

Subject:	Saxon Works, Land to the Rear of 303-305 Portland Road, Portland Road, Hove BN3 5SE		
Date of Meeting:	7th February 2024		
Report of:	Nicola Hurley, Interim Head of Planning		
Contact Officer:	Name:	Liz Arnold	Tel: 01273 292170
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Ward affected:	Wish		

1. PURPOSE OF THE REPORT

- 1.1. The purpose of this report is to ask Committee Members to agree that the Head of Planning be authorised to negotiate and agree conditions and a section 106 agreement in the terms acceptable to them, in the event of a valid appeal being submitted and the appeal being allowed.

2. RECOMMENDATION

- 2.1. That the Committee agrees that the Head of Planning be authorised to negotiate and agree conditions and a section 106 agreement in the event of a valid appeal being submitted and the appeal being allowed, based on the Head of Terms and conditions set out below.

3. BACKGROUND INFORMATION

- 3.1. Application BH2021/04068 sought planning permission for the following:
“Demolition of existing buildings and erection of 2 to 5 storey residential building (C3) including basement vehicle parking and 3 storey commercial building comprising flexible Class E floorspace, with associated cycle and bin storage, landscaping and associated works. (For information: proposal is for 26no. residential units and 219sqm of commercial floorspace). (Revised description and drawings).”
- 3.2. The application came before the Planning Committee on the 8th March 2023, with an officer recommendation to approve. However, members resolved to refuse the application for the following reasons:
1. *“The proposal, as a result of its scale, bulk, proximity to the site boundaries and location of balconies on the residential building, would result in an overbearing impact, overlooking and loss of privacy to the Olive Road residential properties. This is contrary to policy DM20 of the Brighton & Hove City Plan Part Two.*
 2. *The scale, bulk, and height of the proposed residential building would be out of keeping with the pattern and scale of the surrounding area. The*

number of proposed units and the scale of the development represents an overdevelopment of the site. This is contrary to policies CP12 and CP14 of the Brighton & Hove City Plan Part One and DM18 and DM19 of the Brighton & Hove City Plan Part Two, and SPD17: Urban Design Framework.”

4. PROPOSAL

- 4.1. The Local Planning Authority is aware that the applicant is to submit an appeal against refusal of application BH2021/04068. To robustly respond to the appeal, officers need delegated authority to agree the conditions and legal agreement to be attached to the permission should it be granted.
- 4.2. This should not be taken as assuming the permission will be granted on appeal. It is a standard part of the appeal process for the appellant and planning authority to agree a suite of conditions and any legal agreement prior to the appeal being decided.
- 4.3. The conditions proposed and the Head of Terms for the legal agreement are set out below and are as per the original Officer Report to Committee.

5. CONSULTATIONS

None

6. COMMENT

- 6.1. The application has already been refused so its merits are not relevant to making this decision.
- 6.2. Members are solely requested to agree to the Head of Planning negotiating the Heads of Terms of the S106 and conditions should a valid appeal be received, and the appeal allowed.

Proposed Heads of Terms and Planning Conditions

Section 106 Head of Terms:

Affordable housing:

- Late stage review

Transport:

- Monitoring fees for travel plans

Employment and training opportunities:

- £11,100 contribution towards skills needs on site, pre-employment training
- for new entrants to the industry on site and apprentice placements
- Employment and Training Strategy
- Strategies for the demolition and construction phases

Conditions:

