

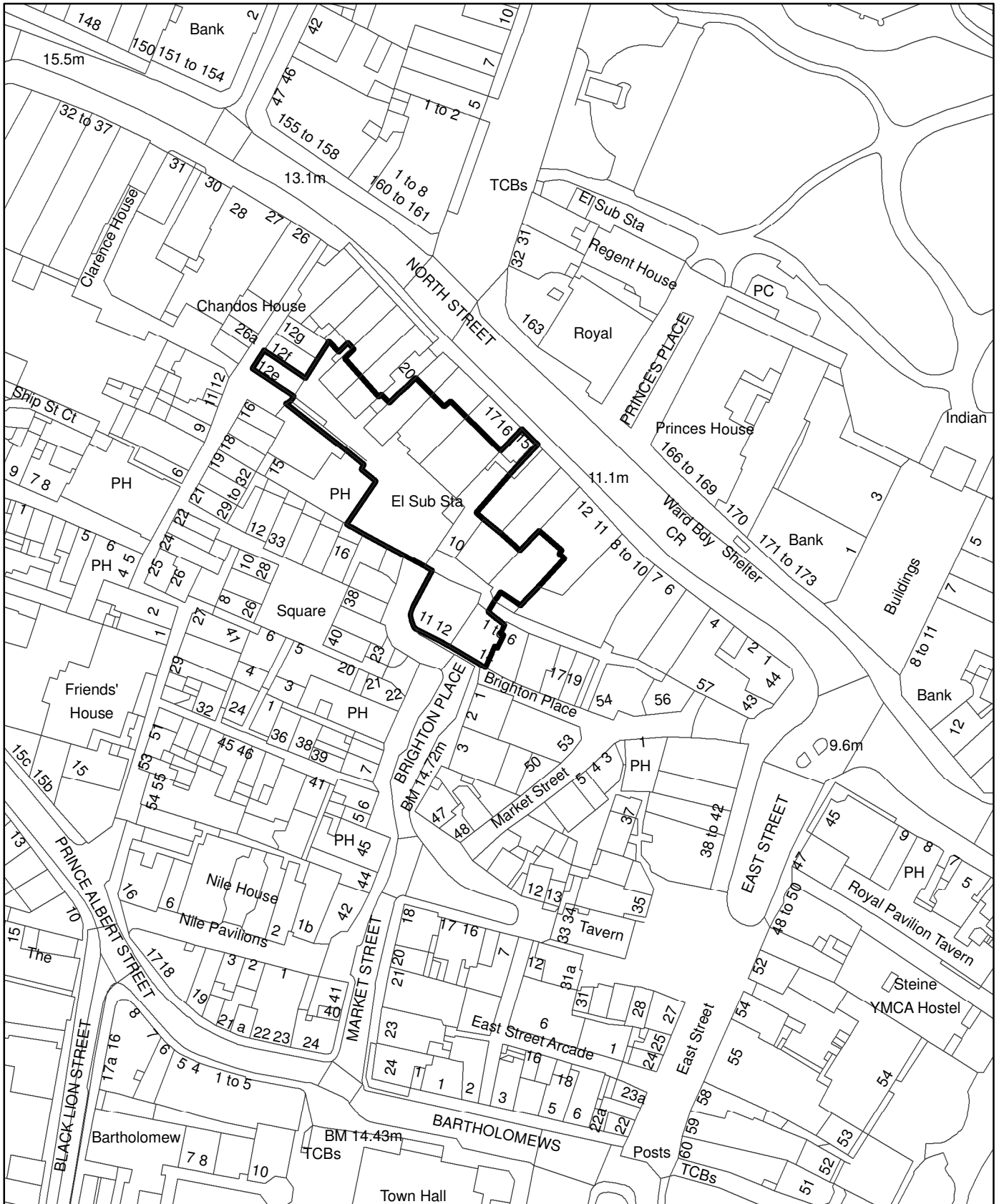
ITEM D

**13-22 North Street, 12D Meeting House Lane
and 11-14 Brighton Place, Brighton**

**BH2013/00710
Full planning**

11 DECEMBER 2013

BH2013/00710 13-22 North Street 12d Meeting House Lane, & 11-14 Brighton Place, Brighton



**Brighton & Hove
City Council**



Scale : 1:1,250

<u>No:</u>	BH2013/00710	<u>Ward:</u>	REGENCY
<u>App Type:</u>	Full Planning		
<u>Address:</u>	13 - 22 North Street 12D Meeting House Lane and 11-14 Brighton Place Brighton		
<u>Proposal:</u>	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)		
<u>Officer:</u>	Steven Lewis Tel 290480	<u>Valid Date:</u>	12 March 2013
<u>Con Area:</u>	Old Town	<u>Expiry Date:</u>	11 June 2013
<u>Listed Building Grade:</u>	Grade II		
<u>Agent:</u>	Morgan Carn Partnership, Blakers House, 79 Stanford Avenue, Brighton.		
<u>Applicant:</u>	West Register (Property Investments) Ltd, 280 Bishopsgate, London		

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 The site comprises buildings, the rear of buildings, land and open space located upon North Street, Brighton Place and Meeting House Lane in Brighton. Much of the site entails buildings and land formerly used within Hannington's department store which closed in the early 2000's.
- 2.2 The site is wholly contained within the Old Town Conservation Area whose development pattern dates back to the original historic fishing port. The Old Town Conservation Area is characterised by irregular linear roads running predominately north to south and twittens (alleyways) running east to west. The old street blocks are rectangular at the northern end of Old Town, with a bend eastwards with North Street angled approximately south eastwards, with some modern later exceptions such as Prince Albert Street.
- 2.3 The area is characterised by diversity of building sizes, heights, periods and styles. There is predominance of buildings which are 2 to 4 storeys in height

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with a close grained form and some much larger buildings inserted later and dating from the mid 19th century to more recent, such as the Hippodrome, Town Hall and Bartholomew Square development. There is little surviving development pre 16th century, with much of the buildings appearing to date from 18th and 19th centuries; although it is possible that Old Town does include earlier buildings or part of building that have been masked by later remodelling. The application is more closely located with the area immediately to the south of the site, known as The Lanes; which is characterised by a network of narrow twittens and smaller scale building.

- 2.4 The application site more specifically comprises the buildings at the rear of North Street and land located between Brighton Place running to Meeting House Lane and behind the northern side of Brighton Square. Many of the rear portions of the buildings at the rear of North Street are largely later unsympathetic additions, which are not of architectural or historic merit.
- 2.5 The exceptions to this are no.15 North Street (Timpsons) and a gambrel roofed flint and brick building behind 14 North Street. The two buildings are likely to be the oldest in North Street and are of architectural or historical merit, making an important contribution to the character of the Old Town Conservation Area. Both were placed on the Statutory List at Grade II during the course of the application by English Heritage in September 2013.

