

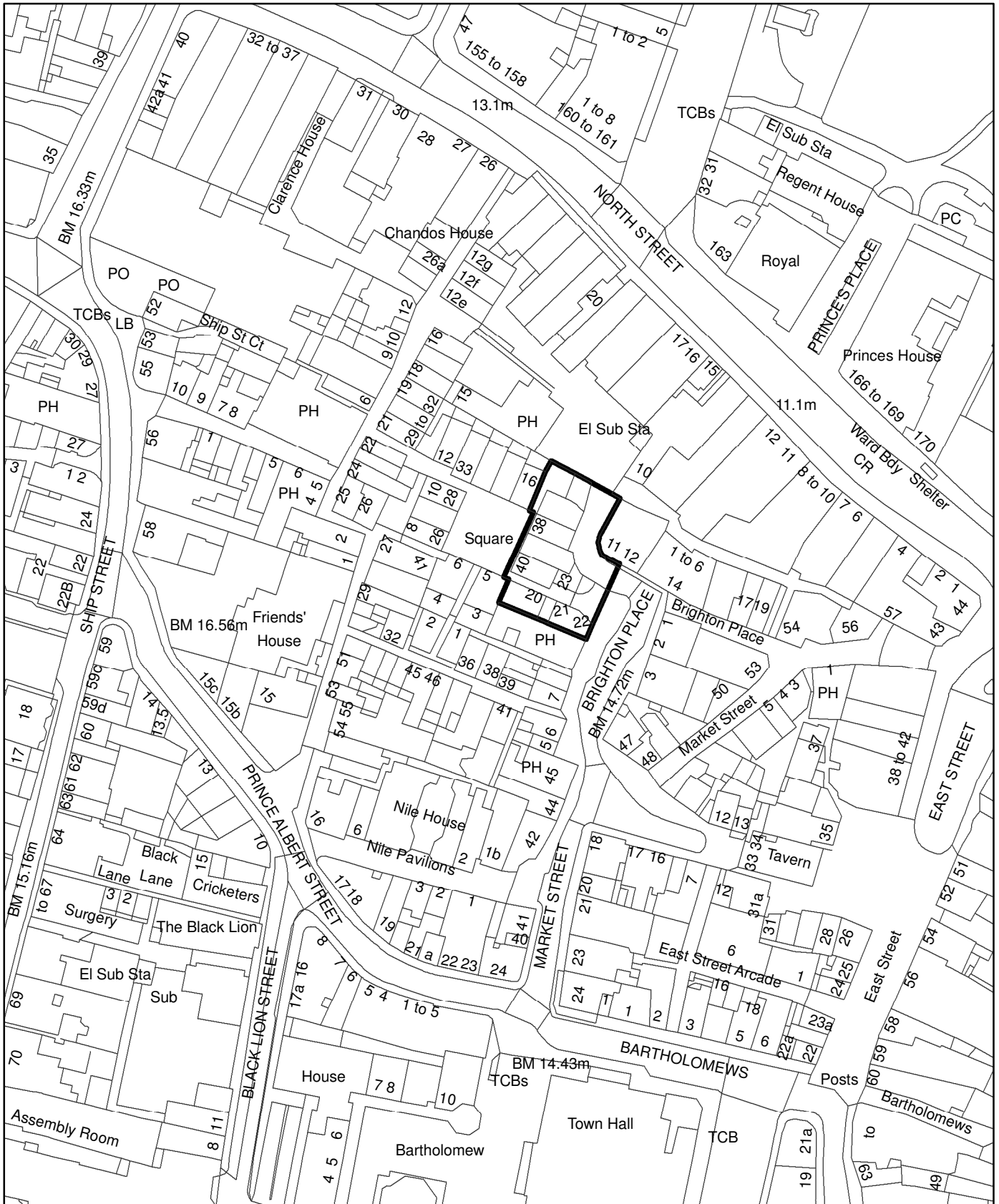
# **ITEM G**

**17-19, 21-23 and 37-40 Brighton Square,  
Brighton**

**BH2013/00715  
Full planning**

**11 DECEMBER 2013**

# BH2013/00715 17-19. 21-23 & 37-40 Brighton Square, Brighton



**Brighton & Hove  
City Council**



Scale : 1:1,250

<b><u>No:</u></b>	<b>BH2013/00715</b>	<b><u>Ward:</u></b>	<b>REGENCY</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>17-19 21-23 and 37-40 Brighton Square, Brighton.</b>		
<b><u>Proposal:</u></b>	<b>Demolition of existing buildings at 21, 22 and 23 Brighton Square and demolition of existing two storey apartments at 37, 38, 39 and 40 Brighton Square. Conversion of existing A1 and A3 units to create new A3 units at ground floor level to East of Brighton Square with new car park access. Construction of a 26no room boutique hotel above new A3 units with entrance at ground floor level and bedroom accommodation to 3no floors above. Erection of new 4no storey building on site of 22 Brighton Square providing A1 retail at ground floor level and 3no flats above. Reconfiguration works to lane connecting Brighton Place to Brighton Square and other associated works.</b>		
<b><u>Officer:</u></b>	<b>Steven Lewis Tel 290480</b>	<b><u>Valid Date:</u></b>	<b>06 March 2013</b>
<b><u>Con Area:</u></b>	<b>Old Town</b>	<b><u>Expiry Date:</u></b>	<b>05 June 2013</b>
<b><u>Listed Building Grade:</u></b>	<b>Adj to Grade II</b>		
<b><u>Agent:</u></b>	<b>Morgan Carn Partnership, Blakers House, 79 Stanford Avenue, Brighton</b>		
<b><u>Applicant:</u></b>	<b>Centurion Group, Centurion House, 11 Prince Albert Street, Brighton</b>		

## **1 RECOMMENDATION**

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 and resolves to be **MINDED TO GRANT** planning permission subject to the applicant entering into a S106 Agreement, Conditions and Informatives set out in section 11.

## **2 SITE LOCATION & DESCRIPTION**

- 2.1 Brighton Square is a mid 1960's mixed use development located within the Old Town area of Brighton. The development comprises of approximately 20 shops and 36 residential units. The development is a variation of 2 and 3 storey buildings, with a subterranean basement car park and servicing area.
- 2.2 Architecturally the Square is of its period, with projecting upper bays, faces in cladding, hanging tile and shiplap boarding. The redevelopment was well received when built, earning a Civic Trust award.
- 2.3 The site falls within the Old Town Conservation Area. None of the buildings on the site are Listed. However the site adjoins a listed building – The Druids Head (9 Brighton Place) and several other buildings to the south in Brighton Place and all the buildings to the south and west of the 1960s Brighton Square development are also Listed.
- 2.4 The development despite being angular integrates and permeates well with the original historic small fishing port of Old Town which is laid out on an irregular linear grid pattern with the roads oriented predominantly north-south and with a number of pedestrian twittens running east-west.

### 3 RELEVANT HISTORY

This application has been submitted to run concurrently with 5 other applications.

**BH2013/00710:** Creation of new shopping lane extending from Meeting House Lane to Brighton Place. Demolition of existing ground floor stores and first floor structures at rear of North Street shops. Adaptation and extension of existing shops on North Street to create 8 shop units to north side of new lane, reconfiguration of North Street shops. Construction of 7 new 2 storey flats over shops around a courtyard. Construction of 6 new shops to south side of new lane with 2 floors of offices over. Adaptation of 12D Meeting House Lane to provide additional shop front onto lane. Blocking up of openings in end wall of Puget's Cottage following demolition of adjoining structures (Amended description) - Under consideration.

**BH2013/00711:** Demolition of existing building at 11 Brighton Place and demolition of existing stores and first floor structures to rear of North Street shops - Under consideration.

**BH2013/00716:** Demolition of existing buildings at 21, 22, 23, 37, 38, 39 and 40 Brighton Square – Under consideration.

**BH2013/03589:** Alterations incorporating reinstatement of South facing gable wall and blocking up of first floor doorway – Under consideration.

### 4 THE APPLICATION

- 4.1 Planning permission is sought for the construction of a 26 bedroom hotel above new A3 units with entrance at ground floor level and bedroom accommodation to 3 floors above as well as conversion of existing A1 and A3 units to create new A3 units at ground floor level to East of Brighton Square with new car park access.
- 4.2 In addition the proposal seeks the erection of a new 4 storey building on the site of 22 Brighton Square to provide a retail unit at ground floor level with 3 flats above and the reconfiguration works to the lane connecting Brighton Place to Brighton Square and other associated works.
- 4.3 The development proposal would require the demolition of existing buildings at 21, 22 and 23 Brighton Square and demolition of existing two storey apartments at 37, 38, 39 and 40 Brighton Square.

### 5 PUBLICITY & CONSULTATIONS

#### External

- 5.1 **Neighbours: Six (6)** letters of representation have been received from the occupiers of (17 Atlingworth Street, Cavalaire Hotel, 7 Charlotte Street, 10,11,12a New Steine, 5 New Steine, 7 Upper Rock Gardens) objecting to the application for the following reasons:
  - The City is overprovided with bed spaces for the number of staying visitors to the city and is not sanctioned by the emerging City Plan

**Neighbours: Two (2)** letter of representation have been received from the occupier of 7 Brighton Place supporting the application for the following reasons:

- The proposed plan is very good and can only be beneficial to the area and Brighton as a whole.
- This project along with the others being considered as a wider redevelopment are fully supported.

**Regency Society:**

- 5.2 The society opposes the demolition of the building which forms the portal to Brighton Square from Brighton Place. It is a good example of 1960's design.
- 5.3 The concrete arches are a pleasing reference to Basil Spence buildings at Sussex University which date from the same period. The building sits well with its neighbour to the south and the much older Druids Head.
- 5.4 There is no objection to the use of pastiche as a basis for the design of the new buildings to be constructed nearby, however it is not considered good conservation practice to use pastiche to replace a well designed building that has served its purpose well for fifty years. Had The Lanes been built as a uniform style then perhaps this approach could be made to replace occasional modern additions. There are buildings of a wide range of periods and styles throughout the area and this is part of its charm and it illustrates how well building of differing styles can be compatible, when attention is paid to scale, townscape and layout of streets and spaces.

