

<u>No:</u>	BH2026/00198	<u>Ward:</u>	West Hill & North Laine Ward
<u>App Type:</u>	Removal or Variation of Condition		
<u>Address:</u>	76 - 79 and 80 Buckingham Road, Brighton BN1 3RJ		
<u>Proposal:</u>	Application to remove condition 15 (residents parking permits) of planning permission BH2022/02361.		
<u>Officer:</u>	Joanne Doyle, tel: 292198	<u>Valid Date:</u>	29.01.2026
<u>Con Area:</u>		<u>Expiry Date:</u>	30.04.2026
<u>Listed Building Grade:</u>		<u>EOT:</u>	12.08.2026
Agent:	Whaleback 91 Boundary Road Hove BN3 7GA		
Applicant:	Martin Homes Buckingham Road Ltd C/o Whaleback 91 Boundary Road Hove BN3 7GA		

1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **GRANT** planning permission subject to the following Conditions and Informatives and subject to the S106 agreement for planning application BH2022/02361 (as amended by the Deed of Variation) which also applies to this S73 application.

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Report/Statement	Planning Statement	-	29-Jan-26
Proposed Drawing	D.001	-	16-Aug-24
Proposed Drawing	D.002	-	16-Aug-24
Proposed Drawing	D.003	-	16-Aug-24
Proposed Drawing	D.004	-	16-Aug-24
Proposed Drawing	D.005	-	16-Aug-24
Proposed Drawing	D.006	-	16-Aug-24
Proposed Drawing	D.007	-	16-Aug-24
Report/Statement	DAYLIGHT AND SUNLIGHT ASSESSMENT	-	21-Jul-22
Report/Statement	NOISE IMPACT ASSESSMENT	-	21-Jul-22
Report/Statement	PLANNING STATEMENT	-	13-Dec-22
Report/Statement	FINANCIAL VIABILITY	-	22-Oct-22

	ASSESSMENT REPORT		
Location and block plan	1.001	-	16-Aug-24
Proposed Drawing	D.008	-	16-Aug-24
Proposed Drawing	D.009	-	16-Aug-24
Proposed Drawing	D.010	-	16-Aug-24
Proposed Drawing	D.011	-	16-Aug-24

2. Not applicable.
3. No cables, wires, aerials, pipework (except rainwater downpipes shown on the approved plans) meter boxes, ventilation grilles or flues shall be fixed to or penetrate any external elevation, other than those shown on the approved drawings, without the prior consent in writing of the Local Planning Authority.
Reason: To ensure a satisfactory appearance to the development and to comply with Policies CP15 of the City Plan Part One and DM21 and DM26 of the City Plan Part Two.
4. The development shall be implemented in accordance with the details of all new windows - approved by the Local Planning Authority under application BH2019/02322.
Reason: To ensure a satisfactory appearance to the development and to comply with Policies CP15 of the City Plan Part One and DM21 and DM26 of the City Plan Part Two.
5. The development shall be implemented in accordance with the details of details of roof eaves, balconies and railings- approved by the Local Planning Authority under application BH2019/02322.
Reason: To ensure a satisfactory appearance to the development and to comply with Policies CP15 of the City Plan Part One and DM21 and DM26 of the City Plan Part Two.
6. The development shall be implemented in accordance with the details of materials- approved by the Local Planning Authority under application BH2019/02322.
Reason: To ensure a satisfactory appearance to the development and to comply with Policies CP15 of the City Plan Part One and DM21 and DM26 of the City Plan Part Two.
7. The community use and communal garden hereby permitted shall not be operated or open to the public outside the following hours; 8am-10pm. No variation to the above hours shall be permitted without the prior written approval of the Local Planning Authority.
Reason: To protect the amenity of nearby and adjacent occupiers in accordance with Policy DM20 of the City Plan Part Two.
8. No equipment or machinery (excluding the MVHR ventilation units) shall be operated at the site outside the following hours 7am-11pm. No variation to the above hours shall be permitted without the prior written approval of the Local

Planning Authority. Noise associated with plant and 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 LA90 background noise level. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:1997. In addition, there should be no significant low frequency tones present.

