

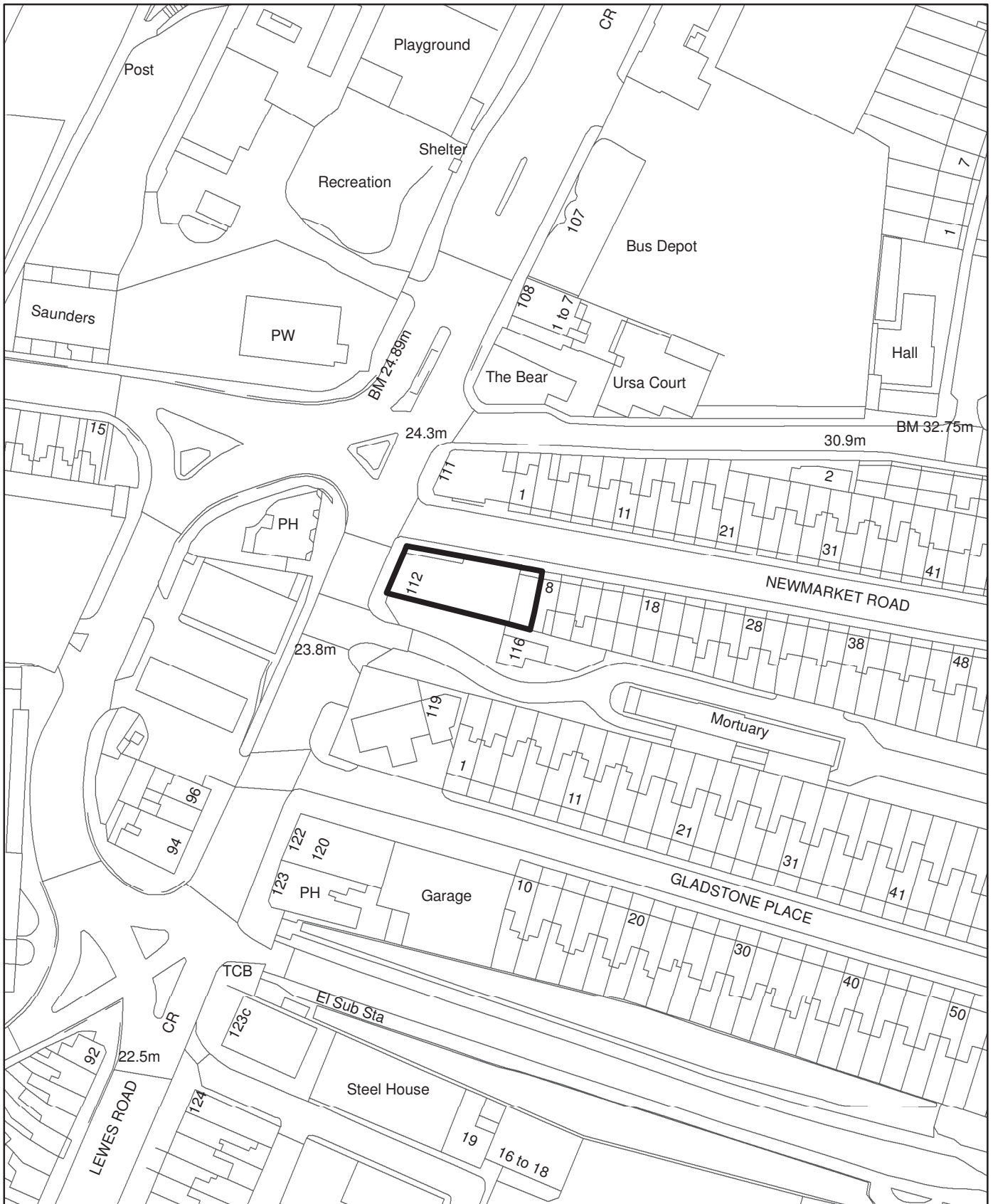
ITEM B

112-113 Lewes Road, Brighton

BH2013/00908
Removal or variation of condition

30 OCTOBER 2013

BH2013/00908 112-113 Lewes Road, Brighton



Scale : 1:1,250

<u>No:</u>	BH2013/00908	<u>Ward:</u>	HANOVER & ELM GROVE
<u>App Type:</u>	Removal or Variation of Condition		
<u>Address:</u>	112-113 Lewes Road Brighton		
<u>Proposal:</u>	Application for variation of condition 28 of application BH2010/01824 (Erection of four storey building providing retail floor space on ground and first floors and student halls of residence (39 units) on ground and upper floors) to allow for internal alterations including a reduction in commercial floor area, alterations to ground floor layout and an additional 5 bedspaces.		
<u>Officer:</u>	Anthony Foster, tel: 294495	<u>Valid Date:</u>	22/04/2013
<u>Con Area:</u>	n/a	<u>Expiry Date:</u>	22 July 2013
<u>Listed Building Grade:</u>	n/a		
<u>Agent:</u>	LDS Associates, 41 Hornbeam Road, Reigate, Surrey, RH2 7NN		
<u>Applicant:</u>	Mr Chester Hunt, C/O LDS Associates, 41 Hornbeam Road, Reigate, Surrey, RH2 7NN		

1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 11 and resolves that it is **MINDED TO GRANT** planning permission subject to a deed of variation to the section 106 Agreement dates 13th July 2011 and the Conditions and Informatives set out in section 11.

2 SITE LOCATION & DESCRIPTION

- 2.1 The site is situated to the east of the Lewes Road gyratory, to the south of Newmarket Road and to the north of the access to the crematorium. The surrounding development is a mix of commercial and residential uses, with the commercial uses focused around the Lewes Road area. The surrounding residential development is characterised predominantly by terraced properties, those on Newmarket Road being two storey dwellings with basement level accommodation. There is a large flatted development to the north of the site, sited around The Bear public house, on Bear Road known as Ursa Court. The surrounding development is predominantly two and three storeys in height, however Ursa Court has a 5 storey frontage onto Lewes Road and the Sainsbury's supermarket is a large prominent building.
- 2.2 The site is currently occupied by a two storey warehouse style building with a pitched roof. The elevations are clad with blue metal weatherboarding and render. The building is currently vacant and there is a small service yard to the eastern end accessed via Newmarket Road, adjacent to the residential accommodation.

3 RELEVANT HISTORY

BH2010/01824: Erection of four storey building providing retail floor space on ground and first floors and student halls of residence (39 units) on ground and upper floors. Approved 19/07/2011.

BH2009/01811: Erection of 4 storey building providing retail on ground and first floors and 12 self contained flats on ground and upper floors. Finally Disposed Of.

