

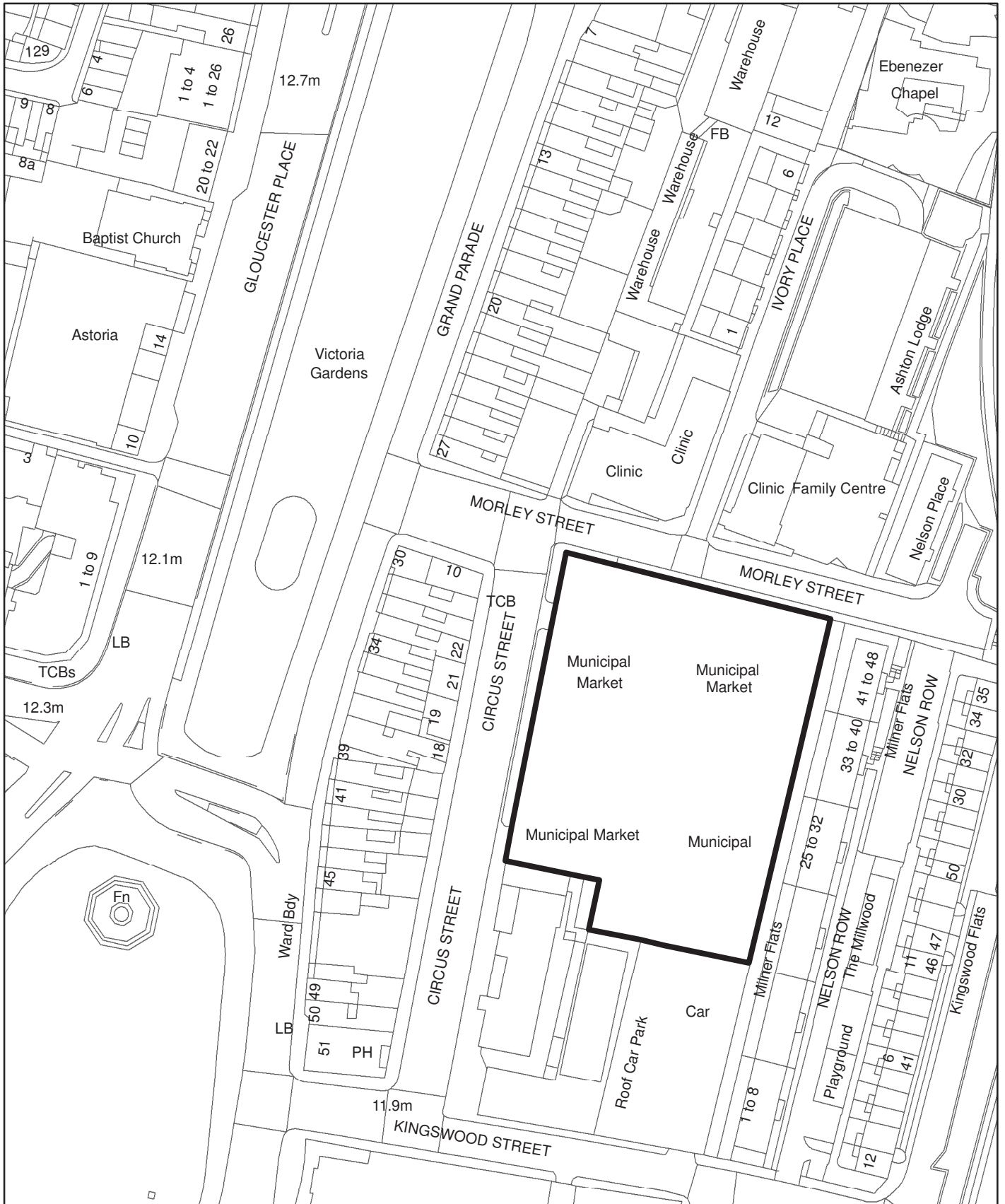
**PLANS LIST  
ITEM C**

**Wholesale Market, Circus Street, Brighton**

**BH2013/01110  
Full Planning**

**17 JULY 2013**

# BH2013/01110 Wholesale Market, Circus Street, Brighton



**Brighton & Hove  
City Council**



**Scale: 1:1,250**

<b><u>No:</u></b>	<b>BH2013/01110</b>	<b><u>Ward:</u></b>	<b>QUEEN'S PARK</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Wholesale Market Circus Street Brighton</b>		
<b><u>Proposal:</u></b>	<b>Change of use for temporary period of two years from wholesale market (sui generis) to mixed use scheme consisting of community garden (D2), arts, cultural and other community activities (D1 and D2), business enterprise pods (B1) for local start up firms, and ancillary café (A3), removal of part of roof structure to allow for provision of community garden.</b>		
<b><u>Officer:</u></b>	<b>Kathryn Boggiano Tel 292138</b>	<b><u>Valid Date:</u></b>	<b>17/05/2013</b>
<b><u>Con Area:</u></b>	<b>N/A</b>	<b><u>Expiry Date:</u></b>	<b>16/08/2013</b>
<b><u>Listed Building Grade:</u></b>			
<b><u>Agent:</u></b>			
<b><u>Applicant:</u></b>	<b>Miss Sarah-Louise Chitty, Cathedral (Brighton) Ltd, St Thomas's Church, St Thomas's Street, London, SE1 9RY</b>		

## **1 RECOMMENDATION**

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 and resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in section 11.

## **2 SITE LOCATION & DESCRIPTION**

- 2.1 The application relates to the former Circus Street Municipal Market. The site accommodates a 9m high large warehouse building which has a length of 79m on the Circus Street frontage and a length of 64m on the Morley Street frontage. There is a small first floor element fronting onto Circus Street and Morley Street, which was formerly in use by a glazier.
- 2.2 While the interior of the market is level, the site is situated on a steeply sloping hillside that rises up from the valley bottom that comprises Grand Parade and Valley Gardens. There is a sharp rise in ground levels between the western and eastern sides of the site.
- 2.3 The character of the surrounding area is mixed, with commercial, education and community medical uses neighbouring the site, and extensive residential development to the east of the site.
- 2.4 To the immediate south of the site is the part three, part four storey University of Brighton Circus Street Annexe building and a car parking area. An area between the building and car park is currently in use for wood recycling and storage, this does not form part of the application site.
- 2.5 The Valley Gardens Conservation Area borders the site to the west.
