

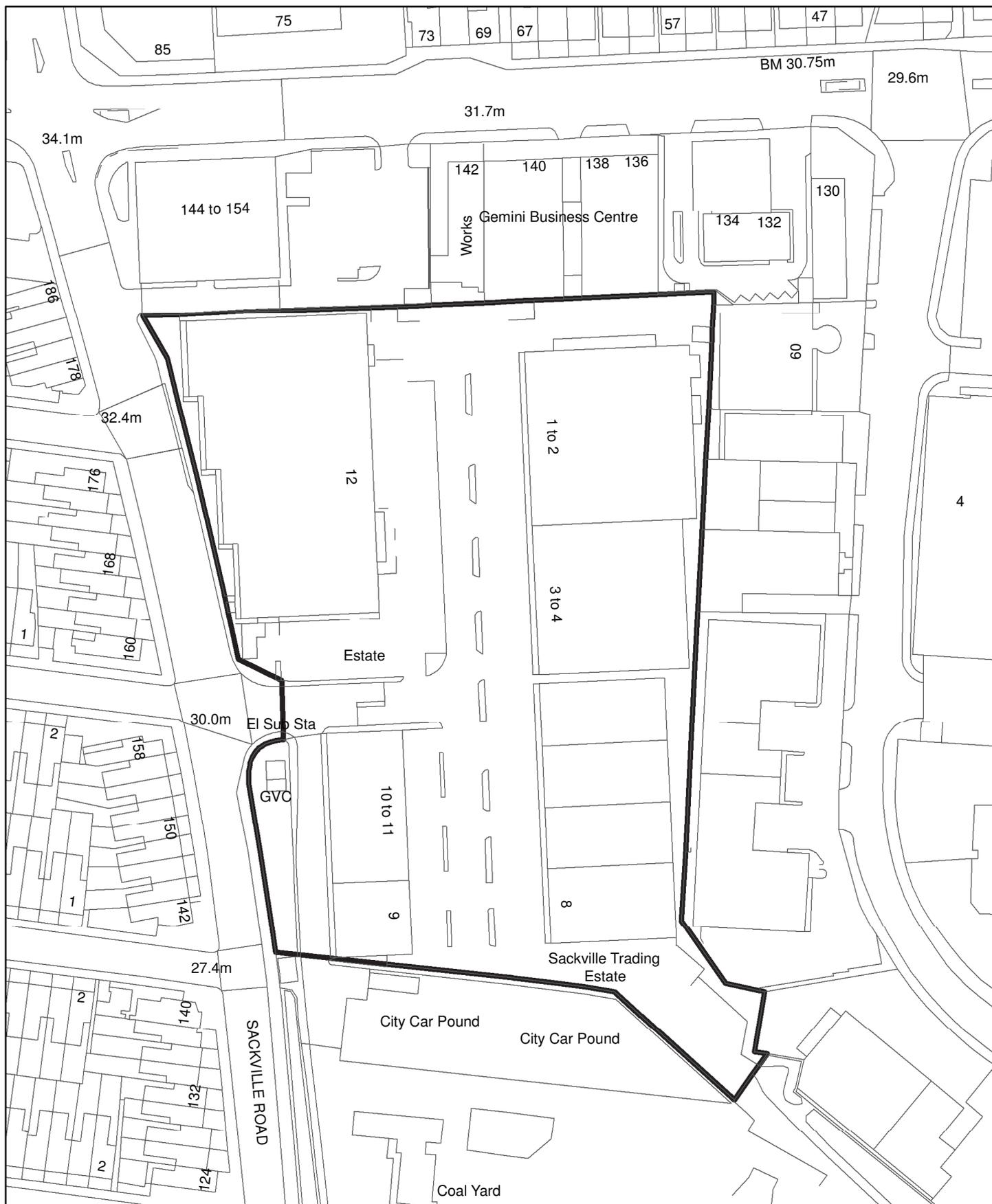
**PLANS LIST
ITEM A**

**Sackville Trading Estate Sackville Road,
Hove**

**BH2012/03734
Extension to time limit full planning**

30 JANUARY 2013

BH2012/03734 Sackville Trading Estate, Sackville Road, Hove.



Scale: 1:1,250

<u>No:</u>	BH2012/03734	<u>Ward:</u>	HOVE PARK
<u>App Type:</u>	Extension to Time Limit Full Planning		
<u>Address:</u>	Sackville Trading Estate, Sackville Road, Hove		
<u>Proposal:</u>	Application to extend time limit for implementation of previous approval BH2009/00761 for Demolition of existing buildings with construction of new comprehensive development providing a mix of uses focusing around a new public square, including: an A1 food store, A1 non-food retailing, associated A2-A5 retailing, residential apartments, offices, underground car parking, associated infrastructure works including improved access, servicing and public realm improvements.		
<u>Officer:</u>	Adrian Smith, Tel: 290478	<u>Valid Date:</u>	23/11/2012
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	22 /02/2013
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Oxalis Planning, 9 Langley House, Wheatcroft Business Park, Landmere Lane, Edwalton, Nottingham		
<u>Applicant:</u>	Coal Pension Properties Ltd, c/o Oxalis Planning		

1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 11 of this report and resolves it is **MINDED TO GRANT** planning permission subject to a deed of variation to the current Section 106 Obligation to secure the planning obligations previously agreed under application BH2009/00761 and to the Conditions and Informatives set out in section 11.

2 SITE LOCATION & DESCRIPTION

- 2.1 The application relates to Sackville Trading Estate, which is located on the east side of Sackville Road, approximately 50 metres south of the junction with Old Shoreham Road. The site currently contains a number of small scale buildings, which comprise of a mix of employment, trade counter and retail uses.
- 2.2 The surrounding area is formed of a mix of industrial, commercial and retail uses to the north, east and south, with residential terraces opposite the site to the west.

3 RELEVANT HISTORY

BH2009/00761: Demolition of existing buildings with construction of new comprehensive development providing a mix of uses focusing around a new public square, including: an A1 food store, A1 non-food retailing, associated A2-A5 retailing, residential apartments, offices, underground car parking, associated infrastructure works including improved access, servicing and public realm improvements. Approved 02/03/2010.

