

ITEM B

18 Wellington Road, Brighton

BH2014/03387

Removal or variation of conditions

10 DECEMBER 2014

BH2014/03387 18 Wellington Road, Brighton



**Brighton & Hove
City Council**



N

Scale : 1:1,250

<u>No:</u>	BH2014/03387	<u>Ward:</u>	HANOVER & ELM GROVE
<u>App Type:</u>	Removal or Variation of Condition		
<u>Address:</u>	18 Wellington Road Brighton		
<u>Proposal:</u>	<p>Application for variation of conditions 28 and 29 of application BH2011/03796 (Application to extend time limit for implementation of previous approval BH2008/03248) to allow for changes to the wording of both conditions. Condition 28 to read as follows - "No development other than foundation earth works for the three storey extension shall commence until details of the following have been submitted to and agreed by the Local Planning Authority. A bat survey carried out between May and August. The findings of the bat surveys shall be accompanied by an appropriate bat mitigation and enhancement strategy which should provide assurance that the development will comply with wildlife legislation and address the provision of adequate artificial bat roosting structures, soft landscaping and the lighting proposals for the scheme as appropriate to ensure bat habitat is conserved and enhanced on the site. The scheme shall then be implemented in accordance with the approved details." Reason: To safeguard these protected species from the impact of the development in accordance with policy QD18 of the Brighton & Hove Local Plan. Condition 29 to read as follows - "No development other than foundation earth works for the three storey extension shall commence until details of the following have been submitted to and agreed by the Local Planning Authority. A Swift survey has been carried out between May and August. The findings of the surveys shall be accompanied by an appropriate mitigation and enhancement strategy. The scheme shall then be implemented in accordance with the approved details." Reason: To safeguard these protected species from the impact of the development in accordance with policy QD18 of the Brighton & Hove Local Plan.</p>		
<u>Officer:</u>	Liz Arnold Tel 291709	<u>Valid Date:</u>	10 October 2014
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	09 January 2015
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Lewis & Co Planning, 2 Port Hall Road, Brighton BN1 5PD		
<u>Applicant:</u>	Baron Homes Corporation, C/O Lewis & Co Planning, 2 Port Hall Road, Brighton BN1 5PD		

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 property to which the application relates is situated on the south-east side of Wellington Road at a point approximately 50m from the junction with Franklin Road. The building once contained a Church of England Children's Home. The site comprises 0.2 hectares of land.
- 2.2 The existing building is a large attractive detached Victorian Villa. The former extensions to the north of the main building have been demolished since approval of the 2008 application. There are two existing vehicular access points with a tarmac driveway running parallel to its Wellington Road frontage.
- 2.3 The surrounding area comprises of residential properties and is characterised by a mixture of contemporary and period properties. Opposite the application site is a housing estate comprising one low rise block of four storeys and three high rise seven storey blocks of flats. Immediately adjacent to the south of the site is a recent four storey development of 12 flats with 3 terraced houses behind, beyond this is a three storey period property and further down the road is another part three/part two storey block of flats. Beyond the flats on the opposite side of the road is a group of Victorian terrace houses. To the rear of the site (the east) occupying higher ground are three storey terrace houses, while to the north of the site, occupying lower ground than the application site are a pair of Victorian houses.
- 2.4 The property is not a statutorily listed building or within a designated Conservation Area and neither does it appear on the local list of buildings of historic or architectural interest.

3 RELEVANT HISTORY

BH2013/01254 - Demolition of existing building and construction of two separate 3 storey high blocks comprising 31 one, two and three bedroom flats together with associated car parking, cycle parking amenity space and bin storage. Refused 13/12/2013. Subject of a current Appeal.

BH2011/03796 - Application to extend time limit for implementation of previous approval BH2008/03248 for part demolition and conversion of the existing building and construction of a new 3-storey block to provide a total of 25 self-contained units with 24 hour support for people with learning/physical disabilities and the provision of a drop-in learning disability centre for people with learning/physical disabilities. Approved 05/04/2012.

BH2011/02182 – Prior Notification for Demolition of 18 Wellington Road, Brighton. Approved 19/09/2011.

BH2011/01019 - Erection of 9no flats with associated parking and landscaping. Refused 12/07/2011.

BH2008/03248 - Part demolition and conversion of the existing building and construction of a new 3-storey block to provide a total of 25 self-contained units with 24 hour support for people with learning/physical disabilities and the provision of a drop-in learning disability centre for people with learning/physical disabilities. Approved 29/01/2009.