- 2.6 The application site, along with the adjoining University of Brighton annexe, wood recycling store and car park, is allocated as a strategic site under policy DA5 of

the Submission Brighton & Hove City Plan. Within this policy the wider site is identified for a mixed use scheme comprising a minimum 160 residential units, 400 student bed spaces, minimum of 3,200 m<sup>2</sup> office floorspace, a dance studio and 3,800m<sup>2</sup> of University floorspace.

- 2.7 The wider site is also allocated in the Brighton & Hove Local Plan for future housing development. A supplementary planning document, SPD05 Circus Street Municipal Market was adopted in 2006.

### 3 RELEVANT HISTORY

**BH2010/00143:** Change of use for temporary period of two years from wholesale market (sui generis) to mixed use scheme consisting of community garden (D2), arts and cultural activities (D1) and business enterprise pods (B1) for local start up firms, incorporating removal of part of roof structure to allow for provision of community garden. Approved 18/03/2010.

**BH2007/03589:** Change of Use of vacant market building for temporary (period of 2 years) to Class D1 and D2 cultural and community uses and small scale ancillary Class A1, A3 and B1 uses. Approved on 12/12/2007. This temporary permission expired on 12/12/2009.

**BH1998/01493/OA:** An outline application for the demolition of existing buildings and erection of 55 units of affordable housing (15 x 2/3 bed town houses, 25 x 2bed flats, 9x1bed flats, 6x studio flats) with 9 integral garages 60 decked spaces and 5 surface spaces. Approved 27/10/1998.

### 4 THE APPLICATION

- 4.1 Planning permission is sought to use the building for a temporary period of two years, for the following uses:

- Community garden (D2): Summer opening times 10:00 to 19:00 and winter opening times 11:00 to 15:00.
- Approximately ten business enterprise pods (B1): Hours of use 08:00 to 20:00 Monday to Friday;
- Cultural, arts and community one off events (D1 and D2) No more than 85 events in any calendar year. Hours of use 09:00 to 23:00.

- 4.2 It is also proposed to remove a section of the roof measuring 24 by 12 metres in order to facilitate the community garden.

### 5 PUBLICITY & CONSULTATIONS

#### 5.1 External

**Neighbours:** Four letters of representation have been received from **Flat 6, Nelson Place, Ashton Rise, 10 Morley Street and 44 and 47 Milner Flats** objecting the application for the following reasons:

- Objection to the cultural activities, particularly with regard to loud music;
- The building was used for Brighton Festival and resulted in loud music over a number of days until 6.30pm. This caused disturbance to neighbours.

