

# **ITEM C**

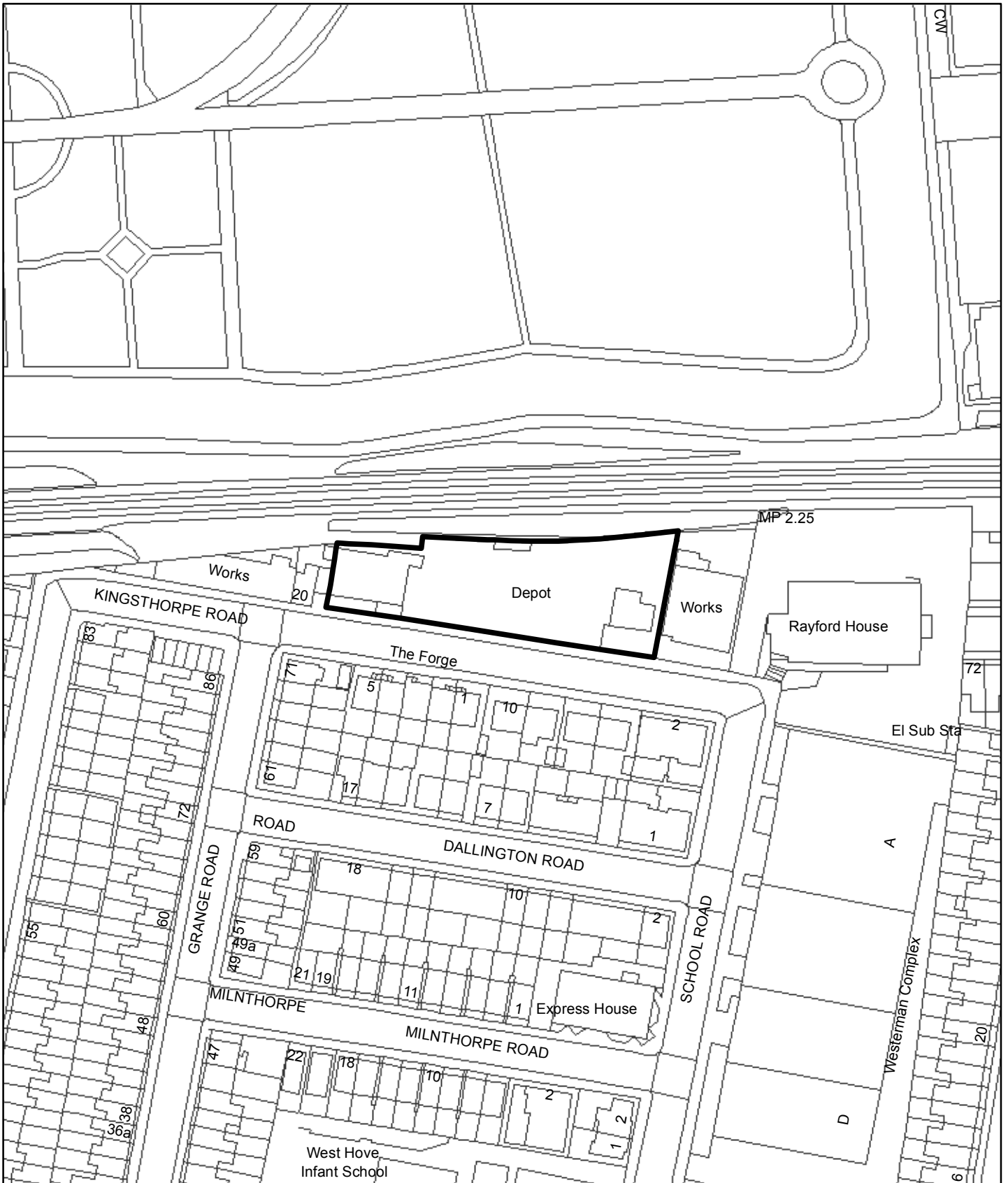
**18, 24, 28 & 30 Kingsthorpe Road, Hove**