Reason: To protect the amenity of nearby and adjacent occupiers in accordance with Policy DM20 of the City Plan Part Two.

9. The development shall be implemented in accordance with the sound insulation scheme approved by the Local Planning Authority under application BH2025/01051.

Reason: To protect the amenity of nearby and adjacent occupiers in accordance with Policy DM20 of the City Plan Part Two.

10. 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, a method statement to identify, risk assess and address the unidentified contaminants. Verification of the steps taken to protect human health including photographs, consignment notes and invoices for example for barrier pipework shall be provided. The structure shall not be lived in. The structure shall not have a water infrastructure applied to it until this condition is satisfied.

Reason: As this matter is fundamental to the acceptable delivery of the permission to safeguard the health of future residents or occupiers of the site and to comply with Policy DM41 of the City Plan Part Two.

11. The development shall be implemented in accordance with the asbestos detail-approved by the Local Planning Authority under application BH2019/02322.

Reason: As this matter is fundamental to the acceptable delivery of the permission to safeguard the health of future residents or occupiers of the site and to comply with Policy DM41 of the City Plan Part Two.

12. The development shall be implemented in accordance with the Construction Environmental Management Plan (CEMP) detail- approved by the Local Planning Authority under application BH2019/02322.

Reason: As this matter is fundamental to the protection of amenity, highway safety and managing waste throughout development works and to comply with Policies CP8 of the City Plan Part One, and WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 and Supplementary Planning Document 03 Construction and Demolition Waste and DM20, DM33 and DM40 of the City Plan Part Two.

13. No development above ground floor slab level of any part of the development hereby permitted shall take place until the mitigation measures outlined in the Anderson Acoustic reports, including revision April 2018, must be implemented and tested to verify performance, and shall thereafter be retained as such.

Reason: To safeguard the amenities of the occupiers of the property and adjoining properties and to comply with Policies DM20 and DM40 of the City Plan Part Two.

14. The development shall be implemented in accordance with details of Highways works- approved by the Local Planning Authority under application BH2019/02322.

Reason: To ensure that suitable footway provision is provided to and from the development and to comply with Policies CP9 of the City Plan Part One and DM33 of the City Plan Part Two.

15. Removed.

16. The development shall be implemented in accordance with details of cycle parking facilities- approved by the Local Planning Authority under application BH2019/02322.

Reason: To ensure that suitable cycle provision is provided to and from the development and to comply with Policies CP9 of the City Plan Part One and DM33 of the City Plan Part Two.

17. Prior to first occupation of the residential units at 80 Buckingham Road, the community unit shown on the approved plans shall be made available for use and retained as such thereafter.

Reason: To ensure the satisfactory provision of space for community use on site and to ensure the development complies with Policy DM9 of the City Plan Part Two.

18. Not applicable.

19. None of the new build residential units hereby approved shall be occupied until each residential unit built has achieved a water efficiency standard using not more than 110 litres per person per day maximum indoor water consumption.

Reason: To ensure that the development is sustainable and makes efficient use of water to comply with policy CP8 of the City Plan Part One.

20. At least two of the new build units hereby approved shall be completed in compliance with Building Regulations Optional Requirement M4(3)(2b) (wheelchair user dwellings) prior to first occupation and shall be retained as such thereafter. All new build dwellings within 80 Buckingham Road hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) prior to first occupation and shall be retained as such thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with Policy DM1 of the City Plan Part Two.