- 5.2 **Environment Agency:** No comment.

5.3 **Southern Water:** No new soakaways should be located within 5 metres of a water mains and combine sewer. No development or new tree planting should be located within 3 metres either side of the centreline of the water mains. No new development or new tree planting should be located within 3 metres either side of the centreline of the foul sewer and surface water sewer respectively. All existing infrastructure including protective coatings and cathodic protection should be protected during the course of the construction works.

5.4 **Sussex Police:** No objection to the change of use. However recommend that a minimum standard of security for all of the business pods. Lighting which conforms to BS 5489:13 and secure fit to purpose entry gates to the development should be installed. If the 85 days for one off cultural events occur then the applicant should contact the local police in order to check the requirements for such openings. If A3 is granted then it should be conditioned that alcohol is ancillary to food.

**Internal:**

5.5 **Environmental Health:** This proposed temporary use differs from those previous temporary uses in that this is more community focused and that a large area of roof will be removed to allow a more community garden style feel with localised education, schemes and project work. The site will also accommodate a number of business pods for local start up firms.

5.6 It is worth noting that the site has hosted a number of events as part of the larger Brighton Festival which unfortunately, warranted four separate complaints from members of the public. It is therefore necessary that any future uses have appropriate safeguards in place to balance the needs of a community style area against those of adjacent residents. This will be especially important for any cultural events proposed at the site. Also comment that complaints were received with the structure relatively intact, yet the proposed use requires 288m<sup>2</sup> of roof being removed which will reduce further the ability for any localised containment of sound.

5.7 Note that the community garden use for hours is very ambitious for 10:00 to 19:00 hours all week. Strongly recommend that this be curtailed to 10:00 hours to 18:00 hours for Saturdays and 10:00 hours to 16:00 hours for Sunday uses.

5.8 The protections afforded by the proposed conditions requiring details prior to any noisy events, should provide sufficient safeguards with regards to local residents. Therefore approval is recommended subject to conditions to restrict activities, contain uses and control hours.

5.9 **Sustainable Transport:** No objection.  
No general parking is proposed. This is acceptable in a central area which is highly accessible by sustainable modes and is within the CPZ, which greatly limits the potential for displaced parking.

5.10 Standards for cycle and disabled parking are minima. SPG4 indicates that at least 28 cycle parking places should be provided compared to the 20 proposed. The

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submitted plans do not define the nature of cycle parking proposed. To address these points, it is recommended that revised plans should be required for approval by condition showing at least 28 places of an acceptable design.

- 5.11 Although no disabled parking (or other parking) is proposed on site, on street parking in bays or on waiting restrictions, is available in Circus Street and Morley Street. It would be disproportionate to require alternative provision to be made as specified in policy TR18 for a temporary consent.
- 5.12 Contributions would not be appropriate in this case as the proposed use is temporary and the site is centrally located and highly accessible.
- 5.13 Although no car parking spaces are indicated on the plans vehicular access would be physically possible and any use of the site for car parking should be prohibited by condition, to prevent potentially hazardous conflicts.
- 5.14 **Visit Brighton:** In principle welcome the application which has much merit and would positively enhance the City's facilities in this area of town, both for residents and tourists. The proposed development would enhance the arts and cultural offer in this area, encouraging tourists to explore hitherto undiscovered areas of the City. In the face of current economic uncertainty it is critical that we continually seek to innovate Brighton & Hove's facilities in order for our tourism offer to remain competitive.

## 6 MATERIAL CONSIDERATIONS

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."
- 6.2 The development plan is:
- Brighton & Hove Local Plan 2005 (saved policies post 2007);
  - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
  - East Sussex and Brighton & Hove Minerals Local Plan (November 1999); Saved policies 3,4,32 and 36 – all outside of Brighton & Hove;
  - East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only – site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.
- 6.3 The National Planning Policy Framework (NPPF) 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.
- 6.5 The Brighton & Hove City Plan Part One (submission document) is an emerging development plan. The NPPF advises that weight may be given to relevant policies in emerging plans according to their stage of preparation, the extent to

which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies to the policies in the NPPF.

