. It is considered that the construction impacts can be controlled through the Section 106 Agreement and the requirement for a Construction Environmental Management Plan and for the developer to enter into a Section 61 Consent agreement under the Control of Pollution Act (1974).

It is considered that the living conditions for the future residents would be acceptable. The requirement for the student and residential accommodation to be genuinely car free should mitigate any adverse impacts on on-street parking levels and the proposal is not considered to jeopardise highway safety in the area. The buildings are considered to meet appropriate standards with regard to sustainability. The proposal would not have an adverse impact on local air quality or the local wind environment. Ecology enhancements are sought by condition. It is considered that the waste, ground conditions and lighting impacts can all be adequately controlled by condition.

3. The phased risk assessment should be carried out also in accordance with the procedural guidance and UK policy formed under the Environmental Protection Act 1990.

The site is known to be or suspected to be contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer. The local planning authority has determined the application on the basis of the information made available to it. It is strongly recommended that in submitting details in accordance with the above conditions that the applicant has reference to CLR 11, Model Procedures for

the management of land contamination. This is available online as a pdf document on both the DEFRA website ([www.defra.gov.uk](http://www.defra.gov.uk)) and the Environment Agency ([www.environment-agency.gov.uk](http://www.environment-agency.gov.uk)) website.

4. The applicant should also note that any grant of planning permission does not confer automatic grant of any licenses under the Licensing Act 2003 or the Regulation (EC) No. 852/2004 on the Hygiene of Foodstuffs, Article 6(2). The applicant may also wish to be aware that the site is resident in a fact located in a special stress area and an applicant would have to have extra regard to the four licensing objectives to demonstrate how they are not going to adversely impact the area

5. The applicant is advised that details of Lifetime Homes standards can be found in Planning Advice Note PAN 03 Accessible Housing & Lifetime Homes, which can be accessed on the Brighton & Hove City Council website ([www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk)).

6. The applicant is advised that details of the BREEAM assessment tools and a list of approved assessors can be obtained from the BREEAM websites ([www.breeam.org](http://www.breeam.org)). Details about BREEAM can also be found in Supplementary Planning Document SPD08 Sustainable Building Design, which can be accessed on the Brighton & Hove City Council website ([www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk)).

7. The nature conservation enhancement measures secured by condition on all three phases (Phases 1, 2a and 2b) shall include the minimum provision of 10 swift boxes, 6 sparrow boxes and 5 bat boxes.

8. 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.

Dated this 11 April 2014.



Martin Randall  
Head of Planning and Public Protection  
For Executive Director Environment, Development & Housing

**NOTICE** is given that Section 35 of the East Sussex Act 1981 may apply to this development. This gives Local Authorities the power to reject applications deposited

under the Building Regulations, unless after consultation with the fire authority they are satisfied that the plans show adequate means of access for the fire service.

NOTE: This decision does not give approval of plans for the purposes of the Building Regulations 1991. If an application for such approval has been made a decision has or will be given separately.