21. The development shall be implemented in accordance with the elevational landscaping drawings- approved by the Local Planning Authority under application BH2019/02322.
Reason: To ensure a satisfactory appearance to the development and to comply with Policies CP15 of the Brighton & Hove City Plan Part One and DM21 and DM26 of the City Plan Part Two.
22. The development shall be implemented in accordance with surface water drainage works - approved by the Local Planning Authority under application BH2019/02322.
Reason: As this matter is fundamental to the acceptable delivery of the permission to prevent the increased risk of flooding and to prevent pollution of controlled waters by ensuring the provision of a satisfactory means of surface water disposal and to comply with Policy DM42 of the City Plan Part Two.
23. Prior to first occupation of the residential units at 80 Buckingham Road, details of the car parking provision, including disabled spaces, for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented and made available for use for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved prior to the first occupation of the development and shall thereafter be retained for use at all times.
Reason: To ensure the development provides for the needs of disabled staff and visitors to the site and to comply with SPD14: Parking Standards and Policy DM36 of the City Plan Part Two.
24. The development shall be implemented in accordance with details of refuse and recycling storage - approved by the Local Planning Authority under application BH2019/02322.
Reason: To ensure the provision of satisfactory facilities for the storage of refuse and to comply with Policy CP8 of the Brighton & Hove City Plan Part One and Policy WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan and DM20 of the City Plan Part Two.
25. The development shall be implemented in accordance with details of refuse and recycling storage - approved by the Local Planning Authority under application BH2019/02322.
Reason: To ensure the provision of satisfactory facilities for the storage of refuse and to comply with Policy CP8 of the Brighton & Hove City Plan Part One and Policy WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan and DM20 of the City Plan Part Two.
26. The development shall be implemented in accordance with the sound insulation scheme - approved by the Local Planning Authority under application BH2025/01051
Reason: To protect the amenity of nearby and adjacent occupiers in accordance with Policy DM20 of the City Plan Part Two.

27. Prior to first occupation of the residential units at 80 Buckingham Road, the maximum permissible noise level from the air source heat pumps must be adhered to and the following mitigation measures are to be employed as per Anderson Acoustic report April 2018 (2852_004R_2-0_JB):
- a) In-duct intake and exhaust silencers fitted to air source pumps;
 - b) Plant room, light well and car park reflecting walls and ceilings to be covered with absorptive material such as 12mm thick Sonaspray for acoustic plaster;
 - c) Strategic duct termination away from sensitive windows;
 - d) Acoustic louvres to air source heat pump intakes.

Reason: To protect the amenity of nearby and adjacent occupiers in accordance with Policy DM20 of the City Plan Part Two.

28. Prior to first occupation of the residential units at 80 Buckingham Road, the removal of asbestos containing materials shall be carried out.

Reason: As this matter is fundamental to the acceptable delivery of the permission to safeguard the health of future residents or occupiers of the site and to comply with Policy DM41 of the City Plan Part Two.

29. Prior to first occupation of the residential units at 80 Buckingham Road, the applicant shall provide in writing to the local planning authority a detailed scheme of construction for the party wall separating the lower ground floor electrical substation and the adjacent residential unit. The scheme shall be subject to approval and attention shall be paid to ensuring high mass and containment of low frequency tones as well as junction details at floor and ceiling height to avoid weak areas for sound energy to penetrate.

Reason: To protect the amenity of nearby and adjacent occupiers in accordance with Policy DM20 of the City Plan Part Two.

30. The development shall provide for partial demolition of no. 80 Buckingham Road and erection of a five storey building over basement including roof accommodation to create 20 dwelling units (C3) and community use unit (D1), and conversion of nos. 76-79 Buckingham Road to provide 14 dwelling units (C3) with associated car parking, cycle parking, landscaping and service provision.

