

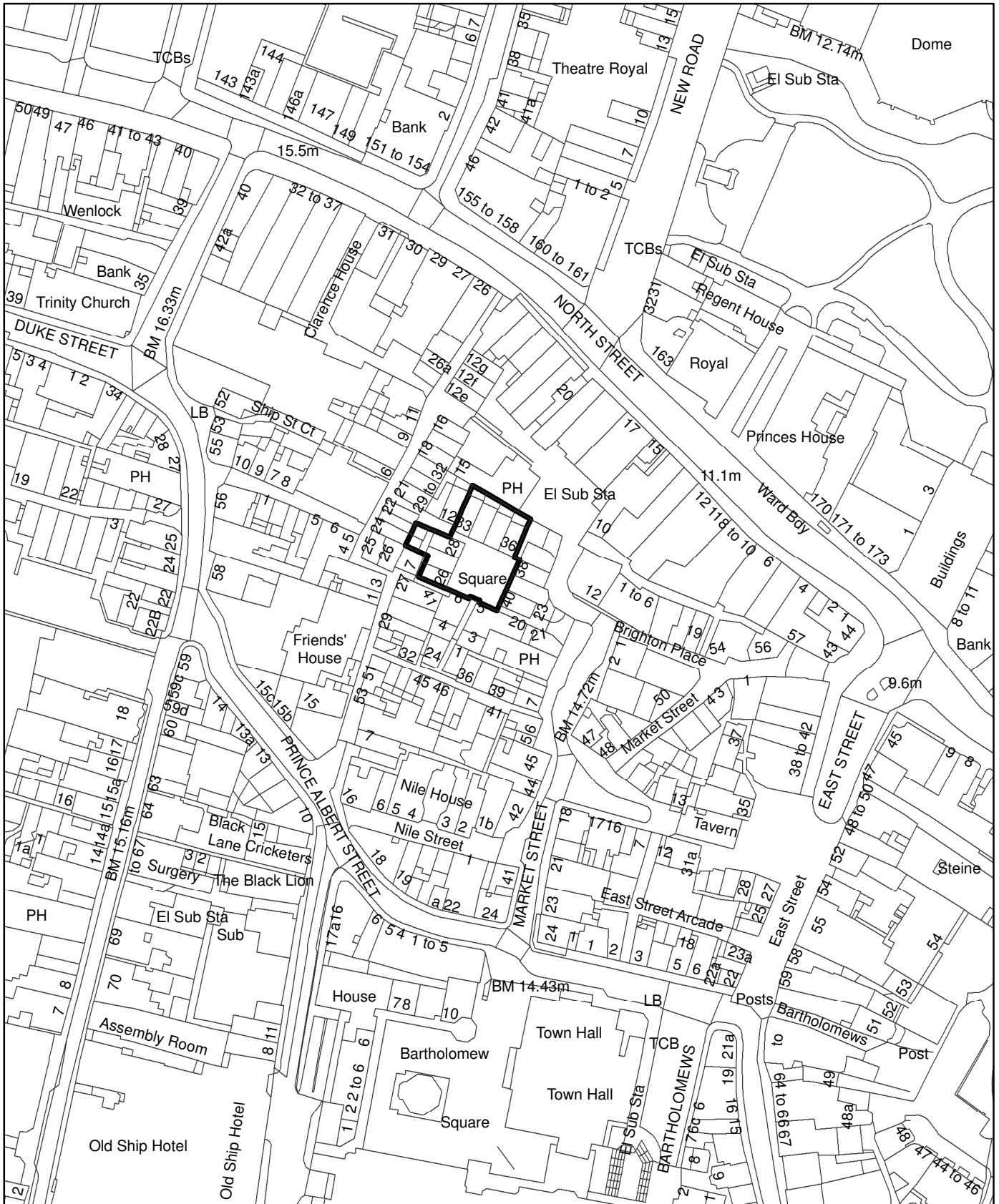
ITEM F

**7-10, 13-16, 26-28 and 33-36 Brighton
Square, Brighton**

**BH2013/00712
Full planning**

11 DECEMBER 2013

BH2013/00712 7-10, 13-16, 26-28 & 33-36 Brighton Square, Brighton



**Brighton & Hove
City Council**



Scale : 1:1,250

<u>No:</u>	BH2013/00712	<u>Ward:</u>	REGENCY
<u>App Type:</u>	Full Planning		
<u>Address:</u>	7-10 13-16 26-28 and 33-36 Brighton Square Brighton		
<u>Proposal:</u>	Removal of existing roof structures to 7no. two storey maisonettes within Brighton Square and creation of additional floors to each dwelling to create 7no three storey town houses. Formation of new entrance stair and lift and escape stair access connecting basement to first floor level. Remodelling works to residential façade, installation of new shop fronts to existing retail A1 and A3 units at ground floor level and remodelling and renovation works to square.		
<u>Officer:</u>	Steven Lewis Tel 290480	<u>Valid Date:</u>	12 March 2013
<u>Con Area:</u>	Old Town	<u>Expiry Date:</u>	07 May 2013
<u>Listed Building Grade:</u>	Adj to Grade II		
<u>Agent:</u>	Morgan Carn Partnership, Blakers House, 79 Stanford Avenue Brighton		
<u>Applicant:</u>	Centurion Group, Centurion House, 11 Prince Albert Street Brighton		

1 RECOMMENDATION

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

2 SITE LOCATION & DESCRIPTION

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

3 RELEVANT HISTORY

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

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

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

BH2013/00715: 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 removal of existing roof structures above the existing 7no. two storey maisonettes within Brighton Square and the creation of an additional floor to each to create 7no.three storey town houses.
