



Appeal Decision

Site visit made on 9 December 2024

by David Smith BA(Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 December 2024

Appeal Ref: APP/Q1445/W/24/3343603

47 Trafalgar Street, Brighton, BN1 4ED

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Camping's Luxury Coaches Ltd against the decision of Brighton & Hove City Council.
 - The application Ref is BH2022/02492.
 - The development proposed is demolition of existing car rental premises and erection of a four-storey building (plus basement) comprising solely commercial floorspace (Class E).
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing car rental premises and erection of a four-storey building (plus basement) comprising solely commercial floorspace (Class E) at 47 Trafalgar Street, Brighton, BN1 4ED in accordance with the terms of the application, Ref BH2022/02492, subject to the 29 conditions in the attached schedule.

Preliminary Matters

2. The proposed development was amended during the course of the application to reduce the scale of the second and third stories to the rear, to introduce a lightwell to accommodate a side facing windows at the Prince Albert public house and to delete the holiday lets from the scheme. The proposal under consideration in the appeal is therefore only for uses covered by Class E of the Use Classes Order (commercial, business and service).
3. A revised National Planning Policy Framework was published in December 2024 but its provisions in relation to the appeal are unchanged.

Main Issues

4. These are:
 - Whether the use of the proposed development would unreasonably restrict the operation of the Prince Albert public house as a music venue;
 - Whether the proposed development would preserve or enhance the character or appearance of the North Laine Conservation Area and the effect on the setting of the Prince Albert public house and Brighton station; and
 - The effect of the proposed development on the living conditions of surrounding occupiers with particular reference to outlook at the rear of properties in Over Street.

Reasons

Use of Prince Albert public house as a music venue

5. The proposal is for a four-storey building with a basement. The layout indicates that there could be cafes and shops at ground level with businesses above. The proposed development would be immediately adjacent to the Prince Albert public house. This is a key cultural and community asset and a long-standing live music venue. There is widespread public support and affection for this existing use and considerable detail about the benefits of it in promoting musical talent and the enjoyment provided to audiences.
6. According to the Council, the pub is open seven days a week from midday to midnight (00:30 hours on Fridays and Saturdays). Live music events take place on the first floor from 20:00 to 23:00 hours on weekdays and 20:00 to 23:30 hours on Fridays and Saturdays with some additional daytime events. Some of these start as early as 14:00 hours. There are external tables at the front and a beer garden to the rear of the pub which could generate noise from customer conversations. Disturbance may also be caused as people leave the premises.
7. The Framework indicates that new development should be integrated effectively with existing community facilities including music venues. These should not be unreasonably restricted as a result of development permitted after they were established. As part of this, the appellant should be required to provide suitable mitigation before the development has been completed under the 'agent of change' principle. In short, as the Council's Committee report puts it: "... the new commercial use should not restrict the use of the adjacent Prince Albert music venue because of noise concerns." Indeed, Policy DM40 of the City Plan Part Two requires proposals liable to be affected by nuisance to meet several criteria.
8. The operation of the Prince Albert has the potential to have a significant adverse effect on the proposed development. To that end, a Noise Assessment was undertaken based on survey work carried out over six days, including a weekend. A daytime event and an evening when there was no music were also measured. This enabled findings to be made about the impact of noise on the soundscape compared to normal daytime conditions and occasions when music was being performed. Other assumptions were included in the model, such as the outdoor areas being at maximum capacity, to ensure that it was robust and presented the worst-case scenario.
9. In view of this, recommendations were made to increase horizontal protection from noise for future occupiers, especially given the shared party wall. These include an independent wall lining on the side of the new building closest to the public house to achieve a minimum of 10dB(A) above Building Regulation standards. Furthermore, enhanced flooring should be provided to minimise vertical noise transfer. Other measures were suggested to prevent plant within the proposal from radiating sound energy into the building structure. These matters could be covered by condition.
10. The activities covered by Class E are wide-ranging and noise from a music venue could potentially be disruptive to those wishing to work quietly or trying to create a relaxed ambience. Nevertheless, commercial uses are intrinsically less sensitive to noise than residential ones. Furthermore, the Council has put

forward a condition to require the proposed use to cease by 20:00 hours which is when the evening music events begin. A combination of the mitigation measures proposed and the nature of the building's use mean that the impact of any daytime events would not be significant.