Reason: To ensure the Local Planning Authority retains control over the density, mix and type of uses within the development and its height, in the interests of retaining sufficient community floorspace and to ensure an appropriate housing mix and density, and to ensure protection of the character and appearance of the area and protection of the amenities of the occupiers of existing and proposed properties, to comply with Policies QD27, HE6 and H020 of the Brighton and Hove Local Plan, CP1, CP12, CP14, CP15 and CP19 of the City Plan Part One and DM1, DM9, DM18, DM19, DM20, DM21 and DM26 of the Proposed Submission City Plan Part 2.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One 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. The applicant is requested to install historic street name plates to replace the existing signs to Alfred Road, Albert Road, Upper Gloucester Road, Buckingham Road and Buckingham Street.
3. The commemorative E. Marshall plaque on the ramp adjoining 79 Buckingham Road shall be relocated to 80 Buckingham following completion of the new build construction at No. 80. The future location of the plaque should be agreed with the Council.
4. The applicant is advised that Part L - Conservation of Fuel and Power of the Building Regulations 2022 now requires each residential unit built to have achieved a 31% reduction in carbon emissions against Part L 2013.
5. The water efficiency standard required under condition 19 is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.
6. The applicant is advised that Part O of Building Regulations 2022 has been introduced. This standard is aimed at designing out the need for mechanical air conditioning systems in dwellings that would otherwise be prone to overheating and limiting unwanted solar gains. There are optional methods to demonstrate compliance through the Building Regulations.
7. The applicant advised that removal of this condition does not confer eligibility for parking permits, nor does it remove any such restrictions already in place. Details of this decision will be passed to BHCC as Traffic Authority administering the Controlled Parking Zone of which the development forms part. They will determine whether occupiers should be eligible for residents parking permits or if a restriction should be put in place by Traffic Regulation Order.

2. SITE LOCATION

- 2.1. The site is 0.13 hectares in area and situated on a corner site bounded by roads on three sides: Buckingham Road to the west, Upper Gloucester Road to the south, and Buckingham Street to the east. It is located within the West Hill Conservation Area.
- 2.2. The site comprises two connected buildings (nos. 76-79 and no.80). Nos 76-79 comprises four terraced former Victorian townhouses which were converted to form a single building and No. 80 was a 1970s five storey building of little

heritage or architectural merit, being identified as visually harmful in the West Hill Conservation Area Appraisal. No.80 replaced the former Brighton Grammar School (later Maternity Hospital).

- 2.3. The works to convert the four houses (No's 76-79) have been completed and construction of the new build block (No.80) is currently ongoing.

3. RELEVANT HISTORY

- 3.1. **BH2026/01297-** Application for approval of details reserved by condition 6 (materials) of application BH2022/02361.
Under Consideration.
- 3.2. **BH2025/01051-** Application for Approval of Details reserved by Conditions 9 (sound insulation scheme) and 26 (sound insulation scheme) of application BH2022/02361. Approved 12.06.2025.
- 3.3. **BH2022/02752-** Non-Material Amendment to application BH2018/01137, as amended by BH2020/02102 and BH2021/03435, to change the original description of the development to: Partial demolition of no. 80 Buckingham Road, erection of a five storey building over basement including roof accommodation to create dwelling units (C3) and community use unit (D1). Conversion of nos. 76-79 Buckingham Road to provide dwelling units (C3) with associated car parking, cycle parking, landscaping and service provision.
Approved 30.09.2022.
- 3.4. **BH2021/03435-** Application for variation to amend the wording of condition 9 of BH2020/02102 to allow the sound insulation scheme to be submitted prior to occupation.
Approved 23.12.2021.
- 3.5. **BH2022/02361-** Variation of condition 1 of BH2020/02102 and condition 1 of BH2022/02752 [Mixed use development providing residential units (C3) and community use (F1)] to allow amendments to drawings comprising addition of 2no new residential units, design alterations to the roof form, removal of the reinforced concrete frame, reconfiguration of internal space including vehicle parking and associated alterations.
Approved 10.03.2025.
- 3.6. **BH2020/02102-** Application for variation of condition 1 of application BH2018/01137 (Partial demolition of no. 80 Buckingham Road erection of a five storey building over basement including roof accommodation to create 20no. dwelling units (C3) and community use unit (D1). Conversion of nos. 76-79 Buckingham Road to provide 14no. dwelling units (C3) with associated car parking, cycle parking, landscaping and service provision) to allow amendments to approved drawings for the transfer of affordable units to the new build area of the development.
Approved 23.06.2021.

