

ITEM A

**Land at Brighton Marina comprising Outer
Harbour West Quay and adjoining land,
Brighton Marina Village, Brighton**

**BH2014/02883
Removal or variation of condition**

11 MARCH 2015

BH2014/02883 Land at Brighton Marina comprising Outer Harbour West Quay and adjoining land, Brighton Marina Village, Brighton



**Brighton & Hove
City Council**

N



Scale: 1:4,000

<u>No:</u>	BH2014/02883	<u>Ward:</u>	ROTTINGDEAN COASTAL
<u>App Type:</u>	Removal or Variation of Condition		
<u>Address:</u>	Land at Brighton Marina comprising Outer Harbour West Quay and adjoining land Brighton Marina Village Brighton		
<u>Proposal:</u>	Application for variation of condition 1 of application BH2012/04048, as amended by applications BH2013/00799, BH2013/03432 and BH2014/01970 (Original Permission - Major mixed use development comprising new engineered basement structure to create platform on Spending Beach and West Quay, 853 residential units in 11 buildings ranging from 6-40 storeys, Class A, D1, D2 and B1 uses, Lifeboat Station, 496 parking spaces, alterations to pontoons and moorings, new bridges, informal and formal recreation space and alterations to access arrangements) to allow for revisions to the approved scheme including reconfiguring the type and quantum of uses within blocks F1 and F2 incorporating alterations to shopfronts, revised landscaping, relocation of the bus waiting room and changes to the RNLI station. Total number of residential units and car parking spaces to remain unchanged.		
<u>Officer:</u>	Sarah Collins, tel: 292232	<u>Valid Date:</u>	12 September 2014
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	12 December 2014
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	DP9, 100 Pall Mall London SW1Y 5NQ		
<u>Applicant:</u>	Brunswick Developments Group plc, c/o DP9 100 Pall Mall London SW1Y 5NQ		

1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 of this report and resolves to be **MINDED TO GRANT** planning permission subject to a Deed of Variation to the original section 106 Planning Obligation dated 4 July 2006 and the Conditions and Informatives as set out in section 11.

2 SITE LOCATION & DESCRIPTION

- 2.1 The site is located within Brighton Marina and relates to the Outer Harbour Development site where planning permission was approved in July 2006 for a mixed use development including 853 residential units.
- 2.2 The area which relates to the proposed minor amendments is at the eastern end of the Outer Harbour Development, and is known as 'Phase 1' comprising buildings 'F1' and 'F2'.
- 2.3 To the north of the site is the West Quay Wetherspoon pub set over two storeys with terraces which look onto the Marina and the site. To the northwest are McDonald's restaurant, Rendezvous Casino, Bowlplex bowling alley, David Lloyd leisure centre and further north Cineworld cinema and a multi-storey car park. Northwest of the marina approximately 500m from the site lies the Kemp Town Conservation Area. To the northeast are the Boardwalk shops and restaurants and to the east and south is the outer harbour of the marina. To the west is the Spending beach and the temporary Yacht Club building which are to be redeveloped for residential-led mixed use under the subsequent phases of the Outer Harbour Development.

3 RELEVANT HISTORY

BH2014/01970: Non Material Amendment to BH2012/04048 to increase the balcony floor depths by 145mm, reduce the size of the ceramic cladding panels, replace the timber balconies with coloured glass and the timber rainscreen cladding with grey ceramic. Approved 17/7/14.

BH2013/03432: Non Material Amendment to BH2012/04048 to relocate the entrance of the West Quay basement car park to the base of the existing ramp, provide 8 additional parking spaces and a revised internal layout for traffic flow within the car park. Approved 8/11/13.

BH2013/00799: Non Material Amendment to BH2006/01124 to the proposals consented in respect to the RNLI station. Approved 4/6/13.

BH2012/04048: Approval of Variation of Condition 70 of BH2006/01124 which was a Minor Material Amendment, involving the replacement of the wave wall and two lower levels of basement parking on Spending Beach with an open piled structure leaving one level of basement parking, and relocating the parking to 3 new basement levels below buildings F1 and F2 on the West Quay. The total number of parking spaces remained the same. This scheme is similar to the expired permission BH2006/04307 and was approved 23/5/13.

BH2012/00042: Approval of Non Material Amendment to BH2006/01124 to add condition listing the approved drawings of the existing 2006 permission (resulting in new condition no.70). Approved 10/2/12.

BH2006/04307: Planning application for an amendment to BH2006/01124 to reconfigure basement car parking. This sought to move the lower 2 storeys of basement car parking from on Spending Beach (behind David Lloyd, casino and bowlplex) to under the West Quay. The total number of car parking spaces in whole scheme remained same. The development essentially remained the same above basement level. Approved 23/3/07 This permission has since expired.

BH2006/01124: Planning application for major mixed use scheme including new structure over Spending Beach and West Quay and 853 residential units in 11 buildings ranging from 6-40 storeys. Retail, office and community uses were proposed. Three storeys of car parking (total of 491 car spaces plus 5 visitor spaces at deck level, 32 motorcycle spaces and 876 bicycle spaces) were proposed in an enclosed basement structure over the Spending Beach with a series of wave chambers beneath. Approved 4/7/06. This permission was deemed to have lawfully commenced in August 2008.

Conditions: Some conditions applications relating to the BH2012/04048 permission have been discharged and a number of conditions applications are currently under consideration.

Section 106 Deed of Variations: Since the original Section 106 legal agreement dated 4th July 2006, there have been a number of variations in order to assist the applicant with the delivery of this scheme.

Yacht Club relocation:

BH2014/02336: Planning application for the erection of a single storey floating yacht club (D2) between pontoons 6 & 7, Western Concourse. Approved 27/10/14.

4 THE APPLICATION

4.1 Planning permission is sought for the variation of condition 1 of application BH2012/04048, as amended by applications BH2013/00799, BH2013/03432 and BH2014/01970 (Original Permission - Major mixed use development comprising new engineered basement structure to create platform on Spending Beach and West Quay, 853 residential units in 11 buildings ranging from 6-40 storeys, Class A, D1, D2 and B1 uses, Lifeboat Station, 496 parking spaces, alterations to pontoons and moorings, new bridges, informal and formal recreation space and alterations to access arrangements) to allow for revisions to the approved scheme including reconfiguring the type and quantum of uses within blocks F1 and F2 incorporating alterations to shopfronts, revised landscaping, relocation of the bus waiting room and changes to the RNLI station. Total number of residential units and car parking spaces to remain unchanged.

4.2 Details of the minor alterations to the consented scheme are as follows:

1. Building alterations within blocks F1 and F2 (also known as Phase 1):
 - Ground floor (podium level) of F1 and F2 extended eastwards and F1 also extended northwards to come in line with floors above. Total floorspace increase amounts to 265sqm gross internal area. (NB the total gross internal area of the podium level of F1 and F2 is 3,098sqm).
 - Solid panels added to retail entrances for signage purposes.
 - Residential entrances to F1 and F2 relocated to east façade and residential cores rationalised to accord with current Building Regulations. Solid walls added to residential entrances to provide privacy for residents.
 - Two balconies added at first floor level of F2;
 - Additional staircase added between basement car park and podium at southern end of F1 to provide residents with more direct access from the car park to the podium level.
 - Flues added to the roof of F1 to comply with current Building Regulations.
 - Floor to floor heights increased at podium level and decreased at floors above – overall building heights of F1 and F2 to remain unchanged.
 - Basement car park internal layout reconfigured and flat slab introduced on each of the 3 basement levels in order to simplify the layout. Number of parking spaces increased from 342 to 350. Total number of parking spaces remains at 496.
 - Entrance into car park remains in same position as per the BH2012/04048 consent but entrance is 'straightened up' – the entrance consented in BH2012/04048 is 12m wide at the start of the entrance narrowing to 7m as you enter the car park, whereas the current proposal is 10m wide all the way through the entrance.

2. Relocation of uses:
 - Relocation of services/plant/cycle parking from ground level to basement level. Class A retail units increased in floorspace from 1,221sqm to 2,491sqm (an increase of 1,270sqm) and reconfigured to provide 7 no. Class A units.
 - Yacht club relocated elsewhere in the Marina.
 - Harbour Control Office to remain on the West Jetty and Brighton Marina Company to remain in Inner Harbour and therefore the office space (436sqm) is removed from F2.
 - 3 residential units to be relocated from future phases (buildings H1, H2 and H3) into the first floor office space in F2. Total number of residential units to remain unchanged.
 - Bus/taxi waiting room relocated from F1 into free-standing purpose-built waiting room on the podium to the west of the West Quay pub, to provide better visibility of buses and taxis on the road below, and to be closer to the bus stop located outside McDonalds restaurant.
 - Two new kiosks proposed to replace existing kiosks to the west of the West Quay pub.

3. RNLI building changes:

- Steel structure below podium level removed.
- First floor window on western façade relocated to south elevation at the request of the RNLI to improve visibility of seacraft.
- Eaves overhang to façade removed.
- Stairs from the RNLI to the boathouse amended.
- Elevations amended to show external cladding and resulting minor changes to windows.
- Souvenir shop removed from RNLI building at the request of the RNLI as they seek relocation of shop into city centre.
- Gate to RNLI walkway to the east of the building to be lockable and walkway balustrade to be stainless steel uprights and infill panels.
- Storage cupboard added under staircase to be accessed externally at the request of the RNLI.

4. Landscaping changes:

- Performing arts area to the north of F1 redesigned to remove raised stage and provide stepped seating and ramp to the east of this area relocated further north.
- Air intake and ventilation grilles on the podium to the east of F1 and F2 reduced in size.
- Cycle parking to the north of F1 repositioned closer to F1 to improve circulation on the podium – number of cycle spaces remains unchanged.
- Ramps and steps to the west of F1 redesigned to improve access to the building.
- Steps and ramp from the roadway onto the podium repositioned to improve access and allow 1 metre curtilage around the West Quay pub.
- New ramp added and steps amended to the west of F1 and F2 adjacent to boules pitch to allow for changes in levels on the podium.

- 4.3 The applicant has submitted a Review Note on the Environmental Statement to support the application.

