

# **ITEM B**

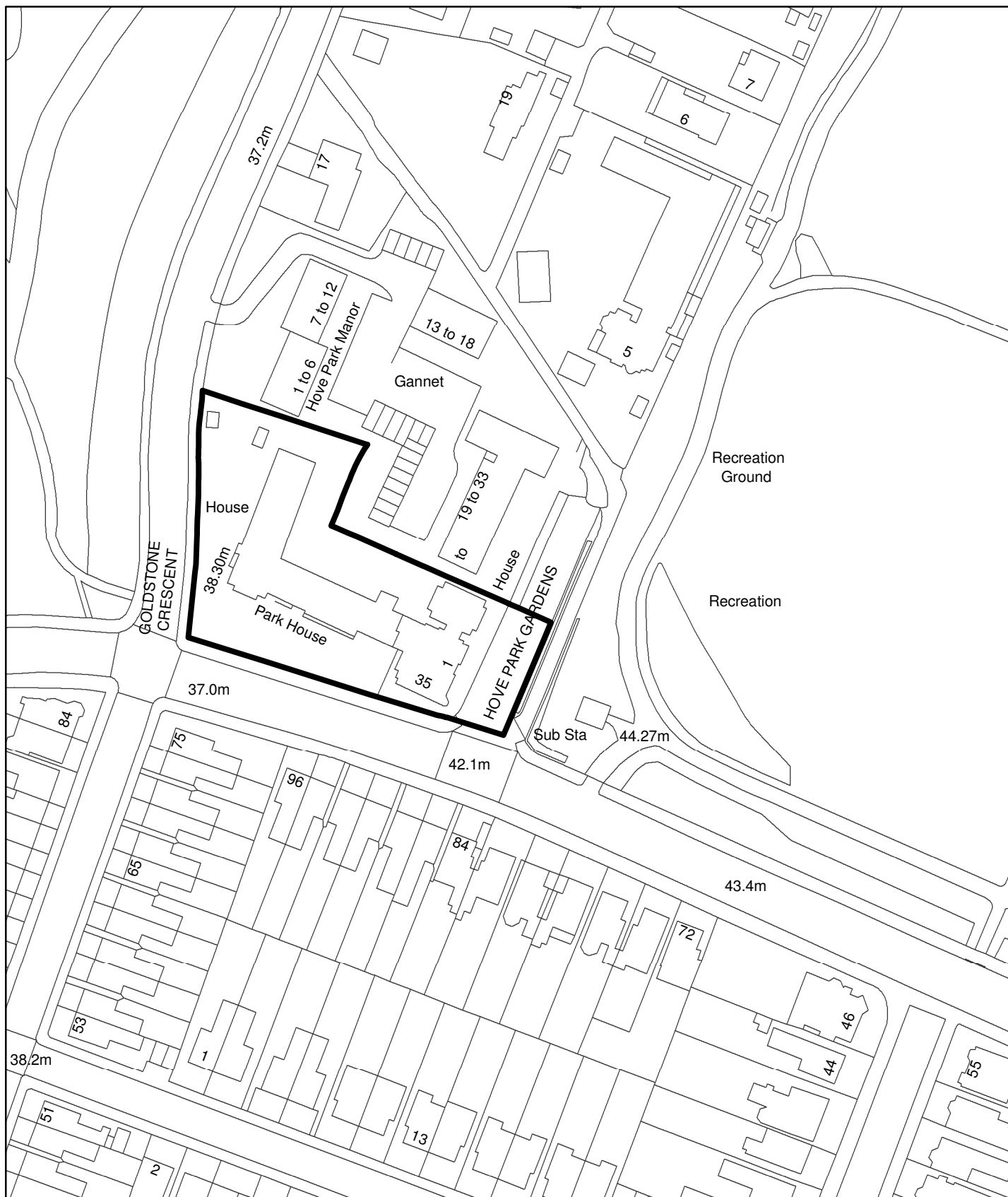
**Park House, Old Shoreham Road, Hove**

**BH2013/03205**

**Removal or variation of condition**

**08 JANUARY 2014**

# BH2013/03205 Park House, Old Shoreham Road, Hove.



**Brighton & Hove  
City Council**



**Scale: 1:1,250**

<b><u>No:</u></b>	<b>BH2013/03205</b>	<b><u>Ward:</u></b>	<b>HOVE PARK</b>
<b><u>App Type:</u></b>	<b>Removal or Variation of Condition</b>		
<b><u>Address:</u></b>	<b>Park House Old Shoreham Road Hove</b>		
<b><u>Proposal:</u></b>	<b>Application for variation of condition 3 of BH2012/00114 (Demolition of former residential language school and erection of 5 storey block of 71 flats) which states that no cables, wires, aerials, pipework, meter boxes or flues shall be fixed to any elevation facing a highway be amended to allow boiler flues and rain water pipes to be fixed to the elevations facing a highway.</b>		
<b><u>Officer:</u></b>	Christopher Wright, tel: 292097	<b><u>Valid Date:</u></b>	23 September 2013
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	23 December 2013
<b><u>Listed Building Grade:</u></b>	N/A		
<b><u>Agent:</u></b>	Architects Plus, Tubs Hill House, London Road, Sevenoaks TN13 1BL		
<b><u>Applicant:</u></b>	Denne Construction, Denne Court, Hengist Court, Borden, Sittingbourne ME9 8FH		

## 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 be **MINDED TO GRANT** planning permission subject to a Deed of Variation to the S106 Agreement, and the Conditions and Informatives set out in section 11.

## 2 SITE LOCATION & DESCRIPTION

- 2.1 The application relates to a prominent corner site on rising land in between Hove Park and Hove Recreation Ground. The site is bounded on three sides by Goldstone Crescent, Old Shoreham Road and Hove Park Gardens, and backs onto the Hove Park Manor and Gannet House flat development and associated parking and garaging. The site is 0.35 hectares in area and was formerly occupied by a residential language school.
- 2.2 The site is not situated in a Conservation Area.

## 3 RELEVANT HISTORY

**BH2013/01019:** Application for approval of details reserved by condition 18 of application BH2013/00584. Approved 25 June 2013.

**BH2013/00584:** Application for removal of condition 14 of application BH2012/00114 (Demolition of former residential language school and erection

of 5 storey block of 71 flats incorporating basement car park and surface car parking to provide 71 parking spaces, including landscaping and other associated works) which states that no development shall take place until the precise details of the canopy shelters including materials, scale and design, over the surface disabled parking spaces hereby approved, have been submitted to and approved in writing by the Local Planning Authority. Approved after Section 106 Signed 24 May 2013.