**BH2013/01646**

**Outline application all matters reserved**

**04 JUNE 2014**

# BH2013/01646 18, 24, 28 & 30 Kingsthorpe Road, Hove



**Scale: 1:1,250**

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<b><u>No:</u></b>	<b>BH2013/01646</b>	<b><u>Ward:</u></b>	<b>WISH</b>
<b><u>App Type:</u></b>	<b>Outline Application All Matters Reserved</b>		
<b><u>Address:</u></b>	<b>18 24 28 &amp; 30 Kingsthorpe Road Hove</b>		
<b><u>Proposal:</u></b>	<b>Outline application for demolition of existing building and erection of part three storey and part four storey building comprising of B1 use at ground floor level and 26no residential units with associated works, and approval of reserved matters for scale.</b>		
<b><u>Officer:</u></b>	Jonathan Puplett Tel 292525	<b><u>Valid Date:</u></b>	04 June 2013
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	03 September 2013
<b><u>Listed Building Grade:</u></b>	N/A		
<b><u>Agent:</u></b>	Leo Horsfield Surveying, 9 Clifton Hill, Brighton BN1 3HQ		
<b><u>Applicant:</u></b>	Danworth Holdings Ltd, Mr Damian Sablon, Unit 35, Stairbridge Lane Haywards Heath RH17 5PA		

**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 S106 agreement and the Conditions and Informatives set out in section 11.

**2 SITE LOCATION & DESCRIPTION**

- 2.1 The application relates to a depot site comprising two main buildings and a large open depot area with brick built boundary walls and metal gates. The railway line between Portslade and Aldrington stations is to the north of the site, to the southern side of Kingsthorpe Road two storey residential development is in situ. Much of the surrounding area is characterised by traditional two storey terraced dwellings with the northern side of Kingsthorpe Road and the eastern side of School Road being of commercial character. Most development in the area is two storey height or single storey. Rayford House to the east of the site is 5 storeys in height.

**3 RELEVANT HISTORY**

- 3.1 None.

**4 THE APPLICATION**

- 4.1 Outline planning permission is sought for the demolition of the existing buildings on the site and the erection of a part three part four storey building comprising B1 use at ground floor level and 26 residential units above. All matters except scale are reserved for approval at a later date.

## 5 PUBLICITY & CONSULTATIONS

### External

5.1 **Neighbours: Thirteen (13)** letters of representation have been received from **The Nook Kingsthorpe Road, no. 36 Kingsthorpe Road, nos. 3 and 4 The Forge, no. 17 Dallington Road, nos. 22, 28 36, 65, 67 (x2) and 75 Bolsover Road, and no. 13 Clarendon House Clarendon Road** objecting to the application for the following reasons:

- The proposed development would overshadow neighbouring properties.
- The proposed residential units would be located in an industrial area.
- The proposed development does not have sufficient off-street parking / would lead to increased demand for on-street parking, traffic and would adversely affect highway safety.
- The proposed development would cause increased overlooking.
- The proposed development would cause increased noise, smell and disturbance.
- The proposed development would impact negatively upon neighbouring amenity, would be overbearing and overly large / out of scale with neighbouring buildings.
- The proposed development is of an excessive scale and density.
- The proposed development would impact on the availability of local infrastructure (e.g. schools).
- Layout, siting, appearance, means of access, road capacity, landscaping, increased danger to children.
- If there were a bin strike the development would cause additional refuse to be left on the street.
- The proposed roof form is inappropriate.
- The outline nature of the application means information is not clear.
- The development should be just residential – no industrial.

5.2 A letter has been received from **Councillor Anne Pissaridou** objecting to the application, a copy of this letter is attached.

5.3 **East Sussex Fire and Rescue Service:** No comment.

5.4 **Crime Prevention Design Advisor:** Comment. Crime prevention design measures are recommended.

5.5 **Environment Agency:** No comment.

### Internal:

5.6 **Planning Policy:** Comment. The site is allocated in the emerging city plan for employment lead mixed use development, with no loss of employment floorspace. A target of 40% affordable housing should be sought.

5.7 **Sustainable Transport:** Comment. No objections subject to a s106 agreement to secure off site transport works to the value of £29,600 and 2 years car club membership for each residential unit. Conditions are recommended to secure

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cycle parking provision, disabled parking provision, reinstatement of redundant dropped kerbs and a travel plan.

- 5.8 **Public Art:** Comment. A scheme of the public art to the value of £8,700 is required to address policy QD6.
- 5.9 **Education:** Comment. A s106 contribution of £85,019.20 towards educational provision is required.
- 5.10 **Environmental Health:** Comment. Recommend conditions to restrict hours of operation for the commercial use and the operation of plant and machinery, soundproofing measures, control of outdoor activities and loading and unloading. A condition is required to secure a land contamination strategy.
- 5.11 **Access Officer:** Comment. Comments are made on the indicative layouts submitted.
- 5.12 **Arboriculture:** Comment. No objection subject to the protection of trees situated on the railway embankment being secured by condition.