5 PUBLICITY & CONSULTATIONS

External:

5.1 Neighbours:

Letters of representation have been received from **nine (9)** residents/groups **H10 G17 and F12 of Marine Gate, Marine Drive, the Brighton Marina Action Group at R5 Marine Gate, Roedean Residents Association, 14 Roedean Way, 'Bellaria', Founthill Road, Rottingdean, 18 The Cliff, Flat 6, 22 Lewes Crescent, Concorde House, 18 Margaret Street, and NLP on behalf of X-Leisure, 14 Regents Wharf, All Saints St, London), objecting to the application for the following reasons:**

- Object to registration of application as a section 73 application – consider that there are major changes which require a full application with updated

traffic analysis and EIA and objectors will only have 3 minutes to speak at committee;

- Consider that the changes will reduce the quality of the development;
- The access to the car park and traffic arrangements have not been properly resolved and there is considerable congestion at the entrance
- The landscape proposals are naive with trees proposed on the boardwalk;
- An appeal has been lodged with the High Court against the Judicial Review judgement on 27th June 2014 and still consider the consented scheme to be illegal under the provisions of the 1968 Brighton Marina Act;
- The three storey basement car park will require min. 6,325 cubic metres of concrete therefore min. 1,054 deliveries by ready mix lorries for the basement alone which will cause traffic congestion;
- There is only one vehicle entrance/exit to car park and none of the three staircases exit directly to open air, so questions how Fire and Rescue Authority will access the basement in the event of a fire in the lowest level of the car park;
- The proposed entrance to the basement car park will cut through the West Quay and cause a flood risk to the entire Marina if the basement car park floods;
- Vehicular access onto the ramp is awkward, only works with two-way traffic (the traffic is one-way), limited visibility for vehicles exiting the ramp and will cause congestion, and the entrance to the car park is too steep and inadequate for 496 cars;
- Object to the 40 storey tower – nothing should be built above the cliff height according to the Brighton Marina Act of 1968;
- The entrance to the underground car park could de-stabilise the West Quay;
- The retail assessment is insufficient and potential sites within Whitehawk and St Georges Road Local Centres and the defined Brighton Marina District Centre and Brighton Town Centre should be assessed for their suitability.
- Concern raised over where the yacht club will be relocated to;
- The extension to the ground floor retail units adversely affects the architectural modelling of the eastern façade and removes sheltered space for pedestrians;

5.2 Following receipt of amended plans (4/12/14) further comments were provided:

- Reversion of vehicular access to that approved under application BH2012/04048 still not acceptable – will cause congestion in one-way ring road and access onto existing ramp is awkward; requires barriers/signal system; visibility from ramp to road when exiting ramp is poor;
- Entrance to car park below F1 and F2 is too steep, may cause conflict with access to Spending Beach car park, cuts through tidal flood barrier

reducing its height by 1.45m, and conflict between vehicles entering and exiting the car park is likely to arise;

- Proposed number of lifts is inadequate – 1 lift in F2 is inadequate and cause problems if the lift breaks down;
- The means of escape for F2 appears to be inadequate;
- Access for firefighters is inadequate in terms of accessing upper floors and southern end of basement car park;
- It is not clear how residential refuse bins will be transported from basement to podium bin storage area;
- The proposed bus and taxi waiting room is too far from the bus stop which is on the opposite side of the road, there is insufficient space between the waiting room and West Quay pub for public access, and the pre-fabricated design is unattractive;
- Insufficient information on sewage disposal from F1, F2 and the RNLI building – will it be taken through the 6m thick wave wall – the sewage system is already overloaded in the Marina;
- Pedestrian access to the site is difficult, particularly for walking disabled, those with mobility vehicles, and parents with pushchairs, and not clear how pedestrians will access the promenade above the Spending Beach;
- Inadequate protection from wind that will pass between F1 and F2;
- An updated EIA is essential.

5.3 **Councillor Mary Mears:** Objection. (See letters attached at the end of this report).

Other Consultees:

5.4 **County Archaeologist** – Comment. Recommend that the heritage conditions attached to the previous consent are reapplied and only discharged once the applicant has submitted the report on the archaeological findings.

5.5 **County Ecologist:** Support - unlikely to have any significant impacts on biodiversity and can be supported.

5.6 **East Sussex Fire and Rescue Service** – No comment.

5.7 **English Heritage** – No comment.

5.8 **Environment Agency** – Comment. No comment to make with regard to the low risk of the development type and location of the proposal. Advised that they do not assess the structural integrity of third party flood defences and that this will need sign-off from a qualified engineer with appropriate liability insurance. Advised to get a view from Building Control.

5.9 **Environmental Health** – No comment.

5.10 **Marine Management Organisation (MMO)** - Comment. The proposal is being considered for a Marine Licence under Part 4 of the Marine and Coastal Access

Act 2009. The amendments to the scheme would have nominal impact on the current licence application and as such they have no further comments to make.

5.11 **Natural England** – No comment.

5.12 **Southern Water** – No comment – recommends a number of informatives.

5.13 **Sussex Police** – Comment. Inward opening automatic gates with fast opening speed and operated by the driver while sitting in the vehicle, must be located at the building line or at the top of ramps to avoid the creation of a recess and to avoid tailgating. Automatic roller shutters must be certified to a minimum of LPS 1175 SR1 or STS 202 BR1 and barriers should not be used to control access into the car park. The cycle store is recommended to be subdivided into smaller areas in the car park to reduce exposure from 2 entry points. Doors and easily accessible windows to the RNLI station should conform to PAS 024 2012 or LPS 1775 SR2 with laminated glazing conforming to BS EN 356 P1A. If the station is not manned 24 hours a day a monitored intruder alarm should be considered. The retail units should have doors and windows conforming to LPS 1175 SR 2 with laminated glazing conforming to BS EN 356 P1A. Wiring harness should be considered to allow retro fitting of an alarm system by the occupant. Welcomes the introduction of solid walls to residential cores. Intrusion resistance measures recommended between each retail unit. The bus waiting room should incorporate measures to avoid anti-social behaviour. Would like to advise future occupants of doctors/dentist surgery of crime prevention. Advises that planters and benches should be fixed to the podium and deterrents to skateboarders/BMX users should be considered.

5.14 Following consultation on amended plans (received 4/12/14) provided further comments: no concerns over relocation of bus/taxi waiting room as there is good overlooked surveillance from the bus stop and there is 24 hour security at the marina. Measures to avoid anti-social behaviour or rough sleeping in the waiting room are advised: full glazing, seating with armrests, internal lighting, outward opening doors to provide more space in the room during bad weather and at busy times.

Internal:

5.15 **Access Officer** – Comment. The stair and lift cores within F1 and F2 appear to be okay subject to the width of the lifts being at least 1100mm wide internally; any wheelchair accessible units should be within F1 as F2 has only one lift; the wheelchair accessible flats should have space for storage and charging a wheelchair or scooter.

5.16 **City Clean** – Comment. Bin loading and storage areas previously proposed between F1 and F2 is no longer on the plans; they require one month's notice prior to occupation or two month's notice if 1100l bins are being sourced from City Clean, and need clarification that adequate refuse storage is provided for the commercial uses.

5.17 **Coastal Protection Engineer:** No comment.

5.18 **Environmental Health:** No Comment.

5.19 **Flood Engineer:** Comment. Advised that the Environment Agency are the statutory consultee for the issue of flood risk in a tidal flood zone and that the structural integrity of the defence will be considered by Building Control.

5.20 **Building Control:** Comment. Advised that the Private Sector Building Control Service should be checking the proposals to ensure that the structural engineer's details on retaining the ground for the basement and carrying the superstructure load above, are provided and appear reasonable. Any building control service assessing the application should look at the basement structure's ability to withstand lateral forces to retain their integrity and support the building above. The substructure should also be assessed for water-tightness and suitable drainage measures should be provided in case of water ingress.

5.21 **Planning Policy:** Support. Initially requested evidence to support the sequential test. Following receipt of amended plans and further evidence on the sequential test, planning policy advise that the information submitted is satisfactory and the increase in retail floorspace and the loss of office space are considered to be acceptable.

5.22 **Sustainability:** Comment. Concern over BREEAM standards with the changes of use – different information will need to be submitted for the current scheme and need to ensure plant room and energy plant can be satisfactorily accommodated.

5.23 **Sustainable Transport:** Comment. Requested further information regarding the vehicular access, the location of the RNLI parking spaces and the staircase to the RNLI building, traffic circulation within the car park, and refuse collection arrangements. Following receipt of revised plans, considered that the proposal is acceptable.

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
TR2	Public Transport accessibility and parking
TR4	Travel Plans
TR5	Sustainable transport corridors and bus priority routes
TR7	Safe development
TR8	Pedestrian routes
TR13	Pedestrian network
TR14	Cycle access and parking
TR15	Cycle network
TR18	Parking for people with a mobility related difficulty
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU3	Water resources and their quality
SU4	Surface water run-off and flood risk
SU5	Surface water and foul sewage disposal infrastructure
SU6	Coastal defences
SU7	Development within the coastal zone
SU8	Unstable land
SU9	Pollution and nuisance control
SU10	Noise nuisance
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
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD5	Design – street frontages
QD6	Public art
QD7	Crime prevention through environmental design
QD10	Shopfronts
QD12	Advertisements and signs
QD15	Landscape design
QD17	Protection and integration of nature conservation features
QD18	Species protection
QD25	External lighting
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
EM4	New business uses on unidentified sites
EM5	Release of redundant office floorspace and conversions to other uses
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
SR5	Town and district shopping centres
SR12	Large Use Class A3 (food and drink) venues and Use Class A4 (pubs and clubs)
SR17	Smaller scale sporting and recreation facilities
SR18	Seafront recreation
SR20	Protection of public and private recreation space
SR21	Loss of indoor recreation facilities
NC4	Sites of Nature Conservation Importance (SNCIs) and Regionally Important Geological Sites (RIGS)
NC8	Setting of the South Downs Area of Outstanding Natural Beauty
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of conservation areas
HE11	Historic parks and gardens

HE12 Scheduled ancient monuments and other important archaeological sites

Supplementary Planning Guidance:

SPGBH4 Parking Standards
SPGBH5 Black Rock Development Brief
SPGBH15 Tall Buildings
SPGBH20 Brighton Marina Vols 1&2

Supplementary Planning Documents:

SPD02 Shop Front Design
SPD03 Construction & Demolition Waste
SPD08 Sustainable Building Design
SPD11 Nature Conservation & Development

Planning Advice Notes:

PAN04 Brighton Marina Masterplan
PAN05 Design Guidance for the Storage and Collection of Recyclable Materials and Waste

Brighton & Hove City Plan Part One (submission document)