- 6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

## **7 RELEVANT POLICIES & GUIDANCE**

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove Local Plan:

- TR1 Development and the demand for travel
- TR2 Public transport accessibility
- TR4 Travel plans
- TR7 Safe development
- TR14 Cycle access and parking
- TR18 Parking for people with a mobility related disability
- TR19 Parking standards
- SU2 Efficiency of development in the use of energy, water and materials
- SU9 Pollution and nuisance control
- SU10 Noise nuisance
- SU13 Minimisation and re-use of construction industry waste
- SU14 Waste management
- SU15 Infrastructure
- QD27 Protection of amenity
- HO1 Housing sites and mixed use sites with an element of housing
- HO19 New community facilities
- EM9 Mixed uses and key mixed use sites

#### Supplementary Planning Guidance

- SPG04 Parking Standards

#### Supplementary Planning Documents

- SPD03 Construction & Demolition Waste
- SPD05 Circus Street Municipal Market Site
- SPD08 Sustainable Building Design

#### Brighton & Hove City Plan Part One (submission document)

- DA5 Eastern Road and Edward Street
- SS1 Presumption in favour of sustainable development

## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to:
- The principle of the use and the impact on the longer term development aspirations of the site;
  - The impact on the amenity of surrounding residents;
  - The impact on the local highway network/parking;
  - Sustainability issues; and
  - Design issues.

**Principle of the use**

- 8.2 The application site, along with the adjoining University of Brighton annexe, wood recycling store and car park, is allocated as a strategic site under policy DA5 of the Submission Brighton & Hove City Plan. Within this policy the wider site is identified for a mixed use scheme comprising a minimum 160 residential units, 400 student bed spaces, minimum of 3,200 m<sup>2</sup> office floorspace, a dance studio and 3,800m<sup>2</sup> of University floorspace.
- 8.3 The wider site is also allocated in the Brighton & Hove Local Plan for future housing development. A supplementary planning document, SPD05 Circus Street Municipal Market was adopted in 2006.
- 8.4 The proposal seeks a temporary change of use for two years. The longer term scheme had been delayed for various reasons. However, it is now anticipated that a planning application for the wider site would be submitted in the next few months. Cathedral Brighton Ltd are the applicant of this current application and are also the developers for the wider site. If planning permission is granted and the wider scheme is ready for commencement within the next two years then the temporary use would cease. Therefore, it is not considered that this temporary use could jeopardise the longer term redevelopment of the site prejudice the delivery of City Plan Policy DA5 (Submission version).
- 8.5 There have been two previous approvals for the use of the building for a temporary period (two years) for Class D1 and D2 cultural and community uses (BH2007/03589 and BH2010/00143). Therefore, the principle of the use of the building for cultural and community uses has been considered to be acceptable in the past.
- 8.6 This current application is slightly different as it also proposes a community garden (D2) and start up business pods (B1). It is also hoped that an apprentice scheme could be offered through the community garden.
- 8.7 Policy HO19 of the Brighton & Hove Local Plan will only permit development for community facilities where it can be demonstrated that:
- a. the design and use of the facility will ensure its accessibility to all members of the community and include:
    - i. demonstrable benefits to people from socially excluded groups; and
    - ii. the provision of suitable childcare and toilet facilities;
  - b. there is no unacceptable impact on residential amenities or on the amenities of the surrounding area;
  - c. the location is readily accessible by walking, cycling and public transport; and
  - d. adequate car and cycle parking, including provision for people with disabilities, is provided.
- 8.8 The proposal would provide a temporary community use on a site that is currently vacant, while awaiting firm proposals for redevelopment. It is considered that provision of this use in the short term would be of benefit to the wider community, offering accommodation opportunities for a range of community uses such as the



community garden and art, cultural and other community activities (D1 and D2 Use Classes). Childcare is not proposed to be provided, due to the more informal nature of the proposed use of the building. It is recommended that the detail of toilet facilities within the building is addressed by condition.