BH2009/00036: Demolition of existing building with redevelopment to provide for replacement of 2 no. retail units on ground floor and 16 self-contained flats on ground, first, second, third and fourth floors. Refuse and recycling at ground floor level. Refused 07/05/2009.

BH2008/01612: Demolition of existing building with redevelopment to provide for replacement retail unit on ground floor and lower ground floor and 17 self contained flats on first, second, third and fourth floors. Refuse and recycling at ground floor level. Withdrawn by the applicant 07/10/2008.

BH1999/00319/FP: Change of use to sale of motorcycles and accessories with repairs/servicing of motorcycles (variation to condition 2 of permission BH1998/02429/FP to allow the shop to be opened on Sundays and Bank Holidays). Approved 28/04/1999.

BH1998/02428/FP: Change of use of motorcycles and accessories with repairs/servicing of motorcycles. Elevational Alterations. Approved 28/01/1999.

95/1202/FP: Erection of garage in rear yard. Approved 27/11/1995.

4 THE APPLICATION

4.1 Planning permission is sought for the variation of condition 28 of application BH2010/01824 which requires the development to be carried out in accordance with the approved drawings. The application seeks to substitute the proposed floorplans and elevations to allow for internal alterations including a reduction in commercial floor area and further alterations to ground floor layout. The application also proposes an additional five student bedspaces through the re-configuring of the internal floorspace.

4.2 The application proposes alterations to the pattern of fenestration to the elevations and also a small area of additional built form to the top floor.

5 PUBLICITY & CONSULTATIONS

External

5.1 **Neighbours: Nineteen (19)** letters of representation have been received from **3, 5A, 11, 14 (x2), 42 (x2), 43, 52, 53, 57, 58A Newmarket Road, 42, 43**

Gladstone Place, 2, 26 Ursa Court, 108 Lewes Road, 110C, 116, 180A Lewes Road objecting to the application for the following reasons:

- The building is too high for the area
- Increase parking pressure from the numbers of students
- This area is already overrun by students
- Increased traffic congestion
- Overshadowing and loss of daylight
- Increased overlooking
- There is already a high number of commercial units in the area which are vacant no more is required
- Increased number of students in the area has led to the loss of local sense of community
- Anitsocial behaviour including increased noise and disturbance and littering
- The Vogue Gyratory is very polluted and the health of residents needs to taken into consideration

5.2 **Southern Water:** Comments made in relation to application BH2010/01824 remain.