4 THE APPLICATION

- 4.1 Planning permission is sought for the extension of time limit of planning permission reference BH2009/00761.
- 4.2 The approved scheme is for the redevelopment of Sackville Trading Estate to provide a mix of uses, including an A1 food store, A1 non-food retailing, associated A2-A5 retailing, 92 residential apartments, B1 offices and underground car parking.
- 4.3 The permission includes:
- the demolition of the existing structures;
 - a new public square at the centre of the scheme, incorporating hard and soft landscaping and a focal café building;
 - a food store (4065 sq metres including mezzanine);
 - large format retail units (A1 non-food) (4668 square metres with potential for approximately 3174 square metres of mezzanine space);
 - other retail units A1 – A5 (approximately 1224 square metres);
 - a range of flexible B1 office accommodation (approximately 5287 square metres);
 - 92 residential apartments including 40% of units as affordable housing (37 no);
 - landscaped roof gardens providing a range of semi-private garden space for the apartments;
 - new vehicular access from Sackville Road;
 - underground car parking serving the scheme with 562 car parking spaces, secure cycle parking for 220 bikes and taxi waiting area;
 - servicing to the rear of the site (accessed from Sackville Road);
 - incorporation of green and brown roofs;
 - a package of measures to help facilitate greater levels of walking, cycling and use of public transport.

5 PUBLICITY & CONSULTATIONS

External:

- 5.1 **Neighbours: Two (2)** letters of representation have been received from **16 Poynter Road and 170 Sackville Road**, objecting to the application for the following reasons:
- The parking evaluation did not look at the closest cluster of residential roads opposite the development. It is not always possible to park in these roads and this will be worsened by the development if the new residents are provided with permits whilst not being provided with adequate parking facilities within the site.
 - Overshadowing and loss of light from the height of the proposed development
 - Overlooking throughout the day
 - Increased traffic volumes, noise and pollution from traffic on Sackville Road
- 5.2 **EDF Energy: No comment**
Previous comment: No objection

- 5.3 **Environment Agency:** No objection
- 5.4 **Fire Authority:** No comment
Previous comment: No objection, the Fire Strategy Plan is considered satisfactory.
- 5.5 **Southern Gas Networks:** No comment
Previous comment: There are Low/Medium/Intermediate Pressure gas mains in proximity of the site. Southern Gas Networks advise that there should not be any mechanical excavations taking place above or within 0.5m of the Low pressure and Medium pressure system and 3 metres of the intermediate pressure system. The position of mains should be confirmed by using hand dug trial holes.
- 5.6 **Southern Water:** No objections
- 5.7 **Sussex Police:** No objection
- Internal:**
- 5.8 **Access Officer:** No objection
- 5.9 **Arboriculturalist:** No objection
- 5.10 **Ecologist:** No objection
- 5.11 **Economic Development:** No objection
- 5.12 **Education:** A contribution of £130,174 is sought.
- 5.13 **Environmental Health:** No objection
No objection subject to conditions as previously secured.
- 5.14 **Air Quality:** No objection subject to developer contribution
A detailed assessment for air quality was carried out in 2009 - the assessment predicted that air quality levels would be compliant with all standards on and off site in the year of occupation (estimated at 2013). The planning decision was based on this appraisal.
- 5.15 It is agreed that there is not an issue for air quality compliance in most of Hove, at background localities and at any part of the development site. Our concern is for the development impact on airborne pollution at and adjacent to the Sackville Road-Old Shoreham Road Junction.
- 5.16 After planning permission was granted, subsequent monitoring has taken place for the calendar years 2010, 2011 and (where data is captured) for 2012. the monitoring shows that the developer's previous predictions for air quality at the Sackville Road and Old Shoreham Road junction were under estimated by a wide margin. In other words improvements in vehicle emissions and air quality have not occurred in practice as they were predicted to happen by the developer's consultant four years ago. The consultant's argue that the pollution

concentrations monitoring in 2010 & 2011 are anomalously high regionally and this is not likely to be repeated in future years. That said provisional results at the junction in recent months point to a continued exceedence of NO₂.

- 5.17 The development will increase traffic by as much as 6% on existing flows. The assessment suggests the development will increase ambient roadside NO₂ by approximately 2% at a location that failed the legally binding NO₂ standard as recently as 2011. This is good reason to keep the junction in the Air Quality Management Area when the boundaries are re-drawn in 2013.
- 5.18 The addendum is essentially an assessment of significance i.e. is the 2% NO₂ increase acceptable given the lack of ambient improvement since 2008 and recent failure to comply with NO₂ standards at the junction. The addendum submitted quotes 2006 NSCA significance guidance. Since that time Sussex Air Quality Partnership (SAQP) has drafted a more stringent test of significance. Given the recent monitoring results a more precautionary interpretation of adverse effects is required in order to comply with city policies.
- 5.19 City policies SU9, DA6, low emission strategy and the 2013 air quality action plan will not tolerate 2% increase in roadside-façade NO₂ where legally binding standards fail year on year. Consequently a developer contribution is recommended to fund Council-led monitoring and dispersion modelling to support the 2013 Air Quality Action Plan.
- 5.20 **Housing Strategy:** No comment.
- 5.21 **Open Space:** A contribution of £79,509.66 is sought.
- 5.22 **Public Realm Improvements/Percent for Art:** No objection.
- 5.23 **Planning Policy:** Support. The principle of retail and other uses on this out of centre site was established in the extant permission for this site BH2009/00761; this new application seeks to extend the time limit for implementation. The applicants have provided updates where appropriate to the original Planning and Retail Statement and a review of Employment and Office Space, in light of the National Planning Policy Framework and emerging council studies such as the Retail Study Update 2011.
- 5.24 **Proposed Retail:** The Retail Study Update 2011 identifies the current extant application as a commitment of planned investment and identifies the floorspace detailed in the application in its calculations of available expenditure and capacity up until 2030. The NPPF requires that an impact assessment is undertaken for a scheme of this size and that the applicant looks at other sequentially preferable sites within the site's catchment area. The applicants have looked at sequentially preferable sites and have updated the search to include new sites within the developments catchment area – particularly within Adur District. It is concluded that there are no suitable sites available within the site's catchment area which are considered acceptable.