3 RELEVANT HISTORY

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

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.

BH2013/00715: 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 – 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 creation of new pedestrian shopping lane that would extend between Meeting House Lane and Brighton Place. The redevelopment would create a total of 14 new retail/restaurant/café units, 7 residential properties and 2 floors of office space

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- 4.2 The redevelopment would require adaptation, reconfiguration and extension of existing shops on North Street to create 8 new shop units on the north side of the new Lane and 6 on the south side.
- 4.3 In addition the scheme would create 7 residential properties above the shops that are arranged around a first floor courtyard. The new commercial premises to south side of the new Hanningtons Lane would comprise of 2no floors of offices above.
- 4.4 The adaptation of 12d Meeting House Lane would provide additional shop frontage to the West of new Hanningtons Lane and also include alterations to the flat above.
- 4.5 As a result of the recent listing the redevelopment no longer includes the demolition of 15 North Street (Timpsons) but still incorporates the adaptation of Puget's Cottage at the rear of 14 North Street as well as demolition of existing ground floor stores and first floor structures to rear of some North street shops.

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours: One (1)** letters of representation have been received from **20 North Street**, objecting to the application for the following reasons:

- The development may result in a loss of daylight to buildings surrounding the site
- The development during the construction phase could lead to a loss of amenity and/or impact upon businesses surrounding the site

Neighbours: Two (2) letters of representation have been received from **7 Brighton Place, 7 North Street** supporting the application.

- 5.2 **Regency Society** object to the proposal on the following grounds:
- The development of the under used areas of the Old Town and creation of additional office and retail space is welcomed.
 - The development would result in the loss of 15 North Street, one of the oldest buildings in the North Street and the society consider that the upper floors of the building incorporate a number of important original features.
 - The upper floors should be retained while the ground floor could be sympathetically re-configured to achieve the desired new pedestrian access to the new lane.
 - Having examined the interior of 15 North Street there is evidence that part of the building probably date back to least the early part of the 19th century. This building and the one immediately to the rear (Puget's Cottage) could be one of the oldest buildings in The Old Town and they should be valued for their historic and architectural context.
 - It would be possible to have a passage at ground floor level whilst retaining the remainder of the building. Such an entrance could highlight the historical significance of the building, the amended design of the

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entrance passage is poor quality and would not bring coherence to the north street frontage and is an odd combination of curved glass and narrow truncated traditional frontage which would harm the historic North Street frontage

English Heritage:

- 5.3 The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.
- 5.4 In previous comments whilst there was no objection in principal and there was expressed it was considered that further opportunities to enhance the Conservation Area could be achieved. It was commented that whilst the creation of the new lane would result in the loss of some historic fabric, but on balance it is considered that the public benefits would outweigh the harm in this case.
- 5.5 Concerns had been raised with regards to the loss of 15 North Street and further justification be submitted. Subject to the LPA accepting the loss of the building, appropriate recording should be secured by planning condition.

Environment Agency:

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

East Sussex County Archaeologist:

- 5.7 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.
- 5.8 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.
- 5.9 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.
- 5.10 In light of this and the NPPF additional information was requested were requested. The applicant subsequently submitted a geo-archaeological / Palaeolithic heritage statement
- 5.11 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.
- 5.12 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.

- 5.13 The report concludes based on the existing information that there is a potential that archaeological deposits will be disturbed or exposed.
- 5.14 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.
- 5.15 In 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 (the Government's planning policies for England):

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.

- 5.16 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:

- 5.17 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.

Sussex Police:

- 5.18 Following in-depth pre-application discussion, the Police are satisfied with assurances that all observations and recommendations from a crime prevention perspective would be implemented.
- 5.19 It is recommended that all shop fronts and doors conform to LPS 1175SR2 with a minimum thickness of 6.8mm P2A. Retail front doors should be illuminated to

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standard. If allowable, additional security measures be incorporated it is recommended that fitting of monitored intruder alarm are fitted within the retail units.

- 5.20 Apartment doors are to conform to PAS 024 with security chains and viewer fitted. Consideration for post delivery is to be given in the form of post boxes in lobbies or externally fitted. This would reduce the opportunity for necessary access to apartments, reduce lock manipulation, arson and fishing.
- 5.21 The installation of a controlled at the rear of retail plot 1 is welcomed as it would reduce potential unauthorised entrance. Remote access may be required due to the numbers of flats.

County Ecologist:

- 5.23 There are no sites designated for their nature conservation interest that are likely to be impacted by the development.
- 5.24 The site comprises existing buildings and hardstandings within an urban setting and there is minimal bio diversity interest.
- 5.25 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.
- 5.26 In summary the proposed development is unlikely to have any significant impacts on bio diversity and can be supported from an ecological perspective.

East Sussex Fire & Rescue Service:

- 5.27 The Fire Authority will comment on means of escape and access for fire fighting purposes at Building Regulations stage.
- 5.28 When considering active fire safety measures for all types of premises, including residential and domestic buildings, the installation of sprinkler systems are recommend.

CAG:

- 5.29 The Group has no objections on conservation grounds to the proposal of a residential development at first floor level to the west of Puget's Cottage. However it is recommended that improvements are made to the design of the proposed building to ensure it is sympathetic to surrounding buildings. The Group recommends that Unit 13 should have a cobbled front and a clay tiled roof, and suggest that historic street signs are used in the area.

Internal:

Heritage:

- 5.30 The site falls within the Old Town Conservation Area. Number 15 North Street and Puget's Cottage are Grade II listed buildings, together with the linking brick paved yard or twitten. Several buildings to the south of the site in Brighton Place

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and all the buildings to the south and west of the 1960s Brighton Square development, on Meeting House Lane, are listed. The site also falls within an Archaeological Notification Area (ANA)

- 5.31 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. The area is characterised by a diversity of building sizes, heights, periods and styles but is predominantly 2 – 4 storeys in height and close-grained with some much larger buildings inserted from mid 19th century to the present such as the Town Hall, The Hippodrome, and the Bartholomew Square development. 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.
- 5.32 Most of the rear parts of the buildings on North Street are modern later extensions which are of no architectural or historic merit and detract from the character of the conservation area. The exceptions are the Timpson's building - 15 North Street - and the gambrel-roofed, part flint and brick building behind it, known as Puget's Cottage, which currently comprise part of the rear accommodation of number 14 North Street. These two buildings are two of the oldest if not the oldest buildings in North Street. Puget's Cottage is currently hidden from public view.
- 5.33 Numbers 11-14 Brighton Place form part of the Brighton Square development. 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 in 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.”
- 5.34 The portal building 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 shop fronts 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. 11 Brighton Place is unauthorised partially constructed building which detracts from the character of the Conservation Area and its demolition requires no justification.
- 5.35 The Proposal and Potential Impacts: This application is part of a wider development including Brighton Square to the south. Whilst the two need to be

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considered 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. 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. This document is very much welcomed.

