

ITEM H

**Blocks C & D, The Priory, London Road,
Brighton**

**BH2013/03946
Full planning**

23 APRIL 2014

BH2013/03946 Blocks C & D, The Priory, London Road, Brighton



**Brighton & Hove
City Council**



Scale: 1:1,250

PLANNING COMMITTEE LIST- 23 APRIL 2014

<u>No:</u>	BH2013/03946	<u>Ward:</u>	PATCHAM
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Blocks C & D The Priory London Road Brighton		
<u>Proposal:</u>	Creation of additional floor above existing to provide 8no flats with additional car parking at ground floor level.		
<u>Officer:</u>	Sue Dubberley Tel 293817	<u>Valid Date:</u>	09 December 2013
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	03 February 2014
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Strutt & Parker, 31 North Street, Chichester PO19 1LY		
<u>Applicant:</u>	Anstone Properties Ltd, C/O Strutt & Parker, 31 North Street, Chichester PO19 1LY		

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 the completion of a S106 agreement and the Conditions and Informatives set out in section 11.

2 SITE LOCATION & DESCRIPTION

- 2.1 The application site is located on the western side of London Road just to the north of its junction with The Deneway. It comprises 4 circa 1970's four storey flat roofed blocks of flats of brick construction with projecting bays clad in white fascia boarding. Blocks A & B are located to the rear of the site and the application site Blocks C & D are situated at the front, presenting a continuous façade to London Road. There are 43 garages and 32 parking spaces located within the site with vehicular access from London Road. There is a 20m – 25m deep area of soft landscaping on the London Road frontage which is laid to lawn and contains a number of substantial mature trees which span the length of the eastern site boundary.
- 2.2 The surrounding area is predominantly residential in character. To the north of the site, Homeleigh is a four storey purpose built block of flats. To the south, are the rear gardens of detached two storey houses and bungalows fronting The Deneway. Adjoining the site to the rear is a two storey house and beyond the London to Brighton railway line whilst to the east on the opposite side of London Road is a three storey block of flats and two storey detached houses.
- 2.3 London Road (A23) is a heavily trafficked classified road with parking restrictions in the vicinity of the application site.

3 RELEVANT HISTORY

BH2013/00287 (Blocks C and D) Application to extend time limit for implementation of previous approval BH2009/00058 for roof extension to blocks C and D to provide 4x3 bedroom flats, each with own roof garden, and a cycle store. Approved 11/04/2013.

BH2011/01611:(Block B) Erection of additional storey to form 2no three bedroom flats each with roof garden and associated cycle store. Approved 07/12/2011.

BH2010/01898: Construction of 4 No. additional garages. Refused 22/10/2010.

BH2009/00058: (Blocks C and D) Construction of additional storey to existing block of flats, to form 2 two-bedroom and 2 three bedroom flats with a roof garden to each unit. New cycle store. Non-determination appeal allowed 09/04/2010.

BH2009/00033: (Blocks C and D) Proposed roof extension to Blocks C and D to provide 4 x 3 bedroom flats, 6 x car parking spaces and a cycle store. Withdrawn 12/02/2009.

BH2005/06744: Construction of additional storey to each of the existing blocks of flats, to form 6 four-bedroom and 2 five-bedroom flats, with a roof garden to each unit. Provision of 22 car parking spaces (8 for additional flats, 6 for existing residents, 8 visitor spaces which includes 2 disabled parking spaces). New cycle store. Refused 18/01/2008. Appeal Withdrawn.

BH2001/02278/OA: Erection of a 2-storey building above existing garage compound to form 4 flats and the provision of 2 car parking spaces. Refused 09/11/2001. Appeal Dismissed 04/10/2002.

93/0503/OA: Construction of additional (fourth) floor to each of the 4 flat blocks to form a total of 10 new flats. Provision of 15 new parking spaces. Refused 31/08/1993.

93/0502/OA: Erection of 2 storey building above garage compound to form 4 new flats. Provision of 6 new parking spaces. Refused 31/08/1993.

4 THE APPLICATION

4.1 Planning permission is sought for the creation of an additional floor above existing to provide 8 flats with additional car parking at ground floor level.