Comments made in respect of BH2010/01824:-

All existing infrastructure, including protective coatings and cathodic protection, should be protected during the course of construction works. No excavation, mounding or tree planting should be carried out within 3 metres of the public water main without consent from Southern Water.

In order to protect water supply apparatus, Southern Water requests that if consent is granted, a condition is attached to the planning permission.

5.3 **Southern Gas Networks:** No objections to the proposal.

5.4 **Sussex Police:** No objections to the scheme, make recommendations with regard to the standard of external glazing and entrance doors.

5.5 **UK Power Networks:** No objections to the proposal.

5.6 **Environment Agency:** No comment.

Internal:

5.7 **Environmental Health:** No Comment.

5.8 **Planning Policy:** Comment. It is considered that the application's amendment to remove the first floor retail floorspace and convert to a student common room does not raise any policy conflicts in terms of retail. The remaining ground floor retail floorspace is considered usable in the context of the unit's location within the Lewes Road District Centre and is considered to leave sufficient space for storage and staff facilities.

- 5.9 **Sustainable Transport: No Objection**. Previously commercial floor space was provided at this level now it is intended to provide a student common room. The Highway Authority has no objections to this application and it is considered that these arrangements will not have a negative impact upon the highway network.

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 and parking
TR4	Travel Plans
TR5	Sustainable transport corridors and bus priority measures
TR7	Safe development

TR13	Pedestrian network
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
SU5	Surface water and foul sewage disposal infrastructure
SU8	Unstable land
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU11	Polluted land and buildings
SU13	Minimisation and re-use of construction industry waste
SU14	Waste management
SU15	Infrastructure
SU16	Production of renewable energy
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods.
QD4	Design – strategic impact.
QD5	Design – street frontages
QD6	Public art
QD7	Crime prevention through environmental design.
QD15	Landscape Design
QD25	External lighting
QD27	Protection of amenity
QD28	Planning obligations
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
SR5	Town and district shopping centres

Supplementary Planning Documents

SPD 03	Construction and Demolition Waste
SPD 08	Sustainable Building Design

Supplementary Planning Guidance Notes

SPG BH4	Parking Standards
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Brighton & Hove City Plan Part One (submission document)

SS1	Presumption in Favour of Sustainable Development
DA3	Lewes Road Area
CP21	Student Housing and Housing in Multiple Occupation

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The principle of the redevelopment scheme has been established by the original permission BH2010/01824. The main considerations in the determination of this application relate to the amendments proposed, namely the loss of commercial

floorspace, the provision of an additional 5 student bedspaces, and the external alterations proposed to enable the internal reconfiguration.

- 8.2 Planning policy and guidance with regard to the considerations raised by this application has not changed significantly since the original scheme was permitted, with the NPPF and Brighton & Hove City Plan Part One (submission document) broadly having the same policy emphasis. The site is located within the Lewes Road Development Area allocated under policy DA3 of the Brighton & Hove City Plan. Policy DA3 identifies the Lewes Road as the city's academic corridor and supports developments to improve education provision within the area, sustainable transport infrastructure, and environmental improvements. Within the policy there is also support for additional student accommodation within the corridor, which the scheme seeks to provide.

Loss of commercial floorspace:

- 8.3 The premises lies within the secondary retail frontage of the Lewes Road district shopping centre where policy SR5 applies which permits change within the A uses class provided that A1 uses predominate but states that 'a change of use at ground floor level to residential in a shopping frontage will not be permitted. The proposed change is at first floor level of the permitted scheme and the loss of commercial floorspace would equate to 86sqm. The retaining floorspace at ground floor level would be 145sqm of retail floorspace.
- 8.4 The applicant has submitted supporting information from a local agent which puts forward a case for the loss of the retail floorspace. The Planning Policy team have accepted this argument and consider that the resultant space is sufficient to provide a usable floor area with sufficient space being retained for storage and staff facilities. In relation to the floorspace provided the Policy Team also considered that this would be comparable to the provision within the surrounding context and its location within the Lewes Road District Centre.
- 8.5 As such the loss of the retail floorspace at first floor level is considered acceptable in this instance.