SS1 Presumption in Favour of Sustainable Development
DA2 Brighton Marina, Gas Works and Black Rock Area
SA1 The Seafront
SA6 Sustainable Neighbourhoods
CP1 Housing Delivery
CP3 Employment Land
CP4 Retail Provision
CP7 Infrastructure and Developer Contributions
CP8 Sustainable Buildings
CP9 Sustainable Transport
CP10 Biodiversity
CP11 Managing Flood Risk
CP12 Urban Design
CP13 Public Streets and Spaces
CP14 Housing Density
CP15 Heritage
CP16 Open Space
CP17 Sport Provision
CP18 Healthy City
CP19 Housing Mix
CP20 Affordable Housing

8 CONSIDERATIONS & ASSESSMENT

The application process:

- 8.1 Matters relating to elements of the scheme which have previously been granted planning consent (see applications in the planning history section) and are not proposed to be changed, do not form part of the proposals of this application and therefore are not being assessed under this application. The principle of the major mixed use development cannot be revisited. In addition, it is of significant weight that the original permission is extant and has commenced.
- 8.2 Many of the letters of objection to the application relate to the additional vehicular access to the basement car park, which was granted consent in application BH2013/03432. The objections are on the basis that the entrance would penetrate the West Quay Wall at the level of the adjacent road which at high tide is below sea level, and the concern is that should the walls of the underwater car park fail, large parts of the Marina could be flooded. The Environment Agency raised no objection to the application. However, this entrance to the car park has been removed from the proposals through amended drawings which now propose to revert to the vehicular access as approved in application BH2012/04048. The access ramp from the road up to the entrance is existing. The vehicular access to the site is therefore no longer a consideration in this application.
- 8.3 Concerns have been expressed by some objectors as to why the application has been described as 'minor' and not a major development in its own right. This application has been submitted under Section 73 of the Town and Country Planning Act 1990 as a 'minor material amendment' to the planning permission granted on 23 May 2013 (BH2012/04048), incorporating the non-material amendments approved on 4 June 2013 (BH2013/00799), 8 November 2013 (BH2013/03432) and 17 July 2014 (BH2014/01970). The applicant wishes to substitute the plans originally approved in the above applications, for the plans submitted in this application.
- 8.4 Planning Practice Guidance (revised 6 March 2014) provides guidance on amending planning permissions in order to make it easier for developers and local planning authorities to facilitate development which has the benefit of planning permission. The Guidance implements the recommendations of the Killian Pretty Review which advised the government that they should take steps to allow a more proportionate approach to minor material changes in development proposals after permission is granted.
- 8.5 Para 001 of the Guidance states that *"There is no statutory definition of a 'minor material amendment' but it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved."* The applicant has submitted the current application in the context of the major mixed-use development as a whole, which involves internal changes to the basement car park; the relocation of some of the uses; a relatively small increase in floorspace in comparison with the overall floorspace of the wider development and which does not extend beyond the consented footprint; the addition of a small waiting room on the podium, some landscaping changes and minor changes to the elevations of the

buildings in Phase 1. There would be no change to the number of residential units or parking spaces and no change to the height or scale of the consented scheme, and therefore the proposed changes constitute 'minor' material amendments and it is considered that a submission under S73 is appropriate in this case.

- 8.6 The Guidance confirms that S73 applications for minor material amendments should be determined in accordance with S38 (6) of the Planning and Compulsory Purchase Act 2004, and conditions attached to the existing permission. Local planning authorities should, in making their decisions, focus their attention on national and development plan policies and other material considerations which may have changed significantly since the original grant of permission.
- 8.7 The Council advised the applicant that an updated Environmental Statement (ES) would not be required under the EIA Regulations, in a Screening Opinion. However, a Review Note on the ES submitted with application BH2012/04048 was submitted in support of this application. The review note confirms that there would be no significant effects on the environment as a result of the changes hereby proposed.

Planning Policy

- 8.8 Since the approval of application BH2012/04048 policies in the emerging City Plan Part One have gathered greater weight, since the Inspector's letter to the council dated 13 December 2013, followed by the Proposed Modifications consultation in November – December 2014 and the submission of the representations received to the Inspector 27 February 2015.

Design

- 8.9 The relocation of the residential entrances to the east elevation of the buildings is considered to be an improvement in terms of providing safer entrances with good natural surveillance. Sussex Police commented that the introduction of solid walls to residential cores is welcomed for security reasons.
- 8.10 The residential cores (the lifts and stairwells) are in the same position as in the consented scheme (BH2012/04048) but they have been reconfigured. They comply with current Building Regulations and the applicant has confirmed that due to building F2 now proposed with only one lift, all the wheelchair accessible units will be located in building F1 which will have two lifts so that if one breaks down, wheelchair users will have an alternative access. This arrangement is considered to be acceptable and a condition requiring details of the location and layout of the wheelchair accessible units is recommended.
- 8.11 The alterations to the retail units involves their extension eastwards to come in line with the floors above, creating 265sqm gross internal area (GIA) additional floorspace at podium (ground floor) level. This would remove the set-back of the shop fronts which would alter the external appearance of buildings F1 and F2. However, due to the relocation of the residential entrances which have curved

walls into a recess, and the retention of the curved walls on the corners of the buildings, the design would not be compromised and the changes proposed at podium level would complement the buildings (F1 and F2) as a whole.

- 8.12 The alterations to the floor to floor heights in buildings F1 and F2 are in order to comply with Building Regulations, to tie in with the size of the windows and external cladding and account for floor insulation and ceiling height requirements would not materially alter the appearance of the buildings. As such, this change is considered to be acceptable.
- 8.13 The alterations to the RNLI building would not materially alter the size or appearance of the consented building and are at the request of the RNLI. The RNLI are seeking to relocate the existing souvenir shop from the kiosk adjacent to the West Quay pub into Brighton City Centre. The relocation of the window on the first floor is to improve visibility of the marina from within the building. The changes to the staircase to the boathouse to the south is in order to simplify and improve access to the boathouse. The steel framework below the RNLI building was found to be unnecessary in providing structural support and its removal is not considered to undermine the architectural merit of the consented building.

Changes of Use within Buildings F1 and F2

- 8.14 The increase in the Class A retail floorspace from the consented scheme of 1,221sqm to 2,491sqm represents an increase of 1,270 sqm.
- 8.15 Brighton Marina is currently covered in policy terms by policy SR5 of the Adopted Local Plan 2005 which sets policy for District Centres. The application site does not fall within the current designation of the District Centre and would therefore be considered as 'edge of centre' under adopted planning policy. The current District Centre is defined on the Proposals Map and the designation consists of Primary and Secondary frontage.
- 8.16 Paragraph 24 of the NPPF states that local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan, such as the Class A use in this proposed development. It is considered appropriate for this Sequential Test to be carried out as the site does not currently fall within the existing Marina District Centre designation. An Impact Assessment is considered not to be necessary in this instance as the proposal is below the threshold of 2,500sqm as stipulated in paragraph 26 of the NPPF.
- 8.17 The applicant carried out a sequential test, covering the Marina itself and the Local Centres of Whitehawk Road and St Georges Road. Copies of the sites assessed were submitted, verifying that there are no opportunities in nearby centres which could be regarded as suitable, viable or available to accommodate the scale of Class A uses proposed. The policy officer confirmed that the sequential test was satisfactory.

- 8.18 Of relevance is the Submission City Plan Part One which is currently under examination by an appointed planning inspector, with public hearing sessions held in October 2013. The Submission City Plan proposed to carry forward the existing Retail Hierarchy within policy CP4. However, the Planning Inspector, in her initial conclusion's letter to the city council in December 2013, stated that policy CP4 should be modified to remove the Marina's designation as a District Centre. The council have addressed the concerns of the Inspector by proposing a modification to policy CP4 to remove the designation of Brighton Marina as a shopping centre. The Proposed Modifications were consulted on in November-December 2014 and the representations received have been sent to the Inspector 27 February 2015. There was one representation related to this modification which supported the removal of the designation. As such, the potential impact on the existing 'shopping frontage' of Brighton Marina has a reduced importance. But in any case, the sequential assessment carried out confirms that the additional Class A floorspace would not have a detrimental impact on the vitality and viability of the Brighton Marina.
- 8.19 Policy DA2 of the Submission City Plan and the associated Proposed Modifications is also of relevance to this planning application. The draft policy for DA2 allocates 5,000m² retail development (A1 – A5) to the Inner Harbour Area. A priority for the policy is to secure a more balanced mix of retail, including support for independent retailers, and non retail uses such as leisure, tourism, and commercial uses. A priority is also to enhance the retail offer through encouraging the provision of mixed retail activity and services to support any additional expansion in population. The proposed policy is considered to carry some weight in the determination of planning applications. As such, the additional Class A floorspace hereby proposed would contribute towards the 5,000m² allocation and is welcomed in this location and to support the expansion in population.
- 8.20 Policy SR12 of the Local Plan states that new large (defined as being in excess of 150sqm public floorspace) A3 and A4 units (restaurants, cafes, pubs and bars) will be permitted provided four criteria are met. The proposed units in this case are all larger than the threshold but do not meet the criteria. In line with the policy, exceptions can be made as long as planning conditions are attached to ensure that no alcohol can be sold or supplied except to persons who are taking meals at the premises and are seated at tables.
- 8.21 The proposed scheme would result in the loss of 436sqm of office floorspace from that previously consented on the site. The reason for this is set out in detail in the supporting statements submitted with the application. In summary it is due to the decision of the Harbour Control office and Brighton Marina Company, who were intended to occupy the ground and first floor offices respectively, to remain in their existing locations elsewhere in the Marina rather than relocating to the application site. The existing locations are described as being more suitable due to operational reasons. Policy EM5 of the Local Plan states that planning permission will not be granted for the release of office floorspace to

other uses unless it can be demonstrated that it is genuinely redundant. Policy CP3 of the Submission City Plan makes a similar requirement.