- 4.2 In addition the proposal seeks the formation of new entrance stair and lift and escape stair access connecting the basement to first floor level. The application also includes remodelling works to the residential façade, installation of new shop fronts to existing retail A1 and A3 units at ground floor level and remodelling and renovation works to the square.

5 PUBLICITY & CONSULTATIONS

External

5.1 Neighbours:

One (1) letters of representation have been received from (**7 Brighton Place**) Supporting the application for the following reasons:

- No objections, the redevelopments can only be beneficial to the city and Lanes area.
- The proposals would make better use of wasted unsightly space

5.2 **One (1)** letters of representation have been received from (**23 Meeting House Lane**) objecting the application for the following reasons:

- The proposal would result in a loss of light to the shop at 23 Meeting House Lane.

5.3 **Conservation Advisory Group:**

After discussion, and a show of hands, the majority of the group objected to the proposed recladding of the façades and recommended the existing façade should be retained.

5.4 **Regency Society:**

- Welcome the proposals to increase the amount of residential space in Brighton Square by adding an additional floor to some of the properties.
- The new structures have been set back from the main facades thus avoiding the impression of excessive massing when viewed within the Square
- The Society are less supportive of the proposals to re-model the square. The buildings are within a Conservation Area and represent a good and successful examples of mid twentieth century small scale development. The existing cladding is sympathetic to the wide variety of periods and styles represented in the neighbouring Lanes.
- The development received a Civic Trust award shortly after completion, for this reason the Regency Society consider that the original appearance should be preserved rather than replaced. The Society urges the Planning committee to refuse the application unless this element of the proposal is removed.

Internal:

Heritage: Comment

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

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

Statement of Significance

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- 5.7 The site falls within the Old Town Conservation Area. None of the buildings on the site are listed. Several buildings to the south in Brighton Place and all the buildings to the south and west of the 1960s Brighton Square development in Meeting House Lane are Listed. The site also falls within an Archaeological Notification Area (ANA)
- 5.8 The Old Town's character is set out in the document Conservation in the Old Town (1979). Whilst this needs updating, it remains a valid material consideration. The original historic small fishing port of Old Town is laid out on an irregular linear grid pattern with the roads oriented predominantly north-south and with a number of pedestrian twittens running east-west. The main street blocks are exactly rectangular and at the northern end, the grid is warped eastwards and North Street is angled slightly south-eastwards. Prince Albert Street is a 19th century planned intervention which cuts across this diagonally.
- 5.9 The area is characterised by a diversity of building sizes, heights, periods and styles. The area is predominantly 2 – 4 storeys in height and close-grained with some much larger buildings inserted from mid 19th century to the present such as the Town Hall, The Hippodrome and the Bartholomew Square development.
- 5.10 Most buildings appear to date from the 18th and 19th centuries although some earlier buildings or parts of buildings may be masked by later remodelling. The area immediately to the south of the site, known as The Lanes, is characterised by a network of narrow twittens and smaller scale buildings.
- 5.11 The Brighton & Hove Pevsner guide says of Brighton Square: –
“This is of 1966 by Fitzroy Robinson & Partners, sensitive infill, shops and flats of load-bearing brick placed over a reinforced concrete basement car park, the entrance to which is discretely tucked away. Architecturally of its time, with projecting upper bays clad and tile hanging and shiplap boarding, successfully in keeping to the style and variety of The Lanes. It was well received when built, earning a Civic Trust award, and is still a model for urban renewal. In the centre of the square a fountain and Dolphin sculpture by James Osborne.”
- 5.12 The portal building on Brighton Place has been altered and shop units extended into its arched openings. The buildings around the Square have had their timber lapboarding replaced with artificial composite boarding and fibre cement fascia boarding and the original timber windows have been replaced in white powder coated aluminium albeit all in the same style. Most of the 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.
- 5.13 Attitudes towards 1960s architecture vary greatly and generate much controversy. Whilst Brighton Square may be considered to be much better than many of the more brutal town centre redevelopments of the 1960s, it has clear faults and in places appears dated. The car park entrance and the service entrance are particularly unattractive in views eastwards along Brighton Place. In urban design terms its current layout and street furniture do not enhance the

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area. It has though been nominated for Local Listing in the current review and must therefore be considered as an undesignated heritage asset.

- 5.14 The Proposal and Potential Impacts: This application is part of a wider development including 7-10 13-16 26-28 and 33-36 Brighton Square Brighton and 13 - 22 North Street and the service yards behind, 12D Meeting House Lane and 11-14 Brighton Place Brighton. The Masterplan is very much welcomed and is considered to be a comprehensive document that clearly illustrates the historic context and the design rationale and development for the three inter-linked but independent applications. Whilst the three schemes need to be considered together, it is also important to consider their impacts in the event that one or the other failed to go ahead and it is essential that they work in urban design and architectural terms as stand alone schemes. It is considered important that the two Brighton Square applications should proceed concurrently so that the design and appearance of Brighton Square would remain consistent on the three main sides.
- 5.15 Photomontages from key viewpoints have been provided in order to assess the visual impact of the proposed additional storey to Brighton Square on the buildings around Brighton Square and in views from further away, including New Road. These confirm that the additional height to Brighton Square would not make it harmfully visible in any key sensitive views. The desirability for an additional storey on the single storey shop unit at 7 Brighton Square has been identified and it is understood that a separate application will be made for this. This application must therefore be considered in its current form. The remodelled, higher Brighton Square development would be very clearly visible above the single storey shop unit and, with its contemporary design approach, would present a clear contrast with the small-scale traditional buildings of The Lanes. However, this would be a brief, glimpsed view and the contrast in scale and design would not in itself be harmful to the appearance of the Conservation Area or the setting of the Listed Buildings.
- 5.16 In terms of the design of remodelled elevations and additional floors, the elevations have evolved very positively to address the initial concerns raised. The proportions - including relationship of solid to void and glazing subdivisions - are appropriate to the surrounding context. The elevation drawings have been fully annotated to describe the materials and these materials are all considered to be appropriate (subject to samples secured by condition).
- 5.17 Whilst the proposal would involve the extension and major remodelling of an undesignated heritage asset it is considered that the remodelling and recladding of the facades on the north and east sides of the Square in a more contemporary style is acceptable. The additional storey would not be visually overbearing as seen from within the Square given the degree of set back and the lightweight glazed design.
- 5.18 The landscaping proposals for the Square itself would be a considerable improvement over the current layout, although further details of the design, samples of materials, lighting details and the tree species are required. This can be dealt with under a condition. The indicative materials shown in the perspective

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photomontage of red clay pavers and bound gravel would be acceptable. The existing dolphin sculpture would be satisfactorily relocated to the new entrance from Brighton Place as part of the hotel application.