11. Without being specific, the Council questions whether enough would be done to ensure that the proposal would be acoustically sound. However, the methodology and conclusions of the Noise Assessment are not questioned and no alternative technical evidence has been provided by the Council. Any noise inputs from a neighbouring late-night venue would have been included in the study as this measured the overall noise climate. Furthermore, the Council has not raised any detailed concerns about any particular Class E use, the effect that music noise could have or the likely implications.
12. More generally, it is notable that background noise levels in the vicinity of the appeal site are high and there are residential properties in the area. Notwithstanding this, the Environmental Health Officer noted during the discussion at Planning Committee that no recent complaints had been made about the pub in this dense area.
13. That said, there is evidence that other music venues have had to close due to noise complaints and so this is a valid concern. The Prince Albert is regarded by many as iconic and an important social hub. However, in this case, a combination of the use of the proposed building and the sound proofing measures that could be required, combine to reduce the likelihood of this occurring. The City Plan also mentions the use of covenants to remove the right of occupants of new development to complain about disturbance. However, this is not a policy requirement and is prefaced by the phrase "where appropriate". The absence of any such legal undertaking does not alter the findings made.
14. National policy does not expect a proposal to demonstrate definitively that it would never have a detrimental impact on an existing music venue. In this case, the proposal has been supported by appropriate detailed evidence. This shows that the use of the building should not compromise the operation of an existing use and that appropriate mitigation measures could be incorporated. There is no clear evidence that the proposed safeguards would not be effective. All of the relevant criteria in Policy DM40 would be met and this policy would therefore be complied with. In conclusion, the use of the proposed development would not unreasonably restrict the operation of the Prince Albert public house as a music venue.

Conservation area and setting of listed buildings

15. North Laine Conservation Area is extensive. Notable physical features are the irregular, grid pattern of streets and the downward slope of the land from west to east. The buildings largely date from the nineteenth century and are a mix of uniform terraced houses and more varied commercial buildings. Another key element is the variety of land uses with tranquil residential roads contrasting with lively shopping streets. Indeed, the main thoroughfares, such as Trafalgar Street, appear bustling and buoyant. All of these attributes contribute to the significance of this heritage asset.
16. The Prince Albert public house is Grade II listed and is built in mid-Victorian classical style. Its corner position, rich detailing, bright painted finish and

artwork facing Frederick Place mean that it stands out as a local landmark. Brighton station is Grade II* listed. It is on the opposite side of the road but the main entrance is at a higher level. Facing the appeal site are largely plain brickwork under-buildings. There is a duty under section 66 of the Planning (Listed Buildings and Conservation Areas) Act to pay special regard to the desirability of preserving their setting.