Additional Bedspaces:

- 8.6 The application proposes a change in the layout of the previously approved rooms. The original application proposed 39 student bedrooms which would share communal facilities such as kitchens and general living areas. The revised scheme proposes a change to that mix and seeks to provide 7 units which would benefit from communal areas such as kitchens and living rooms. The remainder of the units would be self contained studio rooms which have been designed in line with the University of Brighton to provide accommodation which is highly sought after by students. On average the room sizes would be circa 19sqm provide en-suite bathroom facilities, as with the original application, and a small kitchenette within the room. The overall size of the rooms has been slightly increased to accommodate these additional facilities.

- 8.7 These changes including the removal of smaller common areas, this and the loss of the commercial floorspace have resulted in an additional 5 bed spaces being provided and a larger common room located on the first floor. It is therefore considered that the standard of accommodation provided would not have a material impact upon the amenity of future occupiers of the scheme, in accordance with Local Plan Policy QD27.
- 8.8 The proposed additional bedspaces would result in the intensification of the permitted use, whilst still being contained within the approved building envelope. A deed of variation to the Section 106 Agreement relating to the original permission has been drafted which requires a site management plan to be submitted to the Local Planning Authority and a condition is recommended to ensure that all party walls are adequately acoustically insulated, over and above that required by Building Regulations, likewise for units above noise sensitive areas, such as the laundry, refuse/recycling and cycle storage areas.
- 8.9 It is therefore considered that the intensification of the use would not result in a detrimental impact upon the amenity of the neighbouring occupiers.

Impact on Design

- 8.10 In terms of alterations to the design of the approved scheme, the application proposes additional built form to the southern elevation of the development, replacing a roof terrace area at third floor level. The proposed built form follows that of the existing four-storey element of the development. Whilst the proposed built form to the third floor southern elevation would not match that of the north facing elevation, as the southern elevation is read as single element it is considered that the proposed design is acceptable in relation to the overall development.
- 8.11 The application also proposes an alteration to the pattern of fenestration to all elevations. These amendments include the enclosing of balconies, and a revised window layout at first floor level to match the pattern of fenestration of the upper floors to the west (front) facing elevation, and also minor alterations to the positioning of windows to both the north and south elevation. In the context of the approved development these amendments are considered minor and would not compromise the original design concept or resulting appearance of the development.
- 8.12 In relation to the proposed impact upon neighbouring amenity the proposed alterations to the fenestration are considered to raise no additional impact upon neighbouring amenity in terms of overlooking and loss of privacy. The application does propose an increase in built form to the southern elevation at fourth storey level. This built form replaces a raised external terrace and represents an increase in height by 2m. This increase in bulk is considered to be acceptable and would not adversely impact on the sense of enclosure and light levels enjoyed by neighbouring occupiers. The application is therefore considered to be in accordance with policy QD27 of the Brighton & Hove Local Plan.

Highways

- 8.14 Policy TR1 of the Local Plan requires development proposals to provide for the demand for travel which they create and maximise the use of public transport, walking and cycling. Policy TR7 will permit developments that would not increase the danger to users of adjacent pavement, cycle routes and roads.
- 8.15 The Sustainable Transport team has reviewed the information and considers that the potential impact upon the highways network created by the additional bedspaces created as part of the development would be offset by the loss of the commercial floorspace.

Conditions

- 8.16 As part of a S73 application, the existing conditions imposed on the original permission require assessment to ensure they are up to date and relevant. Also new conditions relating to the amendment now sought can be imposed if required. None of the existing conditions have been complied with and as such will be re-imposed as per the original consent. As previously mentioned a deed of variation to the Section 106 Agreement will be required which seeks the same restrictions as previously sought in relation to financial contributions towards open space provision and maintenance, a contribution towards public art, a site management plan, amendment to the existing TRO on Newmarket Road and a restriction that the units shall only be occupied by students attending The University of Brighton.

9 CONCLUSION

- 9.1 The principle of the scheme has been established by the original permission, which has not as yet been implemented. The amendment proposed would not harm the vitality or viability of the Lewes Road Shopping Centre, nor would it result in undue impact of amenity to the adjoining occupiers subject to appropriate conditions. The proposal would not have a detrimental impact upon highway conditions or safety. Therefore, the proposal is considered to be in accordance with development plan policies.