- 8.22 The loss of the permitted office space is unfortunate given the overall shortage of office floorspace to meet forecast demand over the plan period (Employment Land Study Review 2012) and the aspirations of Submission City Plan DA2 (Brighton Marina, Gas Works and Black Rock Area) for a more balanced mix of uses and enhanced marine related employment opportunities.
- 8.23 However given that the offices are not yet developed, and were intended to serve a specific need which is to be retained elsewhere within the Marina, an exception to Policies EM5 and CP3 can be considered acceptable in these circumstances.
- 8.24 Similarly, the Brighton Marina Yacht Club (BMYC), who are currently housed in a two storey temporary building on the North Sea Wall, were allocated space within the ground floor of building F2 to enable them to relocate into permanent premises. However, planning consent has since been granted for the BMYC to relocate to a floating building on the West Jetty, specifically between pontoons 6 and 7, and this development is currently under construction. The planning permission is for the floating building to be occupied for a yacht club and for no other use. The section 106 agreement currently requires the applicant to provide temporary premises for the yacht club (this was not required as the BMYC continue to occupy the temporary premises on the North Sea Wall during the construction of Phase 1); no break in provision between the demolition of the existing and provision of temporary or permanent premises, and that the Yacht Club shall be ready for occupation prior to occupation of building F2. The section 106 agreement would be attached to a consent of this application by way of a Deed of Variation, and it is recommended that these requirements remain in place. As such, the BMYC are able to continue to operate in the Marina through the creation of a new premises, and the facility would not be 'lost', but instead 'relocated'.
- 8.25 The three additional residential units on the first floor of F2 are to be relocated from future phases (buildings H1, H2 and H3) into the office space in F2. The total number of residential units is to remain unchanged. Therefore the potential environmental impact of the additional flats does not need to be considered. The additional overlooking potential generated by the replacement of the office with 3 flats, is considered to be minimal. This is due to the distance of the flats from existing or proposed residential buildings, the presence of numerous consented flats in the same elevations, and also the potential for the consented office uses to generate some degree of overlooking.

Basement Car Park Amendments

- 8.26 The entrance into the car park is in the same position as consented in BH2012/04048 but the shape of the entrance has been altered, as described in section 4 above. Sustainable Transport officer is comfortable with the configuration of the entrance and the circulation of the traffic in the three levels

of the basement car park below buildings F1 and F2. The internal layout of the car park was amended during this application to address the concerns raised over a potential conflict so that vehicles that are preparing to exit the car park have to give way to vehicles entering the car park, thus removing the conflict.

- 8.27 The relocation of the resident cycle spaces from the ground floor to the basement would require residents to enter the basement via the vehicular ramp in the same manner as entering the basement driving a car. There is insufficient space for a separate cycle lane but a condition can be attached to a consent requiring submission of signage at the entrance instructing that priority be given to cyclists. Details of cycle channels alongside the entrance ramps can also be submitted by condition. Details of the secure entry system to the car parks and how cyclists will use the entrances to the car parks should also be submitted through a condition on a consent.
- 8.28 The relocation of the domestic refuse and recycling to the basement car park would require the residents to transport their refuse from their apartments to the basement refuse stores via the lifts. The bin stores will be lockable and accessible by fob access by the residents and the Management Company. The applicant has submitted a Refuse Strategy which confirms that the refuse and recycling would be transported to the bin storage area on the podium between F1 and F2 by the Management Company using a refuse buggy and this service would be included in the Service Charge. This is considered to be a satisfactory arrangement.
- 8.29 The relocation of the RNLI parking from the ground floor of F2 to the basement car park is considered to be acceptable in principle. However, a condition should be attached to a consent requiring the applicant to liaise with the RNLI to agree the most practical location within basement level -01(B1).
- 8.30 The additional staircase at the southern end of building F1 is to provide easier access between the podium and basement car park and would not materially alter the appearance of the building. This is considered to be acceptable.

Landscaping Changes:

- 8.31 The alterations to the performance area to the north of building F1 include removing the raised stage and creating stepped seating to the south and east of the performance area, which improves pedestrian access through this area when there are no performances and provides more seating that is integrated into the steps and ramp up to the podium level of the retail units. This creates a more informal and useable space whilst providing access between the different levels for pedestrians of all ability. The ramp to the east of the performance area has been relocated further north to allow for the seating around the performance area and to provide a larger area to the front of retail unit 1.
- 8.32 The cycle racks have been relocated closer to building F1 while providing the same number of cycle spaces which improves the circulation space allowing a wider area for pedestrian access.

- 8.33 The additional ramp and steps near the boules pitch to the west of F1 is to account for the change in levels which was previously not accounted for in the consented scheme.
- 8.34 The alteration to the steps and ramps immediately to the west of building F1 provides a more simple arrangement for the cycle storage and access to the bin stores and the lift and steps up to the first floor terrace of the doctors/dentist surgery and the podium level of the subsequent phases.
- 8.35 The extension to the existing ramp from the road up to the podium to the west of the West Quay pub and the adjacent staircase have been repositioned to account for the 1m strip required for maintenance around the West Quay pub and so that a larger circulation space for pedestrians is created at podium level.

Relocation of bus/taxi waiting room

- 8.36 The bus/taxi waiting room was previously proposed within building F1 and is now proposed in a free-standing building on the podium to the west of the West Quay pub. This is a result of pre-application discussions with Sustainable Transport and Public Transportation officers and it was considered that whilst the ideal location for the waiting room would be at the bus stop outside McDonalds, the applicant could not guarantee this could be implemented due to requiring consent from other landowners. The new location proposed was considered to be preferred to the consented location within building F1 due to a shorter distance to walk to the bus stop and due to better visibility of the road and the bus stop from the new location. As such, the Sustainable Transport officer supports the new location of the waiting room. The revised plans reduce the width of the waiting room to provide a larger space for pedestrian movement between the waiting room and the West Quay pub and demonstrate how the waiting room can accommodate the 12 seats, 2 wheelchair/pushchair spaces, real time information board above the entrance, and journey planner terminal as requested by the Sustainable Transport officer. The design of the building is appropriate to the proposed use and would be 'fit for purpose'.

9 CONCLUSION

- 9.1 It is considered appropriate to deal with the application on the basis of a 'minor material amendment' to the previous permission as it does not alter the overall scale or nature of the major redevelopment proposals.
- 9.2 The assessment of the application relates only to the changes being sought (set out in section 4), and not the whole principle of development again. The changes to the scheme are considered to be minor in the context of the entire development and would have no significant impacts.
- 9.3 The Environmental Statement has been reviewed and it is considered that a revised Environmental Statement is not required for this application, as set out in the Screening Opinion. This is on the basis that the changes proposed are

unlikely to result in additional environmental impacts beyond those already considered and mitigated against by the previous applications and the related conditions and planning obligations.

- 9.4 The changes proposed would not materially alter the external appearance of the consented scheme and would complement the overall design and layout.
- 9.5 The additional Class A floorspace would be welcomed in terms of supporting the aspirations of the Submission City Plan to enhance the District Centre through mixed retail activity and services to support any additional expansion in population.
- 9.6 The loss of the office floorspace is regrettable given the identified shortage of office floorspace in Brighton, however, given that the offices are not yet developed, and were intended to serve a specific need which is to be retained elsewhere within the Marina, an exception to policy is considered acceptable in these circumstances.

10 EQUALITIES

- 10.1 The changes to the pedestrian access to and around the site take account of people of impaired mobility and people with wheelchairs and pushchairs, through the provision of ramps, lifts and disabled parking spaces in appropriate locations.

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

Section 106 Agreement

Deed of Variation to s106 agreement dated 4 July 2006 to ensure:

- Reference to application BH2014/02883;
- Amendment to section 18 (Car Club) so that the provision of car club cars and spaces is carried out pro rata on a phased basis;
- Amendment to section 19.1b to account for the alternative bus/taxi waiting room location.

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

(list of drawing numbers to be provided on the additional representations list)

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

2. The development shall be carried out in accordance with the Phasing Plan approved under application BH2013/02328 unless any variation or amendment is agreed in writing with the Local Planning Authority.

Reason: To ensure that key objectives in the Brighton & Hove Local Plan are delivered and to meet the demands of occupiers of the development and regeneration of the wider area, including the delivery of high quality landmark buildings and bridges, associated infrastructure and affordable housing, in accordance with policies QD1, QD2, QD3, QD4, QD6, HO2, HO3, HO4, TR1, TR8, TR13, TR15, HE3 and HE6 of the Brighton & Hove Local Plan.

3. Within 6 months of the date of this permission, details of the roads and footways within Phase 1 and Phase A of the development (as set out in the Phasing Plan approved under condition 2), including construction drawings that accord with the principles of the Estate Roads Manual, shall be submitted to the Local Planning Authority for approval. Prior to the commencement of the other Phases of the development (as set out in the Phasing Plan approved under condition 2), details of the roads and footways, including construction drawings that accord with the principles of the Estate Roads Manual, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and the roads and footways shall be completed prior to first occupation of the respective Phase of the development (as set out in the Phasing Plan approved under condition 2).

Reason: To ensure a satisfactory highway provision within the development, to comply with policies TR1, TR7 and TR8 of the Brighton & Hove Local Plan.

4. The development shall be carried out in accordance with the details (number, location and size) of the affordable housing units approved under application BH2013/02264 and the approved Phasing Plan unless any variation or amendment is agreed in writing with the Local Planning Authority.

Reason: To ensure a satisfactory mix and location of affordable units to ensure sufficient housing opportunity and choice, and to ensure sufficient numbers of affordable units are proposed within each phase of development, in accordance with policies HO2 and HO3 of the Brighton & Hove Local Plan.

5. The vehicle parking areas within the basement car parks hereby approved shall not be used otherwise than for the parking of RNLI emergency vehicles, private vehicles, motorcycles and bicycles belonging to the occupants of and visitors to the residential development hereby approved. The car parking area shall be clearly laid out and signed for RNLI emergency vehicles, residents, disabled users, and the car club, and shall be retained as such thereafter.

Reason: To ensure that adequate parking provision is retained and to comply with policy TR19 of the Brighton & Hove Local Plan.

6. The RNLI building hereby approved shall not be first brought into use until the emergency RNLI parking area located within the basement car park on level B-01 has been implemented and is ready for use, unless it is agreed in writing with the Local Planning Authority that temporary parking has been provided elsewhere to the satisfaction of the RNLI.

Reason: To ensure satisfactory parking provision to serve the RNLI to comply with policies TR1 and TR19 of the Brighton & Hove Local Plan.

7. Each respective phase of the development (in accordance with the Phasing Plan agreed by condition 2) shall not be first occupied until the cycle parking facilities associated with that particular phase have been implemented and made available for use. The cycle parking facilities 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 the private car, in accordance with policies TR1 and TR14 of the Brighton & Hove Local Plan.

8. Notwithstanding the cycle parking facilities for visitors indicated on the submitted plans, a scheme for monitoring the need for additional cycle parking for visitors within the site shall be submitted to and approved in writing by the Local Planning Authority within 6 months of the first occupation of each respective phase of the development (as set out in the Phasing Plan agreed by condition 2). If required, the scheme shall include details of the number, location and design of any additional cycle parking facilities and shall be implemented to the satisfaction of the Local Planning Authority within an agreed timeframe.