Sustainability: Comment

- 5.19 Sustainability standards as set out in SU2, SU16, and SPD08 have been addressed by the proposals.
- 5.20 Under SPD08 medium scale residential development involving existing buildings, SPD08 standards expect a BREEAM Domestic Refurb standard; this has been achieved with a predicted 'very good' score. This reflects best practice in refurbishment and is strongly welcomed.
- 5.21 The refurbishment will improve many aspects of the existing housing. The positive measures proposed include: reducing predicted carbon emissions from new extended dwellings against estimated current emissions; improved fabric performance; installation of renewables for each dwelling supplying solar hot water for each unit (3-4m² evacuated tubes per dwelling); upgraded high efficiency gas boilers for each dwelling; application of passive measures: sliding timber louvers and overhanging roof eaves providing solar shading; use of sustainable materials and sustainable waste management plan (targeting 80% diversion of waste to landfill); water use minimisation (target 95 litres/person /day, below the national average of 150L); and use of Considerate Constructors scheme.
- 5.22 The refurbishment of the ground floor retail will entail replacement of shopfronts, which trigger small scale sustainability standards under SPD08 to improve energy and water performance. The refurbishment should also address SU2 standards. The Sustainability Statement indicates that the retail refurbishment will result in improvements to thermal performance, whilst site wide sustainability issues will be covered within by the BREEAM assessments and certification for the residential units. The proposed planting of 4 semi mature silver birch will contribute to minimising urban heat island effect, as well as improving biodiversity. Whilst this information is minimal, since there is not significant work being undertaken on this element of the development proposals sufficiently addresses policy given the application of BREEAM assessment and certification on the site.
- 5.23 Approval is recommended with use of conditions to secure the 'very good' standard under BREEAM Domestic Refurbishment as a *minimum* for the seven residential units.

Sustainable Transport: Comment

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

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- 5.25 Disabled parking: SPG4 suggests minimum requirements of 3 disabled parking spaces should be provided. 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 Brighton Square Town Houses is a total of £1,034
- 5.26 Cycle parking: SPG4 suggests at least 7 for Brighton Square 29 for Brighton Square. The numbers proposed are clearly substantially higher than required but the exact layout is not clear and details should be required by condition.
- 5.27 Deliveries: Construction will be difficult in this constrained area and a Construction Management Plan detailing the proposed times and routes of construction vehicle access should be required as part of any consent. The applicants have identified loading facilities and estimated demand for the development once built on the basis of a survey of deliveries required by existing local businesses. 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.
- 5.28 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 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.
- 5.29 Trips from and to the other uses are more difficult to estimate and many of the trips associated with the retail use would be linked to other local trips. In view of these facts, it is proposed that a S106 transport contribution of £16,000 for the development as a whole would be appropriate. This should be spent on (1) dropped kerbs and other small measures to facilitate walking and cycling within The Lanes at an estimated cost of £12,500 (2) Provision of a real time bus information facility in the hotel foyer at an estimated cost of £3,500. The proportion attributable to the Brighton Square Town Houses is a total of £3,478.
- 5.30 Travel Plan- The applicants have submitted outlines of a travel plan 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

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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).

- 5.31 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.

6 MATERIAL CONSIDERATIONS

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."
- 6.2 The development plan is:
- Brighton & Hove Local Plan 2005 (saved policies post 2007);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
 - East Sussex and Brighton & Hove Minerals Local Plan (November 1999); Saved policies 3,4,32 and 36 – all outside of Brighton & Hove;
 - East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only – site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.
- 6.3 The National Planning Policy Framework (NPPF) is a material consideration which applies with immediate effect.
- 6.4 Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF.
- 6.5 The Brighton & Hove City Plan Part One (submission document) is an emerging development plan. The NPPF advises that weight may be given to relevant policies in emerging plans according to their stage of preparation, the extent to

which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies to the policies in the NPPF.