**BH2013/00262:** Application for variation of condition 3 of BH2012/00114 (Demolition of former residential language school and erection of 5 storey block of 71 flats) which states that no cables, wires, aerials, pipework, meter boxes or flues shall be fixed to any elevation facing a highway be amended to allow boiler flues and rainwater pipes to be fixed to the elevations facing a highway. Refused 7 May 2013.

**BH2013/00102:** Application for approval of details reserved by condition 12 of application BH2012/00114. Approved 16 April 2013.

**BH2012/03511:** Application for approval of details reserved by condition 20i)(a) of application BH2012/00114. Approved 15 March 2013.

**BH2013/00112:** Application for approval of details reserved by condition 13 of application BH2012/00114. Approved 14 March 2013.

**BH2013/00216:** Application for approval of details reserved by condition 19 of application BH2012/00114. Approved 25 February 2013.

**BH2012/04090:** Application for approval of details reserved by condition 15 of BH2012/00114. Approved 4 February 2013.

**BH2012/03778:** Application for approval of details reserved by condition 16 of application BH2012/00114. Approved 24 January 2013.

**BH2012/03671:** Application for approval of details reserved by condition 21 of application BH2012/00114. Approved 16 January 2013.

**BH2012/03519:** Application for Approval of details reserved by condition 17 of application BH2012/00114. Approved 7 January 2013.

**BH2012/03510:** Application for approval of details reserved by condition 18 of application BH2012/00114. Approved 27 December 2012.

**BH2012/03518:** Application for approval of details reserved by condition 11 of application BH2012/00114. Approved 20 December 2012.

**BH2012/00114:** Demolition of former residential language school and erection of 5 storey block of 71 flats incorporating basement car park and surface car parking to provide 71 parking spaces, including landscaping and other associated works. Approved on 18 April 2012. **Development has commenced on site.**

Condition 3-

*No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any elevation facing a highway. Reason: To safeguard the appearance of the building and the visual amenities of the locality and to comply with policies QD1 and QD27 of the Brighton & Hove Local Plan.*

**BH2009/01464:** Demolition of former residential language school and erection of part 4 storey and part 5 storey block of 72 flats. Refused on 11 November 2009. Appeal dismissed by decision letter dated 1 April 2010.