**Brighton Society:**

- 5.5 The amended design of the entrance to the Hotel is far too brutal and would result in a building that would dominate Brighton Place. The area surrounding Old Town comprises of small traditional buildings grouped around an intimate Square.
- 5.6 The proposed building is stark and overpowering and is not sympathetic to the existing buildings in the Square. The Druids Head is a good example of brick vernacular of the Old Town and the entrance would dominate it and destroy the delicate Old Town Conservation Area.

**Sussex Police:**

- 5.7 There are some concerns with regards to the amenity of surrounding residents due to the proposed all year round opening hours of 07:30 to 01:30. It is asked that any consent should be conditioned that alcohol is ancillary to food which is prepared upon the premises and served by waiting staff.
- 5.8 Where four or more flats are served by a common entrance, the entrance doors must be incorporate an access control system, with electronic release and entry phone linked to the flats.
- 5.9 The proposed Hotel should concentrate on controlling its perimeter with doors and any ground floor or easily accessible windows conforming to LPS 1175 SR2, with glazing to a minimum thickness of 6.8mm.

- 5.10 The reception should be situated in such a way to provide direct observation of lifts, stairways and the main entrance. CCTV maybe a consideration in vulnerable areas.
- 5.11 To enable safe vehicular access and egress from the underground car park, signage or traffic light maybe required. Staggered cushions to prevent tailgating and pedestrian signage to use the steps should be utilised. Pedestrians should not have to exit from the garage doors. The lighting within the car park should including minimal permanently lit lamps to be complemented with additional lights activated by motion sensors.

**East Sussex County Archaeologist:**

- 5.12 Although the application is situated within an archaeological Notification Area defining the village of Brightonhelmstone and the post-medieval town of Brighton it is likely that the major development of the site in 1966 has destroyed all archaeological remains relating to the occupation.
- 5.13 However the site is also located on top of important Quaternary deposits known as Brighton Raised Beach which outcrop at Black Rock by Brighton Marina. These deposits formed at the end of the Ice Age have been found to contain artefacts and remains relating to homind activity.
- 5.14 Although the current complex includes below ground car parks, it is unclear if the new proposed development would require any excavation deeper than the current impact depth and so if it would encounter further deposits.
- 5.15 In light of this and the NPPF additional information was requested. The applicant subsequently submitted a geoarchaeological / Palaeolithic heritage statement
- 5.16 This statement outlines the current understanding of Pleistocene deposits in the Brighton area, including the important Brighton Raised Beach and based on the current modelling of these Pleistocene sediments assesses the potential for impact on them from the proposed development.
- 5.17 The heritage statement summarises areas of potential impact at a depth relevant to these deposits as:  
*The available information suggests that the existing basement will be remodelled at its existing level rather than deepened – most of the basement will receive no additional impact. However, the north-eastern corner will be extended beyond the existing ramp to form a new space for restaurant kitchens and plant and this may involve further excavation down to the existing basement level (i.e. to a depth of 1.2-1.6m). It is also possible that the slope of the existing access ramp may be reconfigured within its existing footprint, although this is unlikely to involve more than minimal new excavation of the upper levels.*
- 5.18 The report concludes based on the existing information that there is a potential that archaeological deposits will be disturbed or exposed.

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- 5.19 As discussed in previous correspondence it is unlikely significant post Pleistocene remains (at shallow depth) have survived on this site due to the impact of the construction of the current buildings.
- 5.20 In the light of the potential that any groundworks which extend below made ground are highly likely to impact on either Holocene colluvium or Pleistocene sedimentation (Head or Raised Beach) the area affected by the proposals should be the subject of a **programme of archaeological works**. This will enable any archaeological deposits and features, disturbed during the proposed works, to be adequately recorded. These recommendations are in line with the requirements given in the NPPF;

*141. Local planning authorities should make information about the significance of the historic environment gathered as part of plan-making or development management publicly accessible. They should also require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.*

- 5.21 Accordingly it is requested that planning conditions to secure implementation of a programme of archaeological work in accordance with a written scheme of investigation is secured and the development not being brought into use until the site investigation and analysis has been completed.

### **Brighton & Hove Archaeology:**

- 5.22 The development lies in the centre of Old Brighton. It is possible that Palaeolithic deposits may remain or vestiges of the medieval or Reformation periods.

### **English Heritage:**

- 5.23 Following the consideration of new information English heritage do not wish to offer any comments on this occasion.

- 5.24 The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

### **East Sussex Fire & Rescue Service:**

- 5.25 No objection.

- 5.26 The Fire Authority will comment on means of escape and access for fire fighting purposes at Building Regulations application stage.

- 5.27 When considering active fire safety measures all types of premises including residential and domestic buildings it is recommended that sprinkler systems are installed. Information regarding these are available by referencing BS 9251 & BS EN 12845.

### **Conservation Advisory Group:**

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- 5.28 After discussion, and a show of hands, the majority of the group objected to the proposal to demolish the portal building fronting onto Brighton Place.

**Environment Agency:**

- 5.29 Having screened the planning application with regard to the development type and its location, the Environment Agency have no comment.

**County Ecologist:**

- 5.30 There are no sites designated for their nature conservation interest that are likely to be impacted by the development.

- 5.31 The site comprises existing buildings and hardstandings within an urban setting and there is minimal biodiversity interest.

- 5.32 The proposed development involves the demolition of buildings, there is a chance that bats or nesting birds may be present. However, from the information available, the risk is low. If any sign of protected species is discovered during demolition, works should stop and advice sought from a suitable qualified and experienced ecologist.

**Internal:**

**Heritage: Comment**

- 5.33 This proposal is part of a wider development including 7-10 13-16 26-28 and 33-36 Brighton Square Brighton and 13 - 22 North Street and the service yards behind, 12D Meeting House Lane and 11-14 Brighton Place Brighton. The Masterplan which ties them together is very much welcomed and is considered to be a comprehensive document that clearly illustrates the historic context and the design rationale and development for the three inter-linked but independent applications. It is considered important that the two Brighton Square applications should proceed concurrently so that the design and appearance of Brighton Square would remain consistent on the three main sides.

- 5.34 The Brighton Square applications would jointly offer substantial heritage and wider public benefits to the enhancement of the Old Town Conservation Area, in terms of the appearance of the public realm, the economic vitality of the area, the permeability of pedestrian routes and the quality of architecture. The proposals would preserve the setting of all the listed buildings in the vicinity. These enhancements and benefits would far outweigh any less-than-substantial harm arising from the alterations to Brighton Square as an undesignated heritage asset.

- 5.35 Statement of Significance: The site falls within the Old Town Conservation Area. None of the buildings on the site are listed. However the site adjoins a listed building – The Druids Head PH, 9 Brighton Place. Several other buildings to the south in Brighton Place and all the buildings to the south and west of the 1960s Brighton Square development in Meeting House Lane are also listed. The site falls within an Archaeological Notification Area (ANA)

- 5.36 The Old Town's character is set out in the document Conservation in the Old Town (1979). Whilst this needs updating, it remains a valid material



consideration. The original historic small fishing port of Old Town is laid out on an irregular linear grid pattern with the roads oriented predominantly north-south and with a number of pedestrian twittens running east-west. The main street blocks are exactly rectangular and at the northern end, the grid is warped eastwards and North Street is angled slightly south-eastwards. Prince Albert Street is a 19<sup>th</sup> century planned intervention which cuts across this diagonally.

- 5.37 The area is characterised by a diversity of building sizes, heights, periods and styles. The area is predominantly 2 – 4 storeys in height and close-grained with some much larger buildings inserted from mid 19<sup>th</sup> century to the present such as the Town Hall, The Hippodrome and the Bartholomew Square development.. Most buildings appear to date from the 18<sup>th</sup> and 19<sup>th</sup> centuries although some earlier buildings or parts of buildings may be masked by later remodelling. The area immediately to the south of the site, known as The Lanes, is characterised by a network of narrow twittens and smaller scale buildings.
- 5.38 The Brighton & Hove Pevsner guide says of Brighton Square: –  
*“This is of 1966 by Fitzroy Robinson & Partners, sensitive infill, shops and flats of load-bearing brick placed over a reinforced concrete basement car park, the entrance to which is discretely tucked away. Architecturally of its time, with projecting upper bays clad and tile hanging and shiplap boarding, successfully in keeping to the style and variety of The Lanes. It was well received when built, earning a Civic Trust award, and is still a model for urban renewal. In the centre of the square a fountain and Dolphin sculpture by James Osborne.”*
- 5.39 The portal building on Brighton Place has been altered and shop units extended into its arched openings. The buildings around the Square have had their timber lapboarding replaced with artificial composite boarding and fibre cement fascia boarding and the original timber windows have been replaced in white powder coated aluminium albeit all in the same style. Most of the shopfronts and their fascias and many of their pilasters have been altered in an unsympathetic way and the ground floor facades have lost their architectural unity. The fountain and dolphin sculpture are later insertions.
- 5.40 Attitudes towards 1960s architecture vary greatly and generate much controversy. Whilst Brighton Square may be considered to be much better than many of the more brutal town centre redevelopments of the 1960s, it has clear faults and in places appears dated. The car park entrance and the service entrance are particularly unattractive in views eastwards along Brighton Place. In urban design terms its current layout and street furniture do not enhance the area. It has been nominated for local listing in the current review and must therefore be considered as an undesignated heritage asset.
- 5.41 The Proposal and Potential Impacts: This application is part of a wider development including 7-10 13-16 26-28 and 33-36 Brighton Square Brighton and 13 - 22 North Street and the service yards behind, 12D Meeting House Lane and 11-14 Brighton Place Brighton. The Masterplan is very much welcomed and is considered to be a comprehensive document that clearly illustrates the historic context and the design rationale and development for the three inter-linked but independent applications. Whilst the three schemes need to be considered

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together, it is also important to consider their impacts in the event that one or the other failed to go ahead and it is essential that they work in urban design and architectural terms as stand alone schemes. It is considered important that the two Brighton Square applications should proceed concurrently so that the design and appearance of Brighton Square would remain consistent on the three main sides.