- 8.9 The amenity impacts of the proposal are detailed later on in this report. A number of conditions are recommended to ensure that the proposal would not result in detriment to neighbouring amenity or working conditions.
- 8.10 The site is located in a highly accessible town centre location. No car parking is proposed. There is adequate opportunity for the provision of cycle parking on the site. Disabled car user parking is not provided on the site, and cannot be provided due to the constraints of the existing development. It is not considered that this deficiency would warrant refusal of the application.
- 8.11 Policy EM4 of the Local Plan is concerned with new business and industrial uses on unidentified sites provided that the criteria listed below can be met.
- a. There is a demonstrable need for such a use, given the availability of existing land or premises identified in the plan or on the market or with outstanding planning permission.
  - b. The site is readily accessible by public transport, walking and cycling;
  - c. The development would not result in the net loss of residential accommodation;
  - d. The development would not result in the loss of an important open space, an identified Greenway or nature conservation site as specified in the Plan;
  - e. The development would not have a demonstrably adverse environmental impact because of increased traffic and noise;
  - f. The development would not be detrimental to the amenities of occupiers of nearby properties or the general character of the area; and
  - g. There is adequate landscaped amenity open space.
- 8.12 Approximately 10 small B1 proposed units are proposed within the building. These haven't been shown on the floor plans so it is proposed to request details by condition. As the proposal is for a temporary period of two years, it is not considered that policy EM4 should be applied rigidly. However, it is considered that the proposal would broadly meet the criteria of the policy detailed above and would comply with the general thrust of the policy which is to encourage new or existing business to develop and expand.
- 8.13 A small café is shown on the plans, however, this is considered to be ancillary to the other D1, D2 and B1 proposed uses.
- 8.14 It is therefore considered that the proposed temporary use of the site is acceptable in principle.

**The impact on the amenity of surrounding residents/occupiers**

- 8.15 Policy SU9 states that development that may be liable to cause pollution and/or nuisance (including noise nuisance) will only be permitted where human health

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and safety and amenity is not put at risk and it does not negatively impact upon any existing pollution and nuisance situation.

- 8.16 Policy SU10 requires new development to minimise the impact of noise on the occupiers of neighbouring properties and the surrounding environment. Developments likely to generate significant levels of noise will be permitted only where appropriate noise attenuations measures are incorporated which would reduce the impact on the surrounding land uses.
- 8.17 Policy QD27 requires that new development respects the existing amenity of neighbouring properties.
- 8.18 Consistent with the town centre location of the site, development neighbouring the site is comprised of a mix of commercial, community and more sensitive residential uses. There is concern regarding the potential impact that the proposed uses may have on neighbouring residential living conditions, particularly with respect to noise and particularly when cultural events would be held at the site. The Milner Flats are directly to the east of the site, and due to the difference in ground levels the habitable windows on the western facing elevation look down onto the roof. Due to the nature of the roof material, it has limited soundproofing potential. However, a large section of the roof is proposed to be removed as part of this current application in order to facilitate the community garden.
- 8.19 The building was used by a third party as rehearsal space during the Brighton Festival and this resulted in four complaints from neighbours to Environmental Health. Since then the applicant has written to the neighbours to apologise and a telephone and email point of contact has been set up and distributed to neighbours.
- 8.20 Temporary cultural and community activities (two years) have been approved at the building previously through applications BH2010/00143 and BH2007/03589. Permission BH2010/00143 permitted opening hours to 18:00 daily and for 12 times in any month permitted opening hours to 23:00. An exception to these times was permitted to be made for an additional 12 times in any calendar year when it could be opened until 01:00 the next day. During one weekend on October (White Night) it was permitted to be in use from 09.00 on Saturday to 18.00 on Sunday.
- 8.21 The key differences between this current application and the previous applications is that now a community garden and B1 enterprise start up pods are also proposed and an area of roof measuring 24 by 12 metres is proposed to be removed to facilitate the community garden below. Although the roof has limited soundproofing qualities, its removal would increase the risk for noise and disturbance to arise from the building if events aren't properly managed. The nearest residential properties are the Milner Flats whose windows on the west elevation face down onto the roof area.
- 8.22 It is proposed to use the building for one off art, cultural and community events (Use Class D1 and D2) for a maximum number of 85 times in any calendar year. This would equate to significantly less late night events than approved previously

under application BH2010/00143, as it would equate to 85 events per year to 23:00 compared to 144 events per year to 23:00, 12 events per year to 01:00 with continuous opening over White Night. The type of events could include art exhibitions, lectures on sustainability, poetry readings, showcase of film and productions. A condition is also recommended to require a noise management scheme for any events which include the use of amplified sound and/or plant and machinery. This condition requires the detail of noise generating plant and speakers, acoustic plan assessment with predicted noise levels and monitoring proposals, noise mitigation measures, contact details of responsible personnel, and set up and clear up procedures. It would be necessary for such details to be submitted for assessment a minimum of 21 days prior to any event. It is considered that this condition will provide adequate control over any amplified noise and should prevent noise disturbance to neighbours.