BH2008/00297 - Change of use and renovation of existing Victoria villa, including part demolition and rebuilding of east end of building, together with new block of apartments. Withdrawn 21/04/2008.

BH2006/00371 - Outline application for the construction of 15 flats. Means of access to be determined for the development site. Demolition of day care centre. Refused 18/05/2006.

4 THE APPLICATION

- 4.1 Planning permission is sought to vary conditions 28 and 29 of application BH2011/03796 which was an application to extend the time limit for implementation of previous approval BH2008/03248, for the part demolition and conversion of the existing building and construction of a new 3-storey block to provide a total of 25 self-contained units with 24 hour support for people with learning/physical disabilities and the provision of a drop-in learning disability centre for people with learning/physical disabilities.
- 4.2 The applicant seeks changes to the wording of condition 28 to read as follows - "No development other than foundation earth works for the three storey extension shall commence until details of the following have been submitted to and agreed by the Local Planning Authority. A bat survey carried out between May and August. The findings of the bat surveys shall be accompanied by an appropriate bat mitigation and enhancement strategy which should provide assurance that the development will comply with wildlife legislation and address the provision of adequate artificial bat roosting structures, soft landscaping and the lighting proposals for the scheme as appropriate to ensure bat habitat is conserved and enhanced on the site. The scheme shall then be implemented in accordance with the approved details." Reason: To safeguard these protected species from the impact of the development in accordance with policy QD18 of the Brighton & Hove Local Plan.
- 4.3 The applicant also seeks changes to the wording of condition 29 to read as follows - "No development other than foundation earth works for the three storey extension shall commence until details of the following have been submitted to and agreed by the Local Planning Authority. A Swift survey has been carried out between May and August. The findings of the surveys shall be accompanied by an appropriate mitigation and enhancement strategy. The scheme shall then be implemented in accordance with the approved details." Reason: To safeguard these protected species from the impact of the development in accordance with policy QD18 of the Brighton & Hove Local Plan.
- 4.4 As currently worded, both conditions require the submission and approval of these details before any development commences on site.

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours: Six (6)** letters of representation have been received from **20 Wellington Road, 23, 29A, 33, 39 and 41 De Montfort Road** objecting the application for the following reasons:

- Sit outside in garden most nights enjoying watching the bats flit to and fro from the trees to the existing building. Bats are very precious, especially in towns and deserve and need protection,
 - Work should not commence before proper surveys have been carried out,
 - Concerned about commencement prior to full discharge of conditions 10, 13, 18, 24, 25 and 26 as the foundations proposed may have the capacity to affect these other matters. Request that a condition is attached to any alteration to conditions 28 and 29 to require discharge of the other matters before any foundations are dug. Allowing foundations without conditions being met would undermine the reason for imposing the conditions, i.e. protection of nature on the site from development and neighbours would not be satisfied that details would not encroach on them detrimentally,
 - Understand that there is no longer a client partner for the approved end use. Commencing work on site without an end use could result in a retrospective application for a change of use of the resultant building. This could result in the provision of private housing or student accommodation with no community facilities. Student or private accommodation the levels of noise and impact on privacy would be greater for neighbouring properties. Such changes of use would be similar to plans that have been lodged and rejected by the Council over recent years,
 - Previous work has resulted in the removal of annexe buildings within the site, and the hacking back of trees and foliage which caused considerable anxiety and some damage to neighbouring properties,
 - Property has been left to deteriorate in an attempt to put the building beyond repair.
- 5.2 **One (1)** letters of representation have been received from **Flat 9, 12-14 Wellington Road** supporting the application for the following reasons:
- Find it hard to understand that given the housing crisis in the City, that time and resources are being wasted in a bat and swift study. Have seen in the past applications failed due to the nature of the building design proposed however if the designs have since been deemed to be satisfactory, it seems lunacy that potential new housing in a city that desperately needs new housing and to be located in a large derelict brown site area is being held up by concerns over small bat and swift populations. Applaud biodiversity efforts in green spaces within the city but when it relates to a derelict building, that would provide much needed housing, it is a folly of large proportions.
- 5.3 **County Ecologist:** The proposed variation of conditions 28 and 29 is unlikely to have any significant impacts on biodiversity and can therefore be supported from an ecological perspective.
- 5.4 **East Sussex Fire and Rescue Service:** Have no comments to make.
- 5.5 **Environment Agency:** Have no comments to make.
- 5.6 **Southern Water:** Has no objections to the proposal.

5.7 **Sussex Police:** From a crime prevention viewpoint have no objection to the application.

Internal:

5.8 **Arboriculturist:** There appears to be no further implications for trees and therefore has no objections to the application.