10 EQUALITIES

- 10.1 The development would need to accord with current Building Regulation standards.

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

11.1 S106:

Deed of variation to the original Section 106 Agreement to refer to this application ref BH2013/00908.

- 1) The development hereby permitted shall be commenced before 19 July 2014.

Reason: To accord with the original permission and to ensure that the Local Planning Authority retains the right to review unimplemented permissions.

- 2) 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.

- 3) The student accommodation hereby approved shall not be occupied until the refuse and recycling facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policy QD27 of the Brighton & Hove Local Plan.

- 4) No development shall take place until a scheme for the storage of refuse and recycling in association with the retail unit hereby approved 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 retail unit and the facilities shall be thereafter retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policy SR1 of the Brighton & Hove Local Plan.

- 5) No development shall take place until samples of the materials (including colour of render, paintwork and colourwash, paving) 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.

- 6) The commercial unit on the ground floor shall be used as Class A1 retail only.

Reason: To maintain the vitality and viability of the Lewes Road District Centre and to comply with Policy SR5 of the Brighton & Hove Local Plan.

- 7) Unless otherwise agreed in writing with the Local Planning Authority, no non-residential development shall commence, until a BRE issued Interim/Design Stage Certificate demonstrating that the development has achieved a minimum BREEAM rating of 60% in energy and water sections of relevant BREEAM assessment within overall 'Excellent' for all non-residential development has been submitted to, and approved in writing by, the Local Planning Authority. A completed pre-assessment estimator will not be acceptable.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2

of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.

- 8) Unless otherwise agreed in writing with the Local Planning Authority, no student accommodation shall commence until a BRE issued Interim/Design Stage Certificate demonstrating that the development has achieved a minimum BREEAM rating of 60% in energy and water sections of relevant BREEAM assessment within overall 'Excellent' for the student accommodation 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.

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

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

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

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

- 11) The hard surface hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.

Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policy SU4 of the Brighton & Hove Local Plan.

- 12) 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.

- 13) The use of the retail unit hereby permitted shall not be open to customers except between the hours of 08.00 and 20.00.

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

- 14) No development shall commence until a scheme for the soundproofing of 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 policies SU10 and QD27 of the Brighton & Hove Local Plan.

- 15) 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.

- 16) No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the local planning authority:

(a)

and, unless otherwise agreed in writing by the local planning authority,

(b)

Such scheme shall include nomination of a competent person to oversee the implementation of the works.

The development hereby permitted shall not be occupied or brought into use until there has been submitted to the local planning authority verification by a competent person approved under the provisions of part (b) above that any remediation scheme required and approved under the provisions of part (b) above has been implemented fully in accordance with the approved details (unless varied with the written agreement of the local planning authority in advance of implementation). Unless otherwise agreed in writing by the local planning authority such verification shall comprise:

(a) as built drawings of the implemented scheme;

(b) photographs of the remediation works in progress;

(c) certificates demonstrating that imported and/or material left in situ is free from contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under part (b) above.

- Reason:** To ensure that there is no risk to people, animals or the surrounding environment and to comply with policy SU11 of the Brighton & Hove Local Plan.
- 17) 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.
Reason: To safeguard the amenities of the area in accordance with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.
- 18) 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: To ensure that there is no risk to people, animals or the surrounding environment and to comply with policy SU11 of the Brighton & Hove Local Plan.
- 19) No development shall commence until a scheme for the suitable treatment of all plant and machinery against the transmission of sound and/or vibration 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 policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 20) No development shall commence until a scheme detailing the glazing methods for the building hereby approved have been submitted to and approved in writing by the Local Planning Authority. The works shall be completed in strict accordance with the approved details.
Reason: To protect the amenities of the future occupiers and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 21) No development shall commence until a scheme detailing additional sound insulation measures to the noise sensitive areas of the building, those being the party wall with no. 6 Newmarket Road, and between the retail unit, above the entrance, refuse and cycle stores and the laundry room, have been submitted to and approved in writing by the Local Planning Authority. The works shall be completed in strict accordance with the approved details.
Reason: To protect the amenities of the future occupiers and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 22) The retail unit hereby approved shall not be occupied until a full deliveries management plan for the retail premises has been submitted to and approved in writing by the Local Planning Authority. The Plan must include full details of the proposed delivery times, delivery method, route and

location. Deliveries shall be undertaken in full compliance with the approved document in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to protect the amenities of the neighbouring residential occupiers and to ensure there is no increased risk to the users of the local highway network and to comply with policies QD27 and TR7 of the Brighton & Hove Local Plan.