- 5.25 The applicant has also undertaken a retail impact assessment in line with the requirements of the NPPF. The design year has been amended for the proposal showing that it is likely that the development will be open and settled to a normal level of trading by 2017 (previously 2014). The applicant has provided up to date estimates of turnover and draw from the development's catchment area. These up to date figures indicate that in terms of comparison goods most impact will be out of the authority's boundary in Adur District (Holmbush Centre 29.5%). In terms of convenience goods, impact is calculated to be highest in Adur District (Shoreham Town Centre 12.4%) followed by Brighton Regional Centre at 11.7%. The applicants conclude that the overall level of impact is marginally less than previously identified. It is therefore considered that the resubmission of this proposal would not adversely impact upon the surrounding retail centres within Brighton & Hove.
- 5.26 Proposed Employment: In terms of the provision of employment floorspace in the development, there are no substantive changes proposed to the application. The updated Employment Space report prepared by the applicant is welcomed, which provides an up to date analysis of the current employment space market by a local agent. The city council will be publishing its Employment Land Study Review early in 2013. The study identifies the current planning permission for Sackville Place within its calculations of extant office floorspace expected to come forward. It is therefore considered that the proposal does not raise any additional policy concerns in the context of national and local planning policy.
- 5.27 **Sustainability:** No objection
- 5.28 **Sustainable Transport:** No objection
The applicants have submitted an addendum to the Transport Assessment which accompanied the approved application BH2009/0761. The addendum demonstrates that circumstances have not changed since the original consent in such a way as to alter the merits of that consent. The addendum demonstrates satisfactorily that the development remains consistent with national and local transport policy despite the changes to national policy which have taken place. Modest improvements have been made to local provision for sustainable modes in the area since permission was granted. These include the introduction of tactile paving at select crossing points and improvements to pedestrian signage at certain points.
- 5.29 The addendum includes consideration of 'spot' traffic counts carried out in December 2012 and of all the other relevant local count data available to demonstrate that traffic volumes in the area have not increased significantly (in fact, the analysis indicates that they have reduced). Although there are small technical issues with this analysis the overall conclusion is satisfactorily demonstrated. Also, the original acceptance of the transport aspects was based on the high quality of mitigation measures proposed to be funded by the applicants rather than the complete absence of potential traffic issues.
- 5.30 Similarly a representative sample of the 2009 local parking counts has been repeated and although there seem to be mistakes in the presentation of this information these do not alter the conclusion that parking levels (and provision)

have not substantially altered since 2009. If a complete reassessment of the transport aspects of the 2009 application was carried out the addendum indicates that the decision to recommend approval of those aspects would stand.

- 5.31 The extension of time limit sought is therefore satisfactory. This should include all the S106/ conditions/ transport mitigation strategy measures secured in the original consent.

6 MATERIAL CONSIDERATIONS

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that “If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

- 6.2 The development plan is:

- The Regional Spatial Strategy, The South East Plan (6 May 2009);
- East Sussex and Brighton & Hove Minerals Local Plan (November 1999);
- East Sussex and Brighton & Hove Waste Local Plan (February 2006);
- Brighton and Hove Local Plan 2005 (saved policies post 2004).

- 6.3 The National Planning Policy Framework (NPPF) was published on 27 March 2012 and is a material consideration which applies with immediate effect.

- 6.4 Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF. At the heart of the NPPF is a presumption in favour of sustainable development.

- 6.5 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
TR9	Pedestrian priority areas
TR13	Pedestrian networks
TR14	Cycle access and parking
TR15	Cycle network
TR16	Potential rail freight depot
TR17	Shopmobility

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TR18	Parking for people with a mobility related disability
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 sewerage disposal infrastructure
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU11	Polluted land and buildings
SU13	Minimisation and re-use of construction industry waste
SU14	Waste management
SU15	Infrastructure
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
QD15	Landscape design
QD16	Trees and hedgerows
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
EM3	Retaining the best sites for industry
EM4	New business and industrial uses on unidentified sites
EM5	Release of redundant office floorspace and conversions to other uses
EM9	Mixed uses and key mixed use sites
SR2	New retail beyond the edge of existing established shopping centres
SR12	Large Use Class (restaurants and cafes) and Use Class A4 (pubs and bars)

Supplementary Planning Guidance:

SPGBH4 Parking Standards

SPGBH9 A guide for Residential Developers on the provision of recreational space

Supplementary Planning Document:

SPD03: Construction and Demolition Waste

SPD06: Trees and Development Sites

SPD08: Sustainable Building Design

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The proposed development has already been judged to be acceptable in principle at an earlier date under application reference BH2009/00761. This application has been submitted to extend the time limit for implementation of the permission, which expires on 02 March 2013. As such, the plans under consideration remain identical to the current permission. The determining issues to consider relate to whether there have been any material changes.
- 8.2 The option to extend time limits for implementing planning permission was introduced as a measure to make it easier for developers and Local Planning Authorities to keep planning permissions alive for longer during the economic downturn so that they can more quickly be implemented when economic conditions improve. In accordance with the National Planning Policy Framework (NPPF) government guidance on extending time limits for implementation states that in current circumstances, Local Planning Authorities should take a positive and constructive approach towards applications which improve the prospect of sustainable development being taken forward quickly.
- 8.3 A site visit has revealed that there have been no material changes to the site since the grant of permission in 2009. Therefore issues relating to the principle of the development, the design and appearance of the development, the provision of affordable housing, housing mix, standard of accommodation, its impact on residential amenity, construction and demolition waste, and sustainability remain identical to the previous application. Consideration must though be had to any changes to traffic volumes and pollution levels surrounding the site since the original permission was granted.
- 8.4 At the national level, the NPPF has replaced the majority of Planning Policy Statements and Planning Policy Guidance documents, including all that were previously relevant to this development. Further, whilst it is still part of the Development Plan, the Regional Spatial Strategy is in the process of being abolished and therefore its' policies carry minimal weight. At the local level, there have been no changes to the current development plan, the Brighton & Hove Local Plan.
- 8.5 In response to the changes at national level, the applicants have submitted an updated Planning Statement, Employment Land Update, and Retail Statement. Further addendums to the original Transport Assessment and Air Quality Assessments have also been submitted to identify and address any changes to traffic volumes and pollution levels around the site since the current permission was granted.