- 5.42 Photomontages from key viewpoints have been provided in order to assess the visual impact of the proposed additional storey to Brighton Square on the buildings around Brighton Square and in views from further away, including New Road. These confirm that the additional height to the modern, remodelled hotel building would not make it harmfully visible in any key sensitive views.
- 5.43 In terms of the design of the hotel, the elevations have evolved very positively to address the initial concerns raised. The proportions - including the relationship of solid to void and glazing subdivisions - are appropriate to the surrounding context. The curved corner entrance has been refined and overall this is considered to be a fitting contemporary addition to Brighton Place and a clear marker for this entrance to The Lanes. The elevation drawings have now been fully annotated to describe the materials and these materials are all considered to be appropriate (subject to samples secured by condition).
- 5.44 Whilst the proposal would involve the extension and major remodelling of an undesignated heritage asset it is considered that reconstruction of the south side of the Square under this application and the remodelling and recladding of the facades on the north and east sides of the Square (application BH2013/00712) are acceptable. The additional storey would not be visually overbearing as seen from within the Square given the degree of set back and the lightweight glazed design.
- 5.45 The main issue of principle with this application was the height and scale of the new retail and residential building adjacent to the listed Druid's Head Public House. The Masterplan has satisfactorily demonstrated that this building would replicate the form, height and scale of the mid 19<sup>th</sup> century Hanningtons dormitory building which stood on the site until its demolition in 1963, though with a commercial ground floor frontage on two sides.
- 5.46 Whilst English Heritage have expressed some concern about its relationship with the Druids Head, it is considered that the replication of the historic townscape, based on evidence, is an appropriate approach and that the new building sits comfortably in the street scene in the key views from the south-east. It also helps to recreate the organic character of the development of the Old Town. The north elevation has been amended to have more traditional balconies and the shop front has been revised to reflect traditional designs in the area.
- 5.47 The variety of historic period designs interspersed with a contemporary design on Brighton Place reflects the varied character of the area. All styles of architecture are valid, provided that they are sympathetic to the character of the area and are not anachronistic or pre-date the area's development. The crucial issue is the quality of the design, detailing and materials. The proposed palette of materials

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and the traditional detailing as shown on the elevations are based on historic examples in the area and are appropriate to Old Town but will need to be carefully controlled by conditions.

- 5.48 If this scheme were to proceed in the absence of the Hannington Lane scheme there would be a potential issue of the junction of the new development, where it incorporates access to the existing underground car park, with the existing vacant and unfinished retail unit at 11 Brighton Place. This could be addressed by condition.

**Access Consultant: Comment**

- 5.49 In light of Equalities Act it would be good to know what considerations have been given to toilet facilities within the retail units.

- 5.50 The gradients of the new lane appears satisfactory and so do entrances to the shop units themselves, it is noted that stepped access from Brighton Place is retained/rebuilt but that the old ramp would be removed. However, access is available from three other existing lanes and also from the new proposed lane to the north. So the stairs should not be a serious issue so long as adequate signage of alternative routes is provided.

**Planning Policy: Comment**

- 5.51 The applicant was requested to provide further information relating to the provision of hotel accommodation regarding how the proposed development fits into the current hotel market i.e. does it fill a gap in the current provision of hotels in the city. It was also noted that the applicant had not demonstrated how the proposed scheme met the criteria for new hotel accommodation set out in Policy SR14 of the Local Plan.

- 5.52 In the additional information provided the applicant has addressed in turn the criteria listed under Policy SR14. The proposed scheme meets criteria 1, 3, 4 and 5, however there would be the loss of a small amount of office accommodation which is contrary to criteria 2. However, this level of loss is considered satisfactory given the overall economic development benefits of the development.

- 5.53 Adopted Local Plan Policy QD6 states that the provision of new public art will be sought in major development schemes. The type of public art and level of contribution vary depending on the nature of the development proposal, the characteristics of the site and its surroundings.

- 5.54 Type of contribution: The local planning authority's preferred approach is for applicants to engage as early as possible with the Arts & Cultural Projects team as experience suggests that this can be more cost-effective to applicants and achieve more efficient results.

- 5.55 With three (3) additional residential properties being constructed it is requested that any resident use a similar arrangement to dispose of waste and recycling. Residents could use the provision for a private contractor set out in the application. However, as a waste disposal Authority, the City Council is legal

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obliged to collect household waste and therefore would require a waste management plan to ensure that the proposals for private collections are adhered to and allow for additional waste and recycling provisions in the future if the Council are required to take over collection in the future. A planning condition to secure and implement this plan is recommended.

### **Environmental Health: Comment**

- 5.56 It is understood that this planning application only forms part of the overall development for this area and relates to development to the East of Brighton Square.
- 5.57 Construction Environmental Management Plan (CEMP): The proposal is a significant development and site activities could generate large amounts of noise, dust and vibration. A robust CEMP should be provided, clearly identifying how these issues will be managed so that the impact on neighbouring residents and businesses will be controlled as reasonably as possible. The CEMP should include reference to BS5228 and a commitment to an application for a Section 61 agreement for noisy working hours. Reference to calculations to determine whether the proposal is considered to be significant under BS5228 should be provided. A plan of how utilities providers would be managed to prevent continuous disruption to residents and businesses in this area should be supplied.
- 5.58 Potentially Contaminated Land: A Phase I contamination assessment report has been undertaken by Ashdown Site Investigation Ltd., (LW24044/ds February 2013). Their conclusions recommend an intrusive site investigation to quantify associated risks.
- 5.59 Therefore, it is recommended that the Council's full phased contaminated land condition is applied to this development (Part 1a has been completed).
- 5.60 Noise affecting the one bedroom apartments next to the Druids Head: A noise assessment has been undertaken by 7<sup>th</sup> Wave Acoustics, dated 5<sup>th</sup> March 2013. According to the plans for this application, there will be some residential flats next to the Druids Head Pub.
- 5.61 A long term (7 day) noise assessment was undertaken outside of Donatello's Restaurant and at 40 Brighton Square. These assessments have relevance to the proposed flats and highlight that some maximum noise levels in this area at night are very high. It is not possible to tell what has caused the maximum levels of noise, but from the general location, it is likely to be due to people passing by, (shouting and laughing etc) to and from local restaurants and pubs. Some of the maxima may possibly be caused by music noise from various premises, taxis pulling up and doors getting slammed. Seagulls may even be the cause of some loud noises recorded.
- 5.62 The results of the assessments present the range of maximum noise levels recorded over each night. The highest maxima reached each night over the week have then been averaged and this average of the highest maxima has been used to determine glazing requirements for the flats.

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5.63 From the noise assessments, the consultant has determined that the recommended glazing specification for the apartments next to the Druids Head should be 45dB. Such glazing would result in internal *average highest* maximum levels over a week to be 45dB and within BS8233 requirements. This is because BS8233 requires that an internal maximum of 45 dB should not normally be exceeded. Additionally, the World Health Organisation recommends that such internal maxima should not be exceeded more than 10 to 15 times a night. This appears to be the case as can be seen from the noise assessment at Donatello's, results of which are presented in Table 4 and Figure A6. These results show that the derived *average highest* maximum was exceeded at night time, approximately 5 times over the week.

5.64 Ventilation: In order to achieve satisfactory internal noise levels, the windows must be closed. Therefore, the consultant has also recommended that alternative means of ventilation are provided. This must ensure that the internal noise level achieved by the glazing is not compromised. A condition has been recommended below.

*Specifications for the Party Wall between the one bedroom apartments and the Druids Head Public House and the apartments and the retail unit on the ground floor.*

*i. Between retail unit and residential*

The consultant has recommended that the separating floor between the retail unit and residential property above, achieves an airborne sound insulation performance 5dB above Approved Document E. This has been conditioned below.

*ii. Between the Druids Head Public House and Residential*

It is pointed out in the noise assessment that the pub resides on the ground floor and the proposed flats next door will begin at first floor level. The pub is licensed to be open as below (with Live Music, Recorded Music and other entertainment licensed to finish an hour before the final times listed):

Monday - Thursday: 09.00 - 02.00

Friday - Saturday: 09.00 - 03.30

Sunday: 09.00 - 02.30

5.65 The council's database has been studied to see if there are any current noise complaints about the pub. The last noise complaints were in 2002 and those relating to music in 2000.

5.66 Therefore to summarise, as recommended by the consultant, sound insulation for the party wall should be increased above Approved Document E (ADE). This is because moving residential premises next to a public house with a licence that allows recorded and live music until 2.30am carries with it an element of risk.

5.67 Consultants have recommended that the airborne sound insulation is at least 8dB greater than ADE. This has been conditioned below and due to the risk

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associated with bringing residential accommodation next to a pub with long licensing hours, it is recommended that this condition includes a requirement for pre-completion testing.

- 5.68 Hotel: The report indicates that the Hotel is likely to adopt their own acoustic criteria. However, a glazing specification to achieve approximately 40 dB to 45 dB sound reduction has been recommended.

### *Noise from Plant*

- 5.69 Noises from Plant: The noise modelling assessment for plant shows that the noise levels due to plant at the nearest noise sensitive receptors will be greater than 5dB below background levels.

- 5.70 Due to the fact that plant details and plant position can change, it is still strongly recommended that a condition for plant noise is included and this has been suggested below.

- 5.71 Noise from deliveries and retail use: To prevent neighbours (both existing and future) being unreasonably disturbed it is suggested that deliveries and waste collections to retail units and restaurants should not occur before 7am or after 7pm on Mondays to Saturdays and not at all on Sundays or Bank Holidays. A condition has been recommended below.

- 5.72 The applicants should note that if complaints about noise from deliveries or waste collection activities are received, then the Council has a duty to investigate these complaints under the Environmental Protection Act 1990.