4.2 The proposed rooftop extension would have a width of 52.5m, a maximum depth of 11.8m and a height of 3m. On its eastern elevation, the extension would be set in 3m from the existing roof parapet with a centrally positioned recessed element set in 8m. There would be a set back of 1.5m from the west facing roof perimeter and 4m from both the northern and southern side elevations of the building. The front and rear elevations of the extension would be fully glazed with white powder coated aluminium framing and the side elevations rendered.

4.3 Each flat would have access to a private roof terrace and a new brick built cycle store would be provided on the southern boundary of the site adjoining the existing garage block.

5 PUBLICITY & CONSULTATIONS

External

5.1 **Neighbours:** Twenty (20) letters of representation have been received from **3, 6, 9, 14, 25, 27, 36, 37, 40, 41, 47, 62, 65, 70 (x2) The Priory, 27 Homeleigh, 40 Park Lodge, Dyke road Priory Patcham Limited** (Holding company for shareholders of The Priory), **2 emails, no address given, objecting** to the application for the following reasons:

- There would be considerable inconvenience to the existing occupants of the flats with the loss of the lift while a new lift is put in place.
- The development would cause major disruption during construction and chaos with large vehicles and machinery within the grounds. The movement of large vehicles would be a danger to users of the pathway through The Priory.
- No room for contractor's vehicles to unload or for storage of materials.
- No room for additional parking on the site.
- Four spaces proposed will involve the loss of grassed amenity currently enjoyed by residents.
- Any additional spaces should be for the use of existing residents.
- Any additional parking will create further traffic congestion on site and additional traffic movements with night-time comings and goings. Will have an effect on pedestrian safety.
- Parking is a premium and more flats will create parking problems.
- The development will make flats harder to sell and will reduce value.
- Will spoil the look of the whole building.
- Additional storey inappropriate to the street scene and out of character with the area and an overdevelopment.
- Style of the extension and roof garden out of character with the area.
- Loss of privacy and overlooking.
- The development would result in overshadowing of adjoining blocks.
- Refuse bin storage is already at maximum capacity and there seems to be no allowance made for this in the addition of these flats,
- Four person lifts not suitable for disabled.
- Presence of bat colony prevents work between 1 September to 1 November in any year.
- Overlooking of Homeleigh from roof gardens objected previously , should only for maintenance purposes.

5.2 **Environment Agency:** No comments to make.

Internal

5.3 **Ecology:** Support: provided the agreed mitigation measures are implemented, the proposed development is unlikely to have a detrimental impact on biodiversity and can be supported from an ecological perspective. The site offers opportunities for biodiversity enhancements that will help the Council address its duties and responsibilities under the NERC Act and NPPF. It is recommended that those conditions relevant to the protection of bats that were applied to BH2013/00287 be applied to the current application, specifically conditions 5 (restrictions to construction period), 6 (protection of flight paths), 9 (need for an up to date survey) and 10 (installation of bat boxes). With respect

to the last of these conditions, it is recommended that the condition be amended so that installation of boxes is required prior to the commencement of works.

- 5.4 **Environmental Health:** Comment: Regarding noise there is insufficient information provided in the application to make suitable recommendations.
- 5.5 **Sustainable Transport:** Support: Recommended approval as the Highway Authority has no objections to this application subject to the inclusion of the necessary condition and that the applicant enters into a S106 to contribute £6000 towards sustainable transport improvements in the vicinity of the site.

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)

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle access and parking

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TR19	Parking standards
SU2	Efficiency in the use of energy, water and materials
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste
SU15	Infrastructure
QD1	Quality of development and design statements
QD2	Design-key principles for neighbourhoods
QD3	Design-efficient and effective use of sites
QD14	Extensions and alterations
QD18	Species protection
QD27	Protection of amenity
QD28	Planning obligations
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes

Supplementary Planning Guidance:

SPGBH4 Parking Standards

Supplementary Planning Documents

SPD03 Construction and Demolition Waste

SPD08 Sustainable Building Design

SPD11 Nature Conservation and Development

8 CONSIDERATIONS & ASSESSMENT

- 8.1 Matters relating to land ownership, property values and disturbance during construction works are not material planning considerations. The main considerations in the determination of this application relate to the principle of the proposed development, design, the impact on the amenities of neighbouring occupiers, the amenities of future occupiers, traffic issues, sustainability and nature conservation.