5.9 **Planning Policy:** No comments.

5.10 **Suitability Officer:** Has no comments to make.

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

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TR4	Travel plans
TR5	Sustainable transport corridors and bus priority routes
TR7	Safe development
TR8	Pedestrian routes
TR10	Traffic calming
TR13	Pedestrian network
TR14	Cycle access and parking
TR18	Parking for people with a mobility related disability
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU3	Water resources and their quality
SU4	Surface water run-off and flood risk
SU5	Surface water and foul sewerage disposal infrastructure
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU13	Minimisation and reuse of construction industry waste
SU15	Infrastructure
SU16	Production of renewable energy
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD5	Street frontages
QD6	Public art
QD15	Landscape design
QD16	Trees and hedgerows
QD27	Protection of amenity
QD28	Planning obligations
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential developments
HO6	Provision of outdoor recreation space in residential development
HO15	Housing for people with special needs
HO13	Accessible housing and lifetime homes
HO20	Retention of community facilities

East Sussex and Brighton & Hove Waste Local Plan

WLP11 Reduction, Re-use and Recycling during Demolition and Design, and Construction of New Developments

Supplementary Planning Documents:

SPD03: Construction and demolition waste
SPD08: Sustainable Building Design
SPD06: Trees and Development Sites

Supplementary Planning Guidance Notes:

SPGBH4: Parking standards

8 CONSIDERATIONS & ASSESSMENT

- 8.1 Under application BH2008/03248 (time limit extended under application BH2011/03796) approval was granted for the part demolition and conversion of the existing building and the construction of a new 3-storey block to provide a total of 25 self-contained units with 24 hour support for people with learning/physical disabilities and the provision of a drop-in learning disability centre for people with learning/physical disabilities.
- 8.2 The time limit to implement the above 2008 approval was extended under subsequent application BH2011/03796.
- 8.3 The previous consent was subject to a number of pre-commencement conditions including the need for a bat and swift survey to be undertaken and submitted to the Local Planning Authority for agreement.
- 8.4 The approval granted by the 2011 extension of time application expires on the 5th April 2015. Compliance with the current wording of conditions 28 and 29 would therefore not be possible due to the need to carry out bat and swift surveys between May and August. As a result it is requested that foundation ground works for the 3 storey extension within the site commence prior to the completion of the surveys as it is stated that such works would not disturb any potential roots or nests.
- 8.5 The main consideration in the determination of this application relate to the acceptability of the variation of the wording of conditions 28 and 29 of application BH2011/03796, to allow foundation earth works for the approved three storey extension to commence prior to a bat and swift survey being carried out and submitted to and agreed in writing by the Local Planning Authority.
- 8.6 As part of the application a letter from an Ecology Consultant has been submitted in which the opinion is that if ground works started prior to May 2015;
- 8.7 “they would be unlikely to have a significant bearing on the completion of the bat surveys or the swift surveys at the site. The potential roost and nesting locations for these species are primarily within the upper reaches of the main building, along the soffits and eaves area so as long as works were not affecting these areas then surveys could still be carried out. Bat and nesting birds will tolerate a certain amount of in-direct disturbance from noise and raised levels of activity”.
- 8.8 It is stated that a bat survey was carried out in September 2014 which revealed that there was no evidence of bats roosts or activity within the site.
- 8.9 The County Ecologist has considered the request to vary the ecology conditions and has concluded that such variation to the ecology conditions is unlikely to have any significant impacts on biodiversity and therefore no objections are raised.

8.10 Finally the reason provided for condition 16 below has been up-dated to reflect that the East Sussex and Brighton & Hove Structure Plan 1991-2011 is no longer part of the development plan.

9 CONCLUSION

9.1 In conclusion it is considered that the request to vary the ecology conditions to allow the commencement of foundation works for the 3 storey extension prior to the bat and swift surveys being undertaken is unlikely to have any significant impacts on biodiversity.

10 EQUALITIES

10.1 No issues relating to these proposals.

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

11.1 S106 Heads of Terms

- A financial contribution towards off-site highway improvements: £5,900
- A clause restricting the use of the development to provision of housing for those with learning and physical disabilities.