- 5.36 The creation of a new twitten or lane between Brighton Place and Meeting House Lane, with retail frontages at ground floor level, in place of the unsightly service yard and modern buildings is most welcome and would substantially enhance the appearance and character of the Old Town Conservation Area. It would offer positive urban design, social and economic benefits to Old Town in terms of increased permeability, attractiveness, enhanced public realm and small retail units. The heights and the grain of the development are considered appropriate to this part of the Conservation Area and the traditional design approach is considered appropriate in this case. The variety of historic period designs interspersed with several contemporary designs 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 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.
- 5.37 Number 11 Brighton Place is an unauthorised partially constructed building which detracts from the character and appearance of the conservation area and its demolition requires no justification. Similarly the demolition of the existing flat roofed stores and first floor additions to the North Street buildings can only be welcomed.
- 5.38 With regard to the listed buildings, number 15 North Street would be retained unaltered. Puget's cottage would be subject to minor alterations that would not affect its special interest. More crucially, this remnant of the early development of Old Town would be brought back into public view and visually integrated with the new lane. Its significance would therefore be better revealed by the development and its setting would be substantially enhanced, including by the demolition of the flat roofed building to the south, the restoration of the gable end and the construction of a new flint wall. The setting of other nearby listed buildings, in Brighton Place and Meeting House Lane, would be preserved or in some cases enhanced.
- 5.39 There would be potential concern about the blank south flank wall of Unit 16 if the associated development of Brighton Square failed to go ahead, but this could be overcome by blind window recesses and storey bands if necessary and in any case that concern does not outweigh all the positive heritage benefits of the proposals.

Sustainable Transport: Comment

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- 5.40 The proposals are intended to be car free. This is satisfactory as general parking standards are maxima and the application site is easily 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.
- 5.41 Disabled parking: SPG4 suggests minimum requirements of 3 disabled spaces for the development. These spaces are 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 Hannington Lane scheme is a total of £8,621
- 5.42 SPG4 suggests at least 13 cycle spaces for Hannington's Lane. 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.
- 5.43 Construction would 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. They propose 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.
- 5.44 Sustainable modes and contributions- The proposed development will attract additional trips onto the network. The number of trips is not estimated in the TS but it is straightforward to estimate the number of trips likely to be generated by the residential and office uses and these estimates together with the standard contributions formula suggest that a contribution of £10,400 for these uses alone would be appropriate. 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

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cost of £3,500. The proportion attributable to the Hannington Lane is a total of £12,522.

- 5.45 Travel Plan: 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 years or until modal targets agreed by the Council have been met (whichever is earlier).
- 5.46 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.
- 5.47 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.

Access consultant

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

Economic Development

- 5.50 The Economic Development team supports the application as it provides additional employment space as part of a wider more comprehensive redevelopment scheme for the Brighton Square and surrounding area in the form of new retail and office accommodation.

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- 5.51 The scheme proposes to provide in total 15 new retail units (A1 and A3) together with new B1 office accommodation which is welcomed and fully supported.
- 5.52 The offices are in the form of 4 small units ranging from 73m² to 123m² which will be well suited to meet the needs of new emerging businesses looking for space in the city centre. No further information is provided with regards to the office space i.e. targeted sector occupation, any proposed flexible leasing arrangements, or type of tenure.
- 5.53 The applicant states that the proposal will provide employment for 91 jobs compared to the existing provision of 48 jobs which is welcomed however there is no supporting information to evidence this figure.
- 5.54 Based on the Employment Densities Guide 2nd Edition 2010, the proposal would have the ability to provide the following;
A1 retail: 1 job per 19m² = 30 jobs
A3 restaurant: 1 job per 18m² = 15 jobs
B1 office: 1 job per 12m² = 32 jobs
Total: 77 jobs
- 5.55 Although there is an estimated increase based on the Employment Densities Guide there is some difference between the applicants quoted figure therefore further information would be welcomed to support the applicants quoted figure.
- 5.56 If approved, a contribution through a S106 agreement for the payment of £8,430 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 is requested.

City Clean:

- 5.57 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.
- 5.58 With additional residential properties being constructed it is requested that any new 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 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

- 5.59 Conditions have been recommended for Contaminated Land; Noise; Lighting; Odour; Sound Insulation and Deliveries and Waste Collections.

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- 5.60 It is understood that this planning application only forms part of the overall development for this area and relates to the development to the North of Brighton Square where Hannington Lane will be developed with a link onto North Street.
- 5.61 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.
- 5.62 It is recommended that a specific condition require prior to commencement a scheme in writing to the local planning authority for approval which details how the developer proposes to deal with asbestos risk specific to the construction and removal phases.
- 5.63 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.
- 5.64 Therefore, it is recommended that the Council's full phased contaminated land condition is applied to this development (Part 1a has been completed).
- 5.65 Noise affecting the apartments' facades facing North to the courtyard area behind North Street: A noise assessment has been undertaken by 7th Wave Acoustics, dated 5th March 2013.
- 5.66 A long term noise assessment was undertaken in the courtyard area behind Cargo on North Street. In order to meet BS8233 criteria, it is recommended that for the one bedroom façade window facing the courtyard at Unit 1, the glazing/window-set should mitigate noise by 47dB. Otherwise, it is recommended that standard thermal double glazing would be sufficient. A condition has been recommended below.
- 5.67 Noise affecting the apartments' facades facing South and East on to the proposed Hannington Lane and the proposed link to North Street (excluding the North Street apartment): A long term noise assessment was undertaken at 12E Meeting House Lane. It is recommended that for the bedroom facades facing the proposed lane and the link to North Street, the glazing/window-set should mitigate noise by 40dB.
- 5.68 However, this area is not currently 'a lane' and is not generally used by the public. On a site visit on Friday 12th April 2013 at approximately 4.30pm, it was noted that compared to Meeting House Lane which had a high throughput of pedestrians the noise environment where the assessment was undertaken was

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relatively quiet. Therefore, as it is proposed to have along the new lane: shops, restaurants and cafes, including a restaurant/cafe with a roof terrace at first floor level, the future noise levels during the day and night along this location are likely to be higher than those which were measured. Additionally, it should be noted that the noise assessment was undertaken at what can be considered the quietest time of year (end of February and beginning of March).