- 6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

7 RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR4	Travel Plans
TR7	Safe development
TR14	Cycle access and parking
TR18	Parking for people with a mobility related disability
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU11	Pollution land and buildings
SU13	Minimisation and re-use of construction industry waste
SU14	Waste management
SU16	Production of renewable
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD5	Design – street frontage
QD7	Crime prevention through environmental design
QD9	Boarding up of flats, shops and business premises
QD10	Shopfronts
QD11	Blinds
QD14	Extension and alterations
QD15	Landscape design
QD16	Trees and hedgerows
QD20	Urban open space
QD25	External lighting
QD27	Protection of Amenity
QD28	Planning Obligations
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO6	Provision of outdoor recreation space in housing schemes
HO7	Car free housing
HO9	Residential conversions and the retention of smaller dwellings
HO13	Accessible housing and lifetime homes

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SR4	Regional shopping centre
HE3	Development affecting the setting of listed buildings
HE6	Development within or affecting the setting of conservation areas.
HE8	Demolition within conservation areas
HE12	Scheduled ancient monuments and other important archaeological features

Supplementary Planning Guidance:

SPGBH4 Parking Standards

Supplementary Planning Documents:

SPD01	Brighton Centre: Area Planning and Urban Design Framework
SPD02	Shop Front Design
SPD03	Construction & Demolition Waste
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
CP4	Retail provision
CP5	Culture and tourism
CP7	Infrastructure and developer contributions
CP8	Sustainable buildings
CP9	Sustainable transport
CP12	Urban design
CP13	Public streets and spaces
CP15	Heritage
CP16	Open space
CP19	Housing mix

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to design and the impact of the development upon the character and appearance of the conservation area, the amenity of adjacent occupiers, the living standards of the residential accommodation to be redeveloped, access, sustainability and transport.

Masterplan and links to proposed developments at Hannington Lane (BH2013/00710) and Hotel (BH2013/00715)

- 8.2 Design and Impact on the character and appearance on the Conservation Area:
There are a number of applications which have been submitted at the same time which relate to this area. With the encouragement of the Local Planning Authority the applicants have worked together to develop a Masterplan. This has been a useful piece of work and has been submitted to inform continuity in consideration to each of the applications.
- 8.3 This current planning application and application BH2013/00715 have specific design dependencies and whilst they must be assessed on their merits, are considered to work well together. They complement each other and complete

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the design approach to Brighton Square. For that reason, the timing of implementation is secured by an obligation in the proposed S106 agreement.

- 8.4 The proposal seeks to extend the height of the buildings on the north and western side of the Square by removing the existing roof structures and creating an additional storey to each of the 7 maisonettes, refurbish the façade of the Square including new shop fronts to the ground floor commercial units and renovate the open space within the square.
- 8.5 As well as the façade changes, the proposal includes a new entrance stair, lift and escape stair access to connect the basement and first floor.
- 8.6 The existing buildings in Brighton Square are not of sufficient architectural or historic merit or importance to justify the retention of their original design. The buildings have been substantially altered and there is insufficient justification to secure their restoration.
- 8.7 Subject to various design changes, the principle of the scheme which is in essence to increase the height of the Square by an additional storey; is considered to be acceptable. The design of the scheme has evolved over the course of the application and changes have been made in response to issues arising from the complexity of the proposal and related applications, the dense and complex urban and historic nature of the surroundings.
- 8.8 The new storey comprises a set back, modern zinc facing flat roofed with a largely glazed front elevation and rendered flanks. The depth, height of the additional storey when positioned against the double height reordered fenestration of the lower floors elevation facing the square has a comfortable and appropriate massing in relation to the host. The proposal also includes frameless glazed balustrades facing the square, which given the simplicity and material would not unduly affect the massing of the development within the Square.
- 8.9 One of the main considerations in terms of design was to ensure that the additional height to the Brighton Square buildings would not make them be intrusive in key sensitive views. Additional views including those from New Road and Meeting House Lane were requested in order to assess this and confirm that the additional height would not make the buildings visible in any key views. Having analysed these views it is considered that the proposed additional storey would not be harmful to sensitive vistas.
- 8.10 An additional consideration with design was the single storey shop unit at 7 Brighton Square, where there was considered to be an opportunity to add an additional storey to improve the townscape at this key junction in The Lanes. The applicant has discussed this, but if it comes forward it would likely form a separate application. The application must therefore be considered in its current form.
- 8.11 The remodelled, higher Brighton Square development would be very clearly visible above the single storey shop unit and, with its contemporary design approach, would present a clear contrast with the small-scale traditional