The principle of the proposed development:

- 8.2 The principle of development has already been established by previous approvals on the site; application BH2009/00058 for the construction of an additional storey to the existing block of flats, to form 2 two-bedroom and 2 three bedroom flats with a roof garden to each unit and the subsequent renewal of this application approved last year under ref: BH2013/00287.

Design and visual impact on the locality:

- 8.3 The design of the roof extension is the same as that approved under the earlier approvals when the design was considered acceptable and there is therefore a precedent set for an extension with the footprint, scale and mass now proposed.
- 8.4 The extension would not be readily visible from beyond the confines of the site. The north facing flank elevation of the extension would be set back 4m from the roof parapet and would not be visible when viewed from north to south along

London Road above the neighbouring four storey and three storey blocks of flats (i.e. Homeleigh & Brangwyn Court). A comparable 4m set back from the south facing roof parapet of the building should also ensure that the proposed extension would not be readily visible from The Deneway and London Road to the south. In addition, given that the east facing elevation would have a 3m set back with a deeply recessed central element; the front façade of the building is positioned in excess of 22m from the back edge of the public footway; and that there is a dense tree screen on the boundary, when viewed from directly opposite the site on London Road and Carden Avenue, the development would have little impact on the street scene or appear so prominent as to warrant refusal. Although the boundary trees largely comprise deciduous specimens, it is considered that when not in leaf they would still serve a screen function and break-up views of the front elevation of the building. It is important to note that a scheme for a similar proposal could still be implemented.

- 8.5 The extension proposed is subservient to the main building, with discreet glazed facades and perimeter roof terraces which would enhance and add visual interest to the elevational appearance of the building. It is recommended that a condition be imposed requiring the approval of the external facing materials of the proposed roof addition.

The effect on the amenities of adjoining and nearby occupiers:

- 8.6 Although there are habitable room windows in the south facing side elevation of Homeleigh, the proposed roof extension has been set back 4m from the edge of the roof parapet and would be in excess of 14m away from the nearest window. It is considered that such a spatial relationship would not only be sufficient to preclude any direct window to window overlooking but would preclude any material loss of light or outlook.
- 8.7 The current application however, differs from the previous consent in that the section of flat roof abutting the northern flank elevation of the proposed extension is now shown as a roof terrace. The earlier consent (BH2009/00058) showed the area fenced off and for maintenance purposes only. A planning condition attached to the earlier consents restricted access to this area in order that the privacy of adjoining occupiers would not be adversely affected. The planning statement included with the application states that this area could be fenced off if this is considered appropriate and given the previous concerns regarding loss of privacy for adjoining properties it is considered appropriate to include the condition as part of the recommendation.
- 8.8 The concerns raised by the occupiers of the neighbouring blocks to the rear within The Priory regarding loss of light, outlook and privacy have been noted. However, given that there is a 22m to 30m separation between the application building and Block B and that Block A is some 21m away and positioned at a right angle with the majority of habitable windows facing either to the north or south, the proposal would not exacerbate the existing situation in terms of light, outlook or privacy. Furthermore, in view of the height of the existing building, its northerly position and the fact that the extension would be set back 4m from its main side elevation, the proposal would not exacerbate the existing situation in terms of

sunlight, outlook or privacy of the occupiers of the two storey houses and bungalows to the south fronting The Deneway.

- 8.9 It is not considered that the additional residential accommodation would result in an unacceptable increase in noise and disturbance, compared to the previous schemes, for the existing occupiers of the building. The provision of roof terraces is a recognised method of providing an appropriate level of private amenity space in both new build residential developments and in extensions to existing buildings, and in this case, it is considered that their use would be unlikely to result in levels of noise and disturbance so significant as to warrant refusal.
- 8.10 Finally, in order to preserve the existing levels of communal amenity space provision within the estate and to ensure that the attractive setting of the blocks is maintained, four parking spaces to be located on an existing grassed area, (two in front of Block B and two in front of Block D) have been deleted from the application.
- 8.11 The concerns raised by neighbouring occupiers regarding potential noise, disturbance and inconvenience during construction have been noted, however, these matters do not fall within the remit of planning control.