- 8.25 The B1 enterprise pods would only be in use Monday to Friday between the hours of 08:00 and 20:00. A condition is recommended in order to require further details on the exact size and location of the units. However, B1 use is generally less noisy than B2 general industrial use and is normally suited for location within residential areas. Given this and the recommended condition to control hours of use, it is not considered that the proposal would harm neighbour amenity.
- 8.26 A condition is also recommended preventing any cooking from being undertaken on the site, to ensure that uncontrolled cooking odours do not cause detriment to neighbouring amenity.
- 8.27 Through the control of these conditions, it is considered that the impact of the proposal on neighbouring properties, and in particular the noise sensitive residential uses, could be adequately controlled. The proposal is therefore considered to meet the requirements of policies SU9, SU10 and QD27.

**The impact on the local highway network/parking**

- 8.28 Local Plan policy TR1 requires new development to address the related travel demand. Policy TR7 requires that development does not compromise highway safety, and policy TR19 requires development to accord with the Council's maximum car parking standards. Policy TR14 requires cycle parking to be provided in accordance with the Council's minimum standard.
- 8.29 The site is in an accessible location and is well served by public transport. Car parking exists on street and in the adjacent car park. The applicant has indicated that parking for 20 cycle spaces would be provided on site. The Sustainable Transport Team has commented that the minimum number should be 28. There is sufficient room on site to accommodate this number and a condition to this effect is proposed.
- 8.30 Given the previous use of the site as a wholesale market, it is considered that the proposal would not have an adverse impact on the local highway network nor would it jeopardise highway safety. Subject to the provision of cycle parking details, it is considered that the proposal meets the requirements of Local Plan policies TR1, TR4, TR7, TR14 and TR19.

**Sustainability issues**

8.31 The application is limited to the proposed change of use of an existing building, with limited external alterations proposed (apart from the roof removal). Given the limited alteration, and the temporary nature of the proposal, it is not considered reasonable to require sustainability measures as part of the change of use. However, it is recognised that the community garden will have sustainability benefits.

**Design Issues**

8.32 It is not considered that removal of part of the roof would have an adverse impact on the appearance of the existing building and this would only be visible in views from the footpath adjacent to the Milner Flats. A 12 metre high Elm tree is proposed which would protrude out of the roof. However, this tree does not need planning permission in its own right.

**9 CONCLUSION**

9.1 The proposal would allow for the temporary reuse of a currently vacant building and would not prejudice the future redevelopment of the site. The proposed B1, D1 and D2 uses would be beneficial to the wider community, and it is considered that the proposed use would not result in detriment to the living conditions of neighbouring properties, nor would it have an adverse impact on the local highway network or jeopardise highway safety. The proposal is considered to be in accordance with relevant development plan and emerging planning policies.

**10 EQUALITIES**

10.1 Level access would be provided to the building. There is no disabled parking proposed, however adequate on street parking exists in the immediate vicinity of the site.

**11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES**

**11.1 Regulatory Conditions:**

- 1) The permission hereby granted shall be for a temporary period expiring on 17 July 2015 when the uses hereby approved shall be ceased in their entirety and the land reinstated in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority before the expiry date.  
Reason: To comply with Section 91 of the Town and Country Planning Act 1990.
- 2) The development hereby permitted shall be carried out in accordance with the approved drawings listed below.  
**Reason:** For the avoidance of doubt and in the interests of proper planning.

Plan Type	Reference	Version	Date Received
Proposed Temporary Garden Roof Removal Area	546_SK_13		5 April 2013
Site Location Plan			5 April 2013
Proposed Temporary Garden Rotated Zoning	546_SK_06		17 May 2013

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Plan			
Proposed Temporary Garden Rotated	546_SK_10		17 May 2013
Section BB	544_SK_08		1 May 2013
Section AA	544_SK_07		1 May 2013
Roof Plan: Proposed Temporary Garden Roof Removal Area			2 May 2013
Circus Street Block Plan			1 May 2013