- 5.69 Therefore it is recommended that the glazing specification for the bedrooms of these properties is in line with areas where there are already shops, restaurants and pedestrian use such as Brighton Place (Donatellos). This area is more representative of what Hannington Lane will become.
- 5.70 Considering there are bedrooms facing out to the proposed lane, it is recommended that to ensure a good nights sleep, the glazing specification for bedrooms is increased so that it attenuates noise by 45dB. As stated above, this is in line with other parts of the development where restaurants and pubs are located and loud maximum noise levels have already been measured.
- 5.71 Noise affecting the apartment facing North Street: Four day/nights of readings were undertaken outside of Cargo on North Street. These readings showed consistently high noise levels and maxima. The plans show that there is a bedroom proposed that will face out to North Street. Consequently it is proposed to install a glazing/window – set that attenuates noise levels by 47 dB, in order to bring the levels down to BS8233 standards. A condition has been recommended below.
- 5.73 Ventilation for the proposed apartments: In order to achieve satisfactory internal noise levels, the windows for the proposed apartments 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.
- 5.74 Specifications for the Party Walls/floors between the residential apartments and the commercial units (including the relocated substation): The consultant has recommended that the separating floors/walls between the commercial units and residential properties achieve an airborne sound insulation performance 5dB above Approved Document E. This has been conditioned below.
- 5.75 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 except at 1 location. The modelling process assumed that all plant was running concurrently which is unlikely to be the case. Therefore it is stated that noise levels may actually be a bit lower.
- 5.76 Consequently, it is acceptable to recommend the standard plant condition especially as plant details and plant position can change. The condition for plant noise has been suggested below.
- 5.77 Noise from deliveries and waste collections: To prevent residents being unreasonably disturbed by deliveries and waste collections, it is suggested that

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deliveries and waste collections 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.

- 5.78 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.
- 5.79 Lighting: Lighting details are yet to be specified. A condition has been recommended below.
- 5.80 Odour abatement: Information about odour abatement for the kitchens of the proposed cafes and restaurants should be provided. This would be to prevent future complaints about Statutory Odour Nuisance. A condition has been recommended below.
- 5.81 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.
- 5.82 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.
- 5.83 Food: The food team should be consulted regarding any plans for commercial kitchens.
- 5.84 Adopted Local Plan Policy QD6 states that the provision of new public art will be sought from 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.
- 5.85 To safeguard the implementation of this policy, it is important that instances in which approval/sign off from the council is needed is clearly identified and secured.
- 5.86 It is suggested that the public art element for this application is to the value of £9,500.
- 5.87 To make sure this and other requirements of Policy QD6 are met at implementation stage, it is recommended that an artistic component schedule be included in the section 106 agreement.

Sustainability: Comment

- 5.88 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 considered to be a positive response to sustainability policy given a constrained

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site with technical and practical challenges, and the additional public realm benefits offered by the scheme.

- 5.89 Sustainability features included in proposals include: CfSH Level 4, with CO2 reductions beyond the minimum Level 4 standards; BREEAM Office 'very good' standard; EPC 'B' rating for the retail units; renewable technologies on office (air source heat pump) and dwellings (7kWp of photovoltaic panels are proposed offsetting over 3,100kg CO2/yr. photovoltaic panels); small efficient communal gas based heating system for the retail units; efficient thermal building fabric throughout; energy efficient lighting; significantly reduced residential water use to 80litres/person/day; basic rainwater catchment via butts for dwellings; recycling facilities; construction waste management with targets of 85% reduction waste from landfill; energy efficient lighting; sustainable materials.
- 5.90 'Excellent' BREEAM standards and Code for Sustainable Homes Level 4 are expected for major developments via SPD08. The Residential standards have been met, with Level 4 proposed for the dwellings.
- 5.91 The office development is proposed to be built to BREEAM Office 'very good' and currently is targeting 67% in water, but below 60% in energy section. Justification for a reduced overall BREEAM standard has been demonstrated due to site and technical constraints.
- 5.92 Discussions during consideration of this application explored raising the score within BREEAM category ENE1 to reflect minimum requirements for an 'excellent' score in energy (6 credits in category ENE1). In order to make this application acceptable, this should be specified in conditions.
- 5.93 The retail units are all sized below 80m². Whilst SPD08 expects Retail BREEAM 'excellent' for major retail, assessment of these small units under a BREEAM scheme would not be practical financially. An agreed approach for these units is that they be delivered to an Energy Performance rating of 'B' (equivalent to the 'excellent' energy standard).

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;

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- East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only – site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.
- 6.3 The National Planning Policy Framework (NPPF) is a material consideration 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

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QD15	Landscape design
QD16	Trees and hedgerows
QD20	Urban open space
QD25	External lighting
QD27	Protection of Amenity
QD28	Planning Obligations
QD15	Landscape design
QD16	Trees and hedgerows
QD27	Protection of Amenity
QD28	Planning obligations
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO6	Provision of outdoor recreation space in housing schemes
HO7	Car free housing
HO13	Accessible housing and lifetime homes
SR4	Regional shopping centre
EM6	Small industrial, business units and warehouse units
HE1	Listed Buildings
HE3	Development affecting the setting of Listed Buildings
HE6	Development within of affecting the setting of Conservation Areas
HE8	Demolition within conservation areas
HE12	Archaeology

Supplementary Planning Guidance:

SPGBH4	Parking Standards
SPGBH9	A guide for Residential Developers on the provision of recreational space

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 are the character, appearance and setting of the Old Town Conservation area and the setting of the nearby Listed Buildings, Archaeology, transport infrastructure, access, environmental sustainability, the amenities of nearby occupiers including residential and commercial, living standards of the residential units created, new town centre commercial uses and operational impacts such as noise, light and odour.

Planning Policy:

8.2 There are no objections in principle to the proposed uses. The creation of residential, office and retail uses within a town centre location is supported by the current local plan, emerging local plan and by the National Planning Policy Framework (NPPF).

8.3 The site encompasses mostly storage areas located at the rear of North Street and space left over for the servicing of the rear of North Street and Brighton Square. The site does encompass some of the retail sales space within some of the shops on North Street and requires the demolition of one retail unit. However, the development would result in a net gain in retail floor space and as such would not undermine the viability or vitality of the Regional Shopping Centre.

8.4 The proposal would also provide additional employment space, new housing within a sustainable location without compromising a current Local Plan allocation or protected use and accordingly is supported by policy in principle.

Design and heritage:

8.5 This application is part of a wider development including Brighton Square to the south. Whilst the two elements need to be considered together, it is also important to consider their impacts in the event that one or the other failed to go ahead and it is therefore essential that they work in urban design and architectural terms as stand alone schemes.

8.6 The creation of a new twitten or lane between Brighton Place and Meeting House Lane in place of the unsightly service yard and modern buildings is welcomed. The present appearance of this portion of the Conservation Area is very poor and the infill and creation of a new Lane would have significant townscape benefits. The proposed development seeks a high quality and varied pastiche buildings to create harmony with the Lane and Old Town character.

8.7 The proposed heights and the grain of the development are considered appropriate to this part of the Conservation Area. The variety of historic period designs interspersed with several contemporary designs positively reflects the varied character of the area.