- 5.73 Lighting: Lighting details are yet to be specified. A condition has been recommended.

- 5.74 Odour abatement: Information about odour abatement for the kitchen at the hotel should be provided. This would be to prevent future complaints about Statutory Odour Nuisance. A condition has been recommended.

- 5.75 Licensing: The Licensing department must be consulted if any of the retail outlets will sell alcohol. This is because this development lies within the cumulative impact zone, which means that there is a presumption for refusal of any new licence application.

- 5.76 City Clean: City Clean should be consulted about future waste collection / disposal due to the size of the proposal and that it includes residential and retail components.

- 5.77 Food: The food team should be consulted regarding any plans for commercial kitchens.

### **Sustainability: Comment**

- 5.78 As a major development on a brownfield site, the SPD08 standards expected for this development are: residential flats: Code for Sustainable Homes Level(CSH)

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4; Hotel: BREEAM 'excellent' with 60% in energy and water sections; Retail: BREEAM Retail 'excellent' with 60% in energy and water sections.

- 5.79 There are many positive aspects to this scheme; the proposed energy performance of the scheme has been well designed to work within the confines of an extremely tight site involving considerable demolition works within an important Conservation Area. The proposed standards in the application are: Residential CSH4; Hotel: BREEAM 'very good'; Retail 'B' rated energy performance certificate. Whilst the residential standards meet local policy, the Hotel falls below and an alternative assessment method is proposed for the Retail. The applicant has asked that consideration be made of the site constraints and conservation conflicts.
- 5.80 Some of the key sustainable design features include: Code level 4 for the housing units; a communal heating solution for the dwellings and retail below based on gas micro CHP; PV and solar hot water for the residential units; a combination of air source heat pumps (ASHPs) and PV to supply heat and energy to the retail and hotel above; potential use of rainwater harvesting for the hotel; green sedum roof on an area of the hotel roof; a Site Waste Management Plan will be implemented including use of ICE Demolition Protocol; proposed buildings are to be built off the concrete slab over the existing car park thereby utilising the existing foundations; lightweight timber frame (SIPS construction) & all timber sustainably sourced with FSC or PEFC accreditation; incorporation of passive design approach as far as possible given site constraints; Lifetime Homes standards; and use of Considerate Constructors scheme.
- 5.81 It is recommended that the applicant be advised to amend conflicts in the submitted documents between the Sustainability Checklist and other documents. i.e, by amending the sustainability checklist and resubmitting this showing: CSH level 4, Technologies page: 4-5kWp PV to be installed on Hotel roof, 2kWp on roofs of dwellings; and 3-4m<sup>2</sup> Solar hot water systems (evacuated tubes) for residential units.
- 5.82 If these comments are applied in terms of providing flexibility over standards, conditioning the BREEAM standard (to 'very good') and the EPC 'B' rating for the retail units, then the applicant should be encouraged to re-examine the potential for a higher score within the BREEAM energy section to meet the councils SPD08 recommended minimum of 60% in this section. The estimated BREEAM water section indicates that over 60% will be achieved.
- 5.83 The application is recommended for approval subject to conditions upon securing level 4 of CfSH for the residential, BREEAM 'very good' level including 60% in energy & water for the Hotel; Retail units to achieve 'B' rating with a CO<sub>2</sub> index equivalent to the minimum mandatory requirement within BREEAM ENE1 to score BREEAM 'excellent'; and a Feasibility study to be carried out for rainwater harvesting and greywater recycling for the Hotel.

### **Sustainable Transport: Comment**

- 5.84 General parking: The proposals are intended to be car free. This is satisfactory as general parking standards are maxima and the application site is easily

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accessible by sustainable modes. Residents should be prevented from buying parking permits by a TRO amendment to be funded by the applicants as part of the S106 agreement.

- 5.85 SPG4 suggests minimum requirements of 1 disabled parking space for the hotel. This space is not proposed. It is accepted that this area is unusually constrained and it is difficult to identify potential sites for bays. However there is no reason why policy TR18 should not be complied with. Policy TR18 includes alternative measures when bays cannot be provided and among these are contributions to the local shopmobility scheme and especially adapted public transport infrastructure. Shopmobility is based in Churchill Square and users of mobility vehicles from the scheme often visit The Lanes. It is therefore proposed to require (1) A £9,000 contribution towards this local shopmobility scheme (2) A £1,000 contribution to fund a raised kerb in East Street north of the taxi rank to facilitate access to taxis by wheelchair users, as part of the S106 agreement in lieu of disabled parking provision. The proportion attributable to the Brighton Square Town Houses is a total of £345.
- 5.86 SPG4 suggests at least 4 spaces for the hotel. The application proposes 1 + visitor provision for the hotel, 29 for Brighton Square and 70 for Hannington's Lane. The numbers proposed are clearly substantially higher than required but the exact layout is not clear and details should be required by condition.
- 5.87 Deliveries: Construction will be difficult in this constrained area and a Construction Management Plan detailing the proposed times and routes of construction vehicle access should be required as part of any consent. The applicants have identified loading facilities and estimated demand for the development once built on the basis of a survey of deliveries required by existing local businesses. The scheme proposes a service and delivery plan including a monitoring process. There is generally some spare capacity in the existing loading bays in North Street, and if problems arise in practice there are potential measures such as TRO revisions which could be implemented to address them. The plan and process should be confirmed by condition and this aspect of the application is acceptable on this basis.
- 5.88 Trips from and to the other uses are more difficult to estimate and many of the trips associated with the retail use would be linked to other local trips. In view of these facts, it is proposed that a S106 transport contribution of £16,000 for the development as a whole would be appropriate. This should be spent on (1) dropped kerbs and other small measures to facilitate walking and cycling within The Lanes at an estimated cost of £12,500 (2) Provision of a real time bus information facility in the hotel foyer at an estimated cost of £3,500. There is no contribution attributable to the Hotel and associated development.
- 5.89 The applicants have submitted outlines which are generally satisfactory of the likely content of travel plans for each of the three applications and the detailed submissions should be required by condition. The detailed submissions should include provision for (1) Approval by the Council of the content of the proposed travel leaflets (2) The continuation of annual monitoring surveys for at least 5



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years or until modal targets agreed by the Council have been met (whichever is earlier).

- 5.90 Impact on local pedestrian movements: The application as originally submitted gave rise to potential concerns arising from the new pedestrian access onto North Street. However this has been removed from the revised application and these problems no longer arise.
- 5.91 Legal status of the new lane: The existing lanes are adopted highways and in principal it would be desirable for consistency, and to guarantee public access, for the new Hannington's Lane to obtain this status. However, this would commit the Council as Highway Authority to funding maintenance which is undesirable given budgetary constraints. Also, the applicants have not offered the routes for adoption and there is no planning policy by which this can be required. Policies QD2 and TR8 do however support permeability of developments and for this reason it is considered that the applicants should be required by condition to enter into a walkways agreement which would guarantee limited public access rights. This should apply to the new Hannington's Lane and the link between it and the north east corner of Brighton Square. The walkways agreement would be made under section 35 of the 1980 Highways Act and would define the times when the walkway would be available for public use, the times and/or other circumstances in which the owner could close the walkways, and the maintenance and cleaning arrangements. Construction and drainage details of the new lane should be required for approval by condition to ensure compliance with policy QD27.

### **Economic Development:**

- 5.92 The Economic Development team have no adverse comments to make in respect of the application as it forms part of a number of individual applications that when combined together bring forward a wider comprehensive redevelopment of the Brighton Square area.
- 5.93 Currently there are 5 small individual A1 retail units on site totalling 146m<sup>2</sup>. The application proposes to replace these 5 units with 1 larger unit totalling 44m<sup>2</sup> and 2 new A3 units totalling 390m<sup>2</sup>. In economic development terms there are no concerns about this reduction in A1 space as this is more than compensated for with the increase in A3 space thus enhancing employment opportunities within the proposal.
- 5.94 Additional employment opportunities will be created with the provision of the boutique hotel which is welcomed by the economic development team.
- 5.95 The applicant states that currently there are 20 jobs and the proposal will provide employment for 45 jobs however there is no information provided to support (or detail) this additional employment generation. The Senior Economic Development Officer would welcome further information from the applicant on the nature of the jobs that will be created with the proposal.
- 5.96 Based on the Employment Densities Guide 2<sup>nd</sup> Edition 2010, the proposal would have the ability to provide the following;

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A1 retail - 1 job per 19m<sup>2</sup> = 2. jobs  
A3 restaurant – 1 job per 18m<sup>2</sup> = 22 jobs  
General Hotel – 1 job per 2 beds = 13 jobs  
4/5\* Hotel – 1 job per 1.25 beds = 20 jobs

- 5.97 The above figures when added together (using the 4/5\* Hotel employment figure) compares with the applicants figure on the application form.
- 5.98 The application form states that 119m<sup>2</sup> of B1 office accommodation will be lost with the proposal however the supporting information submitted with the application does not give any further information as to the loss of the office accommodation. The Senior Economic Development Officer would welcome further information with regards to this loss of office accommodation within the proposal
- 5.99 If approved, a contribution through a S106 agreement for the payment of £12,460 towards the Local Employment Scheme in accordance with the Developer Contributions Interim Guidance and the provision of an Employment and Training Strategy with the developer committing to using 20% local employment during the demolition and construction phase has been requested by the economic Development team and has been added to the heads of terms for the S106 agreement.