National Planning Policy Framework (NPPF)

- 8.6 The NPPF was published on 27 March 2012 and came into immediate effect. At the heart of the NPPF is a presumption in favour of sustainable development. The NPPF encourages Local Authorities to proactively drive and support sustainable development to deliver homes, business and industrial units, infrastructure and thriving places that the country needs. This proposal is in accordance with the NPPF as it encourages sustainable development, provides

for good quality business and residential floorspace, and is appropriate in terms of its design.

Employment Floor Space:

- 8.7 The site as existing comprises twelve units, three of which operate as double units. The Employment Space and Planning Report details that two of the units are now vacant whilst the largest remaining occupier (Rayner Optical) will be relocating to new premises in 2013/2014. As such, the occupancy rate of the Estate is currently 61% (5,667sqm of 9,211sqm), reducing to 43% (3,995sqm of 9,211sqm) when Raynor Optical vacates. The Estate currently employs approximately 166 persons, reducing to 66 when Raynor Optical vacate. This represents a significant under-use of the employment potential of the site.
- 8.8 The proposed development provides for a mix of employment generating uses. These include an A1 food store (4,065 square metres); large format A1 non-food retail units (4,668 square metres with potential for approximately 3,174 square metres of mezzanine space), 1224 square metres of other A1-A5 retail units, and 5,287 square metres of flexible B1 office accommodation. The Employment Land Report submitted with the original application advises that the approved scheme would create approximately 690 new jobs, comprising 150 in the food store, 150 non-food retail, 350 B1 office space, 30 small retail/café units and 10 in respect of on-site management/security. OffPAT figures calculate the office floor space alone to be capable of providing approximately 340 jobs.
- 8.9 The 5,287sqm of B1 floorspace represents an increase on the current floorspace, with an associated uplift in employment opportunities, thereby according with the thrust of policy EM3 of the Brighton & Hove Local Plan.
- 8.10 The Employment Space and Planning Report provides an updated analysis of vacant industrial and office floorspace within the Brighton & Hove area, including available industrial units in neighbouring Shoreham. The analysis concludes that the availability of industrial floorspace has increased by 30% since the last survey in 2007, with a significant increase in the number of available units below 10,000sqf (Nb The five remaining trade counter units on the estate have floor areas of between 4,00 and 7,000sqf). Whilst availability of industrial floorspace has increased, so annual take-up has decreased, from 35% of available space to 20%, with an associated drop in rents. A similar trend is found in the analysis of available office accommodation.
- 8.11 The conclusions of the updated Employment Space and Planning Report demonstrate that demand for industrial and office business space has lessened across the region, reflected in the deteriorating condition of the Sackville Trading Estate. This has conversely resulted in a greater availability of alternative sites within the market to accommodate the companies that remain on the Trading Estate. The re-development of the Estate with a mixed use development providing more modern business space would therefore serve to regenerate the site and employ greater numbers of people, without harming the viability of existing tenants. Accordingly, the Council's Senior Economic Development has raised no objection to the proposal.

- 8.12 To conclude, it has been adequately demonstrated that there have been no adverse changes in market conditions since permission was granted that would now preclude the development from being approved.

Retail Impact:

- 8.13 The application is supported by a Retail Statement that has been prepared having regard to both the NPPF and the Brighton and Hove Retail Study Update (2011).
- 8.14 The current permission incorporates a mix of convenience and comparison floor space, including a large A1 foodstore. The application site lies in an out of centre location in Hove, with the nearest retail centres being Hove Town Centre and Portland Road Local Centre. Further afield, the Retail Impact Assessments detail a retail catchment area stretching from the Brighton Regional Shopping Centre in the east to Shoreham Town Centre to the west.
- 8.15 Paragraphs 23 - 27 of the NPPF replace PPS4 (formerly PPS6) and retain a 'town centres first' approach to assessing new retail development. For applications for town centre uses that are not in an existing centre, the NPPF requires Planning Authorities to apply a sequential test in a similar manner to that previously required under PPS4. Such an approach is consistent with policies SR1 & SR2 of the Brighton & Hove Local Plan. The sequential test should require applications for town centre uses to be located first in town centres and then in edge of centre locations. Out of centre sites should only be considered where no suitable centre or edge of centre sites are available.
- 8.16 The updated Retail Statement submitted with this application has assessed the same sites identified in the original Retail Impact Assessment submitted in 2009 (Parcel Force, Shoreham; The Brighton Centre/Churchill Square; 51 Ship Street; Preston Barracks; and New England Street/London Road), and includes two new sites that have become available, (Adur Civic Centre in Shoreham, and Frosts/Minelco Wharf at Shoreham Harbour). An analysis of vacant units within the Hove Town Centre has also been undertaken to assess the scope for disaggregation. The site assessment concludes that none of the seven sites identified are suitable given their smaller size and location further away from the identified retail need in Hove. The study of the Hove Town Centre identifies a prevailing vacancy rate of 6% (in October 2012), which is below the national average of 12%. Of these vacant units, several were undergoing refurbishment whilst others were deemed of insufficient quality and size. Several retailers are identified as looking to locate in the Hove area, however they generally require units of between 300sqm and 700sqm which current provision in Hove Town Centre cannot provide for.
- 8.17 The NPPF requires new retail development on out-of-centre sites above 2,500sqm to undertake an impact assessment on existing, committed and planned public and private investment in centres in the catchment area of the proposal. It also requires an impact assessment of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made (NB For major schemes where the full impact will not be realised in five years,

the impact should also be assessed up to ten years from the time the application is made).

- 8.18 The Retail Statement has updated the previous impact assessment, including updated population and expenditure forecasts, and updated retail health checks. The assessment concludes that the overall impact of the development on comparison and convenience goods retailing within existing centres and within the catchment area of the development will be marginally less than previously deemed acceptable. In particular, it is concluded the development would not adversely impact on the vitality of the Hove Town Centre, which is considered to be trading well. The Council's Policy officer therefore raises no objection to these conclusions.
- 8.19 To conclude, the sequential test required under policies SR1, SR2 and the NPPF has identified that there are no sequentially preferable sites within the catchment area of the development, therefore the proposed out-of-centre development would not materially harm the vitality and viability of existing centres. Further, the proposed development would have a marginally reduced impact on existing retail provision within the catchment area of the development from that previously deemed acceptable when permission was originally granted. For these reasons the proposed development remains in accordance with local and national retail policy and should be supported in accordance with the presumption in favour of sustainable development.