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- 8.8 All the styles of architecture being proposed are valid provided that they are sympathetic to the character of the area and are not anachronistic and ahistorical. The crucial issue is the quality of the design, detailing and materials and as such this will need to be carefully controlled by conditions.
- 8.9 Originally the scheme sought the demolition of 15 North Street (Timpsons) which without significant justification could have been considered harmful to the character of the Conservation Area. As a result of recent listing decisions (Puget's Cottage and 15 North Street); the scheme now omits a new link lane between North Street and Brighton Place and retains 15 North Street. Due to these changes a retail unit and 2 units of residential accommodation has been deleted from the proposal. The scheme as proposed now creates a flint wall to terminate the northern emphasis of the development adjacent to 15 North Street and reveal part of Puget's Cottage.
- 8.10 The creation of a new twitten or lane between Brighton Place and Meeting House Lane, with retail frontages at ground floor level, in place of the unsightly service yard and modern buildings is welcomed and would substantially enhance the appearance and character of the Old Town Conservation Area. It would offer positive urban design, social and economic benefits to Old Town in terms of increased permeability, attractiveness, enhanced public realm and an increased number of small retail units.
- 8.11 Most of the rear parts of the buildings on North Street are modern later extensions which are of no architectural or historic merit and detract from the character of the Conservation Area. The exceptions being the Timpson's building – No. 15 North Street and the gambrel roofed part flint and brick building behind it which currently comprise part of the rear accommodation of No. 14 North Street (Puget's Cottage). These two buildings are two of the oldest if not the oldest buildings in North Street. They are of architectural and historic interest and make a contribution to the character of the Conservation Area.
- 8.12 Number 15 North Street would be retained unaltered. Puget's Cottage would be subject to minor alterations that would not affect its special interest. The gambrel roofed building at the rear of No. 17 is visible from Brighton Place. It is of late 18th C or early 19th C in date, although the flint parts may be the remains of an earlier 17th C building. Crucially, this remnant of the early development of Old Town would be brought back into public view and visually integrated with the new lane. Its significance would therefore be better revealed by the development and its setting would be substantially enhanced, including by the demolition of the flat roofed building to the south, the restoration of the gable end and the construction of a new flint wall.
- 8.13 The setting of other nearby listed buildings, in Brighton Place and Meeting House Lane, would be preserved or in some cases enhanced.
- 8.14 The demolition of the modern extensions and parts of modern buildings at the rear of the shops on North Street and 12D Meeting House Lane are acceptable and don't require further justification. The replacement buildings are of a good architectural design and would enhance the character of the conservation area.

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- 8.15 Landscaping: The landscaping within this portion of the project is largely limited to hard landscaping and hard surfacing. Nevertheless the continuity of the paving, surfaces and quality of materials are extremely important in ensuring a high quality and appropriate finish to the development. In addition, there is considered to be some scope to secure some form of planting either in the form of hanging baskets and/or planters.
- 8.16 A detail scheme of landscaping and materials is recommended to be secured by planning conditions.

Impact on Amenity:

- 8.17 The main concerns in this case are the impact of the new uses and physical development upon the amenities of adjacent and nearby occupiers. Issues to be considered relate to light, daylight, noise, privacy and outlook.
- 8.18 The surrounding area is a 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 development and that of closely knit townscape and its sensitive historical environment.
- 8.19 Daylight/sunlight: Given the high density, historic location of the proposed development, a new lane that imitates similar development patterns to the historic Lanes and Old Town, with development in such close quarters would unavoidably provide some concern with regards to light and daylight.
- 8.20 The existing historic street pattern and development would not meet current 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.
- 8.21 Concerns were raised with regards to the impact of new buildings and their impact upon 12 Meeting House Lane and the daylight provision within the residential development. The applicant has commissioned a daylight and sunlight analysis of these potential impacts, which has since been analysed by the BRE.
- 8.22 The report findings from the BRE stipulate that the daylight provision to the new residential development would achieve adequate levels.
- 8.23 The loss of sunlight to 30 Brighton Square would meet the BRE guidelines, whilst 29 Brighton Square would meet the guideline on annual loss of sun, but marginally fail the winter sunlight guidance.
- 8.24 The main loss of light identified is to two first floor windows at 12 Meeting House Lane. These rooms would be left with little light following redevelopment.

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However, they are within the ownership of the applicant and could be refurbished to improve daylight, but there are no present concrete proposals.

- 8.25 On balance and considering the tight knit historical fabric and expectations of daylight and sunlight in such a location, it is considered that the overall impact of the development upon nearby residential properties and standard of daylight provided within the new residential development would be acceptable in this case.
- 8.26 Outlook and privacy: The proposed development by reason of its siting, scale, height and the background character of the area would have an acceptable impact upon the outlook and privacy of adjacent occupiers.
- 8.27 The new lane is sited onto and behind the commercial units on North Street. The siting of the proposed development would therefore largely be sufficiently distanced as to not cause a loss of outlook from the nearest properties above the units further east at the rear North Street.
- 8.28 The new residential premises would maintain acceptable distances and relationships and inter relationships between the new development and the surrounding occupiers as to have an acceptable outlook and maintain privacy for all parties.
- 8.29 The new buildings as reported earlier; would result in some loss of daylight/sunlight to occupiers of the flats at 12 Meeting House Lane. However, given the siting, distance and orientation of the new buildings in respect of these residential occupiers and their outlook and privacy is considered acceptable.
- 8.30 Noise: Noise assessments has been undertaken by in March 2013 and submitted with the application. The area has a mix of commercial day, evening and night time activities. As such, there is already an expectation within the area that there is active combination of uses. This leads to
- 8.31 The Environmental Health Team have recommended that subject to securing appropriate double glazing to the new residential units that the proposal would be acceptable and unlikely to harm future occupiers.
- 8.32 Securing double glazing can sometime run contrary to historic conservation aims as it can be difficult to secure appropriate glazing details. However, by reason of the upper floor siting of the windows and confirmation from the Heritage team that the use of slimline glazing in upper floors would be acceptable it is considered that a sufficiently high standard of glazing can be secured.
- 8.33 Noise from Plant: The noise modelling assessment for plant shows that the noise levels due to plant at the nearest noise sensitive receptors would be greater than 5dB below background levels except at a single location. The modelling process assumes that all plant was running concurrently which is unlikely to be the case. The Environmental Health team consider that the actual noise levels may be lower. Consequently, it is deemed acceptable to recommend the standard plant

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condition to secure compliance, particularly as plant details and plant position can change.