1. 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 and block plan	A.001		17 November 2021
Proposed Drawing	D.01	N	13 October 2022
Proposed Drawing	D.02	N	13 October 2022
Proposed Drawing	D.03	N	13 October 2022
Proposed Drawing	D.04	N	13 October 2022
Proposed Drawing	D.05	O	19 October 2022
Proposed Drawing	D.06	O	19 October 2022
Proposed Drawing	D.08	M	05 October 2022
Proposed Drawing	D.09	M	05 October 2022
Proposed Drawing	D.10	N	13 October 2022
Proposed Drawing	D.020	M	05 October 2022
Proposed Drawing	D.021	N	13 October 2022
Proposed Drawing	D.022	O	19 October 2022
Proposed Drawing	D.023	N	13 October 2022
Proposed Drawing	D.024	M	05 October 2022
Existing Drawing	Layout	A	11 January 2022
Existing Drawing	001	A	11 January 2022
Existing Drawing	002	A	11 January 2022
Existing Drawing	003	A	11 January 2022
Existing Drawing	004	A	11 January 2022
Existing Drawing	005	A	11 January 2022
Existing Drawing	006	A	11 January 2022
Existing Drawing	007	A	11 January 2022
Report/Statement	Air Quality Assessment	V1	17 November 2021
Arboricultural Report	Arboricultural Impact Assessment, Method Statement and Tree Protection Plan		17 November 2021
Report/Statement	Archaeological Desk-Based Assessment	001	28 April 2022
Report/Statement	BREEAM Pre-assessment report	V1	17 November 2021
Report/Statement	Drainage Statement	A	28 April 2022
Report/Statement	Ecological Assessment		28 April 2022
Report/Statement	Land Contamination Preliminary Risk Assessment	Rev 0	17 November 2021

2. 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.

3. The commercial premises hereby permitted shall only be used for a use within Use Class E(a), (c) and (g) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) and for no other purpose. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification), no change of use shall occur without planning permission obtained from the Local Planning Authority.
Reason: The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of safeguarding the amenities of the neighbouring occupiers, the capacity and safety of the local

highways network, and to comply with Policies CP9 of the Brighton & Hove City Plan Part One and DM20 and DM33 of the Brighton & Hove City Plan Part Two.

4. No development above ground floor slab level of the commercial block shall take place until details to demonstrate how it would be flexible and adaptable, details of the standard of internal fit out and details of the marketing strategy have been submitted and approved in writing by the Local Planning Authority. The scheme and marketing shall be implemented in accordance with the agreed schemes.
Reason: To demonstrate that the commercial premises is appropriate to meet the likely needs of a range of potential end users and to ensure its successful take up in compliance with Policy DM11 of the Brighton & Hove City Plan Part Two.

5. No development above ground floor slab level of any part of the development hereby permitted shall take place until details relating to materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including:
 - a) photos and product specifications of all brick (including mortar, bonding and pointing), roof coverings, lintels and finials;
 - b) 1:20 scale plan and section drawings of the chalk grassland green roof, including depth of substrate and seeding mix;
 - c) product specifications of all the hard landscaping materials;
 - d) product specifications of the proposed window, door and terrace balustrades treatments (including the opaque panels); and
 - e) all other materials to be used externally. Development shall be carried out in accordance with the approved details.**Reason:** To ensure a satisfactory appearance to the development, to deliver the biodiversity benefits of the development and to comply with Policies CP10, CP12 and CP14 of the Brighton & Hove City Plan Part One and DM18 and DM37 of the Brighton & Hove City Plan Part Two, as well as SPD17.

6. No development shall take place until an Ecological Design Strategy (EDS) addressing retention and protection of existing habitats during construction, habitat removal and reinstatement, provision for wildlife corridors and habitat connectivity, reptile rescue and translocation, and creation of new wildlife features (including green roofs, bird and bat boxes) has been submitted to and approved in writing by the Local Planning Authority. The EDS shall include the following:
 - a) purpose and conservation objectives for the proposed works;
 - b) review of site potential and constraints;
 - c) detailed design(s) and/or working method(s) to achieve stated objectives;
 - d) extent and location /area of proposed works on appropriate scale maps and plans;
 - e) type and source of materials to be used where appropriate, e.g. native species of local provenance;
 - f) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
 - g) persons responsible for implementing the works;
 - h) details of initial aftercare and long-term maintenance;
 - i) details for monitoring and remedial measures;

j) details for disposal of any wastes arising from works. The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To ensure that any adverse environmental impacts of development activities can be mitigated, compensated and restored and that the proposed design, specification and implementation can demonstrate this in compliance with Policies CP10 of the Brighton & Hove City Plan Part One and DM37 of the Brighton & Hove City Plan Part Two, as well as SPD11.

7. Prior to any demolition works, an endoscope survey of the two potential bat roost features shall be carried out and a report containing its findings shall be submitted to and approved in writing by the Local Planning Authority. Any works necessary shall be carried out in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To safeguard these protected species from the impact of the development and ensure appropriate integration of new nature conservation and enhancement features in accordance with Policies CP10 of the Brighton & Hove City Plan Part One and DM37 of the Brighton & Hove City Plan Part Two, and SPD11.