Environmental Health Issues

- 8.20 Matters pertaining to potential noise disturbance, contaminated land and light spillage remain as per the current permission, and all associated conditions are proposed to be reimposed.
- 8.21 In terms of air quality, the site remains within an Air Quality Management Area. An addendum to the 2009 Air Quality Assessment has been prepared takes into consideration any changes to air quality levels in the area since permission was granted. The addendum details that three years of background and roadside NO₂ concentrations have been recorded since the 2009 submission. These recordings show that concentrations at background sites mirror the long-term decline in NO₂ concentrations, however NO₂ concentrations nearest the site on Sackville Road increased in 2010 & 2011. The addendum identifies the 2010 & 2011 figures as being anomalies in the long term data set, as the southeast in general experienced similar upscales in concentrations. As such, the addendum concludes that *'the continuing general decrease in background concentrations coupled with improvements in the vehicle fleet and the positive impact of the measures proposed in the Air Quality Action Plan are expected to result in future decreases in roadside concentrations of NO₂'*. The findings of the 2009 assessment are deemed to remain robust with the development having a 'very small' impact on ambient NO₂ concentrations and the introduction of new residents into the AQMA being considered 'negligible'.
- 8.22 The Council's Senior Technical Advisor on Air Quality has raised some concerns at the recorded increase in roadside NO₂ concentrations, particularly given that the proposed development could increase traffic volumes by up to

6% and roadside NO₂ by approximately 2%. A developer contribution has therefore been requested recommended to fund Council-led monitoring and dispersion modelling to support the 2013 Air Quality Action Plan. The requested contribution, however, fails to meet the tests of paragraph 204 of the NPPF, which requires planning obligations to be necessary to make the development acceptable in planning terms; be directly related to the development; and be fairly and reasonably related in scale and kind to the development. The contribution proposed would be a flat rate of £30,000 to part-fund a monitoring and dispersal modelling programme. The methodology for the contribution does not directly relate to the scale of development, being a flat rate, and a monitoring and modelling programme would not actually mitigate any potential uplift in NO₂ concentrations. Further, there is no evidence that the monitoring and modelling programme proposed is necessary to make this development acceptable. As such it is not considered reasonable to request a developer contribution in this instance as it would not accord with the NPPF or CIL Regulations.

- 8.23 Notwithstanding the above, the addendum to the 2009 Air Quality Assessment does not explicitly identify that the development would directly and significantly decrease air quality in and around the site beyond that previously anticipated and considered acceptable when permission was originally granted for the development in 2010.

Sustainable Transport

- 8.24 An addendum to the original Transport Assessment has been submitted with the application to assess any changes that may have occurred to traffic and parking volumes in the vicinity of the site, and to update the analysis of the application having regard to the NPPF.
- 8.25 An analysis of sustainable transport infrastructure details minor improvements to crossings and pedestrian signage since permission was originally granted. Similarly, an analysis of parking volumes in the residential streets to the north (outside the CPZ) details no significant change from previous levels.
- 8.26 The addendum includes updated traffic count surveys in and around the site. These surveys conclude that traffic volumes in the site remain largely as previous, whilst volumes on Sackville Road and Old Shoreham Road have actually fallen since 2009, although generally the traffic conditions remain the same. The Sustainable Transport officer has raised no objection to the broad trend of the analysis, which points to no significant change in traffic and parking volumes around the site. As such the proposed development remains compliant with local and national planning policy in this regard.

Other matters

- 8.27 It should be reiterated that the details of the scheme (i.e. dwelling nos, floor areas, design, parking provision etc) remain exactly as previously approved under application ref BH2009/00761.

9 CONCLUSION

- 9.1 The application seeks to extend the time limit for which the proposed development can be implemented within. The principle of the development has previously been accepted under BH2009/00761 and the site and policy basis has not significantly changed since permission was granted in 2010. The NPPF has recently been published, however it is not considered that the NPPF alters the acceptability of the scheme, indeed it has introduced a presumption in favour of sustainable development and places greater emphasis on supporting economic development. As such the application is recommended for approval as being in accordance with both National and local policy.

10 EQUALITIES

- 10.1 The proposal would provide 37 affordable units. All of the proposed units should meet Lifetime Home Standards and a proportion of the residential units should be built to wheelchair accessible standards in accordance with Policy HO13 of the Brighton & Hove Local Plan and PAN03: Accessible Housing and Lifetime Homes.

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

11.1 Planning Obligation

Deed of Variation to the S106 Obligation previously agreed under application BH2009/00761:

- i) the provision of 37 units of affordable housing;
- ii) £79,509.66 towards Open Space (index linked);
- iii) £130,174 towards Education (index linked);
- iv) £200,000 towards Public Realm Improvements/Public Art (index linked); ;
- v) local highway improvements and mitigation works (via a s278 and including provision for costs falling to the Council and associated TROs)
- vi) implementation of the travel plan;
- vii) contribution of £40,000 towards the provision of cycle lanes in the vicinity (index linked);
- viii) the submission of a Management Plan for the piazza;
- ix) the submission of a Construction and Environmental Management Plan;
- x) the walkways/access points to the north and east are opened and made accessible on completion of future adjoining developments;
- xi) requirement of a green lease between the developer and future occupiers at fit out stage for the retail and office accommodation.

11.2 Regulatory Conditions:

- 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
- 2) The development hereby permitted shall be carried out in accordance with the approved drawings listed below.
Reason: For the avoidance of doubt and in the interests of proper planning.