The amenities of future occupiers:

- 8.12 The proposed development would provide a satisfactory standard of living accommodation for the future occupiers in terms of room sizes, light, outlook and privacy in accordance with policy QD27 of the Local Plan.
- 8.13 Policy HO13 of the Local Plan requires all new residential development to comply with Lifetime Homes standards. The Design & Access Statement indicates that the development would comply with Lifetime Homes standards providing appropriate door widths, circulation space and lift access. Notwithstanding this, a condition forms part of the recommendation to secure compliance.
- 8.14 In terms of amenity space provision, each unit would be provided with a private roof terrace in accordance with policy HO5 of the Local Plan.

Noise:

- 8.15 Environmental Health officers have commented that the proposed development is situated approximately 60m away from a railway line and 30 m from London Road and that noise may therefore have an impact on future residents. There are some concerns that the bedrooms of this development in particular may be affected by traffic noise and it is considered that an acoustic assessment of this site is required.
- 8.16 While the comments of Environmental Health are noted both of the previous approved applications on the site, (the 2009 application and the subsequent renewal of this permission) did not include an acoustic report or a request for a report. Given that there is an extant permission for four flats on the site and this issue was not raised previously when assessing earlier approved applications, it is considered that in this case it would be unreasonable to insist that an acoustic report is submitted now.

Highways and parking:

- 8.17 Policy TR1 of the Local Plan requires applicants to provide for the travel demands that their proposals create and to maximise the use of public transport, walking and cycling.
- 8.18 The proposals are forecast to increase trip generation levels slightly above existing permitted levels. This is because there are 8 additional units, taking the total number of flats on-site to 88. The Traffic Engineer therefore has recommended that a financial contribution of £6000 is made to improve the pedestrian facilities in the area. The contribution will go towards footway improvements in the local area and will go towards mitigating the forecast increase in trips to and from the development and ensuring the development is in accordance with Local Plan policies TR1, TR7 and TR8 by providing safe walking routes to and from the development.

Car Parking:

- 8.19 The application originally proposed 4 car parking spaces on-site in addition to the current 74 car parking spaces on-site. The Council's car parking standards require a maximum provision of 1 space per unit. The approved scheme for four additional flats proposed 6 new car parking spaces on the site; however these were removed from the application, as a result of significant residential and visual amenity concerns. Similarly objections to the loss of amenity space to create parking spaces have been raised again and the parking spaces have been removed from the current application during the course of the application. The level of car parking is still line with the maximum standards in SPG04 and is deemed acceptable. The Traffic Engineer has raised no objection to the removal of the car parking spaces from the application.

Cycle Parking:

- 8.20 SPG 4 states that a minimum of 1 cycle parking space per residential unit plus 1 space per 3 dwellings for visitors. In order to accord with Policy TR14 of the Brighton & Hove Local Plan 2005 cycle parking must be secure, convenient, well lit, well signed and wherever practical, sheltered.
- 8.21 A secure brick built cycle store adjoining an existing block of garages on the southern boundary of the site is proposed to accommodate 14 cycle parking spaces. The Traffic Engineer has commented that the information submitted with the application does not allow a full assessment of the proposed cycle storage. It is therefore recommended that a condition be imposed requiring the submission of further details on this matter.
- 8.22 Concerns expressed by residents regarding the safety of the access/ egress arrangements to London Road have been noted. However, Sustainable Transport Officers have raised no objection as the existing vehicular and pedestrian access arrangements are retained from London Road. Furthermore, it is considered that additional vehicle movements associated with the eight residential units proposed, would not exacerbate the existing situation to an extent that would justify the refusal of the application on highway safety grounds.