11.2 Pre-Occupation Conditions:

- 3) Where events include the use of amplified sound and/or plant and machinery a noise management scheme shall be submitted not less than 21 days in advance of the event to, and agreed in writing by, the Local Planning Authority. Unless otherwise agreed in writing the noise management scheme shall include the following:
- a. A brief description of the event, including any details of the different types of entertainment and a timetable of the dates and times of the event programme.
  - b. A layout plan showing the position of speakers, and plant/machinery (e.g. generators). Noise sensitive premises that are likely to be affected should also be identified on the plan.
  - c. A comprehensive acoustic plan assessment, including predicted noise levels and independent noise monitoring proposals.
  - d. A brief description of any sound systems, and details of which entertainment will be amplified. Where entertainment will only be permitted through an 'in house sound system' this should be indicated.
  - e. Contact details of designated competent personnel responsible for noise control during performance.
  - f. Set up and clear up procedures including times and vehicle movements.
  - g. Hours of operation for entertainment and plant/machinery, including sound checks.
  - h. Noise mitigation measures, e.g. screening, noise limiters and monitoring.
  - i. Where appropriate an advice letter to neighbouring residents and/or commercial premises.

The uses shall be implemented fully in accordance with the approved details.

**Reason:** To safeguard the amenity and existing characteristics of the area for the benefit of neighbouring residents/occupiers particularly in regard to the effects of noise and to comply with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.

- 5) The community garden use hereby approved shall only be in use between the hours of 10.00 to 19:00 Monday to Friday, 10:00 to 18:00 on Saturdays and 10:00 to 16:00 Sundays and Bank Holidays.

**Reason:** To safeguard the amenity and existing characteristics of the area for the benefit of neighbouring residents/occupiers particularly in regard to the effects of noise and to comply with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.

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- 6) Other than the community garden use, the leisure, art and cultural activities (Class D1 and D2) hereby approved shall only take place for a maximum number of 85 days in any calendar year and shall only be in use between the hours of 09:00 to 23:00.  
**Reason:** To safeguard the amenity and existing characteristics of the area for the benefit of neighbouring residents/occupiers particularly in regard to the effects of noise and to comply with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.
- 7) The Class B1 start up units shall only be in use between the hours of 08:00 to 20:00 Monday to Friday and shall not be in use Saturdays, Sundays and Bank Holidays.  
**Reason:** To safeguard the amenity and existing characteristics of the area for the benefit of neighbouring residents/occupiers particularly in regard to the effects of noise and to comply with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.
- 8) The building shall not be brought into Class B1 use until full details of the location and size of the Class B1 start up units have been submitted and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority the scheme shall be fully implemented in accordance with the approved details and retained as such thereafter.  
**Reason:** To safeguard the amenity and existing characteristics of the area for the benefit of neighbouring residents/occupiers particularly in regard to the effects of noise and to comply with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.
- 9) The building shall not be brought into use until details of secure cycle parking facilities for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall include a minimum of 28 spaces, and shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.  
**Reason:** To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.
- 10) No part of the building shall be used for vehicular car parking.  
**Reason:** To ensure the development maintains a sustainable transport strategy and to comply with policies TR1 and TR19 of the Brighton & Hove Local Plan.
- 11) Before the development hereby approved is brought into use, details of toilet facilities within the building shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme of toilet facilities shall be implemented fully in accordance with the approved details and retained as such thereafter.  
**Reason:** To ensure adequate provision of toilet facilities for the D1 and D2 community uses hereby approved, in accordance with Brighton & Hove Local Plan policy HO19.
- 12) The building shall not be brought into use 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.

- 13) None of the food to be served in the A3 use hereby approved shall be cooked on the premises.

**Reason:** To safeguard the amenity of nearby residents/occupiers, particularly with regard to odours, and to accord with policy QD27 of the Brighton & Hove Local Plan.

- 14) Upon a written request by the Local Planning Authority, the applicant shall provide a written account of the number, date, time and details of D1 and D2 events which have been held at the property within a time period.

**Reason:** To safeguard the amenity and existing characteristics of the area for the benefit of neighbouring residents/occupiers particularly in regard to the effects of noise and to comply with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.

### 11.3 Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.

2. This decision to grant Planning Permission has been taken:

- (i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including Supplementary Planning Guidance and Supplementary Planning Documents:

(Please see section 7 of the report for the full list); and

- (ii) for the following reasons:-

The proposal would allow for the temporary reuse of a currently vacant building and would not prejudice the future redevelopment of the site. The proposed B1, D1 and D2 uses would be beneficial to the wider community, and it is considered that the proposed use would not result in detriment to the living conditions of neighbouring properties, nor would it have an adverse impact on the local highway network or jeopardise highway safety. The proposal is considered to be in accordance with relevant development plan and emerging planning policies.