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Plan Type	Reference	Version	Date Received
Site Plans	0336-PD-130	A	13/05/2009
	0336-PD-131	A	13/05/2009
Existing plans	0336-X-01	A	13/05/2009
	0336-X-02	-	30/03/2009
	0336-X-03	-	30/03/2009
Proposed floor plans	0336-FS-132	A	13/05/2009
	0336-PD-133	A	13/05/2009
	0336-PD-134	A	13/05/2009
	0336-PD-135	A	13/05/2009
	0336-PD-136	-	30/03/2009
	0336-PD-137	-	30/03/2009
	0336-PD-138	-	30/03/2009
	0336-PD-139	-	30/03/2009
Typical flat layout	0336-PD-151	-	30/03/2009
	0336-PD-152	-	30/03/2009
	0336-PD-153	-	30/03/2009
	0336-PD-154	-	30/03/2009
	0336-PD-155	-	30/03/2009
	0336-PD-157	-	30/03/2009
	0336-PD-158	-	30/03/2009
Proposed elevations & sections	0336-PD-141	-	30/03/2009
	0336-PD-142	-	30/03/2009
	0336-PD-143	-	30/03/2009
	0336-PD-144	-	30/03/2009
	0336-PD-145	-	30/03/2009
	0336-PD-146	-	30/03/2009
	0336-PD-147	-	30/03/2009
	0336-PD-148	-	30/03/2009
	0336-PD-149	A	09/04/2009
	0336-PD-150	-	30/03/2009
	0336-PD-156	-	30/03/2009
0336-PD-158	-	30/03/2009	
Landscaping plans and Fire Strategy plan	300-001-PL	B	30/03/2009
	300-002-PL	B	30/03/2009
	300-003-PL	B	30/03/2009
	300-004-PL	C	30/03/2009
	300-005-PL	B	30/03/2009
	0336-PD-140	A	13/05/2009

- 3) No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any elevation facing a highway.
Reason: To safeguard the appearance of the building and the visual amenities of the locality and to comply with policies QD1 and QD27 of the Brighton & Hove Local Plan.
- 4) Unless otherwise agreed in writing by the Local Planning Authority, the new dwellings hereby permitted shall be constructed to Lifetime Homes

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standards prior to their first occupation and shall be retained as such thereafter.

Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.

- 5) A minimum of six units (four within the affordable accommodation and two within the market accommodation) are to be built to wheelchair standards to the satisfaction of the Local Planning Authority.

Reason: To ensure satisfactory provision of homes for people with disabilities and to comply with policy HO13 of the Brighton & Hove Local Plan.

- 6) Notwithstanding the submitted Construction and Demolition Statement, no development shall take place until a written Site Waste Management Plan, confirming how demolition and construction waste will be recovered and reused on site or at other sites, has been submitted to and approved in writing by the Local Planning Authority. The Plan shall be implemented in strict accordance with the approved details.

Reason: To ensure that the development would include the re-use of limited resources, to ensure that the amount of waste for landfill is reduced and to comply with policies WLP11 of the East Sussex and Brighton & Hove Waste Local Plan and SU13 of the Brighton & Hove Local Plan and Supplementary Planning Document 03 Construction and Demolition Waste.

- 7) Noise associated with plant machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB below the existing L_{A90} background noise level. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:1997.

Reason: To protect the amenity of neighbouring residential occupiers and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

- 8) The residential units shall be constructed as per the recommendations set out in the Noise and Vibration Report by Hann Tucker Associates (reference 14240/PPG24/1 dated 27 January 2009).

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

- 9) The A1 retail floor space and food store shall not be open to customers except between the hours of 07:00 and 21:00 Monday to Fridays and 08:00 and 18:00 Saturdays, Sundays, Bank or Public Holidays.

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

- 10) The office accommodation shall not be open except between the hours of 07:00 to 19:00 Monday to Fridays and not at any time on Saturdays, Sundays, Bank or Public Holidays.

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

- 11) The A3/A4/A5 shall not be open to customers except between the hours of 08:00 and 23:00.

- Reason:** To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 12) The retail units shall not be subsequently sub-divided into smaller units without the consent of the Local Planning Authority.
- Reason:** To ensure that the retail element does not prejudice the vitality and viability of the existing shopping centres and to comply with policy SR2 of the Brighton & Hove Local Plan.
- 13) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with. The scheme shall be implemented fully with the agreed details.
- Reason:** In order to protect controlled groundwater and to comply with policies SU3, SU4, SU5 and SU11 of the Brighton & Hove Local Plan.
- 14) Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.
- Reason:** In order to protect controlled waters (groundwater) and to comply with policies SU3, SU4, SU5 and SU11 of the Brighton & Hove Local Plan.
- 15) All planting, seeding or turfing comprised in the Landscape and Public Realm Statement received on the 30th March 2009 shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All hard landscaping and means of enclosure shall be completed before the development is occupied.
- Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.
- 16) The development shall provide a minimum of 330m² surface area of solar thermal collectors.
- Reason:** To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.
- 17) No public house, bar or other form of drinking establishment in the development hereby permitted shall have a standing public floor space which exceeds 150 square metres.
- Reason:** To prevent noise, nuisance, disturbance and public disorder, to protect the amenities of the occupants of residential accommodation within the vicinity of the site and to comply with policies QD2, QD7, QD27 and SR12 of the Brighton & Hove Local Plan.

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- 18) No alcohol shall be sold or supplied in any café or restaurant which has a public floorspace in excess of 150 square metres within the development hereby permitted except to persons who are taking meals on the premises and who are seated at tables.
Reason: To prevent noise, nuisance, disturbance and public disorder, to protect the amenities of the occupants of residential accommodation within the development and within the vicinity of the site and to comply with policies QD2, QD7, QD27 and SR12 of the Brighton & Hove Local Plan.
- 19) Notwithstanding drawing no. 0336-PD-133-A, only one of the units identified as unit 11, 12 or 13 shall be operated as a drinking establishment (as defined by Class A4 of the Use Classes Order) at any one time.
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.
- 20) Other than the mezzanine floor space referred to in the accompanying submission and shown on drawing no. 0336-PD-134-A, no further subdivision or creation of mezzanine floor space is permitted without the express permission of the Local Planning Authority.
Reason: To protect the vitality and viability of the existing shopping centres and to comply with policy SR2 of the Brighton & Hove Local Plan.
- 21) The employment/commercial building shall only be used for B1 use only and for no other purpose (including any other purpose in Class B2 or B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
Reason: The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of safeguarding the amenities of the area in accordance with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.