**BH2008/03640:** Demolition of former residential language school and erection of 5 storey block of 72 flats. Refused on 2 March 2009. Appeal dismissed by decision letter dated 1 April 2010.

**3/95/0150(F):** Conversion of existing roof space into 14 study bedrooms plus ancillary WCs and showers and fire escape. Approved on 30 May 1995.

**3/94/0480(F):** Removal of window to be replaced with door and steps down to garden from canteen and to provide security bars to ground floor windows overlooking Hove Park. Approved on 7 September 1994.

**3/92/0361(CN):** (Amended) Outline application for the demolition of the existing buildings and redevelopment of the site for 47 sheltered residential units and associated car parking. Objection to county council proposal.

**3/92/0360 (CN):** (Amended) Outline application for the demolition of the existing buildings and redevelopment of the site for 32 flats and associated car parking. Objection to county council proposal.

**3/92/0159 (CN):** Outline application for the demolition of the existing buildings and redevelopment of the site for 47 sheltered residential units and associated car parking. Objection to county council scheme lodged 23 April 1992.

**3/92/0158 (CN):** Outline application for the demolition of the existing buildings and redevelopment of the site for 32 flats and associated car parking. Objection to county council proposal lodged 23 April 1992.

**3/89/0744:** Outline application for the demolition of Park House and erection of sheltered housing development. Adverse comments.

#### **4 THE APPLICATION**

4.1 The application seeks permission for the variation of condition 3 of application BH2012/00114 to which the decision notice dated 18 April 2012 refers in order to allow for boiler flues and rainwater pipes to be fixed to the elevations of the new building which front the highway.

##### 4.2 Rainwater pipes

In order to drain the upper roofs and the balconies the applicant proposes to position rainwater pipes behind the balcony columns.

##### 4.3 Boiler flues

The proposal is to position 8 boiler flue outlets on the elevation fronting Old Shoreham Road. Two flues on each of the four storeys would be tucked into the corner where the brick bay projections and balconies extend away from the façade of the main building.

4.4 The flues are proposed to be positioned adjacent to the balconies which have 900mm wide front support piers. The support piers in front of the balconies would stand 1.5m in front of the proposed flue outlets.

4.5 The boiler flues are proposed to be circular and 100mm in diameter.

## **5 PUBLICITY & CONSULTATIONS**

### **External**

5.1 **Neighbours: Nine (9)** letters of representation have been received from **86, 88, 92, Flat 1 94 (x2), 96 Old Shoreham Road; 37 and 57 Goldstone Crescent; 6 Hove Park Gardens, objecting** to the application for the following reasons:-

- Not high quality modern development.
- Not a positive contribution to character and appearance of the development.
- Contrary to policy QD1.
- Visually intrusive within the elevations.
- Already concerned about right to light.
- Will make building more unsightly.
- Futuristic factory.
- Visible steam from flues in the winter.
- Will encourage residents to affix TV aerials and satellite dishes.
- External view should remain as approved.
- Visual amenity will be diminished.

## **6 MATERIAL CONSIDERATIONS**

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

6.2 The development plan is:

- Brighton & Hove Local Plan 2005 (saved policies post 2007);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
- East Sussex and Brighton & Hove Minerals Local Plan (November 1999); Saved policies 3,4,32 and 36 – all outside of Brighton & Hove;
- East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only – site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.

6.3 The National Planning Policy Framework (NPPF) is a material consideration.

6.4 Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF.

6.5 The Brighton & Hove City Plan Part One (submission document) is an emerging development plan. The NPPF advises that weight may be given to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies to the policies in the NPPF.

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

## 7 RELEVANT POLICIES & GUIDANCE

### The National Planning Policy Framework (NPPF) March 2012

#### Brighton & Hove Local Plan 2005:

QD1 Design quality of development and design statements  
QD27 Protection of Amenity

#### Supplementary Planning Document:

SPD09 Architectural Features

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

SS1 Presumption in Favour of Sustainable Development

## 8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to whether the proposal to vary the condition and allow the proposed boiler flues and rainwater pipes on the elevations of the building which face a highway would compromise the appearance of the development and lead to a detrimental impact on visual amenity.