Sustainability:

- 8.23 Policy SU2 of the Local Plan requires all new development to be efficient in the use of energy, water and materials and with regard to extensions to existing residential buildings such as this, SPD08 Sustainable Building Design requires Applicants to submit a Sustainability Checklist and recommends that the development achieves significant environmental improvements through the Code for Sustainable Homes. The Applicant has submitted a Sustainability checklist and addressed sustainability matters within their Planning Statement, indicating that CO2 emissions and water consumption would be reduced through, for example, the use of double glazing, roof-mounted photovoltaic cells, A-rated white goods and low flow taps and sanitary ware. In addition, in accordance with the requirements of SPD08, a condition has imposed been ensuring the scheme meets Code Level 3.
- 8.24 A satisfactory Waste Minimisation Statement has been submitted in accordance with policy SU13 and SPD03. It is recommended that in the event of planning permission being granted, a condition be imposed to ensure that the development is carried out in accordance with this plan.

Nature conservation:

- 8.25 Policy QD18 of the Local Plan requires that where it is evident that a proposal could directly affect a species of animal protected under national legislation the applicant will be required to undertake an appropriate site investigation and if deemed necessary adopt measures to avoid any harmful impacts and where practicable enhance the habitat of the respect species.
- 8.26 A large Bat maternity roost and a possible hibernation roost of Common Pipistrelle Bats exists under the shiplap cladding above Flat 16 in Block D has been identified and a Bat report forms part of the application submission. All species of bat benefit from the highest level of species protection available under UK legislation, being protected by both the Wildlife and Countryside Act 1981 and the Habitats Regulations (which implement the EC Habitats Directive into UK legislation). Essentially, it is unlawful to disturb, damage or destroy a bat roost outside a dwelling house.
- 8.27 The County Ecologist considers that provided the agreed mitigation measures are implemented, the proposed development is unlikely to have a detrimental impact on biodiversity and can be supported from an ecological perspective and would provide a way for the development to proceed and address bat conservation requirements, subject to the inclusion of conditions and to the granting of a European Protected Species (EPS) Mitigation Licence.
- 8.28 The report proposes that the roost will be retained and measures have been agreed to ensure its protection during construction. The ecologist has recommended that those conditions relevant to the protection of bats that were applied to extension of time application BH2013/00287 are applied to the current application, which restrict the construction period, protect flight paths and require an updated survey and the installation of bat boxes. With respect to the last of

these conditions, it is recommended that the condition be amended so that installation of boxes is required prior to the commencement of works, and also that an additional condition is added requiring a monitoring strategy. The previous conditions along with the suggested amended condition all form part of the recommendation.

Other issues:

- 8.29 It is noted that a number of owners/Freeholders have objected to the application questioning the applicants right to carry out the permission. This is a private matter and not a material planning consideration.

9 CONCLUSION

- 9.1 The principle of development has been established through previous permissions. The proposed development would have a satisfactory appearance and would have no adverse impact on the character and visual amenity of the area. There would be no material detriment to the amenities of neighbouring residential occupiers. Subject to conditions there would be no adverse effect on the protected Pipistrelle Bat roost.

10 EQUALITIES

- 10.1 The proposed dwellings should comply with Part M of the Building Regulations and has been conditioned to meet Lifetime Homes standards.

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

11.1 S106 Heads of Terms

S106 contribution of £6000 to go towards footway improvements in the local area. Specifically the following works:

- London Road / Carden Avenue roundabout – providing dropped kerbs and tactile paving;
- The Deneway / London Road junction – realign the pedestrian refuge to ensure it is in line with the desire line and provide dropped kerbs and tactile paving.

11.2 Regulatory Conditions:

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

Plan Type	Reference	Version	Date Received
Location Plan	A1713/01		09/012/2013
Site plan	A1713/02	A	09/012/2013
Existing typical Floor Plans	A1713/03	A	25/11/2013

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Existing Elevations Blocks C & D	A1713/04	A	25/11/2013
Proposed plans and east elevation	A1713/05	A	25/11/2013
Proposed elevations	A1713/06	A	25/11/2013
Existing roof plan	A1713/07	A	25/11/2013
Proposed roof plan	A1713/08	A	25/11/2013
Lifetime Homes compliance	A1713/09	A	25/11/2013

- 3) Access to the part of the flat roof to the original building to the north-east of the roof extension, as shown on drawing no. A1713/08A shall be for maintenance purposes only and the area shall not be used as a roof garden, terrace, patio or similar amenity space.