- 23) Prior to first occupation of the development, or any subsequent change of use hereby permitted by this permission a Travel Plan (a document setting out a package of measures tailored to the needs of the site and aimed at promoting sustainable travel choices and reduce reliance on the car) for the student accommodation shall be submitted to the Local Planning Authority. The Travel Plan shall be approved in writing prior to first occupation of the development and shall be implemented as approved thereafter. The Travel Plan shall include a process of annual monitoring and reports to quantify if the specified targets are being met, and the council shall be able to require proportionate and reasonable additional measures for the promotion of sustainable modes if it is show that monitoring targets are not being met.

Reason: To seek to reduce traffic generation by encouraging alternative means of transport to private motor vehicles in accordance with policy TR4 of the Brighton & Hove Local Plan.

- 24) No servicing or deliveries to or from the retail premises hereby approved shall occur outside the hours of 08.00 and 22.00 Monday to Saturday.

Reason: To safeguard the amenities of the area in accordance with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.

- 25) Prior to the commencement of development, detailed drawings, including levels, sections and construction details of improvements to the surrounding pavement including reinstatement of the existing dropped kerbs on Newmarket Road and Lewes Road which directly adjoin the site shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.

Reason: In the interests of highway safety and to comply with policies TR7 and TR8 of the Brighton & Hove Local Plan.

- 26) Prior to the commencement of development, full details of the proposed ventilation system shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in strict accordance with the approved details and retained as such thereafter and the passive ventilation shall be fully operational prior to the first occupation of any of the flats hereby approved.

Reason: To ensure the occupants of the units do not suffer from adverse air quality and to comply with policies SU9 and QD27 of the Brighton & Hove Local Plan.

- 27) 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
Site location plan			14/06/2010
Site Plan	05		14/06/2010
Building as Existing	13		14/06/2010
Elevations	52	B	14/06/2010
Mechanical Ventilation	55	A	20/07/2010
Elevations	0203/P/150		13/09/2013
Plans	03		21/03/2013

11.2 Informatives:

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

- 2) This decision to grant Planning Permission has been taken:
 - (i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including Supplementary Planning Guidance and Supplementary Planning Documents:
(Please see section 7 of the report for the full list); and

 - (ii) for the following reasons:-
The principle of the scheme has been established by the original permission, which has not as yet been implemented. The amendment proposed would not harm the vitality or viability of the proposed retail unit or the Lewes Road Shopping Centre, nor would it result in undue impact of amenity to the adjoining occupiers subject to appropriate conditions. The proposal would not have a detrimental impact upon highway conditions or safety. Therefore, the proposal is considered to be in accordance with development plan policies.

- 3) The applicant is advised that details of the BREEAM assessment and a list of approved assessors can be obtained from the BREEAM websites (www.breeam.org and www.breeam.org/eco homes). 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 it has been identified that the land is potentially contaminated. If, during development, contamination not previously identified is found to be present at the site then no further development should be carried out until the developer contacted the Council's Environmental Health Department for advice. Please be aware

that the responsibility for the safe development and secure occupancy of the site rests with the developer.

- 5) The applicant is advised to contact Southern Water to agree the measures to be taken to protect/divert the public water supply main. Southern Water can be contacted via Atkins Limited, Southern House, Capstone Road, Chatham, Kent, ME5 7QA, 01634 824103, www.atkinsglobal.com.
- 6) The applicant is advised that new legislation on Site Waste Management Plans (SWMP) was introduced on 6 April 2008 in the form of Site Waste Management Plans Regulations 2008. As a result, it is now a legal requirement for all construction projects in England over £300,000 (3+ housing units (new build), 11+ housing units (conversion) or over 200sq m non-residential floorspace (new build)) to have a SWMP, with a more detailed plan required for projects over £500,000. Further details can be found on the following websites: www.netregs.gov.uk/netregs/businesses/construction/62359.aspx and www.wrap.org.uk/construction/tools_and_guidance/site_waste_2.html