## 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
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU13	Minimisation and re-use of construction industry waste
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD15	Landscape design
QD16	Trees and hedgerows
QD27	Protection of Amenity
QD28	Planning Obligations
HO2	Affordable Housing ‘Windfall’ sites
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO6	Provision of outdoor recreation space in housing schemes
HO7	Car free housing
HO9	Residential conversions and the retention of smaller dwellings
HO13	Accessible housing and lifetime homes
EM1	Identified employment sites (industry and business)
EM3	Retaining the best sites for industry

#### Supplementary Planning Guidance:

SPGBH4 Parking Standards  
Interim Guidance on Developer Contributions

#### Supplementary Planning Documents:

SPD03 Construction & Demolition Waste  
SPD06 Trees & Development Sites  
SPD08 Sustainable Building Design  
SPD11 Nature Conservation & Development

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

SS1 Presumption in Favour of Sustainable Development  
CP3 Employment land

## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 The application seeks outline planning permission for the demolition of the existing buildings on the site and the erection of a part 3 part 4 storey building comprising 440m<sup>2</sup> B1 floorspace and residential at ground floor level and residential units to the upper floors. In total 26 residential units are proposed; comprising 20 2-bed units and 6 3-bed units. The scheme includes 10 affordable units which equates to 38.5%. The application is outline and all matters are reserved other than scale. The considerations of the application therefore relate to the principle of the proposed development and a building of part 3 part 4 storey scale. The drawings submitted are indicative only; all details other than the principle of development and scale would be determined under an application for reserved matters.

### **Principle of development:**

- 8.2 The proposal to demolish existing buildings on site and develop commercial floorspace approximately double the size of the existing buildings along with 26 residential units which include 10 affordable units is considered to be in compliance with national and local planning policies. The commercial floorspace would be built to modern standards and would provide twice as much commercial accommodation (440m<sup>2</sup>) in comparison to the existing. The indicative mix of residential units proposed is acceptable. The proposed B1 use would enable a more intensive employment use than the current site allows. The site allocated as an EM1 site in the Brighton & Hove Local Plan, this policy seeks to retain employment uses and would not normally support a mixed use scheme. The proposed development however provides a greater level of employment than existing in addition to housing. Emerging policy CP3 seeks to support such mixed use schemes on employment sites, in conjunction with the presumption in favour of development set out in the NPPF, the proposed development is on balance considered to be acceptable.
- 8.3 At present, there is no agreed up-to-date housing provision target for the city against which to assess the five year housing land supply position. Until the City Plan Part 1 is adopted, with an agreed housing target, appeal Inspectors are likely to use the city's full objectively assessed need (OAN) for housing to 2030 (20,000 units) as the basis for the five year supply position. The Local Planning Authority is unable to demonstrate a five year supply against such a high requirement. As such, applications for new housing development need to be considered against paragraphs 14 and 49 of the NPPF. These paragraphs set out a general presumption in favour of sustainable development unless any adverse impacts of development would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole. The specific impacts of the development are considered fully below.

### **Visual Impact:**

- 8.4 Much of the surrounding development is characterised by 2 storey residential dwellings. There is a taller building in the vicinity of the site; Rayford House to the east of the site, which is 5 storeys in height. The northern side of Kingsthorpe Road is of mixed character and it is considered that a part 3 part 4 storey building, of an appropriate design, could sit comfortably in the street scene and would not cause visual harm. The indicative designs submitted are

not considered appropriate as the roof forms proposed are over-complicated. These drawings are, however, illustrative only and an appropriate design could be secured at reserved matters stage.