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buildings of The Lanes. However, this would be a brief, glimpsed and isolated view and the contrast in scale and design would not in itself be harmful to the appearance of the Conservation Area or the setting of the Listed Buildings.

- 8.12 The remodelling and re-cladding of the facades to a more contemporary style on the north and west sides of the square are acceptable in principle. Previously concern was raised with some of the materials and the precise usage has been more clearly explained and annotated on the drawings, but the quality of the materials and detailing would be key to securing a high quality development that assimilates with the neighbouring development and provide the quality of contemporary contrast required in such a style of development. Conditions are recommended to secure samples to ensure appropriate materials are used.
- 8.13 The façade would comprise painted render, timber louvre within projecting bay elements, reconfigured fenestration and reintroduction to consistent shop fronts. Whilst the south side retail units would not be renovated and this would compromise the unity of the development, there remains sufficient and significant benefit from the works to recommend permission.
- 8.14 It is important for the purposes of quality and consistency of the façade and finished square to ensure that odour and ventilation equipment does not impact on the final appearance of the development. Mechanical extraction, flues should not protrude from the front façade, nor exposed plant or equipment on the roof tops and use of only concealed air inlets and outlets. The detailing of these can be secured by planning conditions.

Landscaping:

- 8.15 The proposal would represent a substantial improvement upon the present open space within the present layout of the Square. There were concerns with regard to the impact of the lighting conditions within the Square and possible loss of amenity and usability and attractiveness of the space
- 8.16 The use of the Square is currently compromised by the physical barriers and lack of permeability to the north. At present the square is accessible from Brighton Place to the south via steps and a spiral ramp, to the west between narrow entrances in Meeting House Lane and a covered walkway to the south. The Square is arranged around a fountain which dominates the space, around which is seating serving various commercial units in the square and circulation cordoned off via metal barriers.
- 8.17 The proposal would renovate the square, have soft landscaping and remove the metal barriers and fountain. The fountain would be relocated within the Brighton Square development. In addition when considered along side the proposals for Hannington Lane (BH2013/00710), and Hotel (BH2013/00715) there would be an additional access to the north side of the square, which would improve movement and permeability around the area.
- 8.18 The species chosen for the Square, other soft landscaping and hard surfaces including details of materials are important considerations in producing a high quality finish that compliment the existing historic environment and the public

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spaces. A detail scheme of landscaping and materials is recommended to be secured by planning conditions.

- 8.19 The usability and lighting condition of the square are considered later in this report.

Impact on Amenity:

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

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acceptable given the existing complex urban fabric of the immediate environment, and would present a reasonable level of impact given the expectations and range of uses.

- 8.29 The increased height proposed as part of this application could have a detrimental impact on the occupiers of 37 Brighton Square in the event the hotel development did not proceed. Implementation of the two schemes would overcome this concern and suitable phasing in the S106 would ensure this did not happen.

Living accommodation:

- 8.30 The application site currently has 7 residential maisonettes, these are located within upper floors of the north and west side of Brighton Square. The proposal would create an additional storey of accommodation above the existing residential units to create townhouses.

- 8.31 Each of the new townhouses would be laid out over three floors with the entrances on the first floor upper deck, unchanged from the present situation. The townhouses are accessed via steps at the north west and east side of the square. Each residential property would have access to private amenity space in the form of a roof terrace facing onto the square at third floor level. Each of the residential properties have a shared living space lounge on the third floor, an entry level kitchen/dining space and a bedroom. With the remainder of the three bedrooms located on the middle floor.