- 8.34 Noise from deliveries and waste collections: To prevent residents being unreasonably disturbed by deliveries and waste collections, it is suggested that deliveries and waste collections 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.
- 8.35 Ventilation: In order to achieve satisfactory internal noise levels, the windows for the proposed apartments should be closed. Therefore, the acoustic report has also recommended that alternative means of ventilation are provided. To ensure that the internal noise level achieved by the glazing is not compromised a condition has been recommended.
- 8.36 The consultant has recommended that the separating floors/walls between the commercial units and residential properties achieve an airborne sound insulation performance 5dB above Approved Document E. This has been conditioned below.
- 8.37 Lighting: Lighting details are yet to be specified. A condition has been recommended to ensure that a suitable scheme of lighting is secured and that light pollution is not exacerbated above tolerable levels.
- 8.38 Outdoor abatement: Formation about odour abatement for the kitchens of the proposed cafes and restaurants should be provided. This would be to prevent future complaints about Statutory Odour Nuisance. A condition has been recommended below.

Living accommodation

- 8.39 The application site currently has 3 residential flats, these are located within the upper floor of North Street and the accommodation would not be affected by the proposals. The proposal would create 7 additional two bedroom residential units, all located upon the north side of the new Lane.
- 8.40 Each of the new flats would be laid out over two floors with the entrance on the first floor. The duplexes would be access via a rear courtyard with roof gardens for each unit. The first floor of the flats each have a shared mixed main living space lounge/kitchen room, entry level WC and two bedrooms with bathrooms on the second floor.
- 8.41 The proposed accommodation would provide a high standard of living for the occupiers and given the complex urban fabric of the area, the amenity space is welcomed. The floor space of each unit varies between 55 and 38 sq m for the first floor and 38 and 49 Sq m on the second floor.
- 8.42 The layout of the new flats would provide good circulation, wide stairs and opportunities to provide adaptable housing. 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.

Employment uses

- 8.43 The development would create approximately 380 sq.m of office accommodation. The offices are in the form of 4 small units ranging from 73m² to 123m² which will be well suited to meet the needs of new emerging businesses looking for space in the city centre.
- 8.44 The proposed creation of office and employment uses within a sustainable town centre location with good transport links are welcomed and there are no objections in policy terms to the creation of the additional floor space.
- 8.45 If approved, a contribution through a S106 agreement for the payment of £8,430 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.

Transport:

- 8.46 Travel demand and Parking: The proposals are intended to be car free. Such an approach is satisfactory as general parking standards are maxim and the application site is centrally located and easily accessible by sustainable modes of transport.
- 8.47 Residents should be prevented from buying parking permits by a TRO amendment to be funded by the applicants as part of the S106 agreement.
- 8.48 Disabled parking: SPG4 suggests minimum requirements of 18 disabled spaces for the Hannington Lane proposal. These spaces are not proposed. It is accepted that this area is unusually constrained and it is difficult to identify potential sites for bays. However there are alternative measures when bays cannot be provided and among these are contributions to the local shopmobility scheme and especially adapted public transport infrastructure. The Shopmobility scheme is based in Churchill Square and users of mobility vehicles from the scheme often visit The Lanes and this area.
- 8.49 It is therefore proposed to require a £7,826 contribution towards this local shopmobility scheme and improving a dropped kerb near to the taxi rank in East Street in lieu of disabled parking provision.
- 8.50 The adopted parking standards also suggest 18 cycle parking spaces for the development. The application proposes 70. The numbers proposed are substantially higher than required but the exact layout is not clear and details should be required by condition. The applicants should also be required to confirm that hotel staff/ guests will be able to use other cycle parking to compensate for the slight under provision for that use.

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- 8.51 Deliveries and construction: Construction could 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. It is recommended a Construction Environmental Management Plan is secured by S106.
- 8.52 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. It is proposed that a service and delivery plan including a monitoring process be used. The Highway Authority comment that 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.
- 8.53 Sustainable modes and contributions: The proposed development will attract additional trips onto the network. The number of trips is not estimated in the Transport Statement but the Highway Authority have commented that it was straightforward to estimate the number of trips likely to be generated by the residential and office uses and these estimates together with the standard contributions formula suggest that a contribution for these uses alone would be appropriate.
- 8.54 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 £17,692 for the Hannington Lane scheme. This should be spent on dropped kerbs and other small measures to facilitate walking and cycling within The Lanes
- 8.55 Travel Plan: A travel plan for the applications should be required by condition. Any detailed submissions should include provision for approval by the Council of the content of the proposed travel leaflets and the continuation of annual monitoring surveys for at least 5 years or until modal targets agreed by the Council have been met.
- 8.56 Impact on local pedestrian movements: The existing Lanes are adopted highways and in principal it would be desirable for consistency purposes to guarantee public access, and secure the new Hannington Lane to obtain this status. However, this would commit the Council as Highway Authority to funding maintenance, which is the Highways Team advice is undesirable given budgetary constraints. In addition, the applicants have not offered the routes for adoption and there is no planning policy by which can compel this.
- 8.57 Adopted policy does 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.

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- 8.58 Construction and drainage details of the new lane also should be required for approval by condition to ensure compliance with policy.

Sustainability:

- 8.59 The retail units are all sized below 80m² and whilst SPD08 requires Retail BREEAM 'excellent' rating for major retail developments, assessment of a number of small units under a BREEAM scheme would not be reasonable in this case. The construction method includes building into existing buildings at the rear of North Street which would be difficult to assess under BREEAM. Therefore technical, site and financial justification has provided grounds for assessment to an alternative standard: An Energy Performance Certificate rating of 'B' (In BREEAM energy terms equivalent to 'excellent'). The use of CfSH and BREEAM assessments on the site would ensure that site wide sustainability issues associated with these retail units would be addressed by these two assessments, so that although the retail units would not have their own BREEAM assessments.
- 8.60 The achievement of sustainability standards are challenging because of the nature of the site, with new development woven into a tight historical setting in close proximity to other buildings and in some cases built into existing historic buildings. Feasibility for renewable technologies is compromised, but despite this the proposals include renewables within the office and residential development with air source heat pump technology supplying heat to the offices, and photovoltaic panels providing electricity to the dwellings.
- 8.61 The design brief to maintain facades giving the appearance of the historical Lanes of the Old Town Conservation Area adds another barrier to the achievement of sustainability standards, requiring additional cost for the developer to meet similar standards using 'heritage' products such as windows. Given these difficult site and technical challenges, the proposals reflect a robust approach and have addressed sustainability policy well.
- 8.62 The submitted information indicates that a 'very good' standard overall will be achieved with a score of 57.76%, this is just within the 'very good range' of 55%-69%. Scores in specific sections are: 36% in energy and 66.67% in water. BREEAM 'excellent' standard is expected for major development under SPD08. The office development proposed for Hannington Lane is a total of 378m² (Drawings 1139-R-22A, 1139- P-214-A) if proposed as an individual proposal this would fall into the 'medium' scale category under SPD08 (236-999m²) and would trigger a BREEAM 'very good' standard.
- 8.63 The specification is for office space totalling 378m² over 2nd and 3rd floor of the building: a concrete frame construction with metal stud infill system, flat roof and high levels of insulation. Air Source heat pumps will be used for heating. Good building envelope and air-tightness performance is sought above building regulations standards. 'A' rated building materials; and site waste management plan.
- 8.64 Sustainability features included in proposals include: CfSH Level 4, with CO₂ reductions beyond the minimum Level 4 standards; BREEAM Office 'very good' standard; EPC 'B' rating for the retail units; renewable technologies on office (air

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source heat pump) and dwellings (photovoltaic panels); small efficient communal gas based heating system for the retail units; efficient thermal building fabric throughout; energy efficient lighting; significantly reduced residential water use to 80litres/person/day; basic rainwater catchment via butts for dwellings; recycling facilities; construction waste management with targets of 85% reduction waste from landfill; energy efficient lighting; sustainable materials.