**Standard of accommodation / housing mix**

- 8.5 The indicative drawings submitted demonstrate that the site could contain commercial floorspace of the scale proposed and 26 residential units. The indicative mix of two and three bedroom units is considered acceptable, the affordable units however are all two bedroom units; it would be preferable if some three bedroom units could be incorporated into the affordable element of the scheme. Again such details could be resolved at reserved matters stage. Two wheelchair units are proposed which complies with policy HO13.
- 8.6 The submitted illustrative drawings indicate that a building similar to that shown could accommodate acceptable unit sizes and that the affordable units could meet minimum size standards.
- 8.7 Residential units situated alongside a railway line and in close proximity to employment uses could be subject to noise and disturbance. A noise and vibration report has been submitted which demonstrates that soundproofing measures could successfully mitigate such potential harm and full details of such measures could be secured at reserved matters stage or by condition.
- 8.8 It is considered that the site could contain a scheme which provides an acceptable standard of accommodation, outlook and amenity space in the form of gardens and balconies.

**Neighbouring amenity:**

- 8.9 A development of the scale proposed would result in some increased overshadowing and overlooking of neighbouring properties. It is however considered that adequate spacing from the properties on the southern side of Kingsthorpe Road would remain and that the relationship of a new building alongside no. 20 Kingsthorpe Road to the west of the site would be acceptable. Detailed aspects such as any windows which may need to be obscured or privacy screening to balconies could be agreed at reserved matters stage.
- 8.10 The proposed B1 use of the ground floor would be compatible with residential uses. Hours of operation, plant and machinery, outdoor activity and loading and Unloading can be secured by condition. It was originally proposed that the ground floor use would be a flexible B1/B2 use, the B2 element has been removed due to concerns regarding potential impact upon amenity.

**Transport:**

- 8.11 The proposed development would result in increased trip generation, the level of increase would not however cause significant harm to neighbouring amenity and would not represent a highway risk to safety. The uplift in trip generation can be mitigated by a contribution towards sustainable transport infrastructure which can be secured by s106 legal agreement, a travel plan, and a commitment to fund car club membership for two years for the residential units. Cycle parking is proposed and can be secured by condition.



- 8.12 The indicate layout plan shows 6 parking spaces; it is not confirmed how these spaces would be allocated. The site is located within Controlled Parking Zone R and there is a pressure for on-street parking in the locality of the site. The Gala Bingo scheme (25 residential units plus a surgery) at the southern end will create significant additional demand and there is potential for further new commercial and residential development along the eastern side of School Road. In this context, to comply with policy HO7 of the Brighton & Hove Plan, encourage use of sustainable transport methods, and to ensure that a localised pressure for on-street parking (which would be harmful to the amenity of neighbouring residents) is not caused by the development, it is considered reasonable and necessary to apply a condition which removes future occupants eligibility for residents parking permits.
- 8.13 Staff of the commercial use proposed would not normally be eligible for a business permit. Such permits are only issued where it can be demonstrated that a vehicle is essential for the running of a business. Only two permits are issued per business and permits are not issued for commuting to work or loading and unloading goods.
- 8.14 Subject to these restrictions and requirements it is considered that the development would have an acceptable transport and parking impact. It is noted that the removal and reinstatement of redundant dropped kerbs will facilitate the formation of additional on-street parking bays which may be utilised by neighbouring residents.

**Sustainability:**

- 8.15 The submitted documentation indicates that the proposed development would meet a Code for Sustainable Homes rating of 'Level 4' for the resident units and a BREEAM rating of 'Excellent' for the commercial element. This is equal to / in excess of the requirements of policy SU2 and SPD08.

**Trees, landscaping and ecology:**

- 8.16 Landscaping of the site, nature conservation enhancements and tree protection measures (for the trees to the north of the site) can be secured by condition.

**Land contamination:**

- 8.17 Due to the current and previous uses of the site a condition is required to secure a land contamination strategy.

**Other matters:**

- 8.18 The following matters are required to ensure the acceptability of the scheme and can be secured by s106 agreement:
- A contribution towards off-site open space provision (£43,844)
  - Education contribution (£85,019.20)
  - A local employment strategy which includes a commitment to 20% local labour.

- 8.19 The applicant has demonstrated that the viability of the affordable housing provision would be threatened were further contributions to be sought. A reduced open space contribution is therefore required and no contribution towards the Local Employment Scheme and no public art element is sought in this case.

## **9 CONCLUSION**

- 9.1 The proposed development is considered to be acceptable in principle, the proposed uses and quantity of development are acceptable, and a scale of part three part four storeys is considered to be appropriate. The design and details of the scheme are reserved. The scheme is therefore recommended for approval.

## **10 EQUALITIES**

- 10.1 The residential accommodation would be required to meet Lifetime Homes Standards and two wheelchair units are proposed.