Reason: In order to protect adjoining properties from overlooking and noise disturbance and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

- 4) Access to the flat roof over the extension hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.

Reason: In order to protect adjoining properties from overlooking and noise disturbance and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

- 5) 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.

- 6) Unless otherwise agreed in writing by the Local Planning Authority, the new dwellings hereby permitted shall be constructed to Lifetime Homes 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.

- 7) Unless otherwise agreed in writing by the Local Planning Authority, construction work on block D shall not be carried out outside the period 1st September to 1st November in any year.

Reason: To ensure the protection of the Bat roost and to comply with policy QD18 of the Brighton & Hove Local Plan.

- 8) The flight corridor of the bats into the roost located on block D and to nearby trees as shown in figure 4 of the bat assessment report dated January 2009 by the Ash partnership, shall be kept clear of all obstructions, including construction equipment, from sunset to sunrise for the duration of the construction period.

Reason: To ensure the protection of the any Bat roosts and to comply with policy QD18 of the Brighton & Hove Local Plan.

11.3 Pre-Commencement Conditions:

- 9) No development shall take place until samples of the materials (including colour of render, paintwork and colourwash) to be used in the construction of the external surfaces of the development hereby permitted have been

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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 policies QD1 and QD14 of the Brighton & Hove Local Plan.

- 10) No development shall take place until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full as approved prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.

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

- 11) No development shall commence until an up-to-date bat assessment survey of the site has been submitted to and approved in writing by the Local Planning Authority. Any measures required to ensure that the development effectively mitigates for bats shall be implemented in full.

Reason: To ensure the protection of the any Bat roosts and to comply with policy QD18 of the Brighton & Hove Local Plan.

- 12) No development shall commence until details of bat boxes to be installed in the development and on the trees on the site have been submitted to and approved in writing by the Local Planning Authority. The bat boxes shall be installed prior to commencement of works and shall be retained as such.

Reason: To ensure the protection of the any Bat roosts and to comply with policy QD18 of the Brighton & Hove Local Plan.

- 13) Unless otherwise agreed in writing by the Local Planning Authority, no residential development shall commence until a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development achieves a Code for Sustainable Homes rating of Code level 3 as a minimum for all residential units has been submitted to, and approved in writing by, the Local Planning Authority. A completed pre-assessment estimator will not be acceptable. **Reason:** To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.

- 14) The development hereby permitted shall not be commenced 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 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.

11.4 Pre-Occupation Conditions:

- 15) 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

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Sustainable Homes rating of Code level 3 as a minimum 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.

11.5 Informatives:

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

The principle of development has been established through previous permissions. The proposed development would have a satisfactory appearance and would have no adverse impact on the character and visual amenity of the area. There would be no material detriment to the amenities of neighbouring residential occupiers. Subject to conditions there would be no adverse effect on the protected Pipistrelle Bat roost.
2. The applicant is advised that in respect of condition 9 the updated bat survey should be carried out by a qualified and experience bat surveyor to assess whether there has been any significant change to the status of the development site with respect to bats since approval of application BH2009/00058. If a significant change has occurred, the report should describe any measures required to ensure that the development effectively mitigates for bats.
3. The applicant is advised that details of Lifetime Homes standards can be found in Planning Advice Note PAN 03 Accessible Housing & Lifetime Homes, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk).
4. The applicant is advised that details of the Ecohomes Refurbishment assessment and a list of approved assessors can be obtained from the Ecohomes websites (www.breeam.org and www.breeam.org/ecohomes). Details about Ecohomes 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). A new assessment tool called BREEAM Domestic Refurbishment will be published by the Building Research Establishment from late 2010. The use of BREEAM Domestic Refurbishment would satisfy the requirements of the Ecohomes refurbishment conditions. Further information about this assessment tool can be found on the BRE website (www.breeam.org/page.jsp?id=228).