17. The existing building is an unattractive warehouse last used for car rentals. It detracts from the area's character as noted in the Conservation Study of 1995. Because it weakens the quality of the street scene and mars the setting of the listed buildings, its replacement should be welcomed. However, that does not justify a mediocre design. The Study refers to imposing a more stringent standard of design for any replacement building but that was part of the justification for adding the site into the conservation area. In any event, the Framework aims to achieve well-designed places.
18. The main front wall of the proposed building would be below the dentil cornice of the public house. The mansard above would also be smaller than the adjoining top floor. In this way, the proposal would not compete with the scale of this listed building but would rather create a pleasing 'flow' between it and 45/46 Trafalgar Street which projects forward. At the same time, it would respect the fall across the site and reflect the largely consistent but varied roof line along Trafalgar Street. Consequently, it would not be unduly bulky and the footprint of the building would follow that of the current structure.
19. The design would be contemporary but with three distinct bays providing a vertical emphasis. The easternmost section would be marginally set back and is shown to be finished in a different coloured render to avoid a monolithic, horizontal appearance. Indeed, the proposed building takes its cue from the divisions and proportions of the public house and interprets them in a modern way. The end result would be an architecturally restrained and respectful foil to its more ebullient and vibrant neighbour.
20. The proposal would obscure the eastern elevation of the Prince Albert. However, this is largely blank and contributes little to its value. Although it is not publicly visible there is nonetheless an original and unusual centre pivot casement window in the side of the public house. The proposed lightwell would ensure that this could be opened and that some natural light would be received into the stairwell. In this way, an important element of the listed building's significance would be protected. Further detail of how the lightwell would wrap around the window without harming its features could be secured by condition.
21. In general, the conservation area contains a diverse, eclectic mix of buildings although not many of them are recent. Nevertheless, there can be no objection in principle to re-developing the site with a building in a modern style. In this case, the proposal would relate well to the buildings on either side with regard to height, massing, form and materials and its relationship between solid and void would be visually satisfactory. The response to the design parameters of the site would therefore be a positive one and the proposal would complete an unsightly gap in the street frontage.
22. The Urban Design Officer was largely supportive of the massing, scale and three terraced bays but sought further details of the elevation and materials palette. These could be required by condition. A reduction in the size of the

development in the centre and rear was sought to meet sustainable development objectives rather than for aesthetic reasons. The Council raises no objection in this respect and conditions are put forward to ensure that the relevant standards would be met.

23. In the final analysis, bearing in mind the current condition of the site, the proposal would enhance the character and appearance of North Laine Conservation Area. By the same token, the setting of the adjoining public house and of the station structure opposite would be improved and therefore preserved. The proposal would consequently accord with Policies CP12 and CP15 of the City Plan Part One and Policies DM18 and DM26 of the City Plan Part Two. These are concerned with urban design, heritage and the historic environment, high quality design and places and conservation areas.

Living conditions

24. The rear of the three-storey terraced properties at 22 to 25 Over Street face directly onto the appeal site at close proximity. Each of them has either a single or two storey back addition and a very small yard area. There are sun decks at 23 and 24 Over Street. In addition, an infill development next to No 25 and to the rear of 45/46 Trafalgar Street is under construction.
25. The appellant's Daylight and Sunlight Assessment concludes that daylight availability to the ground floor windows in Over Street is significantly compromised by the boundary wall and the outriggers on either side. As such, there would be no additional adverse impacts. At first floor level there would be a lessening in daylight but the change would not be large enough for occupants to notice a reduction in the amount of skylight, according to relevant guidance. For sunlight it is calculated that there would be no additional adverse impact on the rear windows in Over Street. These findings are not contested by the Council.
26. In terms of outlook the rear elevations of the properties are already 'hemmed in' to a large degree by the roof of the existing building. The occupier of 25 Over Street refers to bedrooms and a bathroom facing towards the site. The effect on the ground floor and from within the enclosed external areas would be unlikely to be noticeable as the boundary wall would remain at the same height. The proposed development would be increasingly stepped back from the boundary as it gets higher in order to provide separation from Over Street.
27. Policy DM20 establishes that planning permission will be granted where it would not cause an unacceptable loss of amenity to adjacent occupiers. The extent of build development close to the boundary would affect those in Over Street by its physical presence. However, this relationship should be assessed in the context of the existing building and as the area in general is densely developed with buildings 'cheek by jowl'. The Framework also encourages an effective use of land. In this context, it cannot be said that the impact would be "unacceptable".
28. The Daylight and Sunlight Assessment also considers the effect on 28A, 29 and 30 Frederick Place and concludes that the overall impact would be limited. The Council does not dispute this. Although not the subject of the Assessment, the side windows at 46 Trafalgar Street were considered by the Council to be either secondary or not to serve habitable rooms. In any event, the proposal would not be within direct 'line of sight' of them and so the

implications on the internal area would be likely to be insignificant. Similarly, there is no clear evidence that the proposal would seriously impact the partially covered external area to the rear of the public house.