### 8.2 **Appearance and Visual Amenity:**

Condition 3 attached to BH2012/00114 stated:

*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.*

- 8.3 The reason for imposing condition 3 was to safeguard the appearance of the building and in turn the visual amenity of the local area.
- 8.4 In view of the scale of the development, including the height of the building and the length of the facades, the attachment of cables, wires, aerials, pipework, meter boxes and flues, could have the potential to create a cluttered and untidy appearance that detracts from the style and integrity of the original building design. The condition was therefore imposed to protect the appearance of the property and avoid unsightly additions and alterations to the external elevations.
- 8.5 Rainwater pipes  
The proposed rainwater downpipes would be on the front elevation of the building, but situated behind, and in the middle of the 900mm wide brick columns which support the balconies of the building. As such, the downpipes would only be visible from views from the side rather than visible from the front.

8.6 Boiler flues-

Application BH2013/00262 proposed the installation of 28 flues on the street fronting elevations and this scheme was refused due to the position and overall number of boiler flues which were considered to have a detrimental impact on the external appearance of the building. The current scheme has reduced the number of boiler flues proposed to 8. Of the 71 flats formed by the development, 63 will not have boiler flues that would be visible from the street. However, 8 of the 71 flats are proposed to have discreetly sited boiler flues on the elevation fronting Old Shoreham Road.

8.7 The current scheme is an improvement on the previous scheme and it is not possible to route the 8 flues internally due to safety and maintenance reasons. This is because, all flue conduits must be accessible and it is not possible to route the flues internally through units under separate ownership. The 8 flues would be sited on the main walls set back from the front edges of the balconies which project 1.5m out from the face of the main walls. The flues are considered to be discreetly sited and would not detract from the character and design of the building.

**9 CONCLUSION**

9.1 The positions and number of boiler flues proposed on the Old Shoreham Road elevation would not have a significant adverse impact on the external appearance of the development and the rainwater pipes are similarly considered appropriately sited and will not have a detrimental impact on the appearance of the building.

9.2 The wording of condition 3 is altered accordingly. Condition 2 is amended to reflect the changes proposed in this application.

**10 EQUALITIES**

10.1 N/A

**11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES**

11.1 Regulatory Conditions

- 1) Not used
- 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
Site Location	Y023-001		17 January 2012
Site Location Plan	Y023-001	A	17 January 2012
-1 Level Floor Plan	Y023-010	F	17 January 2012
01 Level Floor Plan	Y023-012	D	17 January 2012



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02 Level Floor Plan	Y023-013	D	17 January 2012
03 Level Floor Plan	Y023-014	E	17 January 2012
04 Level Floor Plan	Y023-015	E	17 January 2012
06 Roof Plan	Y023-017	B	17 January 2012
Proposed Elevations 1	Y023-020	E	17 January 2012
Proposed Lighting Plan	Y023-050		17 January 2012
Landscape Plan	OHP-ND-001		17 January 2012
Landscape Plan	OHP-ND-002		17 January 2012
Landscape Plan	OHP-ND-003		17 January 2012
Landscape Plan	OHP-ND-004		17 January 2012
Arboricultural Drawings	J37.82/01	B	17 January 2012
Tree Removal & Protection Plan	J37.82/03		17 January 2012
00 Level Floor Plan	Y023-011	G	20 March 2012
05 Level Floor Plan	Y023-016	F	20 March 2012
Proposed Elevations 2	Y023-021	E	20 March 2012
Lower Ground Floor Reference Plan (flues and downpipes only)	12657/WD/01	C2	16 Dec 2013
Ground Floor Reference Plan (flues and downpipes only)	12657/WD/02	C2A	16 Dec 2013
First Floor Reference Plan (flues and downpipes only)	12657/WD/03	C2A	16 Dec 2013
Second Floor Reference Plan (flues and downpipes only)	12657/WD/04	C2A	16 Dec 2013
Third Floor Reference Plan (flues and downpipes only)	12657/WD/05	C2	18 Sep 2013
Fourth Floor Reference Plan (flues and downpipes only)	12657/WD/06	C2	18 Sep 2013
Fifth Floor Reference Plan (flues and downpipes only)	12657/WD/07	C2	18 Sep 2013
Elevations Sheet 1	12657/WD/55	C2A	18 Sep 2013

- 3) No cables, wires, aerials, pipework, meter boxes or flues shall be fixed to any elevation facing a highway.  
**Reason:** To safeguard the appearance of the building and the visual amenities of the locality and to comply with policies QD1 and QD27 of the Brighton & Hove Local Plan.
- 4) Unless otherwise agreed in writing by the Local Planning Authority, the new dwellings hereby permitted shall be constructed to Lifetime Home standards prior to their first occupation and shall be retained as such thereafter.