## **11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES**

### **11.1 S106 Heads of Terms**

- Transport Contribution £29,621
- Two years car club membership for each residential unit
- Open space contribution £43,844
- Education contribution £85,019.20
- Local Employment Strategy and 20% local labour.

### **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) 10 of the residential units hereby approved shall be affordable (defined as residential accommodation that is provided with a subsidy to ensure that rents / prices remain at a level that is genuinely affordable to local people whose income means that they are unable to meet their housing needs through the housing market) and shall be retained as such thereafter. The Brighton & Hove Local Plan defines affordable housing as:  
**Reason:** To ensure the provision and retention of an appropriate amount of affordable housing in accordance with policy HO2 of the Brighton & Hove Local Plan.
- 3) Two of the affordable units shall be built to wheelchair standards. No development shall commence until details of the wheelchair accessible units have been submitted to and approved by the Local Planning Authority in writing. The scheme shall be implemented in accordance with the agreed details and thereafter retained as such.

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**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.

- 4) The new dwelling(s) 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.

- 5) No industrial activity of any kind, except loading and unloading, shall take place outside the proposed building within the curtilage of the site without the prior written approval of the Local Planning Authority.

**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

- 6) The commercial uses hereby permitted shall not be open to customers except between the hours of 7am and 7pm on Mondays to Saturdays and not at anytime on Sundays, Bank or Public Holidays.

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

- 7) No machinery and/or plant shall be used at the premises except between the hours of 7am and 7pm on Mondays Saturdays and not at anytime on Sundays, Bank or Public Holidays.

**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.

- 8) No vehicular movements nor any loading or unloading of vehicles shall take place on the site except between the hours of 7am and 7pm on Monday to Saturdays and not at any time on Sundays, Bank or Public Holidays.

**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.

### 11.3 Pre-Commencement Conditions:

9. a) Details of the reserved matters set out below (“the reserved matters”) shall be submitted to the Local Planning Authority for approval within three years from the date of this permission:

- (i) layout;
- (ii) appearance;
- (iii) access; and
- (iv) landscaping.

b) The reserved matters shall be carried out as approved.

c) Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced.

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**Reason:** To enable the Local Planning Authority to control the development in detail and to comply with Section 92 (as amended) of the Town and Country Planning Act 1990.

10. 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 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.
11. No development shall commence until full details of the existing and proposed land levels of the proposed development in relation to Ordinance Datum and to surrounding properties have been submitted to and agreed in writing by the Local Planning Authority. The details shall include finished floor levels. The development shall be constructed in accordance with the agreed details.  
**Reason:** To safeguard the amenities of the occupiers of nearby properties and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
12. 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 4 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.
13. Unless otherwise agreed in writing by 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 50% in energy and water sections of relevant BREEAM assessment within overall 'Very Good' 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.
- 14) 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

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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. The development hereby permitted shall not begin until such time as a scheme has been submitted to and approved in writing by the Local Planning Authority to provide that the residents of the development, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit.  
**Reason:** To ensure that future residents have no entitlement to a resident's parking permit and to comply with policy HO7 of the Brighton & Hove Local Plan.
16. 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.
- 17) No development shall commence until details of disabled car parking provision for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented and made available for use prior to the first occupation of the development hereby permitted and shall thereafter be retained for use at all times.  
**Reason:** To ensure the development provides for the needs of disabled staff and visitors to the site and to comply with Local Plan policy TR18 and SPG4.
- 18) No development shall take place until a scheme for the reinstatement of redundant dropped kerbs and the construction of any new vehicular accesses has been submitted to and approved in writing by the Local Planning Authority.  
**Reason:** In the interests of highway safety and to comply with policies TR1 and TR7 of the Brighton & Hove Local Plan.
- 19) 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.

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**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.

- 20) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping, which shall include hard surfacing, boundary treatments, planting of the development, indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.

**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.

- 21) No development shall commence until a scheme to enhance the nature conservation interest of the site has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall accord with the standards described in Annex 6 of SPD 11 and shall be implemented in full prior to the occupation of the development hereby approved.

**Reason:** To increase the biodiversity of the site, to mitigate any impact from the development hereby approved and to comply with Policy QD17 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD11 Nature Conservation and Development.

- 22) No development shall commence until a scheme for the soundproofing of the building (including soundproofing between the commercial and residential uses proposed) and ventilation 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.