8. Prior to the first occupation of the development hereby permitted, a scheme for landscaping in compliance with drawing no. D.10 Rev I received on 7 June 2022 shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be implemented in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. The scheme shall include the following:

- a. schedule detailing sizes and numbers of all proposed trees including details of tree pit design, use of guards or other protective measures and confirmation of location, species and sizes, including some food-bearing plants, as well as the sustainable drainage system used shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development hereby permitted.
- b. Details of all boundary treatments to include type / design, position, dimensions and materials shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development hereby permitted. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become, in the opinion of the Local Planning Authority, seriously damaged or diseased, shall be replaced with others of similar size and species.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with Policies CP10, CP12 and CP13 of the Brighton & Hove City Plan Part One, DM18, DM22 and DM37 of the Brighton & Hove City Plan Part Two, as well as SPD06, SPD11 and SPD16.

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

Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with Policies CP8 and CP11 of

the Brighton & Hove City Plan Part One and DM43 of the Brighton & Hove City Plan Part Two, as well as SPD16.

10. Prior to the commencement of the development hereby approved (including demolition and all preparatory work), the fencing specified in Appendix 4 of the Arboricultural Impact Assessment, Method Statement and Tree Protection Plan (PJC Consultancy Ltd, dated 15 October 2021) shall be carried out in strict accordance with the approved plan and retained as such during the implementation works.
Reason: As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area and to comply with Policies CP12 and CP13 of the Brighton & Hove City Plan Part One and DM22 of the Brighton & Hove City Plan Part Two, as well as SPD06.
11. 26 (twenty six) swift bricks shall be incorporated within the external walls of the development hereby approved and shall be retained thereafter.
Reason: To enhance the biodiversity of the site and to comply with Policy CP10 of the Brighton & Hove City Plan Part One and DM37 of the Brighton & Hove City Plan Part Two, as well as SPD11.
12. 12. A bee brick shall be incorporated within the external walls of the residential and commercial buildings hereby approved and shall be retained thereafter.
Reason: To enhance the biodiversity of the site and to comply with Policy CP10 of the Brighton & Hove City Plan Part One and DM37 of the Brighton & Hove City Plan Part Two, as well as SPD11.
13. The windows annotated with frosted glass to their lower half on the south and east-facing elevations of the development hereby permitted shall be implemented as such prior to the first occupation of the residential building and thereafter permanently retained as such.
Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with Policy DM20 of the Brighton & Hove City Plan Part Two.
14. The use of the commercial building hereby permitted shall not be carried out except between the hours of 08:00 and 18:00 on Mondays to Saturdays and between 10:00 and 16:00 Sundays, including Bank or Public Holidays.
Reason: To safeguard the amenities of the neighbouring occupiers and to comply with Policies DM20 and DM40 of the Brighton & Hove City Plan Part Two.
15. The development hereby permitted shall not be occupied until full details of external lighting being installed, including levels of luminance, hours of use / operation and details of maintenance, are submitted to and approved in writing by the Local Planning Authority. The predicted illuminance levels shall be tested by a competent person to ensure that the illuminance levels are achieved. Where these levels have not been met, a report shall demonstrate what measures have been taken to reduce the levels. The external lighting shall be installed, operated and maintained in accordance with the approved details and thereafter retained.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with Policies DM20 and DM40 of the Brighton & Hove City Plan Part Two.

16. The development hereby permitted shall not exceed ground floor slab level until a written scheme to address ventilation and overheating has been submitted to and approved in writing by the Local Planning Authority. It shall demonstrate how and where ventilation will be provided to each flat within the development including specifics of where the clean air is drawn from and ensure that the residential units do not suffer from overheating. The approved scheme shall be implemented before occupation and thereafter retained.

Reason: To safeguard the amenities of the occupiers of the development, to deliver the sustainability benefits of the development and to comply with Policies CP8 of the Brighton & Hove City Plan Part One and DM1 and DM20 of the Brighton & Hove City Plan Part Two.

17. The three disabled car parking spaces for the residential occupants of the development hereby approved shall be provided in full and made available for use prior to the first occupation of the residential building and shall thereafter be retained in perpetuity.