- 8.32 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 is approximately 104 sq m and capable of family occupation.

- 8.33 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.

Sustainable Transport:

- 8.34 Subject to planning conditions and a section 106 agreement securing a financial contribution towards shopmobility, improving sustainable modes of transport and changes to the Transport Regulation Order, it is considered that the redevelopment of the Square would be acceptable in transport terms.

- 8.35 The proposals are intended to be car free. Such an approach is acceptable as the adopted parking standards are maximum and the site is centrally located and accessible by sustainable modes. The Transport team consider that residents should be prevented from buying parking permits by a TRO amendment and can be funded by the applicants as part of the S106 agreement. The cost relating to the amendment of TRO attributable to the Brighton Square development is £600.

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- 8.36 The adopted parking standards suggest a minimum requirement of 4 spaces. These spaces are not proposed and it is accepted that in this location it is unusually constrained and difficult to identify potential sites for bays. However, policy TR18 can be complied with by considering alternative measures and among these is contribution to the local shopmobility scheme and adapted public transport infrastructure.
- 8.37 Shopmobility is based in Churchill Square and users of mobility vehicles from the scheme often visit The Lanes. It is therefore proposed to require a contribution towards this local shopmobility scheme and a contribution to fund a raised kerb in East Street north of the taxi rank to facilitate access to taxis by wheelchair users. The proportion relating to the Brighton Square redevelopment is calculated at a total of £1,034.
- 8.38 The adopted cycle parking standard suggests 16 spaces would be required for Brighton Square. The application proposes 29 spaces for Brighton Square. The numbers proposed are in excess of the minimum requirement but the exact layout is not clear and details can be required by condition.
- 8.39 Construction could be difficult in such a constrained area and a Construction Management Plan detailing the proposed times and routes of construction vehicle access is recommended.
- 8.40 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.

Sustainable modes and contributions:

- 8.41 The proposed development would attract additional trips onto the network. The number of trips is not estimated in the Transport Statement but it has been estimated by the Transport Planning Team.
- 8.42 Trips from and to the other uses are more difficult to estimate and many of the trips associated with the retail use would be linked to other local trips. In view of these facts, it is proposed that a S106 transport contribution of £20,000 for the development as a whole would be appropriate. This would be spent on dropped kerbs and other small measures to facilitate walking and cycling within The Lanes at an estimated cost of £16,500 and the provision of a real time bus information facility in the hotel foyer at an estimated cost of £3,500. The level contribution towards sustainable modes relating to the Brighton Square townhouses development is £3,478
- 8.43 On the basis of securing appropriate s106 contributions and conditions to ensure parking and management of the development it is considered that the proposal would be acceptable in transport terms.

Sustainability:

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- 8.44 A Sustainability Statement, BREEAM Domestic Refurbishment Pre-Assessment report and a BHCC Sustainability Checklist have been submitted with this application.

Residential refurbishment and extension:

- 8.45 The existing shops would be remodelled and refurbished. The dwellings have a concrete frame and the new floor will be built with timber frame construction.
- 8.46 The sustainability standards proposed for the site are for the residential units to achieve BREEAM Domestic Refurbishment 'very good'.
- 8.47 The scheme would improve the sustainability standard of the existing dwellings and despite increasing the internal floor area, carbon emissions are predicted to be lower than current emissions by 1.3 tonnes/year per unit due to improved energy performance. Improvements include significantly enhancing the performance of the building fabric; high efficiency gas heating systems; improved insulation throughout; and onsite renewables (solar water heating): 3-4m² evacuated tubes per dwelling.
- 8.48 Energy modelling for the residential units sited in the sustainability indicates significant improvement in energy performance resulting in reduced emissions from each unit. This would almost halve predicted regulated emissions in the new dwellings compared to the existing.
- 8.49 Water use would be minimised to a target of 95 litres/person /day (below the national average of 150L) through improved water fittings. A comprehensive site waste management plan would be developed, and the ICE protocol followed for demolition waste. Targets for diverting waste to landfill are 80% demolition waste, and 70% construction waste. Considerate Constructors scheme would be adopted.
- 8.50 The scheme includes passive design with cross ventilation possible; solar shading: timber louvers on the glazed 2nd floor south and east façades; and overhanging eaves over top floor windows.
- 8.51 The BREEAM materials category would secure use of sustainable materials and the timber would be sustainably sourced