- 23) No development shall commence until measures for the protection of trees located immediately to the north of the site have been enacted in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority. The measures shall be enacted in accordance with BS5837 (2012) and shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences.

**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.

- 24) (i) The development hereby permitted shall not be commenced until there has been submitted to and approved in writing by the Local Planning Authority:

(a) a desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and

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BS10175:2001 - Investigation of Potentially Contaminated Sites - Code of Practice;

and, unless otherwise agreed in writing by the Local Planning Authority,

(b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175:2001;

and, unless otherwise agreed in writing by the Local Planning Authority,

(c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include the nomination of a competent person to oversee the implementation of the works.

(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) (c) above that any remediation scheme required and approved under the provisions of (i) (c) 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) (c).

**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.

### 11.4 Pre occupation

25) The residential units hereby approved shall not be occupied until the B1 commercial accommodation at ground floor level has been provided and made available for occupation in accordance with the approved drawings.

**Reason:** To ensure the provision of modern office accommodation on the site and to comply with policy EM1 of the Brighton & Hove Local Plan.

26) 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 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.

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- 27) Unless otherwise agreed in writing by the Local Planning Authority, the non-residential development hereby approved shall not 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 50% in energy and water sections of relevant BREEAM assessment within overall 'Very Good' 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.
- 28) 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.
- 29) Prior to the first occupation of the development hereby approved, a detailed Travel Plan (a document that sets out a package of measures tailored to the needs of the site, which is aimed at promoting sustainable travel choices by residents, visitors, staff, deliveries and parking management) for the development shall be submitted to and approved in writing by the Local Planning Authority. The agreed measures shall be carried out in full thereafter.  
**Reason:** To ensure the promotion of sustainable forms of travel and comply with policies TR1 and TR4 of the Brighton & Hove Local Plan.

### 11.5 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 indicative drawings and details listed below:

Plan Type	Reference	Version	Date Received
LOCATION PLAN	100		21/05/2013



PLANNING COMMITTEE LIST- 4 JUNE 2014

SITE PLAN	101		21/05/2013
PROPOSED GROUND FLOOR PLAN	201	B	04/05/2013
PROPOSED FIRST AND SECOND FLOOR PLAN	202	B	04/05/2013
PROPOSED THIRD FLOOR PLAN	203	B	04/05/2013
PROPOSED ELEVATIONS	204		21/05/2013
PROPOSED ROOF PLAN	205	A	04/05/2013
PROPOSED ELEVATIONS	206		21/05/2013
NOISE AND VIBRATION ASSESSMENT			22/01/2014

- (ii) 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
- (iii) for the following reasons:-  
The proposed development is considered to be acceptable in principle, and a scale of part three part four storeys is considered to be appropriate. The design and details of the scheme would be secured by condition / at reserved matters stage.
3. In regard to condition 2, the applicant is advised to refer to the Brighton & Hove Local Plan for a detailed definition and explanation of affordable housing.
4. The applicant is advised that the scheme required to be submitted by Condition 14 should include the registered address of the completed development, an invitation to the Council as Highway Authority (copied to the Council's Parking Team) to amend the Traffic Regulation Order, and details of arrangements to notify potential purchasers, purchasers and occupiers that they have no entitlement to a resident's parking permit.

**From:** Anne Pissaridou  
**Sent:** 05 July 2013 14:36  
**To:** Guy Everest  
**Subject:** Application number: BH2013/01646 Kingsthorpe Road

Guy Thank you for taking me through the outlying application. I am concerned about a number of aspects of the proposals. The scale of the development is inappropriate, the buildings in the centre in particular, which rise from 3 to 4 stories, are likely to dominate the area. I note also that employment will increase, which is commendable, but this will inevitably mean an increase in the number of vehicles coming and going in a very small residential area which is already suffering from a lack of parking spaces and narrow roads. Finally as there are only 6 parking places planned for the residents of 26 units this will mean that residents will need to find parking on the surrounding roads. Parking is already a huge problem around Bolsover Road/grange road etc and there is no tolerance for more on road parking. Will you please add my comments to the application and keep me advised of its progress?  
Regards

**Anne Pissaridou**  
Labour/Co-op Spokesperson for Children and Families

**Labour & Co-operative Group Councillor for Wish**  
Brighton & Hove City Council  
Room 121, King's House, Grand Avenue, Hove BN3 2LS