11.3 Pre-Commencement Conditions:

- 22) No development shall take place until samples of the materials (including colour of render, paintwork and colourwash) to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
Reason: To ensure a satisfactory appearance to the development and to comply with policy QD1 of the Brighton & Hove Local Plan.
- 23) No development shall take place until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full as approved prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.
Reason: To ensure the provision of satisfactory facilities for the storage of refuse and to comply with policy QD27 of the Brighton & Hove Local Plan.
- 24) Unless otherwise agreed in writing by the Local Planning Authority, no residential development shall commence until:

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- a) evidence that the development is registered with the Building Research Establishment (BRE) under the Code for Sustainable Homes and a Design Stage Report showing that the development will achieve Code Level 4 for all residential units have been submitted to the Local Planning Authority; and
- b) a BRE issued Interim Code for Sustainable Homes Certificate demonstrating that the development will achieve Code Level 4 for all residential units has been submitted to, and approved in writing by, the Local Planning Authority.

A completed pre-assessment estimator will not be acceptable.

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

- 25) Unless otherwise agreed in writing by the Local Planning Authority, no non-residential development shall commence until:
- a) evidence that the development is registered with the Building Research Establishment (BRE) under BREEAM (either a 'standard' BREEAM or a 'bespoke' BREEAM) and a Design Stage Assessment Report showing that the development will achieve an BREEAM rating of 60% in energy and water sections of relevant BREEAM assessment within overall 'Excellent' for all non-residential development have been submitted to the Local Planning Authority; and
 - b) a BRE issued Design Stage Certificate demonstrating that the development has achieved a BREEAM rating of 60% in energy and water sections of relevant BREEAM assessment within overall 'Excellent' for all non-residential development has been submitted to, and approved in writing by, the Local Planning Authority.

A completed pre-assessment estimator will not be acceptable.

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

- 26) No development shall take place until details of the acoustic screening to be installed along the perimeter of the roof top communal gardens at first floor level have been submitted to and approved in writing by the Local Planning Authority. The acoustic screening shall be implemented in strict accordance with the approved details prior to the occupation of the residential units and shall thereafter be retained as such.

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

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

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

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- 28) Notwithstanding the approved floor plans, the development hereby permitted shall not commence until details of securing natural light and ventilation to the main bathrooms and en suite bathroom areas. The development shall be carried out in strict accordance with the approved details.
Reason: To ensure that measures to make the development sustainable and efficient in the use of energy, water and materials are included in the development, in accordance with policy SU2 of the Brighton & Hove Local Plan.
- 29) No development shall commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water. The scheme shall be implemented in full accordance with the agreed details.
Reason: To ensure that adequate surface water and foul sewerage drainage is available prior to the development commencing and to comply with policies SU4 and SU5 of the Brighton & Hove Local Plan.
- 30) No development shall commence until details of the proposed water infrastructure plans have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water.
Reason: To ensure that there is capacity in the local network to provide a water supply to the scheme and to comply with policies SU2, SU4 and SU5 of the Brighton & Hove Local Plan.
- 31) Prior to development commencing, a document shall be submitted to the Local Planning Authority, demonstrating how the arsenic and benzo-a-pyrene exceedances identified within the ground investigation report are to be dealt with to ensure that the development is fit for end use and that all significant pathways have been severed. These shall include building services and shall be submitted in writing to the Local Planning Authority for approval.
Reason: Previous historical activities associated with this site may have potentially caused, or have the potential to cause, contamination of controlled waters and to ensure that the proposed site investigations and remediation will not cause pollution of controlled waters and in accordance with policies SU3 and SU11 of the Brighton & Hove Local Plan.
- 32) Prior to commencement of development a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It should also include any plan (a 'long-term monitoring and maintenance plan) for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting to this to the Local Planning Authority.
Reason: In order to protect controlled groundwater and to comply with policies SU3, SU4, SU5 and SU11 of the Brighton & Hove Local Plan.
- 33) Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the

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hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the scheme shall be maintained and managed after completion.

Reason: To prevent the increased risk of flooding, to improve and protect water quality and ensure future maintenance of the surface water drainage system and to comply with policies SU3, SU4, SU5 and SU11 of the Brighton & Hove Local Plan.

- 34) No development shall commence until fences for the protection of trees identified to be retained have been erected in accordance with the submitted Tree Assessment received on the 30th March 2009 and in accordance with BS5837 Protection of Trees to be Retained. The fences shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences.

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

- 35) Prior to development commencing the site shall be registered with the Considerate Constructors Scheme.

Reason: To ensure that the development is undertaken in a sustainable manner and to comply with Supplementary Planning Document SPD08 Sustainable Building Design.

- 36) Prior to commencement of development, evidence of the capacity for future installation of PV panels on the roof shall be submitted to the Local Planning Authority. Evidence shall be submitted to the Local Planning Authority demonstrating that the potential locations are available to be utilised prior to first occupation of the residential units.

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.

- 37) No development shall take place until large scale constructional detail of all external features and samples of materials and finishes shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented fully in accordance with the agreed details.

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

- 38) No development shall take place until details of all roof top structures have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented fully in accordance with the agreed details.

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

- 39) No development shall take place until details of the Local Area of Play and Local Equipped Area of Play have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented

fully in accordance with the agreed details, retained as such thereafter and maintained to the satisfaction of the Local Planning Authority thereafter.

Reason: To ensure the satisfactory provision of children's equipped play space and to comply with policy HO6 of the Brighton & Hove Local Plan.

- 40) No development shall take place until full details of the communal recreational space to be provided at first floor level have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented fully in accordance with the agreed details, retained as such thereafter and maintained to the satisfaction of the Local Planning Authority thereafter.

Reason: To ensure the satisfactory provision of casual/informal space and to comply with policy HO6 of the Brighton & Hove Local Plan.

- 41) No development shall take place until a revised car park layout plan has been submitted to and approved in writing by the Local Planning Authority. The revised car park layout shall include 4 electric vehicle charging points and 1 for 1 parking for the residential units.

Reason: To ensure a satisfactory car parking layout and to comply with policies TR18 and TR19 of the Brighton & Hove Local Plan.

- 42) Prior to the commencement of development, plans, elevations and details of materials to be used in all gates, railing fences and other boundary treatments of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved drawings and details.

Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policy QD1 of the Brighton & Hove Local Plan.

- 43) No development shall be commenced until full details of existing and proposed ground levels within the site and on land adjoining the site by means of spot heights and cross-sections; proposed siting and finished floor levels of all levels of the development and have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved level details.

Reason: To safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, in addition to comply with policies QD2, QD14 and QD27 of the Brighton & Hove Local Plan.

- 44) No development shall take place until an accessibility statement has been submitted to and approved in writing by the Local Planning Authority. This would need to look at the layout and accessibility of the whole of the site including the public square as well as the accessibility of individual buildings. The development shall be implemented fully in accordance with the details contained within the Accessibility Statement and retained as such thereafter.

Reason: To ensure effective accessibility to the development and to comply with policies QD2 and HO13 of the Brighton & Hove Local Plan.

11.4 Pre-Occupation Conditions:

- 45) The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall

thereafter be retained for use by the occupants of, and visitors to, the development at all times.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.

- 46) Unless otherwise agreed in writing by the Local Planning Authority, none of the residential units hereby approved shall be occupied until a Building Research Establishment issued Final Code Certificate confirming that each residential unit built has achieved a Code for Sustainable Homes rating of Code Level 4 has been submitted to, and approved in writing by, the Local Planning Authority.

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

- 47) Unless otherwise agreed in writing by the Local Planning Authority, none of the non-residential development hereby approved shall be occupied until a BREEAM Design Stage Certificate and a Building Research Establishment issued Post Construction Review Certificate confirming that the non-residential development built has achieved a BREEAM rating of 60% in energy and water sections of relevant BREEAM assessment within overall 'Excellent' has been submitted to, and approved in writing by, the Local Planning Authority.

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

- 48) No individual unit shall be occupied until a scheme for the fitting of odour control equipment to the building has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such.

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

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

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

- 50) Prior to occupation of the food store, an operation plan shall be submitted and agreed in writing to the Local Planning Authority detailing how the food store shall be serviced. This shall include details of frequency of deliveries and collections, times of deliveries and collections, requirements of home delivery vehicles; associated areas/plant and vehicle types. The

food store shall operate in strict accordance with the operational plan agreed at all times.

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

- 51) No individual retail unit shall be occupied until an operation plan is submitted and agreed in writing to the Local Planning Authority detailing how the retail units shall be serviced. This shall include details of frequency of deliveries and collections, times of deliveries and collections, requirements of home delivery vehicles; associated areas/plant and vehicle types. The retail units shall operate in strict accordance with the operational plan agreed at all times.

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

- 52) The office accommodation shall not be occupied until an operation plan is submitted and agreed in writing to the Local Planning Authority detailing how the office accommodation shall be serviced. This shall include details of frequency of deliveries and collections, times of deliveries and collections; associated areas/plant and vehicle types. The office accommodation shall operate in strict accordance with the operational plan agreed at all times.

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

- 53) The rainwater harvesting scheme proposed shall be implemented in its entirety and available from use prior to first occupation of residential units.

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

11.5 Informatives:

1. 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 application seeks to extend the time limit for which the proposed development can be implemented within. The principle of the development has previously been accepted under BH2009/00761 and the site and policy basis has not significantly changed since permission was granted in 2010. The NPPF has recently been published, however it is not considered that the NPPF alters the acceptability of the scheme and as such the application is recommended for approval as being in accordance with both National and local policy.
2. 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

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(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).

3. 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).
4. The applicant is advised that the details of external lighting required by the condition above should comply with the recommendations of the Institution of Lighting Engineers (ILE) 'Guidance Notes for the Reduction of Light Pollution (1995)' for Zone E or similar guidance recognised by the council. A certificate of compliance signed by a competent person (such as a member of the Institution of Lighting Engineers) should be submitted with the details. Please contact the council's Pollution Team for further details. Their address is Environmental Health & Licensing, Bartholomew House, Bartholomew Square, Brighton, BN1 1JP (telephone 01273 294490 email: ehlpollution@brighton-hove.gov.uk website: www.brighton-hove.gov.uk).
5. The applicant is advised that this planning permission does not override the need to obtain a licence under the Licensing Act 2003. Please contact the Council's Licensing team for further information. Their address is Environmental Health & Licensing, Bartholomew House, Bartholomew Square, Brighton BN1 1JP (telephone: 01273 294429, email: ehl.safety@brighton-hove.gov.uk, website: www.brighton-hove.gov.uk/licensing).
6. The applicant is advised that prior to the occupation of any premises selling food, the occupiers will be required to register and liaise with the Food Safety Team within the Environmental Health department.
7. The scheme will require a formal application for a connection to the public sewer. The applicant is advised to contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (tel: 01962 858688) or www.southernwater.co.uk.
8. Detailed design of the proposed drainage system should take into account the possibility of surcharging within the public sewerage system in order to protect the development from potential flooding.
9. A formal application to requisition water infrastructure is required in order to service this development. Please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (tel: 01962 858688) or www.southernwater.co.uk.
10. The developer is advised that existing sewers and water mains may be affected by the development. The development must respect the

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easements in place for protection of the apparatus or fund any necessary diversions. No new buildings, tree planting or soakaways should be located close to the apparatus. Please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (tel: 01962 858688) or www.southernwater.co.uk.

11. There are Low/Medium/Intermediate Pressure Gas mains in the proximity of the site. No mechanical excavations should take place above or within 0.5 metres of the Low Pressure and medium pressure system and 3 metres of the intermediate pressure system. The position of mains should be confirmed by using hand dug trail holes.
12. Any piling constructed should be in accordance with Environment Agency guidance; Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention and Piling into contaminated sites. The guidance is available on the Environment Agency website, under publications.
13. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank or the combined capacity of interconnected tanks plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.
14. Where it is proposed to store more than 200 litres (45 gallon drum = 205 litres) of any type of oil on site it must be stored in accordance with the Control of Pollution (oil storage) (England) Regulations 2001 in order to protect controlled waters (groundwater).
15. The applicant is advised that the installation of adverts will require express advertisement consent.
16. The applicant is advised that an on-site sign should be provided near the LEAP detailing who to contact in the event of a problem with the equipment.
17. In accordance with the National Planning Policy Framework 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.