29. The level of natural light reaching the stairwell of the public house would be reduced and the owner considers that the interior would become "gloomy". However, the window does not serve a habitable room and an objection on this ground is not justified. The development would also be close to the offices in Frederick Terrace but it has no windows facing the appeal site and there is insufficient evidence that its occupants would be adversely affected.
30. The report to Committee analysed the potential implications for overlooking from the proposed windows. Provided the easternmost front windows at first and second floor level were obscure glazed then privacy would be maintained. However, the roof terraces should only be used for maintenance or emergency purposes because of their close relationship to neighbouring dwellings.
31. Overall, therefore, although there would be some reduction in daylight to surroundings properties and outlook would be affected, the effect on the living conditions of their occupiers would be within reasonable limits, even if taken together. There would be no conflict with Policy DM20.

Other Matters

32. The original application attracted over 1,200 objections and 500 objections were submitted in response to the appeal. Opposition to the proposal is also highlighted in a petition with more than 22,000 signatures. These leave little doubt as to the importance attached to the role of the Prince Albert within the local music scene and the wider life of the city. It gives both emerging and established artists the opportunity to perform, hone their craft and develop their artistic pursuits. The community is also able to have access to affordable and original music in convivial surroundings. However, the concern about the likely implications for this venue have been addressed under the main issues.
33. The proposal is for use within Class E and has to be dealt with accordingly. There is no expectation or implication that a future change to residential use would take place. Indeed, a condition is proposed to restrict the use of the building to that sought.
34. Planning permission has been given to use the existing building at No 47 as a street food market. However, this proposal has to be judged in its own right rather than whether that authorised use would be preferable. Indeed, Policy DM11 of the City Plan Part Two supports new business floorspace.
35. Given the location of the site in relation to public transport links within a busy part of the city, the implications for vehicle parking and traffic would be minimal. Some disruption would occur during construction but this would not be indefinite and could be controlled by a management plan.
36. The proposal was unanimously rejected by Councillors. Whilst this and the high level of opposition are relevant factors, they are not determinative in themselves. Rather, as is required, this decision assesses the proposal in the light of the evidence provided and against the policies in the development plan. The outcome will be a disappointment to many but the decision has considered the objections raised which largely reflect the Council's reasons for refusal and which have been covered.

Conditions

37. Where necessary the wording of the conditions suggested by the Council has been adjusted in the interests of brevity and clarity. Many of the conditions are imposed to accord with policies in the City Plan. Some of the details referred to are required before construction starts as they would affect that process and so need to be agreed prior to commencement.
38. The approved plans should be specified in the interests of certainty. To ensure a high-quality appearance within the conservation area and immediately adjacent to a listed building, details of external materials, the Trafalgar Street elevation, slab levels and the treatment of the lightwell adjoining the public house are required. For the same reason, ephemera attached to the front elevation should be controlled and the front forecourt reinstated.
39. In order to fulfil the 'agent of change' principle and to safeguard the on-going use of the Prince Albert as a music venue, the permitted use should be restricted to Class E, the hours of use limited and the recommended sound insulation measures carried out. Any plant should be suitably enclosed. It is also necessary for a subsequent assessment to be made to ensure that the work undertaken has been effective.
40. The living conditions of surrounding occupiers should be protected by preventing use of the flat roofs except for maintenance or in an emergency, installing obscure glazing next to 46 Trafalgar Street and by a management plan for demolition and construction. Future servicing and delivery arrangements should also be agreed.
41. In the interests of energy efficiency and sustainability, the BREEAM Excellent standard and Energy Performance Certificate rating 'B' should be achieved. Given past uses of the site there is potential for contamination. To protect human health this should be investigated and any necessary remediation undertaken.
42. The development should function properly and so details of refuse and recycling facilities, waste management, cycle parking and drainage should be either provided or implemented in accordance with the approved plans. Biodiversity enhancements should also be secured.
43. The requirement for an energy and sustainability statement would replicate other requirements and is therefore unnecessary.