- 8.65 Approval is recommended with conditions suggested to secure Code for Sustainable Homes 4. Pre commencement: Design Certificate, Pre occupation: Final certificate); BREEAM office 'very good' 50% in energy & water sections; Green lease agreement with incoming tenants to fit out to BREEAM 'very good', 50% energy & water. Pre-occupation; EPC 'B' rating for retail units (evidence may include an Energy Performance Certificate). Pre-occupation.; Considerate Constructors scheme and to investigate roof and wall planting to minimise urban heat island effect.

Other issues:

- 8.66 Land contamination: A land contamination assessment report has been undertaken by and submitted by the applicant. The Environmental Health team agree with the submitted report and its conclusion that an intrusive site investigation to quantify associated risks is required. Therefore, it is recommended that the Council's full phased contaminated land condition is applied to this development.
- 8.67 Archaeology: The submitted archaeology report concludes that based on the existing information there is a potential that archaeological deposits will be disturbed or exposed.
- 8.68 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.
- 8.69 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 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.
- 8.70 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.
- 8.71 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.
- 8.72 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.

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However, as a waste disposal Authority, the City Council is legal 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 both independently and as part of a comprehensive redevelopment master plan with Brighton Square redevelopment would provide significant improvements to the appearance of the area and to the surrounding historic environment.
- 9.2 The new commercial and residential development within a central and sustainable and accessible location is welcomed. The new office space and retail would provide additional employment opportunities whilst the new residential accommodation would provide a good standard of living accommodation for the occupiers.
- 9.3 The detailing and quality of detailing and materials are key to delivering a high quality development which translates and assimilates the surrounding heritage assets and environment. Suitable detailing and operational controls upon the development by legal agreement and conditions would be required to ensure appropriate detailing, a high quality of amenity, delivery, operation and compliance with adopted planning policy.

10 EQUALITIES

- 10.1 The development would provide improved access with the new lane of accessible gradient and access to the square, commercial units in Meeting House Lane.
- 10.2 The new residential units and development would be required to meet Part M of the Building Regulations.

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

Heads of terms

- 11.1 Section 106 agreement to secure:-
 - A contribution of £27,018 towards improving sustainable highway infrastructure in the area, shopmobility in-lieu disabled parking, Traffic Regulation order changes;
 - A contribution of £9,500 towards Public Art
 - A contribution of £8,430 towards the Local Employment Scheme (LES);
 - An employment strategy to secure at least 20% local labour during construction of the project;
 - A Walkways Agreement

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Prior to first occupation, an obligation to enter into a Walkways Agreement under Section 35 of the Highways Act 1980 to agree means of security access and management of the new Lane.

- A Construction Environmental Management Plan;

The Developer covenants with the Council not to Commence Development until it has submitted to the Director for approval a Construction Environmental Management Plan (CEMP) which will provide the following information

- (i) The phases of the Proposed Development including the forecasted completion date(s)
- (ii) A commitment to apply to the Council for prior consent under the Control of Pollution Act 1974 and not to Commence Development until such consent has been obtained
- (iii) A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme)
- (iv) A scheme of how the contractors will minimise complaints from neighbours regarding issues such as noise and dust management, vibration, site traffic and deliveries to and from the site
- (v) A plan showing construction traffic routes.

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 200	-	06/03/2013
Block Plan	1239 P 201	-	06/03/2013
Existing Basement Plan	1239 P 202	-	06/03/2013
Existing Ground Floor Plan	1239 P 203	-	06/03/2013
Existing First Floor Plan	1239 P 204	-	06/03/2013
Existing Second Floor Plan	1239 P 205	-	06/03/2013
Existing Roof Floor Plan	1239 P 206	-	06/03/2013
Proposed Site Plan	1239 P 210	B	18/10/2013
Proposed Basement Plan	1239 P 211	B	18/10/2013
Proposed Ground Floor Plan	1239 P 212	B	18/10/2013
Proposed First Floor Plan	1239 P 213	D	14/11/2013
Proposed Second Floor Plan	1239 P 214	C	18/10/2013
Proposed Roof Floor Plan	1239 P 215	C	18/10/2013
Existing & Proposed Elevations 1	1239 P 220	D	18/10/2013
Existing & Proposed Elevations 2	1239 P 221	B	01/08/2013

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Existing & Proposed Elevations 3	1239 P 222	B	18/10/2013
Existing & Proposed Elevations 4	1239 P 223	D	18/10/2013
Existing & Proposed Elevations 5	1239 P 224	B	01/08/2013
Existing & Proposed Elevations 6	1239 P 225	A	14/06/2013
Existing & Proposed Elevations 7	1239 P 226	B	14/06/2013
Existing & Proposed Elevations 8	1239 P 227	B	18/10/2013
Existing & Proposed Elevations 9	1239 P 228	B	14/06/2013
Existing & Proposed Elevations 10	1239 P 229	C	18/10/2013
Existing & Proposed Elevations 11	1239 P 230	A	14/06/2013
Existing & Proposed Elevations 12	1239 P 231	B	06/09/2013
Existing & Proposed Elevations 13	1239 P 232	A	14/06/2013
Existing & Proposed Elevations 14	1239 P 233	A	14/06/2013
Existing & Proposed Elevations 15	1239 P 234	A	14/06/2013
Existing & Proposed Elevations 16	1239 P 235	A	18/10/2013
Proposed Section 1	1239 P 240	-	06/03/2013
Proposed Section 2	1239 P 241	A	14/06/2013
Daylight Report	-	-	06/09/2013
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
Drainage and flood risk strategy	-	-	06/03/2013
Transport Statement	-	-	06/03/2013

- 3) The rooflight(s) hereby approved shall have steel or cast metal frames fitted flush with the adjoining roof surface and shall not project above the plane of the roof. **Reason:** To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.
- 4) 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.

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- 5) 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.
- 6) 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.
- 7) The Party Walls/Floors between commercial units (including the relocated plant room) and 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. **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.
- 8) 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. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:1997. In addition, there should be no significant low frequency tones present. **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.