11.2 Regulatory Conditions:

- 1) The development hereby permitted shall be commenced on or before 5th April 2015.
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
OS & Block Plan	0769-001	Rev. B	16 th December 2008
Site Survey	0769-003	Rev. A	21 st October 2008
Existing Basement & Ground Floor Plan	0769-005	Rev. A	21 st October 2008
Existing First & Second Floor Plan	0769-006	Rev. A	21 st October 2014
Existing Elevations – North & West	0769-007	Rev. A	21 st October 2008
Existing Elevations – South & East	0769-008	Rev. A	21 st October 2008
Proposed Site Plan	0769-009	Rev. B	16 th December 2008
Ground Floor Plan	0769-10	Rev. C	27th January 2009
Proposed First, Second and	0769-11	Rev. C	27th January

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Basement Floor Plan			2009
Proposed Elevations – North & West	0769-12	Rev. D	16 th December 2008
Proposed Elevations – South & East	0769-13	Rev. D	16 th December 2008
Proposed Site Sections	0769-014	Rev. A	30 th October 2008
Photomontage & Bay Study	0769-016	Rev. A	21 st October 2008

- 3) Prior to the commencement of development drawings at 1:20 scale illustrating the detail and finishes of the ramps, and handrails, and details of the glazed link, must be submitted to and agreed in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and retained thereafter.
Reason: To ensure a satisfactory appearance to the development and to comply with policies QD1 and QD2 of the Brighton & Hove Local Plan.
- 4) The windows servicing the bath and shower rooms shall not be glazed otherwise than with obscured glass and thereafter permanently retained as such.
Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
- 5) The windows on the west elevation of the new build block which adjoins the boundary with Ainsworth House and those within the east elevation of the extended block which adjoins the boundary with number 20 Wellington Road shall not be glazed otherwise than with obscured glass and thereafter permanently retained as such.
Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
- 6) The lower half of the sash windows in the rear elevation at first and second story level servicing units labelled '13', '9' and the 'relatives room' on drawing number 0769-011C shall not be glazed otherwise than with obscured glass and shall be fixed shut and thereafter permanently retained as such.
Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
- 7) No development shall take place until samples of the slate to be used in the construction of the external surfaces of the roofs of the development and the windows to be used in 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 policies QD1 of the Brighton & Hove Local Plan.
- 8) The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.
Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD1 and QD14 of the Brighton & Hove Local Plan.

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- 9) The railings shown on the approved plans shall be painted black prior to the occupation of the development hereby permitted and shall 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.
- 10) Construction of the development shall not commence until details of the proposed means of surface water disposal have been submitted to, and improved in writing by the Local Planning Authority. The scheme shall then be approved in strict accordance with the approved details.
Reason: To enable the Local Planning Authority to control foul sewerage and surface water drainage in accordance with policies SU3, SU4 and SU5 of the Brighton & Hove Local Plan.
- 11) All showers within the wheelchair units (number 5, 6, 7, and 8) shall have level access.
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.
- 12) Notwithstanding the approved plans, prior to the commencement of development, details of the parking areas shall be submitted to and approved in writing by the Local Planning Authority. They shall include the provision of two designated disabled parking bays on the site near the main entrance. The parking areas shall be implemented in accordance with the approved details and thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.
Reason: In the interest of highway safety and in accordance with policy TR1 and TR18 of the Brighton & Hove Local Plan.
- 13) Development shall commence until, detailed drawings, including levels, sections and constructional details of the proposed vehicle access and egress, surface water drainage, outfall disposal, have been submitted to and approved in writing by the Planning Authority and be subject to its approval. The scheme shall be implemented in strict accordance with the approved details.
Reason: In the interests of highway safety and for the benefit and convenience of the public at large and in accordance with TR1 and TR7 of the Brighton & Hove Local Plan.
- 14) The development hereby permitted shall not be commenced until details of secure cycle parking facilities 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 the private car and to comply with policy TR14 of the Brighton & Hove Local Plan.
- 15) 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 policies SU2 and QD27 of the Brighton & Hove Local Plan.
- 16) Prior to the commencement of development, details of measures to ensure that the converted element of the development achieves an “Excellent” BREEAM rating and the remainder of the development achieves Level 4 of the Code for Sustainable Homes shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details.
- 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.
- 17) The new dwellings shall be constructed to Lifetime Homes standards to the satisfaction of the Local Planning Authority.
- 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.
- 18) No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme for landscaping, which shall include permeable hard surfacing, means of enclosure, 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 accord with policy QD15 of the Brighton & Hove Local Plan.
- 19) All planting, seeding or turfing comprised in the approved details 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 accord with policy QD15 of the Brighton & Hove Local Plan.
- 20) No development shall commence until a scale plan showing the extent of the demolition proposed and a written methodology for the demolition has been submitted to and approved in writing by the Local Planning Authority. The works shall then be carried out in accordance with the approved details.
- Reason:** To ensure satisfactory preservation of the existing building and to comply with policy QD14 of the Brighton & Hove Local Plan.
- 21) All existing external mouldings, including architraves, hood mouldings, cornices, eaves brackets and corner quoins, shall be retained unless they form part of the building to be demolished, as shown on a demolitions plan. All new mouldings shall exactly match the profile and detail of the existing mouldings.