### **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) was published on 27 March 2012 and is a material consideration which applies with immediate effect.
- 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
TR2	Public transport accessibility and parking
TR4	Travel Plans
TR7	Safe development
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
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU11	Pollution land and buildings
SU13	Minimisation and re-use of construction industry waste
SU14	Waste management
SU16	Production of renewable
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD5	Design – street frontage
QD7	Crime prevention through environmental design
QD9	Boarding up of flats, shops and business premises
QD10	Shopfronts
QD11	Blinds
QD14	Extension and alterations
QD15	Landscape design
QD16	Trees and hedgerows
QD20	Urban open space
QD25	External lighting
QD27	Protection of Amenity
QD28	Planning Obligations
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO6	Provision of outdoor recreation space in housing schemes
HO7	Car free housing
HO13	Accessible housing and lifetime homes
SR4	Regional shopping centre

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SR14	New Hotel and Guesthouse Accommodation
HE3	Development affecting the setting of listed buildings
HE6	Development within or affecting the setting of conservation areas.
HE8	Demolition within conservation areas
HE12	Scheduled ancient monuments and other important archaeological features

### Supplementary Planning Guidance:

SPGBH4	Parking Standards
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### Supplementary Planning Documents:

SPD02	Shop Front Design
SPD03	Construction & Demolition Waste
SPD06	Trees & Development Sites
SPD07	Advertisements
SPD08	Sustainable Building Design
SPD09	Architectural Features
SPD11	Nature Conservation & Development

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

SS1	Presumption in favour of sustainable development
CP2	Sustainable economic development
CP4	Retail provision
CP5	Culture and tourism
CP6	Visitor accommodation
CP7	Infrastructure and developer contributions
CP8	Sustainable buildings
CP9	Sustainable transport
CP12	Urban design
CP13	Public streets and spaces
CP15	Heritage
CP16	Open space
CP19	Housing mix

## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to design and the impact of the development upon the character and appearance of the Conservation Area, the setting of the adjacent Listed Building, the amenity of adjacent occupiers, the creation of new visitor accommodation, the living standards of the residential accommodation to be created, access, sustainability and transport.

### **Principle of uses**

- 8.2 There are no objections to the range and type of uses incorporated within the development.
- 8.3 The creation of a new hotel is considered an appropriate town centre use. Policy SR14 of the Brighton & Hove Local Plan permits new hotel accommodation within the identified core area providing a number of criterion are met. Additional information was submitted during the course of the application to demonstrate compliance with policy SR14. The National Planning

Policy Framework outlines that development including town centres use within such locations, do not require further justification for new floorspace. Policy CP6 of the emerging City Plan broadly supports new Hotel facilities within this location and directs new accommodation within the locality, provided that there is sufficient justification of the need for new facilities.

- 8.4 The applicant has provided additional information which outlines the acceptability of the use in relation to the town centre location and sustainable nature of the development. In addition, the statement outlines the broad demand for the type of hotel facilities being provided, compliance with the Council's Tourism strategy.
- 8.5 The supporting information accompanying the application states that the Hotel would serve the seafront conference industry and provide high quality accommodation.
- 8.6 The proposed ground floor A3 unit that is incorporated into the Hotel would provide a sufficient balance of uses which supports the retail and tourist offer of the Lanes and Regional shopping centre. However, close attention is required to ensure that public safety and amenity considerations are fully considered. These amenity considerations are covered later in this report.

**Masterplan and links to proposed developments at Hannington Lane (BH2013/00710) and Town Houses (BH2013/00712).**

- 8.7 The application is one of a suite of redevelopment proposals currently being considered within sites adjacent. As well as considering the context of the application within a masterplan for redevelopment, it is also important to consider the acceptability of the proposal as a standalone in the event that other proposals do not progress.
- 8.8 Whilst it is considered that there are demonstrable benefits of delivering all the redevelopment proposals, specifically in this case the link to the lane to the north and the continuity and termination of the development in respect to current buildings surrounding the site, there is a design rationale for considering the hotel and townhouses in isolation.
- 8.9 The hotel would be witnessed in connection with the remainder of the Square and increased storey height of the north and west side of the square/townhouses. The Hannington Lane scheme (BH2013/00710) is within separate ownership and whilst not preferable; the non-delivery of the new lane would not necessarily prevent or cause significant amenity impacts to prevent the redevelopment of the Square.
- 8.10 It is considered extremely important for this application and the town houses application to both proceed, so that the scale and design of Brighton Square would remain consistent on the three sides. The Hotel development could proceed acceptably without the Hannington Lane scheme going ahead. As such, it is considered that the appropriate phasing should be secured by legal agreement.

**Design:**

- 8.11 The proposal seeks to replace the buildings on the east side of Brighton Square with a four storey redevelopment, which includes replacing the buildings fronting Brighton Place, entrance to the Square and the part of the building adjacent to the Druids Head Public House.
- 8.12 The Square: The elevations of the hotel facing into the Square would match that of the adjacent west and north elevation being considered under BH2013/00712. The elevation serving the east side of the Square comprises a set back, modern zinc facing to as ply flat roofed with a largely glazed front elevation and rendered flanks.
- 8.13 The depth, height of the additional storey when ordered against the double height reordered fenestration of the lower floors elevation facing the square has a comfortable and appropriate massing in relation to the host. The proposal also includes frameless glazed balustrades facing the Square, which given the simplicity and material would not unduly affect the massing of the development within the Square.
- 8.14 One of the main considerations in terms of design was to ensure that the additional height would not make it unduly visible in key sensitive views. Additional views including those from New Road and Meeting House Lane were requested in order to assess this and confirm that the additional height would not be harmful or unduly prominent. Having analysed these views it is considered that the proposed additional storey would not be harmful to sensitive vistas.
- 8.15 Concerns have been raised regarding future odour control equipment for the A3 units but no measures appear to have been designed in to accommodate such equipment so this concern remains. It is however considered that this could be controlled by condition.
- 8.16 Tall building adjacent to Druid' Head: The proposal would create a four storey building adjacent to the Druids Head Public House with access steps running beside and into the Square. The building has a vertical emphasis and been designed to broadly recreate an historical building that once stood upon the same site prior to the redevelopment of Brighton Square in the 1960's.
- 8.17 The building comprises a render finished pitched roof building with narrow proportions when viewed from Brighton Place. Concerns with regards to this building and its impact on the setting of the adjacent Listed building were raised by English Heritage and the Council's Heritage Team, with more detailed justification of the historicist approach needed.
- 8.18 Information in the form of a detailed supporting information document including maps, urban design analysis and photography has been prepared by the applicant and submitted during the course of the application. This information shows clear photography of a building of similar siting, height, massing and approximate consummate to the proposal. It is on the basis of the detailed analysis that both English Heritage and the Council's Heritage team consider the height and scale of the new retail and residential building adjacent to the listed

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Druid's Head Public House to have been satisfactorily addressed by historic evidence of the pre-existing Victorian building.

- 8.19 The new building has also been amended to re-examine the shop front, detailing and issues relating to amenity. The building has set in balconies, traditional timber shop front, vertical double hung timber sash windows and a slate roof which are considered appropriate and unlikely to have a detrimental impact on the historic setting of the area.
- 8.20 There is a concern raised in respect of the resulting step change between the height of the new element adjacent to the Druid's Head and the existing Thai restaurant to the west. The scheme does not propose works to the southern side of Brighton Square and the height differences between the two elements has the potential to appear stark. However, give the limited visitors of this element and how this element will be viewed in the context of the wider development the proposal is considered acceptable.
- 8.21 Hotel and entrance building: The proposed hotel building has a variety of historic period designs, interspersed with a contemporary design facing Brighton Place. This approach reflects the varied design of Brighton Place and the chosen styles of architecture are considered appropriate provided that the design, detailing and materials are of very high quality.
- 8.22 The Hotel has a double height glazed façade that to read successfully with the historic context of the Lanes will need to be executed to a very high standard. The curve of the corner section has been amended to provide a tighter radius and with the adjacent mathematical tile coach house style entrance building provide the necessary solidity.
- 8.23 Planning conditions are recommended to secure large scale elevations and sections of all architectural features, including the parapets, bays, windows, doors, louvres, balconies, balustrades and shop fronts to all buildings, the raised chimney stack to the retail/residential building and the car park entrance doors. The detailing of the hotel glazing is a key matter to ensure a high quality development.
- 8.24 Landscaping: The landscaping within this portion of the project is largely limited to hard landscaping and hard surfacing. The continuity of the paving, surfaces and quality of materials are extremely important in ensuring a high quality and appropriate finish to the development.
- 8.25 Details of the new steps and the revised paving layout to Brighton Place will be also very important and will need to be controlled by condition, as will the revised curb line to Brighton Place, which should recreate the existing curved end. A detail scheme of landscaping and materials is recommended to be secured by planning conditions.

### **Impact on Amenity:**

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- 8.26 The main concerns in this case are the impact of the new uses and physical development upon the amenities of adjacent and nearby occupier's .Issues to be considered are with regards to light, daylight, noise, privacy and outlook.
- 8.27 The surrounding area is centrally located within a historical and high density location. As such weight to matters relating to noise, light and amenity should be considered within the context and expectation of the surrounding and that of closely knit townscape and its sensitive historical environment.
- 8.28 Daylight/sunlight: Given the high density, historic location of the proposed development, an additional storey of accommodation in this location would provide some concern with regards to light and daylight and the resulting impact on neighbouring amenity.
- 8.29 The existing historic street pattern and development would not meet the current present best practice or guidance. The BRE report – *Site Layout Planning for Daylight and Sunlight - A guide for Good Practice* has been used to establish the potential impacts in this case. The BRE advice is not mandatory and does advise that in historic city centre such as The Lanes a high degree of obstruction may be unavoidable if developments are to match the height and proportions of existing development.
- 8.30 As originally submitted, concerns were raised with regards to the impact of new buildings and their impact upon properties in Meeting House Lane, the Public Open Space (Brighton Square) and the daylight provision within the expanded residential development. The applicant has commissioned a daylight and sunlight analysis of these potential impacts, which has since been analysed by the BRE.
- 8.31 The analysis from the BRE showed that the loss of daylight to 23-24 Meeting House Lane and 29-32 Brighton Square would be within the BRE guidelines. The daylight provision to the new or refurbished dwellings at 26-28 and 33-36 Brighton Square would additionally be adequate.
- 8.32 The loss of sunlight to the open space in Brighton Square would meet the BRE guidelines. In addition, the Square would retain an open south aspect with no further development planned above the restaurant.
- 8.33 The analysis also showed that there would be a loss of light at 22 Meeting House Lane, although this building is commercial.
- 8.34 In addition to the lighting and daylight impacts identified, the proposal has included a raft of measures across the masterplan to compensate and mitigate for the impacts identified. A redevelopment which secures these would be acceptable given the existing complex urban fabric of the immediate environment, and would present a reasonable level of impact given the expectations and range of uses.