Reason: To ensure that the development provides for the needs of disabled residents in compliance with Policy DM36 of the Brighton & Hove City Plan Part Two, as well as SPD14.

18. Notwithstanding the site layout and parking plan shown on the approved basement plan, no residential units shall be first occupied until details of the motorcycle parking facilities for the occupants of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the residential building and shall thereafter be retained for use at all times.

Reason: To ensure that satisfactory facilities for the parking of motorcycles are provided in accordance with Policies CP9 of the Brighton & Hove City Plan Part One and DM36 of the Brighton & Hove City Plan Part Two, as well as SPD14.

19. Notwithstanding the details hereby approved, the development hereby permitted shall not be occupied until details of secure and inclusive cycle parking facilities, including a revised basement plan, for the occupants of, and visitors to the development have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development 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 DM33 of the Brighton & Hove City Plan Part Two, as well as SPD14.

20. 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 CP8 of the Brighton & Hove City Plan Part One, WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan and DM20 of the Brighton & Hove City Plan Part Two.

21. Within three months of the date of first occupation of the development hereby approved, the following shall have been submitted and approved in writing by the Local Planning Authority:
- a) A Residential Travel Plan
 - b) A Commercial Travel Plan The Travel Plans shall include details of the coordinator, objectives, targets, monitoring and remedial measures. They shall thereafter be fully implemented in accordance with the approved details.

Reason: To ensure the promotion of safe, active and sustainable forms of travel and comply with Policies CP9 of the Brighton & Hove City Plan Part One and DM35 of the Brighton & Hove City Plan Part Two.

22. No development, including demolition, shall take place until a Demolition Environmental Management Plan (DEMP) has been submitted to and approved in writing by the Local Planning Authority. It shall include:
- (i) A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of demolition progress and how any complaints will be dealt with reviewed and recorded (including joining the details of considerate constructor scheme);
 - (ii) a scheme of how the contractors will minimise complaints from neighbours regarding issues such as noise and dust management, vibration, site traffic and deliveries to and from the site;
 - (iii) details of hours of construction including all associated vehicular movements;
 - (iv) a plan showing construction traffic routes;
 - (v) details of any site entrances and their management, construction compound and offices;
 - (vi) details of any Department for Transport Abnormal Load Notification and/or Order; and
 - (vii) details of where staff will park when the site is under construction. The demolition works shall be carried out in accordance with the approved DEMP.

Reason: As this matter is fundamental to the protection of neighbouring amenity, highway safety and managing waste throughout demolition works and to comply with Policies CP8 and CP9 of the Brighton & Hove City Plan Part One, DM20, DM33 and DM40 of the Brighton and Hove City Plan Part Two and WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013, as well as SPD03.

23. No development, apart from demolition, shall take place until a Construction Environmental Management Plan (CEMP) have been submitted to and approved in writing by the Local Planning Authority. They shall include:

- (i) A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of joining the considerate constructor scheme);
- (ii) a scheme of how the contractors will minimise complaints from neighbours regarding issues such as noise and dust management, vibration, site traffic and deliveries to and from the site;
- (iii) details of hours of construction including all associated vehicular movements;
- (iv) a plan showing construction traffic routes;
- (v) details of any site entrances and their management, construction compound and offices;
- (vi) details of any oversailing of the highway construction, falsework, formwork and scaffolding;
- (vii) details of the use of any cranes, lifts, escalators and lifting vehicles;
- (viii) details of any Department for Transport Abnormal Load Notification and/or Order; and
- (ix) details of where staff and buses will park when the site is under construction. The demolition and construction works shall be carried out in accordance with the approved CEMP and no part of the development hereby approved shall be occupied until the approved highway works have been carried out in accordance with the agreed details.

Reason: As this matter is fundamental to the protection of neighbouring amenity, highway safety and managing waste throughout development works and to comply with Policies CP8 and CP9 of the Brighton & Hove City Plan Part One, DM20, DM33 and DM40 of the Brighton and Hove City Plan Part Two and WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013, as well as SPD03.

24. None of the residential units hereby approved shall be occupied until each residential unit built has achieved as a minimum, a water efficiency standard of not more than 110 litres per person per day maximum indoor water consumption.