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- Reason:** To ensure satisfactory preservation of the existing building and to comply with policy QD14 of the Brighton & Hove Local Plan.
- 22) No development shall commence until 1:20 scale elevations of the entrance doors/fanlights to the existing and new buildings has been submitted to and approved in writing by the Local Planning Authority.
- Reason:** To ensure a satisfactory appearance to the development and to comply with policies QD1 of the Brighton & Hove Local Plan.
- 23) The existing chimney stacks shall be retained and restored in accordance with a specification of works to be submitted to and approved in writing by the Local Planning Authority.
- Reason:** To ensure a satisfactory appearance to the development and to comply with policies QD1 and QD14 of the Brighton & Hove Local Plan.
- 24) The trees covered by a Tree Preservation Order shall all be protected to BS 5837 (2005) Trees on Development Sites during the development. A plan showing the line of protective fencing and a method statement on its construction should be submitted to and approved in writing by the Local Planning Authority prior to any development commencing and the protective fencing shall be completed prior to any demolition, use of the site for storage of materials, lifting of hard and soft surfaces within the site or other works in connection with the development which may affect the root systems of the existing trees on the site.
- Reason:** To ensure adequate protection of the trees in accordance with policy QD16 of the Brighton & Hove Local Plan and SPD06 Trees and Development sites.
- 25) A Method Statement regarding the treatment of surfaces in the vicinity of tree roots of the Beech Trees at the rear of the site shall be submitted to and approved in writing by the Local Planning Authority. These trees shall be protected to BS 5837 (2005) Trees on Development Sites during the development.
- Reason:** To ensure adequate protection of the trees in accordance with policy QD16 of the Brighton & Hove Local Plan and SPD06 Trees and Development sites.
- 26) No development shall take place until a written statement consisting of a Site Waste Management Plan, confirming how demolition and construction waste will be recovered and reused on site or at other sites, 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.
- Reason:** To ensure that the development would include the re-use of limited resources, to ensure that the amount of waste for landfill is reduced, to comply with policy WLP11 of the East Sussex and Brighton & Hove Waste Local Plan, policy SU13 of the Brighton & Hove Local Plan and Supplementary Planning Document 03 Construction and Demolition Waste.
- 27) Scrub clearance and demolition shall not be undertaken during the bird nesting season, from the beginning of March and the end of August.
- Reason:** To protect nesting birds in accordance with policy QD18 of the Brighton & Hove Local Plan.
- 28) No development other than foundation earth works for the three storey extension shall commence until details of the following have been submitted to and agreed by the Local Planning Authority. A bat survey carried out

between May and August. The findings of the bat surveys shall be accompanied by an appropriate bat mitigation and enhancement strategy which should provide assurance that the development will comply with wildlife legislation and address the provision of adequate artificial bat roosting structures, soft landscaping and the lighting proposals for the scheme as appropriate to ensure bat habitat is conserved and enhanced on the site. The scheme shall then be implemented in accordance with the approved details.

Reason: To safeguard these protected species from the impact of the development in accordance with policy QD18 of the Brighton & Hove Local Plan.

- 29) No development other than foundation earth works for the three storey extension shall commence until details of the following have been submitted to and agreed by the Local Planning Authority. A Swift survey has been carried out between May and August. The findings of the surveys shall be accompanied by an appropriate mitigation and enhancement strategy. The scheme shall then be implemented in accordance with the approved details.

Reason: To safeguard these protected species from the impact of the development in accordance with policy QD18 of the Brighton & Hove Local Plan.

- 30) No development shall commence until nature conservation enhancement as part of the site landscaping scheme has been submitted to and approved by the Local Planning Authority. This shall include the number and locations of bird and bat boxes to be erected and the details of the proposed green wall planting and artificial external lighting.

Reason: To ensure the protection and enhancement of the ecological interest of the site and to comply with policies QD17 and QD18 of the Brighton & Hove Local Plan.

11.3 Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. This decision to grant Planning Permission has been taken:
 - (i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including Supplementary Planning Guidance and Supplementary Planning Documents: (Please see section 7 of the report for the full list); and
 - (ii) for the following reasons:-

The request to vary the ecology conditions to allow the commencement of foundation works for the three storey extension prior to the bat and swift surveys being undertaken is unlikely to have any significant impacts on biodiversity.