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- 8.35 Subject to conditions upon Contaminated Land; Noise; Lighting; Odour; Sound Insulation and Deliveries and Waste Collections the proposal would have an acceptable level of impact upon the amenities of nearby occupiers.
- 8.36 Contaminated Land: A Phase I contamination assessment report has been undertaken by Ashdown Site Investigation Ltd., (LW24044/ds February 2013). Their conclusions recommend an intrusive site investigation to quantify associated risks. Therefore, it is recommended that the Council's full phased contaminated land condition is applied to this development (Part 1a has been completed).
- 8.37 Noise: A noise assessment has been undertaken by 7<sup>th</sup> Wave Acoustics, dated 5<sup>th</sup> March 2013. According to the plans for this application, there will be some residential flats next to the Druids Head Pub and the future occupiers could be affected by surrounding uses. The noise assessment included the results of a long term (7 day) noise assessment which was undertaken outside of Donatello's Restaurant and at 40 Brighton Square.
- 8.38 The assessments have relevance to the proposed flats and highlight that some maximum noise levels in this area at night are very high. It is not possible to tell what has caused the maximum levels of noise, but from the general location, it is likely to be due to people passing by travelling to and from local restaurants and licensed premises. The results of the assessments present the range of maximum noise levels recorded over each night. The highest maxima reached each night over the week have then been averaged and this average of the highest maxima has been used to determine glazing requirements for the flats.
- 8.39 Subject to appropriate glazing it is considered that noise disturbance to occupiers within the new residential properties could be mitigated.
- 8.40 Noise from Plant: The noise modelling assessment for plant shows that the noise levels due to plant at the nearest noise sensitive receptors will be greater than 5dB below background levels. Due to the fact that plant details and plant position can change, it is recommended that a condition is imposed regarding plant noise.
- 8.41 Noise from deliveries and retail use: To prevent neighbours (both existing and future) being unreasonably disturbed it is suggested that deliveries and waste collections to retail units and restaurants should not occur before 7am or after 7pm on Mondays to Saturdays and not at all on Sundays or Bank Holidays. A condition has been recommended below.
- 8.42 Ventilation: In order to achieve satisfactory internal noise levels, Environmental Health have advised their the windows must be closed. Therefore, the noise assessment report has recommended that alternative means of ventilation are provided. It should be ensured that the internal noise level achieved by the glazing is not compromised, a condition has been recommended.
- 8.43 It is pointed out in the noise assessment that the pub resides on the ground floor and the proposed flats next door will begin at first floor level. The pub is licensed to with Live Music, Recorded Music and other entertainment license to finish an

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hour before the time stipulated earlier in this report. The council's database has been interrogated with regards to noise complaints about the pub. The last noise complaints were in 2002. As recommended by the consultant, sound insulation for the party wall should be increased, this is because moving residential premises next to a public house with a licence that allows recorded and live music until 2.30am carries with it an element of risk.

- 8.44 The consultants have recommended that the airborne sound insulation is at least 8dB greater. This should be conditioned and due to the risk associated with bringing residential accommodation next to a pub with long licensing hours, it is recommended that this condition includes a requirement for pre-completion testing.
- 8.45 Lighting: Lighting details are yet to be specified and a planning condition to secure appropriate scheme of lighting has been recommended.
- 8.46 Odour abatement: Information about odour abatement for the kitchen at the hotel should be provided. Such measures could prevent future complaints about Statutory Odour Nuisance. A condition has been recommended.

### **Living accommodation**

- 8.47 The proposal would create 3 residential units (2 studio units and a 1 bed unit), all located upon the upper floors of the new building to be sited adjacent to the Druids Head Public House.
- 8.48 Each of the new flats would be laid out over a single floor with the entrance via the replacement access route into Brighton Square. Each flat would have access to an internalised balcony, which given the space and heritage constraints of the locality is a reasonable policy resolution.
- 8.49 The proposed accommodation would provide a standard of living for the occupiers that accords with policy QD27 of the Brighton & Hove Local Plan and given the complex urban fabric of the area, the amenity space is welcomed.
- 8.50 The layout of the new flats would provide good circulation, wide access stairs and provide opportunities to be adaptable. The units would each have a good standard of outlook and amenity space especially given the complex layout of the surrounding development. Subject to adequate sound attenuation and ventilation measures covered earlier in this report, the new residential properties would provide an adequate standard of living accommodation.

### **Sustainable Transport:**

- 8.51 Subject to appropriate control of access, servicing, cycle parking and securing a financial contribution towards shopmobility, it is considered that the proposal would be acceptable in transport terms.
- 8.52 The proposals are intended to be car free. Such an approach is acceptable as the adopted parking standards are maximum and the site is centrally located and accessible by sustainable modes. The Transport team consider that residents

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should be prevented from buying parking permits by a TRO amendment which can be funded by the applicants as part of the S106 agreement.

- 8.53 The adopted parking standards suggest a minimum requirement of 4 disabled spaces. These spaces are not proposed and it is accepted that in this location is unusually constrained and difficult to identify potential sites for bays. However, policy TR18 can be complied with by considering alternative measures and among these is contribution to the local shopmobility scheme and adapted public transport infrastructure.
- 8.54 Shopmobility is based in Churchill Square and users of mobility vehicles from the scheme often visit The Lanes. It is therefore proposed to require a contribution towards this local shopmobility scheme and a contribution to fund a raised kerb in East Street north of the taxi rank to facilitate access to taxis by wheelchair users. The proportion relating to the hotel development is calculated at a total of £435.
- 8.55 The adopted cycle parking standard suggests 4 spaces for The Hotel. The numbers proposed are in excess of the minimum requirement but the exact layout is not clear and details should be required by condition.
- 8.56 Construction could be difficult in such a constrained area and a Construction Management Plan detailing the proposed times and routes of construction vehicle access should be required as part of any consent.
- 8.57 The applicants have identified loading facilities and estimated demand for the development once built on the basis of a survey of deliveries required by existing local businesses. They propose a service and delivery plan including a monitoring process.
- 8.58 Sustainable modes and contributions: The proposed development would attract additional trips onto the network. The number of trips is not estimated in the Transport Statement but it has been estimated by the Transport Planning Team.
- 8.59 Trips from and to the other uses are more difficult to estimate and many of the trips associated with the retail use would be linked to other local trips. In view of these facts, it is proposed that a S106 transport contribution of £20,000 for the development as a whole would be appropriate. This would be spent on dropped kerbs and other small measures to facilitate walking and cycling within The Lanes at an estimated cost of £16,500 and the provision of a real time bus information facility in the hotel foyer at an estimated cost of £3,500.
- 8.60 On the basis of securing appropriate s106 contributions and conditions to ensure parking and management of the development it is considered that the proposal would be acceptable in transport terms.

### **Sustainability:**

- 8.61 The proposals address all aspects of sustainability policy set out in SU2, SU16 and SPD08. Some aspects of the scheme propose reduced standards against SPD08 and these have been justified in terms of site constraints, technical and financial feasibility, and additional benefits provided to the city. The proposals are

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considered to be a positive response to sustainability policy given a constrained site with technical and practical challenges.

- 8.62 As a major development on a brownfield site, the standards expected for this development are: residential flats: Code for Sustainable Homes Level(CSH) 4; Hotel: BREEAM 'excellent' with 60% in energy and water sections; Retail: BREEAM Retail 'excellent' with 60% in energy and water sections.
- 8.63 The proposed standards in the application are: Residential CSH4; Hotel: BREEAM 'very good'; Retail 'B' rated energy performance certificate.
- 8.64 Sustainability standards for the residential element have been met, and a reduced standard has been justified on the retail and hotel.
- 8.65 Some of the key sustainable design features include: Code level 4 for the housing units; a communal heating solution for the dwellings and retail below based on gas micro CHP; PV and solar hot water for the residential units; a combination of air source heat pumps (ASHPs) and PV to supply heat and energy to the retail and hotel above; Retail 'B' rated energy performance certificate; potential use of rainwater harvesting for the hotel; green sedum roof on an area of the hotel roof; a Site Waste Management Plan will be implemented including use of ICE Demolition Protocol; proposed buildings are to be built off the concrete slab over the existing car park thereby utilising the existing foundations; lightweight timber frame (SIPS construction) & all timber sustainably sourced with FSC or PEFC accreditation; incorporation of passive design approach as far as possible given site constraints; Lifetime Homes standards; and use of Considerate Constructors scheme.
- 8.66 The issue of BREEAM standards has been raised in relation to smaller retail units which could fall below meaningful threshold for a full BREEAM assessment, and the alternative approach of submitting an Energy Performance Certificate (EPC) rating to meet the authority's aspiration for best practice energy performance was posed. A performance of a 'B' standard or better was discussed as this would correspond with the minimum mandatory score within ENE1 within the Energy section of a BREEAM assessment required to achieve an overall BREEAM 'excellent'.
- 8.67 The application has proposed a 'B' EPC standard for both the retail elements of this application: the 44m<sup>2</sup> of retail below the residential, and the 390m<sup>2</sup> below the Hotel split into 2 units. Whilst the proposals incorporate proposed alternative assessments for the retail elements, The standard for the hotel is below the expected standard for BREEAM recommended in SPD08.
- 8.68 The retail units are: 44m<sup>2</sup> below the dwellings, and 2 x A3 units within a 390m<sup>2</sup> area. Therefore the principle that the energy performance should achieve an equivalent to BREEAM 'excellent' is a reasonable alternative approach provided a condition is carefully worded to reflect a particular energy performance standard that is equivalent within the BREEAM ENE1 energy category, and this could include both confirmation from a BREEAM assessor prior to commencement and

evidence such as an EPC certificate and BREEAM assessor confirmation prior to occupation.