Reason: To ensure that the development is sustainable and makes efficient use of water to comply with Policies CP8 of the Brighton & Hove City Plan Part One and DM44 of the Brighton and Hove City Plan Part Two.

25. The development hereby permitted shall not exceed ground floor slab level until details, including a revised Energy & Sustainability Statement and product specifications, of the Air Source Heat Pumps (ASHPs) have been submitted to and approved in writing by the Local Planning Authority. The ASHPs shall then be installed in accordance with the approved details.

Reason: The Exhaust ASHPs proposed are not considered an optimal solution as they may require additional heat sources, are likely to have a high power demand and are expensive to run. As such, details are required to deliver the sustainability benefits of the development, to ensure the provision of heating and hot water for each residential unit and to comply with Policies CP8 of the Brighton & Hove City Plan Part One and DM1 and DM20 of the Brighton & Hove City Plan Part Two.

26. Within three months of first occupation of the non-residential development hereby permitted, a Post Construction Review Certificate issued by the BREEAM Building Research Establishment confirming that the non-residential development built has achieved a minimum BREEAM New Construction rating of 'Very Good' shall be 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 Policies CP8 of the Brighton & Hove City Plan Part One and DM44 of the Brighton & Hove City Plan Part Two.
27. Provision within the development hereby approved shall be made to ensure the site can be connected to a district heating system in the future, including securing and safeguarding a route onto the site from the highway for a connection.
Reason: To ensure the development helps the city to achieve its ambition of becoming carbon neutral by 2030 and to comply with Policies SA6 and CP8 of the Brighton & Hove City Plan Part One and DM46 of the Brighton & Hove City Plan Part Two.
28. No development, including demolition and excavation, shall commence until a whole-life carbon assessment has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details approved.
Reason: To ensure the development helps the city to achieve its ambition of becoming carbon neutral by 2030 and to comply with Policy CP8 of the Brighton & Hove City Plan Part One, as well as SPD17.
29. No development, including demolition and excavation, shall commence until a Site Waste Management Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details approved.
Reason: To maximise the sustainable management of waste and to minimise the need for landfill capacity and to comply with Policy WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan.
- 30.
- i) The development hereby permitted shall not be commenced until a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved by the Local Planning Authority.
 - ii) The development hereby permitted shall be brought into use or occupied until the archaeological site investigation and post-investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) has been completed and approved in writing by the Local Planning Authority. The archaeological site investigation and post-investigation assessment will be undertaken in accordance with the programme set out in the approved written scheme of investigation.

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with Policies CP15 of the Brighton & Hove City Plan Part One and DM31 of the Brighton & Hove City Plan Part Two.

31. One wheelchair accessible dwelling within the development hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4(3)(2b) (wheelchair user dwellings) prior to first occupation and shall be retained as such thereafter. All other dwellings hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) prior to first occupation and shall be retained as such thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with Policy DM1 of the Brighton & Hove City Plan Part Two.

32. Other than demolition works and works to trees the development hereby permitted shall not be commenced until the following has been submitted to and approved in writing by the Local Planning Authority:

- i) The supply of a detailed drainage design including the details and sizes of all pipes, pits and tanks proposed.
- ii) A CCTV survey of the existing sewerage system.
- iii) Written agreement from Southern Water for the connection to the Southern Water sewer.
- iv) Provision of exceedance routes in case of an exceedance event The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: As this matter is fundamental to the acceptable delivery of the permission to prevent the increased risk of flooding, to prevent pollution of controlled waters by ensuring the provision of a satisfactory means of surface water disposal and to comply with Policies CP11 of the Brighton & Hove City Plan Part One and DM40, DM42 and DM43 of the Brighton & Hove City Plan Part Two, as well as SPD16.

33.

1. No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the Local Planning Authority:
 - (a) 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 BS 1075:2011+A22017; And if notified in writing by the Local Planning Authority that the results of the site investigation are such that site remediation is required then,
 - (b) 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 a scheme shall include nomination of a competent person to oversee the implementation of the works.