Reason: The scheme is considered to potentially have the capacity to accommodate a number of additional visitor cycle spaces, in the interests of encouraging sustainability through the use of non-car modes of travel, in accordance with policies TR1 and TR14 of the Brighton & Hove Local Plan.

9. No respective phase of the development (as set out in the Phasing Plan agreed by condition 2) above the level of the basement car parking structures shall be first occupied until a Parking Strategy has been submitted to and approved in writing by the Local Planning Authority, and implemented to the satisfaction of the Local Planning Authority. The Parking Strategy shall include details of proposed designated loading/unloading areas to ensure that parking restrictions and vehicular movements are clearly conveyed to residents and visitors of the site. The Strategy should explore measures to avoid conflict with pedestrians, including the provision of yellow lines, signage and bollards and identify them on a plan. Loading/unloading shall thereafter not occur outside the designated areas.

Reason: To ensure parking does not occur haphazardly across the site and to ensure the sustainability of the scheme is not undermined, and in the interests of highway safety, to comply with policies TR1, TR4, TR7, TR8 and TR19 of the Brighton & Hove Local Plan.

10. No car parking (other than loading/unloading and dropping off/setting down) shall occur within the application site except within the designated parking spaces hereby approved as indicated on the submitted plans.

Reason: To prevent pedestrian and vehicular conflict, to comply with policies TR1, TR7 and TR8 of the Brighton & Hove Local Plan.

11. The underground car parks hereby permitted shall not be first brought into use until details of road markings, signalling systems, signage, secure access, cycle channels and other mechanisms to control vehicular and cyclist

movements at the base of the entrance ramp, along the ramp and into the respective entrances to the car parks have been submitted to and approved in writing by the Local Planning Authority and implemented and thereafter retained.

Reason: In the interests of highway safety, to comply with policy TR7 of the Brighton & Hove Local Plan.

12. Within 6 months of the date of this permission, details of a Waste Storage and Collection Strategy for the residential and retail/commercial units of Phase 1 (as set out in the Phasing Plan agreed by condition 2) shall be submitted to the Local Planning Authority for approval. The Strategy shall include details of the following: access arrangements, including measures to ensure communal refuse is placed at agreed collection points that can be accessed by council vehicles; types and sizes of containers and frequency of collection. Prior to the commencement of the other Phases of the development (as set out in the Phasing Plan agreed by condition 2) details of a Waste Storage and Collection Strategy for the residential and retail/commercial units shall be submitted to and agreed in writing by the Local Planning Authority. The agreed Waste Storage and Collection Strategy for each respective phase of the development (as set out in the Phasing Plan agreed by condition 2) shall thereafter be implemented unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that satisfactory measures for refuse and recycling storage and collection are in place that are compatible with the council's waste service, to comply with policy SU2 of the Brighton & Hove Local Plan.

13. All the communal refuse areas serving residents shall provide recycling provision and separated storage for a minimum of two separated waste streams. Sufficient space should also be provided within the development to enable the incorporation of communal composting facilities for use by residents and others, such as landscape contractors.

Reason: To ensure provision of satisfactory facilities for the storage of refuse and recycling to comply with policy SU2 of the Brighton & Hove Local Plan.

14. No buildings of each respective phase of the development (and as set out in the Phasing Plan agreed by condition 2) shall be first occupied until the refuse and recycling storage facilities indicated on the approved plans serving each building have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.

Reason: To ensure provision of satisfactory facilities for the storage of refuse and recycling to comply with policy SU2 of the Brighton & Hove Local Plan.

15. The premises for Use Class A (A1, A2, A3, A4 and A5) hereby permitted shall not be open or in use except between the hours of 07.00 and 23.30 hours Mondays to Fridays, and between 07.30 and 23.30 hours on Saturdays and between 08.00 hours and 23.00 hours on Sundays or Bank Holidays.

Reason: To safeguard the amenities of the locality and the amenities of occupiers of nearby residential properties and to prevent crime, to comply with policy QD27 of the Brighton & Hove Local Plan.

16. Not used.

17. The community uses in block J, Block F1, crèche in Block A (excluding outside play), visitor centre, educational premises and public viewing gallery in block K and 'Class D1' facility on the first floor in Block F1 shall not be open to the public except between the hours of 07.00 and 21.00 hours Mondays to Fridays, and between 07.30 and 21.00 hours on Saturdays and between 08.00 hours and 19.00 hours on Sundays or Bank Holidays, unless otherwise agreed in writing with the Local Planning Authority.

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

18. The outside children's play area directly associated with the crèche in Block A and multi-use court located between Blocks A and B as both indicated on drawing no. 353/P/201 Rev P4 shall be used only between the hours of 08.00 and 19.00 hours Monday to Saturdays and 09.00 and 18.00 hours on Sundays and Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

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

19. Block A shall not be first occupied until details of the proposed multi-use court/play area located between blocks A and B, including details of surfacing, layout and boundary treatment, have been submitted to and approved in writing by the Local Planning Authority. The court shall be implemented in accordance with the agreed details and made available for use before first occupation of Block A unless otherwise agreed in writing by the Local Planning Authority. The facility shall thereafter be retained for such use at all times.

Reason: To ensure the demand created by the development for outdoor recreation space is satisfactorily met, to comply with policy HO6 of the Brighton & Hove Local Plan.

20. Blocks A, J and K shall not be first occupied until details of the boules pitch and bowling green located between Block F1 and Block A, including their proposed surfacing and layout, have been submitted to and approved in writing by the Local Planning Authority and the facilities implemented in accordance with the agreed details. The facilities shall thereafter be retained for such use at all times.

Reason: To ensure the demand created by the development for outdoor recreation space is satisfactorily met, to comply with policy HO6 of the Brighton & Hove Local Plan.

21. The residential properties within Block J shall not be first occupied until the community room and youth space located within the block have been completed and ready for occupation.

Reason: To ensure the demand created by the development for community spaces is satisfactorily met, to comply with policy HO21 of the Brighton & Hove Local Plan.

22. The residential properties within Block F1 shall not be first occupied until the Class D1 (doctor/dentist surgery) use located within the block has been completed and is ready for occupation.

Reason: To ensure the demand created by the development for community/health facilities is satisfactorily met, to comply with policies HO21 and QD28 of the Brighton & Hove Local Plan.

23. Not used.

24. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 or amendments thereto, the Community Hall and Youth Space in Block J and educational facility and visitor gallery in Block K and crèche in Block A, and as shown on plan ref. no. 353/P/201 Rev P4 and 353/P/559 Rev P3, shall not respectively be used for any other uses within Use Class D1.

Reason: The Local Planning Authority would wish to control future changes of use in the interests of safeguarding the amenities of occupiers of nearby residential properties and the amenities of the locality and to ensure the demand created by the development for community uses is met, to comply with policies QD27 and HO21 of the Brighton & Hove Local Plan.

25. Not used.

26. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 or amendments thereto, the 'Class D1' use in Block F1 shall be used as a D1(a) use Medical or Health facility (excluding animal treatment) only and for no other use within Use Class D1.

Reason: The Local Planning Authority would wish to control future changes of use in the interests of safeguarding the amenities of occupiers of nearby residential properties and the amenities of the locality and to ensure the demand created by the development for health facilities is met, to comply with policies QD27, HO21 and QD28 of the Brighton & Hove Local Plan.

27. Not used.

28. Not used.

29. Loading or unloading of vehicles in connection with the non-residential uses hereby approved (excluding the RNLI use) shall only take place between the hours of 07.00 and 19.00 hours Monday to Fridays, 07.30 and 19.00 hours on Saturdays and not at anytime on Sundays or Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

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

30. Occupation of the Class A floorspace within the development hereby permitted for uses within use Class A4 shall not exceed a net internal public floorspace of more than 150 square metres per individual unit.

Reason: To safeguard the amenities of occupiers of nearby residential properties and in the interests of crime prevention, to comply with policies SR12 and QD27 of the Brighton & Hove Local Plan.

31. Occupation of the Class A floorspace within the development hereby permitted for uses within use Class A4 shall not in total comprise more than 50% of the shopping frontage or floor area of the total Class A floorspace hereby permitted. Buildings F1 and F2 are taken as one combined stretch of frontage.

Reason: To safeguard the amenities of occupiers of nearby residential properties and to avoid concentrations of A4 uses in the interests of crime prevention, to comply with the aims of policies SR12 and QD27 of the Brighton & Hove Local Plan.

32. Within any units used for purposes within Use Class A3 and exceeding 150 square metres in net internal public floor area, alcohol shall only be sold or supplied to persons who are taking meals on the premises and who are seated at tables.

Reason: To safeguard the amenities of the locality and the amenities of occupiers of nearby residential properties and in the interests of crime prevention, to comply with policies SR12 and QD27 of the Brighton & Hove Local Plan.

33. The development hereby permitted shall incorporate measures to ensure the development meets 'Secured by Design' standards and includes crime prevention measures indicated in the letter dated 11th February 2013 from Sussex Police and measures to control the access to the car park from both vehicles and pedestrians. Evidence shall be submitted to demonstrate the development meets Secured By Design standards such as a Developers Award Certificate. The agreed measures shall be implemented within each respective phase of the development (as agreed as part of the Phasing Plan by condition 2) before that phase is first brought into use/occupied. Details of any CCTV cameras that are not mounted on buildings shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of crime prevention and visual amenity, to comply with policies QD7 and QD1 of the Brighton & Hove Local Plan.

34. A scheme indicating measures taken to insulate the units from the transmission of noise (such measures shall include the sound insulation of all units within the development, whether residential or non-residential, from noise transmitted between them) shall be submitted to and approved in writing by the Local Planning Authority and implemented to the satisfaction of the Local Planning Authority before first occupation of any buildings constructed above

the level of the basement car parking structures within each respective phase of the Phasing Plan (as agreed by condition 2).

Reason: To safeguard the amenity of occupiers of the development from noise arising within and/or from the scheme, to comply with policies QD27 and SU10 of the Brighton & Hove Local Plan.

35. No plant or machinery associated with the development (not including during construction) shall be first brought into use until a scheme to insulate the plant/machinery against the transmission of sound/or vibration has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented to the satisfaction of the Local Planning Authority before any buildings within which the plant/machinery are proposed are first occupied. The mechanical plant associated with the development shall not give rise to an increase in noise levels above -5dB LAeq in respect of the background levels expressed as LA90 measured 1m from the facade of the nearest residential premises. Measurement periods and conditions are to be agreed with the Local Planning Authority.