Conclusion

44. The proposal would accord with the development plan and there are no material considerations that outweigh this finding. Therefore, for the reasons given, the appeal should succeed.

David Smith

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos TA1185/01B, TA1185/10E, TA1185/11D, TA1185/12D, TA1185/13D, TA1185/14F, TA1185/15D, TA1185/16F, TA1185/17E, A1185/18E, TA1185/19E, TA1185/20D, TA1185/21C, TA1185/22B and TA1185/24.
- 3) 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) the use of the premises hereby permitted shall be for purposes falling within Use Class E (Commercial, Business and Service) as defined in the Town and Country Planning (Use Classes) Order 1987 (or in any provision in any statutory instrument revoking and re-enacting that Order with or without modification).
- 4) The use hereby permitted shall not be carried out on any day except between the hours of 07:00 and 20:00.
- 5) No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to the Trafalgar Street elevation.
- 6) Access to the flat roofs (including the third-floor area annotated as 'terrace' and all 'green roof' areas) of the development hereby permitted 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.
- 7) The three easternmost first and second floor windows in the northern elevation facing Trafalgar Street of the development hereby permitted shall be obscure glazed and non-opening, unless the parts of the windows which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and thereafter permanently retained as such.
- 8) The development hereby permitted should achieve a minimum Energy Performance Certificate rating 'B' for new build non-residential development.
- 9) The development hereby permitted 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.
- 10) The development hereby permitted shall not be occupied until the surface water drainage system has been implemented in accordance with the Surface Water Management Report by Flo Consulting Engineers dated October 2022 (Ref 883A) and retained thereafter.
- 11) If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the local planning authority), shall be carried out until a method statement identifying and assessing the risk and proposing remediation measures, together with a programme for such works has been submitted to and approved in writing by the local planning authority. The remediation

measures shall be carried out as approved and in accordance with the approved programme.

- 12) The development hereby permitted, including any demolition works, shall not commence 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 industry best practice guidance such as BS 10175:2011+A2:2017 – *Investigation of Potentially Contaminated Sites – Code of Practice* and BS 5930 *Code of Practice for Ground Investigations*;

And if notified in writing by the local planning authority that the desk top study identifies potentially contaminant linkages that require further investigation then,

(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 BS 10175:2011+A2:2017;

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,

(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 a scheme shall include nomination of a competent person to oversee the implementation of the works.

- 13) The development hereby permitted shall not be occupied 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 condition 12) (c) that any remediation scheme required and approved under the provisions of condition 12) (c) has been implemented 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 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 suitable for use.

- 14) The development hereby permitted, including any demolition works, shall not commence until full details of existing and proposed ground levels (referenced as Above Ordnance Datum) within the site and on land and buildings adjoining the site by means of spot heights and cross-sections, proposed siting and finished floor levels of all buildings and structures, have been submitted to and approved by the local planning authority. The development shall be implemented in accordance with the approved details.

- 15) The development hereby permitted, including any demolition works, shall not 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.