- 8.69 The BREEAM standard for the Hotel, the BREEAM assessment summary indicates that the Energy Section is predicted to score 35% (local policy in SPD08 expects 60%). This is considerably below the council's recommended standard. Whilst the LPA could provide flexibility on the overall BREEAM score, the energy performance Energy performance and carbon emissions are a crucial consideration and a corporate priority for the council, and therefore it is recommended that the target of 60% in the energy section should be maintained.

### **Employment**

- 8.70 Currently there are 5 small individual A1 retail units on site totalling 146m<sup>2</sup>. The application proposes to replace these 5 units with 1 larger unit totalling 44m<sup>2</sup> and 2 new A3 units totalling 390m<sup>2</sup>. The Economic Development team have commented on the application and have advised that there are no concerns about this reduction in A1 space as this is more than compensated for with the increase in A3 space thus enhancing employment opportunities within the proposal.

- 8.71 Additional employment opportunities will be created with the provision of the hotel which is welcomed. The applicant states that currently there are 20 jobs currently and the proposal would provide employment for 45 jobs. Whilst there is no evidence provided to support this additional employment generation, it can be seen from the nature of the proposal that the development would create an uplift in employment opportunities. .

- 8.72 The application form states that 119m<sup>2</sup> of B1 office accommodation will be lost as a result the proposal. Whilst the supporting information submitted with the application does not give any further information as to the loss of the office accommodation when the cross benefits of the new floorspace, uses upon the site and environmental improvements are considered to adequately compensate for the minimal reduction in office space.

- 8.73 If approved, a contribution through a S106 agreement for the payment of £12,460 towards the Local Employment Scheme in accordance with the Developer Contributions Interim Guidance and the provision of an Employment and Training Strategy with the developer committing to using 20% local employment during the demolition and construction phase has been requested by the Economic Development team and has been added to the heads of terms for the S106 agreement.

### **Other issues:**

- 8.74 Archaeology: The submitted archaeology report concludes that based on the existing information there is a potential that archaeological deposits will be disturbed or exposed. However, it is unlikely significant that post Pleistocene remains (at shallow depth) have survived on this site due to the impact of the construction of the current buildings.

- 8.75 In the light of the County archaeologist comments with that the potential that any groundworks which extend below made ground are highly likely to impact on

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either Holocene colluvium or Pleistocene sedimentation (Head or Raised Beach) the area affected by the proposals, the development should be the subject of a programme of archaeological works to enable any archaeological deposits and features, disturbed during the proposed works, to be adequately recorded.

- 8.76 Accordingly it is recommended that planning conditions to secure implementation of a programme of archaeological work in accordance with a written scheme of investigation is secured and the development not being brought into use until the site investigation and analysis has been completed.
- 8.77 Waste collection: Due to current accessibility, City Clean do not presently run a kerb side collection in this area. Residents currently use communal bins for household rubbish and recycling points adjacent to Brighton Town Hall.
- 8.78 With additional residential properties being constructed it is requested that any resident use a similar arrangement to dispose of waste and recycling. Residents could use the provision for a private contractor set out in the application. However, as a waste disposal Authority, the City Council is legally obliged to collect household waste and therefore would require a waste management plan to ensure that the proposals for private collections are adhered to and allow for additional waste and recycling provisions in the future if the Council are required to take over collection in the future. A planning condition to secure and implement this plan is recommended.

### **9 CONCLUSION**

- 9.1 The proposal when considered as part of a comprehensive redevelopment master plan with Hannington Lane or with the redevelopment of the west and north side of the Square would provide significant improvements to the appearance of the area and to the surrounding historic environment.
- 9.2 The suitable phasing, detailing and operational controls upon the development by legal agreement and conditions would be required to ensure appropriate detailing, delivery and compliance with adopted planning policy.

### **10 EQUALITIES**

- 10.1 The development would assist in providing an additional and improved access to the square, commercial units and upper and basement floors of the square.
- 10.2 The ramped access to the square would be lost, but sufficient access exists to allow access by wheelchair users. Access to the residential units would be via stairs and are subject to Part M of the Building Regulations.

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

#### **11.1 Heads of terms**

Section 106 agreement to secure:-

- A contribution of £435 towards, shopmobility in-lieu disabled parking,;

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- A contribution of £12,500 towards Public Art
- A contribution of £12,460 towards the Local Employment Scheme (LES);
- An employment strategy to secure at least 20% local labour during construction of the project;
- A Walkways Agreement
- A Construction Environmental Management Plan;
- A phasing agreement that the Hotel and associated development must be implemented in conjunction with the remainder of the Square (BH2013/00712)

11.2 Regulatory Conditions:

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

Plan Type	Reference	Version	Date Received
Site Location Plan	1239 P 300	-	06/03/2013
Block Plan	1239 P 301	-	06/03/2013
Existing Basement Plan	1239 P 302	-	06/03/2013
Existing Ground Floor Plan	1239 P 303	-	06/03/2013
Existing First Floor Plan	1239 P 304	-	06/03/2013
Existing Second Floor Plan	1239 P 305	-	06/03/2013
Existing Third Floor Plan	1239 P 306	-	06/03/2013
Existing Roof Plan	1239 P 307	-	06/03/2013
Proposed Basement Plan	1239 P 311	A	14/06/2013
Proposed Ground Floor Plan	1239 P 312	A	14/06/2013
Proposed First Floor Plan	1239 P 313	B	06/09/2013
Proposed Second Floor Plan	1239 P 314	B	06/09/2013
Proposed Third Floor Plan	1239 P 315	B	06/09/2013
Proposed Roof Plan	1239 P 316	A	14/06/2013
Existing & Proposed Elevations 1	1239 P 320	A	14/06/2013
Existing & Proposed Elevations 2	1239 P 321	B	06/09/2013
Existing & Proposed Elevations 3	1239 P 322	B	06/09/2013
Existing & Proposed Elevations 4	1239 P 323	A	14/06/2013
Existing & Proposed Elevations 5	1239 P 324	A	14/06/2013
Existing & Proposed Elevations 6	1239 P 325	A	14/06/2013
Proposed Section 1	1239 P 340	A	14/06/2013
Sustainability Statement	-	-	06/03/2013
BREEAM Domestic Refurbishment	-	-	06/03/2013
Sustainability checklist	-	-	06/03/2013
Mechanical and electrical services overview	-	-	06/03/2013
Noise assessment	-	-	06/03/2013
Street Lighting	-	-	06/03/2013
Design and access statement	-	-	06/03/2013
Phase 1 Contamination report	-	-	06/03/2013

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Drainage and flood risk strategy	-	-	06/03/2013
Transport Statement	-	-	06/03/2013
Daylight Report	-	-	06/09/2013

- 3) No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any elevation facing a highway. **Reason:** To safeguard the appearance of the building and the visual amenities of the locality and to comply with policies QD1 and QD27 of the Brighton & Hove Local Plan. No cables, wires, aerials, pipework (except rainwater downpipes shown on the approved plans) meter boxes, ventilation grilles or flues shall be fixed to or penetrate any external elevation, other than those shown on the approved drawings, without the prior consent in writing of the Local Planning Authority. **Reason:** To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.
- 4) Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB below the existing LA90 background noise level. The Rating Level and existing background noise levels are to be determined as per the guidance provided in BS 4142:1997. **Reason:** To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 5) Deliveries and waste collections shall not occur except between the hours of 7am and 7pm on Mondays to Saturdays and not at anytime on Sundays, Bank or Public Holidays. **Reason:** To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 6) The Party Walls/Floors between the retail units and the residential units shall be designed to achieve an airborne sound insulation value of 5dB greater than that specified in Approved Document E of the Building Regulations, for floors of purpose built dwelling-houses and flats. **Reason:** To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 7) All railings within the development shall be painted black. **Reason:** To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.
- 8) Within 3 months of commencement of the development hereby approved, the Developer or owner shall submit to the Local Planning Authority for approval in writing a detailed Travel Plan for the uses upon the site (a document that sets out a package of measures tailored to the needs of the site, which is aimed at promoting sustainable travel choices by residents, visitors, staff, deliveries and parking management for the development.



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The Travel Plan shall include such commitments as are considered appropriate, and should include as a minimum the following initiatives and commitments:

- (i) Promote and enable increased use of walking, cycling, public transport use, car sharing, and car clubs as alternatives to sole car use:
- (ii) Increase awareness of and improve road safety and personal security:
- (iii) Undertake dialogue and consultation with adjacent/neighbouring tenants/businesses:
- (iv) Identify targets focussed on reductions in the level of car use:
- (v) Following the annual staff survey, an annual review will be submitted to the Local Planning Authority to update on progress towards meeting targets:
- (vi) Identify a nominated member of staff or post to act as Travel Plan Co-ordinator, and to become the individual contact for the Local Planning Authority relating to the Travel Plan.

**Reason:** To ensure the promotion of sustainable forms of travel and comply with policies TR1 and TR4 of the Brighton & Hove Local Plan.

- 10) The new dwelling(s) hereby permitted shall be constructed to Lifetime Homes standards prior to their first occupation and shall be retained as such thereafter.

**Reason:** To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.

### 11.3 Pre-Commencement Conditions:

- 11) No development shall take place until samples of the materials (including colour of render, paintwork and colourwash) to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. **Reason:** To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.
- 12) No development shall take place upon site until detail of all external odour control equipment for the A3 units has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details and shall thereafter be retained. **Reason:** To ensure a satisfactory appearance to the development, to preserve the setting of listed buildings and to comply with policy HE6 of the Brighton & Hove Local Plan.
- 13) Prior to the commencement of any flint facing elevations or flint construction, a sample flint panel shall be constructed on site and approved in writing. The flintwork hereby approved shall be conducted in accordance with the approved panel and thereafter retained. **Reason:** To ensure a satisfactory appearance to the development, to preserve the setting of listed buildings and to comply with policy HE6 of the Brighton & Hove Local Plan.