Reason: To safeguard the amenity of occupiers of the development from noise arising within or from the scheme, to comply with policy QD27 and SU10 of the Brighton & Hove Local Plan.

36. A scheme for the fitting of odour control equipment to the non-residential buildings shall be submitted to and approved in writing by the Local Planning Authority where commercial kitchen facilities, or similar, are proposed. The agreed odour control works shall be implemented to the satisfaction of the Local Planning Authority before the premises it relates to is brought into use.

Reason: To safeguard the amenity of occupiers of the development from odours arising within or from the scheme, to comply with policy QD27 and SU9 of the Brighton & Hove Local Plan.

37. A scheme for the sound insulation of the odour control equipment referred to in the condition above (no.33) shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented to the satisfaction of the Local Planning Authority before the premises it relates to are brought into use.

Reason: To safeguard the amenity of occupiers of the development from noise arising within or from the scheme, to comply with policies QD27 and SU10 of the Brighton & Hove Local Plan.

38. Details of any changes to the proposed gas CHP with regard to future fuel use shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented.

Reason: To ensure the continuing protection of the environment and human health, to comply with policies SU9 and QD27 of the Brighton & Hove Local Plan.

39. Amplified music or other entertainment noise within any of the non-residential units shall have its volume controlled by the installation of a tamper-

proof noise limiting device of a type to be agreed with the Local Planning Authority and its level shall be set at a volume to be agreed with the Local Planning Authority before it is first brought into use.

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

40. The materials, construction methodology and maintenance of the basement parking structures in Phase 1 and Phase A (as set out in the Phasing Plan agreed in condition 2) shall be implemented in accordance with the details submitted under application BH2013/04111, unless otherwise agreed in writing by the Local Planning Authority. No development of the other Phases (as set out in the Phasing Plan agreed in condition 2) shall take place until details of the materials, construction methodology and maintenance of the basement parking structures hereby permitted have been submitted to and agreed in writing by the Local Planning Authority. The agreed details and measures shall be implemented.

Reason: To ensure that the development is of high quality and adequately maintained, in the interests of coastal management, safety, ecology and visual amenity, to comply with policies SU7, QD27, QD17 and QD1 of the Brighton & Hove Local Plan.

41. Within 6 months of the date of this permission, details of the proposed materials to be used within the exterior of all buildings and structures within Phase 1 and Phase A (as set out in the Phasing Plan agreed by condition 2) shall be submitted to the Local Planning Authority for approval. No other Phases of the development (as set out in the Phasing Plan agreed by condition 2) above the level of the basement car parking structures including the proposed bridges, shall commence until details of the proposed materials to be used within the exterior of all buildings and structures within each respective phase, have been submitted to and approved in writing by the Local Planning Authority. These details for all Phases shall include large scale drawings and/or constructional details and samples if required, of the balustrading, roof parapet and eaves design, balcony design, surface cladding systems, windows, entrances, roof plant, wind screens, shop fronts and bridges. The development shall be carried out in accordance with the approved details.

Reason: To ensure a very high quality development, to comply with policies QD1, QD4, HE3 and HE6 of the Brighton & Hove Local Plan.

42. Within 6 months of the date of this decision, details of external lighting, external signage, details and samples of the proposed materials to be used for the hard landscaping, highways, street furniture and amenity and outdoor recreation areas for Phase 1 and Phase A (as set out in the Phasing Plan agreed by condition 2) shall be submitted to the Local Planning Authority for approval. No other Phases of the development (as set out in the Phasing Plan agreed by condition 2) above the level of the basement car parking structures, shall commence until details of external lighting, external signage, details and samples of the proposed materials to be used for the hard landscaping,

highways, street furniture and amenity and outdoor recreation areas within each respective phase, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and completed prior to the first occupation of each respective Phase. The details for all Phases will include the following:

- (i) paving and building materials, including details of colour and texture;
- (ii) boundary walls, gates, seating, fencing, refuse stores, steps, hand rails, raised planters, seating, pergolas and screens;
- (iii) street paving plans, to include size, direction and pattern of paving;
- (iv) siting and design of all external dishes, antennae, flues and utilities cabinets;
- (v) external lighting - this shall include the proposed number, type, siting, spacing and levels of luminance and details of street lighting;
- (vi) external signage details;
- (vii) details showing how the materials are sustainable; and
- (viii) Details of ventilation structures and car park intake grilles.

Reason: To ensure the Local Planning Authority has sufficient detail to ensure that

the resulting appearance of the development is of a high quality, is sustainable and to mitigate against the potential for light pollution within the development to safeguard the amenities of the locality and residents, and for ecological reasons, and to comply with policies QD1, QD4, QD15, QD17, QD25, QD27, SU2, HE3 and HE6 of the Brighton & Hove Local Plan.

43. The Management Plan for the long term maintenance and replacement of materials within Phase 1 and Phase A of the development (as set out in the Phasing Plan agreed by condition 2) shall be implemented in accordance with the details submitted and approved in application BH2013/04269, unless otherwise agreed in writing by the Local Planning Authority. No other Phases of the development (as set out in the Phasing Plan agreed by condition 2) shall commence until details have been submitted to and agreed in writing by the Local Planning Authority relating to a Management Plan for the long term maintenance and replacement of materials within the development, including basement car parking areas, platform decks, hard landscaping and both bridges hereby approved. The maintenance of the development shall thereafter be implemented in accordance with the details of the respective approved Management Plans.

Reason: To ensure the development retains the quality of its appearance in this exposed location, to comply with policies QD1, QD4, QD15, HE3 and HE6 of the Brighton & Hove Local Plan.

44. Not used.

45. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any amendments thereto, no satellite

dishes or aerals other than those shown on the submitted plans shall be installed unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the development to comply with policy QD1 of the Brighton & Hove Local Plan.

46. No buildings above the level of the basement car parking structures shall be first occupied until details of a Design Strategy for pedestrian, cycling and general

informative signage throughout the site have been submitted to and approved in

writing by the Local Planning Authority, and have been implemented in accordance with each respective phase of the development (as set out in the Phasing Plan agreed by condition 2). Any signage proposed within the site shall be in accordance with the broad principles contained in the agreed Strategy.

Reason: To ensure that the resulting appearance of the development will be acceptable and to ensure a cohesive appearance to the development, to comply with policy QD1 of the Brighton & Hove Local Plan.

47. Not used.

48. Within 6 months of the date of this permission, a scheme for soft landscaping and planting in Phase 1 and Phase A of the development (as set out in the Phasing Plan agreed by condition 2) shall be submitted to the Local Planning Authority for approval. No other Phases of the development (as set out in the Phasing Plan agreed by condition 2) above the level of the basement car parking structures shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for soft landscaping and planting in the development. All planting, seeding or turfing agreed as part of the approved landscaping schemes for all the Phases shall be carried out in the first planting and seeding seasons following occupation of the buildings in each respective Phase. Any plants or trees that die or become seriously damaged between planting and up to 5 years after completion of the development, shall be replaced with others of a similar size and species unless otherwise agreed in writing with the Local Planning Authority. The landscaping schemes for all Phases shall include plants to enhance biodiversity.

Reason: To enhance the appearance of the development, to comply with policies

QD15, QD16 and QD17 of the Brighton & Hove Local Plan.

49. The development shall incorporate the measures within the Nature Conservation Plan (titled Mitigation/Enhancement Scheme and Ecology Management Plan July 2008 by EPAL) received on 9th July 2008 and agreed on 15th July 2008, including measures to enhance the bio-diversity of the site and prevent damage to existing habitats during construction and include provision of

shingle roofs (see condition 44 below), introduction of appropriate planting in the amenity areas with interpretation boards, installation of interpretation boards on the Black Rock bridge and the installation of 35 nesting boxes within

the site and 1 peregrine nesting box. The agreed measures shall be implemented on a pro-rata basis where relevant, based on each respective phase of the development (as agreed by condition 2), and shall be maintained in perpetuity.

Reason: To enhance and integrate nature conservation features within the site, in accordance with policy QD17 of the Brighton & Hove Local Plan.

50. Within 6 months of the date of this permission, construction and maintenance details of the proposed shingle roofs and vegetated planters proposed within Phase 1 of the development (as set out in the Phasing Plan agreed by condition 2) shall be submitted to the Local Planning Authority for approval. No other Phases of the development (as set out in the Phasing Plan agreed by condition 2) above the level of the basement car parking structures shall take place until construction and maintenance details of the proposed shingle roofs and vegetated planters in each respective Phase have been submitted to and approved in writing by the Local Planning Authority. The aim of the shingle roofs for all Phases shall be to recreate coastal vegetated shingle habitat and shall incorporate appropriate native vegetated shingle communities. At least 75% (by area) of the planters for all Phases shall be planted with native vegetated shingle communities, and the species to be used and cultivation details for the roofs and planters shall be agreed prior to commencement of buildings in the respective Phases of the development. The agreed schemes shall be implemented to the satisfaction of the Local Planning Authority by the first planting season following first occupation of the building upon which they are located (shingle roofs) and prior to completion of the Phase within which they are located (planters).

Reason: To enhance and integrate nature conservation features within the site, in accordance with policy QD17 of the Brighton & Hove Local Plan.

51. The secure fencing around all vegetated areas within the Black Rock Beach SNCI as detailed in the DP9 letter and enclosures received on 9th July 2008 shall be implemented during construction. No storage of plant or equipment shall be permitted at any time within any area within the SNCI during construction, and no other use shall take place within the SNCI area other than carrying out the construction of the Black Rock Bridge and the Black Rock enhancement works.

Reason: To ensure damage to the vegetated shingle is prevented, in accordance with policies NC4 and QD17 of the Brighton & Hove Local Plan.

52. The Black Rock Bridge shall not be constructed during the period 1st March - 31st July.

Reason: To avoid disturbing nesting birds in the SNCI to comply with policies NC4, QD17 and QD18 of the Brighton & Hove Local Plan.

53. All the new dwellings hereby approved shall be constructed to Lifetime Homes standards as referred to in Policy HO13 of the Brighton & Hove Local Plan to the satisfaction of the Local Planning Authority.

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.