- 16) The development hereby permitted, including any demolition works, shall not commence until an ecological design strategy (EDS) addressing enhancement of the site for biodiversity, including biodiverse green roofs and the provision of 10 swift nesting cavities and 10 bee bricks, has been submitted to and approved in writing by the local planning authority. The EDS shall include the following:
- a) detailed design(s) and/or working method(s);
 - b) extent and location/area of proposed works;
 - c) type and source of materials to be used;
 - d) timetable for implementation; and
 - e) details of initial aftercare and long-term maintenance.
- The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.
- 17) The development hereby permitted, including any demolition works, shall not commence until a Building Research Establishment issued Pre-Construction Assessment, demonstrating that the development shall achieve a minimum BREEAM 'Excellent' rating in the appropriate scheme has been submitted to and approved in writing by the local planning authority.
- 18) The development hereby permitted, including any demolition works, shall not commence until a Demolition/ Construction Environmental Management Plan (DEMP/CEMP) has been submitted to and approved in writing by the local planning authority. The DEMP/CEMP shall include:
- (i) The phases of the proposed demolition and development including the forecasted completion date(s);
 - (ii) A scheme of how the contractors will liaise with local residents and businesses to ensure that they are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme);
 - (iii) A scheme of how the contractors will minimise disturbance to neighbours regarding issues such as noise and dust management, vibration, site traffic and deliveries to and from the site;
 - (iv) Details of hours of construction including all associated vehicular movements; and
 - (v) Details of the storage of materials and equipment.
- The construction shall be carried out in accordance with the approved DEMP/CEMP.
- 19) No development above ground floor slab level of any part of the development hereby permitted shall take place until details of the lightwell on the western side adjoining the Prince Albert public house have been submitted to and approved in writing by the local planning authority. The details shall show how the side window at the Prince Albert public house will be preserved. The development shall be carried out in accordance with the approved details.
- 20) No development above ground floor slab level of any part of the development hereby permitted shall take place until details of all external materials have been submitted to and approved in writing by the local planning authority, including details of the colour of the painted render, roof finishes, any cladding, windows, shopfronts and external doors. The development shall be carried out in accordance with the approved details.
- 21) No development above ground floor slab level of any part of the development hereby permitted shall take place until full details, including 1:20 scale

- elevation drawings of the Trafalgar Street elevation and sections of the front entrance area and shopfronts, have been submitted to and approved in writing by the local planning authority. The works shall be carried out and completed in accordance with the approved details.
- 22) Notwithstanding Condition 2) and the layout shown on approved plans, prior to first occupation of the development hereby permitted, details of secure cycle parking and shower/changing facilities for the occupants of, and visitors to, the development 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 development and shall thereafter be retained.
 - 23) No development above ground floor slab level of any part of the development hereby permitted shall take place until details of the external finishes of the materials to be used to replace the existing vehicle crossover, have been submitted to and approved in writing by the local planning authority. The works shall be carried out and completed in accordance with the approved details before the first occupation of the development hereby permitted.
 - 24) No development above ground floor slab level of any part of the development hereby permitted shall take place until a drainage strategy detailing the proposed means of foul water disposal and an implementation timetable, has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme and timetable.
 - 25) No development above ground floor slab level of any part of the development hereby permitted shall take place until a scheme for the suitable treatment of all plant and machinery to minimise the transmission of sound and/or vibration has been submitted to and approved in writing by the local planning authority. The measures shall be implemented in accordance with the approved details prior to the first occupation of the development and shall thereafter be retained as such.
 - 26) The development hereby permitted shall not be occupied until a Delivery and Service Management Plan has been submitted to and approved in writing by the local planning authority. The Plan shall include details of the types of vehicles, how deliveries, servicing and refuse collection will take place and the frequency of those vehicle movements. All deliveries, servicing and refuse collection shall thereafter be carried out in accordance with the approved plan.
 - 27) Within six months of the first occupation of the development hereby permitted, a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the development has achieved a minimum BREEAM New Construction rating of 'Excellent' shall be submitted to the local planning authority.
 - 28) Soundproofing of the party ceilings, floors and walls between the development hereby approved and the adjoining properties, including the Prince Albert public house, and between the basement to third floors of the development, as recommended in the Noise Assessment by Acoustic South East dated 8 September 2023 (Ref J3432), shall be implemented prior to the first occupation of the development and shall thereafter be retained as such.

- 29) The development hereby permitted shall not be occupied until a further noise assessment and test has been carried out to demonstrate the implementation of the requirements detailed in Condition 28) and the achievement of the day and night guideline values for external amenity spaces and non-domestic buildings contained within the World Health Organisation (WHO) (1999): Guidelines for Community Noise and in Table 6 of BS8233:2014: Guidance on Sound Insulation and Noise Reduction for Buildings. The results shall be provided to the local planning authority. If the criteria in either BS8233: 2014 or WHO (1999) guidelines are not met, a further report shall be required to demonstrate what additional measures are needed and when these will be implemented. Another post completion noise assessment and test will then also be required to demonstrate compliance.