- 3.7. **BH2019/02322-** Application for approval of details reserved by conditions 4, 5, 6, 9, 11, 12, 14, 15, 16, 21, 22 and 24 of application BH2018/01137.
Split Decision on 09.04.2020.
Conditions 4, 5, 6, 11, 12, 14, 15, 16, 21, 22 and 24 agreed.
Condition 9 not agreed.
- 3.8. **BH2018/01137-** Partial demolition of no. 80 Buckingham Road, erection of a five storey building over basement including roof accommodation to create 20no. dwelling units (C3) and community use unit (D1). Conversion of nos. 76-79 Buckingham Road to provide 14no. dwelling units (C3) with associated car parking, cycle parking, landscaping and service provision.
Approved 29.03.2019.

4. APPLICATION DESCRIPTION

- 4.1. The application seeks to remove condition 15 (restriction of residents parking permits) from planning permission BH2022/02361.
- 4.2. The applicant wishes to remove this 'car free' condition so that residents would not be restricted from accessing parking permits, notwithstanding any restrictions under the Traffic Regulation Order.

5. REPRESENTATIONS

- 5.1. Twelve (12) letters of representation have been received **objecting** to the proposal for the following reasons:
- Parking stress
 - Traffic issues
 - Traffic hazards and safety
 - Condition helps manage expectations
 - Increase congestion and air pollution
 - Health of residents
 - When the property was purchased it was done so with the explicit understanding that this development would be car-free
 - Maximise profits
- 5.2. Eleven (11) letters of representation have been received in **support** of the proposal for the following reasons:
- Parking policy should be applied consistently across comparable properties within the same zone
 - Removing Condition 15 would maintain existing parking safeguards while ensuring a proportionate and equitable approach within the Controlled Parking Zone
 - Parking demand in the area is managed by a centralised waiting list
 - Restrictions are managed through the TRO
 - Discrimination

Full details of representations received can be found online on the planning register.

6. CONSULTATIONS

6.1. Sustainable Transport: Objection.

If the LPA is minded to allow removal of Condition 15, the Local Highway Authority will nonetheless instruct the Traffic Authority administering the Controlled Parking Zone to make the site car-free.

6.2. Notwithstanding the removal of this condition, future residents, other than blue badge holders, may not be eligible for parking permits.

6.3. If approval of the current application is granted the applicant should be made aware that this car-free designation is separate to the planning process

7. MATERIAL CONSIDERATIONS

7.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report.

7.2. The development plan is:

- Brighton & Hove City Plan Part One (adopted March 2016);
- Brighton & Hove City Plan Part Two (adopted October 2022);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
- Shoreham Harbour Joint Area Action Plan (JAAP) 2019.

8. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP2	Sustainable economic development
CP3	Employment land
CP4	Retail provision
CP5	Culture and tourism
CP6	Visitor accommodation
CP7	Infrastructure and developer contributions
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity

CP11	Flood risk
CP12	Urban design
CP13	Public streets and spaces
CP14	Housing density
CP15	Heritage
CP16	Open space
CP17	Sports provision
CP18	Healthy city
CP19	Housing mix
CP20	Affordable housing
CP21	Student housing and Housing in Multiple Occupation

Brighton & Hove City Plan Part Two:

DM1	Housing Quality, Choice and Mix
DM9	Community Facilities
DM18	High quality design and places
DM20	Protection of Amenity
DM21	Extensions and alterations
DM22	Landscape Design and Trees
DM26	Conservation Areas
DM28	Locally Listed Heritage Assets
DM29	The Setting of Heritage Assets
DM31	Archaeological Interest
DM33	Safe, Sustainable and Active Travel
DM35	Travel Plans and Transport Assessments
DM40	Protection of the Environment and Health - Pollution and Nuisance
DM42	Protecting the Water Environment
DM43	Sustainable Drainage
DM44	Energy Efficiency and Renewables

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD06	Trees & Development Sites
SPD09	Architectural Features
SPD11	Nature Conservation & Development
SPD12	Design Guide for Extensions and Alterations
SPD14	Parking Standards
SPD17	Urban Design Framework

Other Documents

West Hill Conservation Area Character Statement

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate solely to vehicular parking and the impact on the highway network.
- 9.2. Planning permission (BH2018/01137) was granted in March 2019 for the following development:

'Partial demolition of no. 80 Buckingham Road, erection of a five storey building over basement including roof accommodation to create 20no. dwelling units (C3) and community use unit (D1). Conversion of nos. 76-79 Buckingham Road to provide 14no. dwelling units (C3) with associated car parking, cycle parking, landscaping and service provision.'