2. The development hereby permitted shall not be occupied or brought into use until there has been submitted to, and approved in writing by, the Local Planning Authority a written verification report by a competent person approved under the provisions of part 1b that any remediation scheme required and approved under the provisions of part 1b has been implemented fully in accordance with the approved details. The verification report shall comprise:
 - (a) built drawings of the implemented scheme;
 - (b) photographs of the remediation works in progress;
 - (c) certificates demonstrating that imported and/or material left in situ is free from contamination.

Reason: To safeguard the health of future residents or occupiers of the site and to comply with Policy DM41 of the Brighton & Hove City Plan Part Two.

34. Access to the flat roofs other than the terraces hereby approved shall be for maintenance or emergency purposes only and the flat roofs 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 Policy DM20 of the Brighton & Hove City Plan Part Two.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One 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. The applicant is advised that under Part 1 of the Wildlife and Countryside Act 1981 disturbance to nesting wild birds, their nests and eggs is a criminal offence. The nesting season is normally taken as being from 1st March - 30th September. The developer should take appropriate steps to ensure nesting birds, their nests and eggs are not disturbed and are protected until such time as they have left the nest.
3. The applicant is advised of the possible presence of bats on the development site. All species of bat are protected by law. It is a criminal offence to kill bats, to intentionally or recklessly disturb bats, damage or destroy a bat roosting place and intentionally or recklessly obstruct access to a bat roost. If bats are seen during construction, work should stop immediately and Natural England should be contacted on 0300 060 3900.
4. The applicant is advised that advice regarding permeable and porous hard surfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens'.
5. Swift bricks can be placed on any elevation, but ideally under shade-casting eaves. They should be installed in groups of at least three, at a height above 5m height, and preferably with a 5m clearance between the host building and other

buildings or obstructions. Where possible avoid siting them above windows or doors.

6. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.
7. The applicant is advised that the application of translucent film to clear glazed windows does not satisfy the requirements of Condition 13.
8. The applicant is advised that the details of external lighting required by Condition 14 should comply with the recommendations of the Institution of Lighting Engineers (ILE) 'Guidance Notes for the Reduction of Light Pollution (2011)' similar guidance recognised by the Council. A certificate of compliance signed by a competent person (such as a member of the Institution of Lighting Engineers) should be submitted with the details. Please contact the Council's Pollution Team for further details. Their address is Environmental Health & Licensing, Bartholomew House, Bartholomew Square, Brighton, BN1 1JP (telephone 01273 294490 email: ehlpollution@brighton-hove.gov.uk website: www.brighton-hove.gov.uk).
9. In order to be in line with Policy DM33 Safe, Sustainable and Active Travel of the Brighton & Hove City Plan Part Two 2022, cycle parking should be secure, convenient (including not being blocked in a garage for cars and not being at the far end of a rear garden), accessible, well-lit, well-signed, near the main entrance, by a footpath/hardstanding/driveway and wherever practical, sheltered. It should also be noted that the Local Highway Authority would not usually support vertical hanging racks as they are difficult for many people to use and therefore not considered to be policy and Equality Act 2010 compliant. The Local Highway Authority's preferred cycle parking is 'Sheffield' type stands, spaced in line with the guidance contained within the Manual for Streets section 8.2.22 or other proprietary forms of covered, illuminated, secure cycle storage including the Police approved Secure By Design cycle stores, "bunkers" and two-tier systems where appropriate.
10. The applicant is advised that Part L – Conservation of Fuel and Power of the Building Regulations 2022 now requires each residential unit built to have achieved a 31% reduction in carbon emissions against Part L 2013.
11. The water efficiency standard required under Condition 24 is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.

12. The applicant is advised that following the simplified assessment method under Part O of the 2022 Building Regulations is unlikely to achieve the required standard. In addition, single façade flats, dwellings adjacent to noise and pollutants are unlikely to achieve the required standard of Part O.
13. The applicant is advised that details of the BREEAM assessment tools and a list of approved assessors can be obtained from the BREEAM websites (www.breeam.org).
14. The applicant is advised to contact the East Sussex County Archaeologist to establish the scope for the Written Scheme of Archaeological Investigation as required by the archaeology condition.
15. Where asbestos is found / suspected on site, it will fall under the Control of Asbestos Regulations 2012, overseen by the Health and Safety Executive. Further information can be found here: <https://www.hse.gov.uk/asbestos>