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- 14) The development hereby permitted shall not be commenced until details of secure cycle parking facilities for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times. **Reason:** To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.
- 15) Prior to the commencement of the development hereby approved a Delivery & Service Management Plan for the construction project, which includes details of the types of vehicles, how deliveries will take place and the frequency of deliveries shall be submitted to and approved in writing by the Local Planning Authority. All deliveries and servicing shall thereafter be carried out in accordance with the approved plan. **Reason:** In order to ensure that the safe operation of the development and to protection of the amenities of nearby residents, in accordance with polices SU10, QD27 and TR7 of the Brighton & Hove Local Plan.
- 16) Unless otherwise agreed in writing by the Local Planning Authority, no residential development shall commence until a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development achieves a Code for Sustainable Homes rating of Code level 4 as a minimum for all residential units has been submitted to, and approved in writing by, the Local Planning Authority. A completed pre-assessment estimator will not be acceptable. **Reason:** To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design
- 17) Unless otherwise agreed in writing by the Local Planning Authority, no hotel development shall commence until a BRE issued Interim/Design Stage Certificate demonstrating that the development has achieved a minimum BREEAM rating of 60% in water section and a minimum of 6 credits scored within the BREEAM Energy Section ENE1 (equivalent to the mandatory minimum standard for excellent in energy) for the hotel development has been submitted to, and approved in writing by, the Local Planning Authority. The evidence that these levels have been achieved should be provided by a licenced BREEAM assessor. **Reason:** To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.
- 18) Prior to the commencement of development upon the site a Feasibility study outlining the potential for rainwater harvesting and greywater recycling for the Hotel shall be submitted to and approved by the Local

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Planning Authority. The development shall thereafter be carried out in accordance with the approved details and shall be thereafter retained. **Reason:** To ensure that the development is sustainable and makes efficient use of water and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design

- 19) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping, which shall include hard surfacing, boundary treatments, planting of the development, indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development. **Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan
- 20) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority 1:20 scale elevations and sections of all architectural features, including the parapets, bays, windows, doors, louvres, balconies, balustrades and shop fronts to all buildings, the raised chimney stack to the retail/residential building and the car park entrance doors. The development shall thereafter be conducted in strict accordance with the approved details and shall be retained as such. **Reason:** To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.
- 21) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority 1:1 scale joinery section details of the new shop front and windows to the retail/residential building and of the segmental bay windows over the car park entrance. The development shall thereafter be conducted in strict accordance with the approved details and shall be retained as such. **Reason:** To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.
- 22) No development shall take place until details of external lighting have been submitted to and approved in writing by the Local Planning Authority, details include the location, number, design, luminance level and method of fixings. The external lighting shall be installed in accordance with the approved details and thereby retained as such unless a variation is subsequently submitted to and approved in writing by the Local Planning Authority. **Reason:** To safeguard the amenities of the occupiers of adjoining properties and to comply with policies QD25 and QD27 of the Brighton & Hove Local Plan
- 23) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority 1:5 scale detailed elevations and sections of all rainwater goods. The development shall thereafter be conducted in strict accordance with the approved details and shall be retained as such. **Reason:** To ensure a satisfactory appearance to

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the development and to comply with policy HE6 of the Brighton & Hove Local Plan.

- 24) No development shall take place until a written scheme for the new street nameplates has been submitted to and approved by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details and thereafter retained. **Reason:** To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.
- 25) No development shall commence until a scheme for the glazing of the proposed apartments next to the Druids Head Public House has been submitted to and approved in writing by the Local Planning Authority. The glazing specification for these apartments shall provide an airborne sound reduction of 45dB and shall ensure that the internal noise conditions comply with BS8233:1999 good standard. **Reason:** To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 26) No development shall commence until a scheme for the party wall of the proposed apartments and the Druids Head Public House has been submitted to and approved in writing by the Local Planning Authority. The party wall between the apartments and the Druids Head Public House shall provide an airborne sound insulation 8dB greater than that specified in Approved Document E of the Building Regulations. Measures shall be implemented in strict accordance with the approved details and pre-completion testing of the party wall prior to the occupation of the development shall be undertaken to ensure the measures are in accordance with the submitted details. **Reason:** To safeguard the amenities of occupiers and those of adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan
- 27) No development shall take place until a written scheme for the ventilation of the residential units has been submitted to and approved by the Local Authority. The ventilation scheme shall ensure that the internal noise conditions achieved by the glazing will not be compromised and will comply with BS8233:1999 good standard. **Reason:** To safeguard the amenities of occupiers and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan
- 28) Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB below the existing L<sub>A90</sub> background noise level. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:1997. In addition, there shall be no significant low frequency tones present. **Reason:** To safeguard the amenities of occupiers and those of adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan
- 29) No development shall commence until a scheme for the fitting of odour control equipment for the restaurant at the Hotel has been submitted to and approved in writing by the Local Planning Authority. The measures shall be

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implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such. **Reason:** To safeguard the amenities of occupiers and those of adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan

- 30) Details of the external lighting of the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The lighting installation shall comply with the recommendations of the Institution of Lighting Professionals (ILP) "Guidance Notes for the Reduction of Light Pollution" (2011) for zone E or similar guidance recognised by the council. The approved installation shall be maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to a variation. **Reason:** To safeguard the amenities of the occupiers of adjoining properties and to comply with policies QD25 and QD27 of the Brighton & Hove Local Plan
- 31) No development shall take place until the developer has secured the implementation of a programme of archaeological work, in accordance with a Written Scheme of Archaeological Investigation which has been submitted to and approved in writing by the Local Planning Authority. **Reason:** *To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework and to comply with policy HE12 of the Brighton & Hove Local Plan.*
- 32) 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 desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and BS10175:2001 - Investigation of Potentially Contaminated Sites - Code of Practice; (Please note that a desktop study shall be the very minimum standard accepted. Pending the results of the desk top study, the applicant may have to satisfy the requirements of b and c below. However, this will be confirmed in writing);
- and unless otherwise agreed in writing by the local planning authority,
- (b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175;
- and, unless otherwise agreed in writing by the local planning authority,
- (c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include nomination of a competent person to oversee the implementation of the works.
- (ii) The development hereby permitted shall not be occupied or brought into use until there has been submitted to the local planning authority verification by a competent person approved under the provisions of

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condition (i)c that any remediation scheme required and approved under the provisions of condition (i)c has been implemented fully in accordance with the approved details (unless varied with the written agreement of the local planning authority in advance of implementation). Unless otherwise agreed in writing by the local planning authority such verification shall comprise:

- a) 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.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition (i) c.”

**Reason:** To safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.

### 11.4 Pre-Occupation Conditions:

- 33) Unless otherwise agreed in writing by the Local Planning Authority, none of the residential units hereby approved shall be occupied until a Final/Post Construction Code Certificate issued by an accreditation body confirming that each residential unit built has achieved a Code for Sustainable Homes rating of Code level 4 as a minimum has been submitted to, and approved in writing by, the Local Planning Authority. **Reason:** To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.
- 34) Unless otherwise agreed in writing by the Local Planning Authority, none of the non-residential development hereby approved shall be occupied until a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the non-residential development built has achieved a minimum BREEAM rating of 60% in energy and water sections of relevant BREEAM assessment within overall 'Very Good' has been submitted to, and approved in writing by, the Local Planning Authority. **Reason:** To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.
- 35) Unless otherwise agreed in writing by the Local Planning Authority, the Hotel shall not be occupied until evidence that the fit out of the hotel development has achieved a BREEAM 'very good' (60% in the Water Section and a minimum of 6 credits within the BREEAM energy Section ENE1) standard overall or details that a green lease agreement with the operator to meet equivalent standard has secured. The development shall be conducted in accordance with the approved details and thereafter retained **Reason:** To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design

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- 36) The ground floor A3 units shall achieve 'B' rating with a CO2 index equivalent to the minimum mandatory requirement within BREEAM ENE1 to score BREEAM 'excellent'. Evidence to demonstrate this being achieved shall be submitted to approved by the Local Planning Authority prior to occupation of the units. **Reason:** To ensure that the development is sustainable and makes efficient use of energy and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.
- 37) All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All hard landscaping and means of enclosure shall be completed before the development is occupied. **Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan
- 38) The development hereby permitted shall not be brought into use until the archaeological site investigation and post investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 31 *to the satisfaction of the Local Planning Authority, in consultation with the County Planning Authority.* **Reason:** *To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework*

### 11.5 Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant is advised that this planning permission does not override the need to obtain a licence under the Licensing Act 2003. Please contact the Council's Licensing team for further information. Their address is Environmental Health & Licensing, Bartholomew House, Bartholomew Square, Brighton BN1 1JP (telephone: 01273 294429, email: [ehl.safety@brighton-hove.gov.uk](mailto:ehl.safety@brighton-hove.gov.uk), website: [www.brighton-hove.gov.uk/licensing](http://www.brighton-hove.gov.uk/licensing)).

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3. The applicant is advised that details of the Code for Sustainable Homes can be found on the Planning Portal ([www.planningportal.gov.uk](http://www.planningportal.gov.uk)), on the Department for Communities and Local Government website ([www.communities.gov.uk](http://www.communities.gov.uk)) and in Supplementary Planning Document SPD08 Sustainable Building Design, which can be accessed on the Brighton & Hove City Council website ([www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk)). Accreditation bodies at March 2010 include BRE and STROMA; other bodies may become licensed in future.
4. 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](http://www.breeam.org)). Details about BREEAM can also be found in Supplementary Planning Document SPD08 Sustainable Building Design, which can be accessed on the Brighton & Hove City Council website ([www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk)).
5. 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 proposal when considered as part of a comprehensive redevelopment master plan with Hannington Lane or with the redevelopment of the west and north side of the Square would provide significant improvements to the appearance of the area and to the surrounding historic environment. The suitable phasing, detailing and operational controls upon the development by legal agreement and conditions would be required to ensure appropriate detailing, delivery and compliance with adopted planning policy.