Pre-Commencement Conditions:

- 9) 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.
- 10) 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 and planting of the 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.
- 11) 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 include the dormers, parapets, cornices, bays, windows, doors, balconies, balustrades, gates and shop fronts. The development shall thereafter be

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implemented 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.

- 12) The works of demolition hereby permitted shall not be begun until documentary evidence is produced to the Local Planning Authority to show that contracts have been entered into by the developer to ensure that building work on the site the subject of this consent is commenced within a period of 6 months following commencement of demolition in accordance with a scheme for which planning permission has been granted. **Reason:** To prevent premature demolition in the interests of the character and appearance of the Conservation Area and to comply with policy HE8 of the Brighton & Hove Local Plan.
- 13) 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, doors and windows of the new buildings. 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.
- 14) 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
- 15) 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 the development and to comply with policy HE6 of the Brighton & Hove Local Plan.
- 16) No development shall take place until a written scheme for the new street nameplates has been submitted to and approved by the Local 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.
- 17) Prior to the commencement of any flint facing elevations or flint construction, a sample flint panel shall be constructed and approved on site. The flintwork hereby approved shall be conducted in accordance with

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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.

- 18) Prior to the commencement of the development hereby approved a Construction, Delivery & Service Management Plan, 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 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 policies S10, QD27 and TR7 of the Brighton & Hove Local Plan.
- 19) 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
- 20) Unless otherwise agreed in writing by the Local Planning Authority, no office development shall commence until a BRE issued Interim/Design Stage Certificate demonstrating that the development has achieved a minimum BREEAM Very Good standard overall, with at least 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 office 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.
- 21) No development shall commence until a scheme for the glazing of the façade of the proposed apartments facing north to the courtyard area behind North Street has been submitted to and approved in writing by the Local Planning Authority. The glazing for the bedrooms facing this courtyard shall attenuate airborne sound by 47dB. **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.

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- 22) No development shall commence until a scheme for the glazing of the façade of the proposed apartments facing south and east on to the proposed Hannington Lane and the new link to North Street has been submitted to and approved in writing by the Local Planning Authority. The glazing for the bedrooms facing the proposed Hannington Lane and link to North Street shall attenuate airborne sound by 45dB **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.
- 23) No development shall commence until a scheme for the glazing of the proposed apartment facing North Street and the new lane joining North Street to the proposed Hannington Lane, has been submitted to and approved in writing by the Local Planning Authority. The glazing for the bedroom windows of this apartment shall attenuate sound borne noise by 47dB. **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.
- 24) 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. The development hereby permitted shall not be brought into use until the programme of archaeological work has been completed in accordance with the approved Written Scheme of Archaeological Investigation **Reason:** To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with policy HE12 of the Brighton & Hove Local Plan
- 25) 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 neighbouring properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 26) 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

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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 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.

Pre-Occupation Conditions:

27) 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.

28) The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development at all times. **Reason:** To ensure that satisfactory facilities for

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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.

- 29) 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.
- 30) Unless otherwise agreed in writing by the Local Planning Authority, none of the office 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 50% in energy and water sections of relevant BREEAM assessment within overall 'Very Good' has been submitted to, and approved in writing by, the Local Planning Authority. **Reason:** To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design
- 31) Unless otherwise agreed in writing by the Local Planning Authority, none of the retail development hereby approved shall be occupied until a Green lease agreement with incoming tenants to fit out to BREEAM 'very good', 50% energy & water 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
- 32) Unless otherwise agreed in writing by the Local Planning Authority, none of the retail development hereby approved shall be occupied until an EPC 'B' rating for retail units (evidence may include an Energy Performance Certificate) 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
- 33) Prior to the commencement of development upon the site a Feasibility study outlining the potential for roof and wall planting to minimise urban heat island effect shall be submitted to and approved by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and shall be thereafter retained.

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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

- 34) No development shall take place until a written scheme for the ventilation of the residential units has been submitted to and approved in writing by the Local Authority. The ventilation scheme shall ensure that the internal noise conditions that will be achieved due to the glazing specifications of the apartments are not compromised. **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.
- 35) No development shall commence until a scheme for the fitting of odour control equipment for the proposed restaurants and cafes has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such. **Reason:** To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 36) Prior to occupation of the development hereby approved, the Developer or owner shall submit to the Local Waste Authority for approval in writing a detailed Waste Management Plan (a document that sets out a package of measures tailored to the needs of the site, which is aimed at promoting sustainable waste management of residential and commercial properties within the development. The Waste Management Plan shall include such commitments as are considered appropriate, and should include as a minimum the following initiatives and commitments:
- (i) Promote and enable the separation of waste material for recycling
 - (ii) Provide appropriate containment for recycling and non recyclable waste
 - (iii) Ensure all commercial properties are aware of their duty of care
 - (iv) Ensure suitable containment is provided to prevent any waste becoming a source of litter
 - (v) Enable household waste and recycling to be separated from commercial waste for possible collection from the Local Waste Authority.
- Reason:** To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policy QD27 of the Brighton & Hove Local Plan.
- 37) Within 3 months of occupation of the development hereby approved, the Developer or owner shall submit to the Local Planning Authority for approval in writing a detailed Travel Plan (a document that sets out a package of measures tailored to the needs of the site, which is aimed at promoting sustainable travel choices by residents, visitors, staff, deliveries and parking management) for the development. The Travel Plan shall include such commitments as are considered appropriate, and should include as a minimum the following initiatives and commitments:

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- (i) Promote and enable increased use of walking, cycling, public transport use, car sharing, and car clubs as alternatives to sole car use:
- (ii) A commitment to reduce carbon emissions associated with business and commuter travel:
- (iii) Increase awareness of and improve road safety and personal security:
 - (iv) Undertake dialogue and consultation with adjacent/neighbouring tenants/businesses:
- (v) Identify targets focussed on reductions in the level of business and commuter car use:
- (vi) Identify a monitoring framework, which shall include a commitment to undertake an annual staff travel survey utilising iTrace Travel Plan monitoring software, for at least five years, or until such time as the targets identified in section (v) above are met, to enable the Travel Plan to be reviewed and updated as appropriate:
- (vii) Following the annual staff survey, an annual review will be submitted to the Local Planning Authority to update on progress towards meeting targets:
- (vii) 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.

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 details of the Code for Sustainable Homes can be found on the Planning Portal (www.planningportal.gov.uk), on the Department for Communities and Local Government website (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). Accreditation bodies at March 2010 include BRE and STROMA; other bodies may become licensed in future.
3. 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 creation of a new shopping lane with commercial and residential development would provide significant improvements to the appearance of

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the area and to the surrounding historic environment and provide additional housing and greater employment opportunities in accordance with policy frameworks.