- 9.3. This permission was then varied in June 2021 to allow the proposed affordable housing units to be provided in the new-build part of the scheme (ref. BH2020/02102) and then varied again in March 2025 (ref. BH2022/02361) to allow amendments to the approved drawings and to allow the addition of 2 new units within the scheme.
- 9.4. The merits of the scheme as a whole have been considered as part of the preceding permissions. The Local Planning Authority considered the scheme to be acceptable in all regards and secured various details and measures by planning conditions in addition to contributions via a legal agreement. Whilst this permission remains extant, it must be considered whether circumstances, policy or practice have changed significantly since the time this decision was taken.
- 9.5. In this case it is considered that the policy context has not changed substantially in regard to the principle of development and the uses proposed. The principle of the development was justified and the scheme acceptable in all regards and the assessment of this application will therefore relate to that aspect of the current scheme that differs from the previous permission, namely the proposal to remove condition 15 (parking permits) of planning permission BH2022/02361.
- 9.6. Permission is now sought under Section 73 of The Town and Country Planning Act to remove condition 15 (residents parking permits) of planning permission BH2022/02361. Condition 15 reads as follows:
The development shall be implemented in accordance with details of parking scheme- approved by the Local Planning Authority under application BH2019/02322.
Reason: *To ensure that suitable parking provision is provided to and from the development and to comply with Policies CP9 of the City Plan Part One and DM33 of the City Plan Part Two.*
- 9.7. The condition (15) which was attached to the original application BH2018/01137 and subsequently discharged under application BH2019/02322 previously read as follows:
The development hereby permitted shall not commence until such time as a scheme has been submitted to and approved in writing by the Local Planning Authority to provide that the residents of the development, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit.
Reason: *This pre-commencement condition is imposed in order to allow the Traffic Regulation Order to be amended in a timely manner prior to first occupation to ensure that the development does not result in overspill parking and to comply with policies TR7 & QD27 of the Brighton & Hove Local Plan and CP9 of the City Plan Part One.*

- 9.8. The applicant wishes to remove this 'car free' condition so that residents would not be restricted from accessing parking permits by planning condition, notwithstanding any restrictions under the Traffic Regulation Order.
- 9.9. Planning permission has been secured to convert the four houses (No's 76-79) and the erection of the new build block (No.80) at Buckingham Road. The condition sought to ensure that the future occupants of the approved units have no entitlement to a resident's parking permit by way of an amendment to the Traffic Regulation Order (TRO).
- 9.10. It is considered appropriate to remove the car-free condition requested by the Local Highway Authority (LHA) because independent of the planning process, the LHA can require a development to be car free via a Traffic Regulation Order if they consider it to be necessary. It has been confirmed by the Local Highway Authority that the TRO has already been implemented for this site and residents are currently unable to apply for a permit. The granting of this application therefore would not automatically entitle future occupiers to parking permits but instead this matter would be controlled by other means outside the planning system.
- 9.11. Given that a restricting TRO is already currently in place and in light of all the above, it is considered unreasonable to insist on the retention of the condition and the application is therefore recommended for approval.

106 Agreement:

- 9.12. There are provisions in the S.106 Legal Agreement, so that the Agreement will relate to and bind any new permission resulting from a S73 application.

Other Matters:

- 9.13. Since the original application was approved details to discharge a number of conditions have been submitted and approved. The relevant conditions have been updated to reflect this.

10. EQUALITIES

- 10.1. Section 149(1) of the Equality Act 2010 provides:
- 1) A public authority must, in the exercise of its functions, have due regard to the need to—
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 10.2. Officers considered the information provided by the applicant, together with the responses from consultees (and any representations made by third parties) and determined that the development would not give rise to unacceptable material impact on individuals or identifiable groups with protected characteristics.

10.3. Two units have been provided as wheelchair accessible homes.