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

- 5) The hard surfaces 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.

- 6) The vehicle parking areas shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles belonging to the occupants of and visitors to the development hereby approved.

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

- 7) Notwithstanding the drawings submitted, the development shall provide for a minimum of 7 disabled accessible parking spaces and these shall not be used otherwise than for the parking of private motor vehicles belonging to the occupants of and visitors to the development hereby approved.

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

- 8) The windows and other openings to the rooms fronting Goldstone Crescent, Old Shoreham Road and Hove Park Gardens within the development hereby permitted, shall not be glazed other than with glazing which meets or exceeds the standard required for satisfactory attenuation of external noise cited in the approved PPG24 Noise Assessment Final Report received on 17 January 2012.

**Reason:** In order to safeguard the amenities and living conditions of future occupiers of the development and to comply with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.

- 9) The development shall be implemented in accordance with the programme of archaeological work and the written scheme of investigation approved by the Local Planning Authority on 27 December 2012 under application ref. BH2012/03510.

**Reason:** To enable the recording of any items of historical or archaeological interest, as the development is likely to disturb remains of archaeological interest, in accordance with policy HE12 of the Brighton & Hove Local Plan.

- 10) The development hereby permitted shall be implemented in accordance with the Arboricultural Method Statement approved on 20 December 2012 under application ref. BH2012/03518.

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

- 11) The development hereby permitted shall be implemented in accordance with the recommendations as set out in the Badger Method Statement Report approved on 7 January 2013 under application ref. BH2012/03519.

**Reason:** In the interests of nature conservation and the safeguarding of a protected species and their habitat and in order to comply with policies QD17 and QD18 of the Brighton & Hove Local Plan.

- 12) The development hereby permitted shall be implemented in accordance with the Drainage Strategy Layout approved on 16 January 2013 under application ref. BH2012/03671.  
**Reason:** To ensure that the proposed surface water drainage scheme does not cause the mobilisation or introduction of pollutants into the ground and to comply with policies SU3, SU4 and SU11 of the Brighton & Hove Local Plan.
- 13) The development hereby permitted shall be implemented in accordance with the details as set out in the External Building Fabric Assessment by RBA Acoustics approved on 4 February 2013 under application ref. BH2012/04090.  
**Reason:** In order to safeguard the amenities and living conditions of future occupiers of the development and to comply with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.
- 14) The piling of the development hereby permitted shall be implemented in accordance with the details set out in the CFA Piling Technique Statement approved on 16 April 2013 under application ref. BH2013/00102.  
**Reason:** To ensure that the method of foundation construction does not result in the deterioration of groundwater quality and in order to comply with policies SU3 and SU11 of the Brighton & Hove Local Plan.
- 15) The development hereby permitted shall be implemented in accordance with the external materials samples approved on 14 March 2013 under application ref. BH2013/00112 and shall thereafter be retained as such.  
**Reason:** To ensure a satisfactory appearance to the development and to comply with policy QD1 of the Brighton & Hove Local Plan.
- 16) The development hereby permitted shall meet the Code for Sustainable Homes Code Level 4 in accordance with the Interim Certificates issued at Design Stage by STROMA Certification x 71, approved on 25 February 2013 under application ref. BH2013/00216.  
**Reason:** To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.
- 17) The development hereby permitted and visibility splays shall be implemented in accordance with the Vehicle Crossover Licence Plan Access Road ref. C1131, approved on 24 January 2013 under application ref. BH2012/03778) and the visibility splays shall thereafter be maintained as such for the lifetime of the development.  
**Reason:** In order to safeguard inter-visibility between motorists and pedestrians, in the interests of highway safety and to comply with policy TR7 of the Brighton & Hove Local Plan.

11.2 Pre-Commencement Conditions-

- 18) No development shall commence until a scheme for the landscaping of the site has been submitted to and approved in writing by the Local Planning Authority, which shall include details of hard landscaping, planting plans, written specifications (including cultivation and other operations associated with tree, shrub, hedge or grass establishment), schedules of plants noting species, plant sizes and proposed numbers/densities and an implementation programme. The development shall be implemented in accordance with the approved details.

**Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.

- 19) All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All hard landscaping and means of enclosure shall be completed before the development is occupied.

**Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.

- 20) (i) The development hereby permitted shall be carried out in accordance with the details in the contaminated land remediation scheme submitted to and approved by the Local Planning Authority on 15 March 2013 under application ref. BH2012/03511.

(ii) The development hereby permitted shall not be occupied or brought into use until there has been submitted to the Local Planning Authority verification by the competent person approved under the provisions of (i) above that any remediation scheme required and approved under the provisions of (i) 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; and
- 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 (i). If during development contamination not previously identified is found to be present at the site, no further development, unless otherwise agreed in writing by 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.

**Reason:** To safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.

### 11.3 Pre-Occupation Conditions-

- 21) Unless otherwise agreed in writing by the Local Planning Authority, none of the residential units hereby approved shall be occupied until a Final/Post Construction Code Certificate issued by an accreditation body confirming that each residential unit built has achieved a Code for Sustainable Homes rating of Code level 4 or higher 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.

- 22) Unless otherwise agreed in writing by the Local Planning Authority, the development hereby approved shall not be occupied until 4 x bird and 4 x bat roosting boxes, which should be made from 'Woodcrete' or equivalent, and fixed securely to the external walls of the building, have been provided.

**Reason:** In the interests of nature conservation and enhancement of the biodiversity of the site and in order to comply with policy QD17 of the Brighton & Hove Local Plan.

- 23) The development hereby approved shall not be occupied until the refuse and recycling storage 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.

- 24) 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.

#### 11.4 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 Brighton & Hove Local Plan set out below, 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 proposed development is acceptable in principle and the amount of affordable housing provision, together with the unit sizes and tenure split reflects and responds to housing need in the city. The form, siting, design and external finishes together with the detailed landscaping scheme are considered appropriate to the site context and would not have a detrimental impact on the character and appearance of the local area on this prominent corner site. The siting and layout of the development in relation to existing neighbouring

buildings is such that there would be no significant adverse impact on amenity by way of overlooking or an overbearing impact. The proposal seeks to achieve a high level of sustainability meeting Level 4 of the Code for Sustainable Homes and makes adequate provision for transport demand generated by the development and also provision to mitigate the impact of the development on both protected trees and protected species and their habitats.

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

4. 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](http://www.netregs.gov.uk/netregs/businesses/construction/62359.aspx) and  
[www.wrap.org.uk/construction/tools\\_and\\_guidance/site\\_waste\\_2.html](http://www.wrap.org.uk/construction/tools_and_guidance/site_waste_2.html).

5. The applicant is advised that advice regarding permeable and porous hardsurfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens' which can be accessed on the DCLG website ([www.communities.gov.uk](http://www.communities.gov.uk)).

6. The above condition on land contamination has been imposed because the site is known to be, or suspected to be contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer. The local planning authority has determined the application on the basis of the information made available to it. The phased risk assessment should be carried out in accordance with the procedural guidance and UK policy formed under the Environmental Protection Act 1990. To satisfy the condition a desktop study shall be the very minimum standard accepted. Pending the results of the desk top study, the applicant may have to satisfy the requirements of (i) (b) and (i) (c) of the condition. It is strongly recommended that in submitting details in accordance with this condition the applicant has reference to Contaminated Land Report 11, Model Procedures for the Management of Land Contamination. This is available on both the DEFRA website ([www.defra.gov.uk](http://www.defra.gov.uk)) and the Environment Agency website ([www.environment-agency.gov.uk](http://www.environment-agency.gov.uk)).

7. The applicant is hereby reminded of their duty to observe the requirements of the Wildlife and Countryside Act 1981, including a duty to conserve bats, and that no clearance of vegetation suitable for nesting birds should take place during the bird nesting season taken as 1<sup>st</sup> March until 31<sup>st</sup> July without the supervision or authorisation of a qualified Ecologist.

8. The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development, and for connection to the water supply. Please contact Atkins Ltd., Anglo St. James' House, 39A Southgate Street, Winchester, SO23 9EH (telephone 01962 858688), or [www.southernwater.co.uk](http://www.southernwater.co.uk).