54. A minimum of 50 of the residential units within the overall scheme shall be built to a wheelchair accessible standard. Included within the 50, 10% of the affordable housing units (equating to 35 units) shall be built to wheelchair accessible standard. Details, including plans, of how the units have been built to a wheelchair accessible standard on a pro-rata basis within each phase of the development (as set out in the Phasing Plan agreed by condition 2) shall be submitted to and approved in writing by the Local Planning Authority before 50% of the total units within a particular phase have been first occupied.

Reason: To ensure satisfactory provision of homes for people with disabilities to comply with policy HO13 of the Brighton & Hove Local Plan which seeks a 5% provision of wheelchair accessible units in schemes overall, including a 10% provision within the affordable element.

55. All the non-residential uses and car park lift lobbies hereby permitted shall incorporate measures to ensure they are fully accessible to the disabled, including the provision of flush entrance thresholds and sufficient clear space at the leading edge of lobby doors, details of which shall be submitted to and approved in writing by the Local Planning Authority. The agreed measures shall be implemented before first occupation/use of the respective phase of the development (as set out in the Phasing Plan agreed by condition 2).

Reason: To satisfactory access for people with disabilities, to comply with policies HO19 and QD10 of the Brighton & Hove Local Plan.

56. Prior to the first occupation of buildings A, B, C, and D (as shown on drawing no. 353/P/238 Rev P3) a scheme for the provision of screening landscaping and/or a trellis structure to be installed over (and/or adjacent to) the access road into the residents' car park over the Spending Beach that runs along the northern boundary of the site and details of the proposed planting area between the residents access road and the northern boundary of the site shall be submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented to the satisfaction of the Local Planning Authority by the first planting season following completion of the last of the aforementioned buildings (as set out in the Phasing Plan agreed by condition 2). Any plants or trees that die or become seriously damaged between planting and up to 5 years after completion of the development, shall be replaced with others of a similar size and species unless otherwise agreed in writing with the Local Planning Authority.

Reason: To improve the outlook and living conditions enjoyed by residential properties immediately adjacent to the access road, to comply with policies QD15 and QD27 of the Brighton & Hove Local Plan.

57. No buildings above the level of the basement car parking structures shall be first occupied until details of the wind mitigation measures referred to in Section 10 of the Environmental Statement and identified on the plans contained in this Section, have been submitted to and approved in writing by the Local Planning Authority. The wind mitigation measures shall be provided in accordance with the approved details prior to the first occupation of, or public access is first provided to, the relevant phase of the development (as set out in the Phasing Plan agreed by condition 2).

Reason: To ensure a satisfactory micro-climate for users of the development, to comply with policy QD27 of the Brighton & Hove Local Plan and SPGBH15: Tall Buildings.

58. The programme of archaeological work within Phase 1 and Phase A of the development (as set out in the Phasing Plan agreed by condition 2) approved under application BH2013/03568 shall be implemented accordingly. No other Phases of the development (as set out in the Phasing Plan agreed by condition 2) shall commence 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.

59. The respective Phases of the development (as set out in the Phasing Plan agreed by condition 2) shall not be brought into use until the archaeological site investigation and post investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 58 to the satisfaction of 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.

60. No development of each relevant phase of the development (as set out in the Phasing Plan agreed by condition 2) shall take place until details of a scheme of: (a) steel submarine netting or other suitable material to be installed between the protective piles of the development; and (b) linked mesh or other suitable material to be installed around the outer piles of the development has been submitted to and approved in writing by the Local Planning Authority for that relevant phase and the approved scheme shall be implemented in full before the completion of each respective basement car park structure. The scheme shall identify temporary openings within the nets.

Reason: In order to enhance the protection provided against vessels that could potentially collide with the proposed development, in the interests of safety, to comply with policy QD27 of the Brighton & Hove Local Plan.

61. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water from parking areas and hardstandings susceptible to oil contamination shall be passed through an oil separator designed and constructed to have a capacity compatible with the site being drained. Roof water shall not pass through the interceptor. Ongoing maintenance of the interceptor shall be provided in accordance with the manufacturer's instructions.

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

62. Details of the proposed means of foul sewerage and surface water disposal relating to Phase 1 and Phase A of the development (as set out in the Phasing Plan agreed by condition 2) as approved in application BH2013/03669 shall be implemented accordingly. No other Phase of the development (as set out in the Phasing Plan agreed by condition 2) shall commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water. The approved details shall be implemented.

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

63. The scheme of drainage controls and protective systems to prevent contamination (including saline pollution) and extensive vertical migration of groundwater relating to Phase 1 and Phase A of the development (as set out in the Phasing Plan agreed by condition 2) as approved in application BH2013/03669 shall be implemented accordingly. No other Phase of the development (as set out in the Phasing Plan agreed by condition 2) shall commence until a scheme of drainage controls and protective systems to prevent contamination (include saline pollution) and extensive vertical migration of groundwater has been submitted to and agreed in writing with the Local Planning Authority. The development shall be carried out in accordance with the approved measures.

Reason: To mitigate against the potential impact on groundwater in accordance with the policy SU3 of the Brighton & Hove Local Plan.

64. Within 6 months of the date of this permission a feasibility study which identifies the most appropriate form of renewable energy generation for Phase 1 and Phase A of the development (as set out in the Phasing Plan agreed by condition 2) shall be submitted to the Local Planning Authority for approval. No other Phases (as set out in the Phasing Plan agreed by condition 2) above the level of the basement car parking structures, shall commence until a feasibility study which identifies the most appropriate form of renewable energy generation for the development has been submitted to and approved in writing by the Local Planning Authority. For all Phases, Photovoltaic panels shall be used to power the street and car park lighting as a minimum. Should renewable energy additional to the photovoltaics prove to be feasible and reasonable in all other respects, it shall be implemented within the development in accordance

with the agreed details. The use of water source heat pump technology should be explored and included within the feasibility studies.

Reason: To ensure a sustainable development, to comply with policy SU2 of the Brighton & Hove Local Plan.

65. The sustainability measures contained in chapter 13 of the Environmental Statement shall be implemented within the development. The development shall achieve a Code for Sustainable Homes Level 3 rating as a minimum, with a minimum overall percentage rating of 60% score for residential buildings; and the wheelchair accessible units within each respective phase of the scheme shall achieve a Code for Sustainable Homes Level 4 as a minimum (equating to approximately 10% of units). The non-residential units shall achieve a 'very good' BREEAM rating with a minimum 50% rating in energy and water sections of relevant BREEAM assessment. Insulation used for all units shall be 15% better than Part L of current Building Regulations.

(a) Within 6 months of the date of this permission, evidence of how these standards will be met and sustainability measures incorporated within Phase 1 and Phase A of the development (as set out in the Phasing Plan agreed by condition 2) shall be submitted to the Local Planning Authority for approval. No other Phase of the development (as set out in the Phasing Plan agreed by condition 2) above the level of the basement car parking structures, shall commence until evidence of how these standards will be met and sustainability measures incorporated within each respective Phase has been submitted to and approved in writing by the Local Planning Authority. The measures for all Phases shall be implemented in strict accordance with the approved details.

(b) Within 6 months of the date of this permission, evidence shall be submitted to the Local Planning Authority for approval that the residential units within Phase 1 of the development (as set out in the Phasing Plan agreed by condition 2) are registered with an accreditation body or Building Research Establishment (BRE) under the Code for Sustainable Homes and a Design Stage/Interim Certificate for each unit shall be submitted demonstrating that a minimum of Level 3 and an overall score of at least 60% has been achieved in all units; a Design Stage/Interim Certificate for each wheelchair accessible unit within Phase 1 shall achieve a Code for Sustainable Homes Level 4 as a minimum. No other Phase of the development (as set out in the Phasing Plan agreed by condition 2) above the level of the basement car

parking structures, shall commence until evidence is submitted to and approved in writing by the Local Planning Authority that: the residential units are registered with an accreditation body or Building Research Establishment (BRE) under the Code for Sustainable Homes and a Design Stage/Interim Certificate for each unit is submitted demonstrating that a minimum of Level 3 and an overall score of at least 60% has been achieved in all units; a Design Stage/Interim Certificate for each wheelchair accessible unit within each respective phase of the scheme shall achieve a Code for Sustainable Homes Level 4 as a minimum.

(c) Within 6 months of the date of this permission, evidence shall be submitted to the Local Planning Authority for approval for Phase 1 and Phase A (as set out in the Phasing Plan agreed by condition 2) that: the non residential units

and/or development are registered with the BRE under a relevant BREEAM scheme and a Design Stage/Interim Certificate for each unit has been submitted demonstrating that a minimum of 'very good' standard', and evidence that a minimum score of 50% in the energy and water sections of BREEAM has been achieved. No other Phase of the development (as set out in the Phasing Plan agreed by condition 2) above the level of the basement car parking structures, shall commence until evidence is submitted to and approved in writing by the Local Planning Authority that: the non residential units and/or development are registered with the BRE under a relevant BREEAM scheme and a Design Stage/Interim Certificate for each unit has been submitted demonstrating that a minimum of 'very good' standard', and evidence that a minimum score of 50% in the energy and water sections of BREEAM has been achieved.

(d) None of the residential units within each respective phase (as set out in the Phasing Plan agreed by condition 2) shall be occupied until a Final/Post Construction Code for Sustainable Homes Certificate issued by a Code accreditation body confirming that each unit built has achieved a minimum of Level 3 and an overall score of at least 60% and each wheelchair accessible unit within each respective phase of the scheme has achieved a minimum of Code for Sustainable Homes Level 4 has been submitted to, and approved in writing by, the Local Planning Authority.

(e) None of the non-residential units within each respective phase (as set out in the Phasing Plan agreed by condition 2) shall be occupied until a Final/Post Construction BREEAM Review Certificate issued by the BRE confirming that each unit built has achieved a minimum standard of 'very good', and evidence that a minimum score of 50% in the energy and water sections of BREEAM 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.

66. Within 6 months of the date of this permission, a Sustainable Energy Scheme which demonstrates that Phase 1 and Phase A of the development (as set out in the Phasing Plan agreed by condition 2) will achieve a minimum of 20% carbon reduction in annual energy use from low and zero carbon technologies, shall be submitted to the Local Planning Authority for approval. No other Phase (as set out in the Phasing Plan agreed by condition 2) shall commence above the level of the basement car parking structures until a Sustainable Energy Scheme which demonstrates that the respective Phase will achieve a minimum of 20% carbon reduction in annual energy use from low and zero carbon technologies has been submitted to and agreed in writing by the Local Planning Authority. No building which would incorporate any of the measures set out in the Sustainable Energy Schemes of any phase shall be constructed until the relevant Scheme has been approved in writing by the Local Planning Authority. The approved Scheme for each phase shall thereafter be implemented in accordance with its provisions, unless otherwise agreed in writing with 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.

67. Within 6 months of the date of this permission, in relation to Phase 1 and Phase A of the development (as set out in the Phasing Plan agreed by condition 2):

a) Evidence of energy efficient design resulting in energy and carbon emission savings delivering a minimum of 5% carbon reduction improvement over compliance with current Building Regulations will be achieved, and

b) A management plan for monitoring energy performance

shall be submitted to the Local Planning Authority for approval. Following the Local Planning Authority's written approval of the management plan, evidence should be submitted once Phase 1 and Phase A is operating, within a timescale to be agreed with the Local Planning Authority, to demonstrate that the agreed energy performance targets are being achieved. The assessment of initial targets, and subsequent details submitted if targets are not met, shall be carried out by a third party such as an independent consultant, employed at the applicant's expense. Should the respective phase fall below the agreed targets, details of further measures that will be introduced to meet the target shall be submitted to and approved in writing by the Local Planning Authority and the approved details shall be implemented.

No other Phase of the development (as set out in the Phasing Plan agreed by condition 2) shall commence above the level of the basement car parking structures until

(a) Evidence of energy efficient design resulting in energy and carbon emission savings delivering a minimum of 5% carbon reduction improvement over compliance with current Building Regulations will be achieved has been submitted

to and approved in writing by the Local Planning Authority. The respective phases shall incorporate the measures required to achieve the savings agreed.

(b) A management plan for monitoring energy performance shall be submitted to the Local Planning Authority for written approval following which evidence should be submitted once the respective phase is operating within a timescale to be agreed with the Local Planning Authority to demonstrate that the agreed energy performance targets are being achieved. The assessment of initial targets, and subsequent details submitted if targets are not met, shall be carried out by a third party such as an independent consultant, employed at the applicant's expense.

Should the respective phase fall below the agreed targets, details of further measures that will be introduced to meet the target shall be submitted to and approved in writing by the Local Planning Authority and the approved details shall be implemented.

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.

68. No development of the basement car park ventilation system shall take place until details of the appearance (including structures on the West Quay promenade), noise and odour controls of the system have been submitted to and agreed in writing by the Local Planning Authority. The agreed ventilation system shall be implemented before the basement car parks are first brought into use.

Reason: In the interests of visual and general amenity, to comply with policies QD1, QD27, SU9, SU10 and SU11 of the Brighton & Hove Local Plan.

69. No development of the CHP and plant hereby approved shall take place until details of associated noise, odour and emission control and have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before the plant is first brought into use.

Reason: In the interests of amenity, to comply with policies QD27, SU9, SU10 and SU11 of the Brighton & Hove Local Plan.

70. Within 6 months of the date of this permission, details including allocated space for the proposed energy centre and district heating network (DHN) which shall serve the site-wide development in phases, and should also include electrical vehicle charging points, shall be submitted to the Local Planning Authority for approval. Submitted information should include:

a) Technical Specification of the energy centre and DHN: boilers and CHP plant specification; heat loads and energy demands; operating temperatures, distribution losses; pipe sizes; pipe-work routes; heat storage; energy centre size and location with facility for expansion to serve later phases of OHD.

b) Future proofing plans: phasing plans for extending plant and network to the Outer Harbour scheme; facility to incorporate renewable fuels in future; facility for future connection to a wider scheme; and

c) Electrical charging points.

The agreed energy centre, electrical points, connections and measures shall be implemented prior to the first occupation of the development.

Reason: To enable the future use of alternative fuels, in the interests of air quality and sustainability, to comply with policy SU2 and SU9 of the Brighton & Hove Local Plan.

71. Occupation of the Class A floorspace within the development hereby permitted for uses within use Class A5 shall not in total comprise more than 25% of the shopping frontage or floor area of the total Class A floorspace hereby permitted. Buildings F1 and F2 are taken as one combined stretch of frontage.

Reason: To safeguard the amenities of occupiers of nearby residential properties and to avoid concentrations of A5 uses, to comply with the aims of policies SR5 and QD27 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:
(Please see section 7 of the report for the full list); and

(ii) for the following reasons:-

The principle of a mixed use development with 853 residential units has been established by the previous consent BH2012/04048. The proposed amendments would not have any significant additional environmental impacts compared to the consented scheme. The proposal would represent an improvement in terms of accessibility. The proposal would help the viability of the overall scheme.

3. The applicant is advised to contact East Sussex Fire and Rescue Service (01323462130 or brightonandhove.firesafety@esfrs.org) for advice regarding the vertical shafts and bridgeheads required within the car park(s) for firefighting operations. The size, number, need for a lift and ventilation measures for smoke clearance will be based on the depth of the basement or the floor area they cover and will be based on the BS 9999 standard. ESFRS recommend the installation of sprinkler systems and can provide further information regarding this.

4. With regard to conditions 52 and 53 the applicant is advised to contact the County Archaeologist (03456080190 or gregory.chuter@eastsussex.gov.uk) who will be able to advise how the conditions can best be fulfilled and can provide a brief setting out the scope of the programme of works. It is expected that the written scheme of investigation will confirm the action to be taken and accord with the relevant portions of the East Sussex County Council document 'Recommended Standard Conditions for Archaeological Fieldwork, Recording and Post-excavation in East Sussex (Development Control) (2008) including Annex B.

5. The applicant is advised that the grant of planning permission does not override the need or otherwise to obtain a marine licence for the development under the Marine and Coastal Access Act (2009). The applicant is advised to contact the Marine Management Organisation for further details.

6. With regard to conditions 55, 56 and 57 above the applicant is advised to contact Southern Water for advice (Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH or Tel 01962 858688). SW confirm that no new soakaways should be located within 5 metres of a water mains, foul sewer and surface water sewer respectively; no development or new tree planting should be located within 3 metres either side of the centreline of the water mains; no development or new tree planting should be located within 3 metres either side of the centreline of the foul sewer and surface water sewer respectively; all existing infrastructure, including protective coatings and cathodic protection, should be protected during the course of construction works. Should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

7. The applicant is advised to consider consulting a structural engineer to assess progressive collapse in the event of a Vehicle Borne Improvised Explosive Device (VBIED) in the basement car parks.

8. A time limit condition is not imposed to commence the development hereby approved, as it forms an amendment to an already commenced scheme (BH2012/04048).

9. For the avoidance of doubt nothing in this grant of planning permission constitutes consent or approval under the Brighton Marina Act 1968, for which a separate application may need to be made to Brighton & Hove City Council in accordance with that Act.

10. The applicant is advised that details of the Code for Sustainable Homes can be found on the Planning Portal (www.planningportal.gov.uk), on the Department for Communities and Local Government website (www.communities.gov.uk) and in Supplementary Planning Document SPD08 Sustainable Building Design, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk). Accreditation bodies at March 2010 include BRE and STROMA; other bodies may become licensed in future.

11. 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). 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).

12. The applicant is advised that there is a requirement for all structures over 300 feet high to be charted on aviation maps and the applicant is advised to contact the Defence Geographic Centre on 0208 8182708 for further

information.

13. The applicant is reminded of their obligation (under the Wildlife and Countryside Act 1981) to ensure nesting birds are not disturbed by construction works.

14. The applicant is advised that this decision relates solely to planning permission. A separate licence, or variation to an existing licence may be required under the Licensing Act 2003 in respect of the non-residential units. Please contact the Council's Licensing Team for further information. The team's address is:- Environmental Health and Licensing, Brighton & Hove City Council, Bartholomew House, Bartholomew Square, Brighton BN1 1JP (Telephone: 01273 294429, Email: ehl.safety@brighton-hove.gov.uk, Website: www.brighton-hove.gov.uk/licensing).

Sarah Collins
Planning Officer.
Brighton and Hove City Council.

11th October 2014

Re Application BH2014/02883 Brighton Marina

As a ward Councillor for Rottingdean Coastal Ward I wish to object to the above planning application for the following reasons:

The legal advice and briefing given to Members on the 7th July 2006 regarding the then planning application by Brunswick for the Brighton Marina. States:

7.1 The proposed consent will not operate by way of a general waiver. It will be specific to this development any future proposals with need Council's consent.

7.2 The proposed consent is formulated by reference to the plan that received planning permission. Any departure from the plan would not be covered by the consent..

We have seen a number of variations to the planning consent already agreed, and the above application is yet another.. What we are not seeing is a new full planning application with all the changes together, which the legal advice given in 2006 makes reference to, and clearly states should happen.

There is a great deal of conflicting advise being given around the safely of the proposed changes to the entrance to the car park in the new application BH2014/02883.

. Should the decision be minded to grant this application under delegated powers?
Because of the seriousness of the concerns raised around the impact of cutting into the Tidal Flood Barrier at the West Quay and possible flooding in the Marina

.
I wish this planning application to go before the planning committee and reserve my right to speak.

Yours sincerely.

Mary Mears



Sarah Collins
Senior Planning Officer.
Brighton and Hove City Council.

19th January 2015

Re Amended Application BH2014/02883

As a ward Councillor for Rottingdean Coastal Ward I wish to object to the above amended application for the following reasons:

Access to the underwater Car Park is inadequate in my opinion. Ramps of 1 in 10 are steeper than accepted standards. There are a number of serious safety issues within these amendments, not least the proposal to cut 1.45 metres through the upper part of the tidal barrier.

The total of lifts have been halved in block F2 one lift is proposed to service 72 flats including access to the basement car park.

There is no provision for an alternative in case of a lift failure.

A secondary means of escape on Block F2 has been removed, I have serious concerns regarding health and safety should there be a fire.

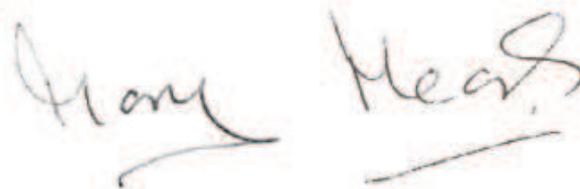
There is already a serious issue in the Marina with sewage, with the Strand having to be emptied by Tankers; the amended plans do not address the problem.

An updated Environmental impact Assessment is essential, and should also address the inadequate Pedestrian Access: Provision for refuse collection: Protection from wind between Blocks F1 and F2.

And most importantly to define whether the West Quay is or is Not a Tidal Flood Barrier.

I wish to reserve my right to speak at committee on this amended planning application.

Yours sincerely,



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