Retail refurbishment:

- 8.52 SPD08 required the non residential units to improve energy and water efficiency, and meet policy SU2. Given site restrictions there is limited significant improvements that can be made. The use of the BREEAM assessment for the dwellings would mean that site wide sustainability issues that also effects the retail units would be covered. The thermal elements of the retail units would be improved to meet Building Regulations which will deliver improved energy performance. In several of the replacement building elements proposed U values improve on Building Regulations (walls; non display windows; doors and exposed roof) with the exception of display glazing an element which is subject to exclusions and exemptions because of its very high price, though its low thermal performance should be made up elsewhere.

8.53 Proposed planting of 4 semi mature silver birch would also contribute to minimising urban heat island effect, and improving biodiversity.

Other Considerations:

8.54 The redevelopment of the Square would not affect the present use and composition of uses within the Square.

8.55 The additional storey of accommodation is solely for residential use; as such the proposal would increase the amount of residential floor space but would not affect the number of units. Furthermore, the new residential units would be an improvement upon the existing maisonettes, provide amenity space, a refurbishment of existing facilities and would be more suitable to family occupiers.

8.56 The redevelopment by virtue of its nature would be unlikely to have any significant impact upon the Archaeological interest of the site

9 CONCLUSION

9.1 The proposal when considered as part of a comprehensive redevelopment master plan with Hannington Lane or with the redevelopment of the east side of the Square for a hotel would result in significant improvements to the appearance of the area and to the surrounding historic environment. The

9.2 Suitable phasing, detailing and operational controls upon the development by legal agreement and conditions would be required to ensure appropriate detailing, delivery and compliance with adopted planning policy.

10 EQUALITIES

10.1 The development would provide additional and improved access to the square, commercial units and upper and basement floors of the square.

10.2 The access to the residential units would remain at first floor, but the access to and around the units would be improved and are subject to Part M of the Building Regulations.

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

Heads of terms

11.1 Section 106 agreement to secure:-

- A contribution of £5,112 towards improving sustainable highway infrastructure in the area, shopmobility in-lieu disabled parking, Traffic Regulation order changes;
- Walkways Agreement
- A Construction Environmental Management Plan;
- A phasing agreement that the Town houses must be implemented in conjunction with the Hotel and Associated development (BH2013/00715)

11.2 Regulatory Conditions:

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- 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 400	-	06/03/2013
Block Plan	1239 P 401	-	06/03/2013
Existing Basement Plan	1239 P 402	-	06/03/2013
Existing Ground Floor Plan	1239 P 403	-	06/03/2013
Existing First Floor Plan	1239 P 404	-	06/03/2013
Existing Second Floor Plan	1239 P 405	-	06/03/2013
Existing Third Floor Plan	1239 P 406	-	06/03/2013
Existing Roof Plan	1239 P 407	-	06/03/2013
Proposed Basement Plan	1239 P 411	A	14/06/2013
Proposed Ground Floor Plan	1239 P 412	A	14/06/2013
Proposed First Floor Plan	1239 P 413	B	06/09/2013
Proposed Second Floor Plan	1239 P 414	B	06/09/2013
Proposed Third Floor Plan	1239 P 415	A	14/06/2013
Proposed Roof Plan	1239 P 416	A	14/06/2013
Existing & Proposed Elevations 1	1239 P 420	A	14/06/2013
Existing & Proposed Elevations 2	1239 P 421	A	14/06/2013
Existing & Proposed Elevations 3	1239 P 422	A	14/06/2013
Existing & Proposed Elevations 4	1239 P 423	B	06/09/2013
Existing & Proposed Elevations 5	1239 P 424	A	14/06/2013
Existing & Proposed Elevations 6	1239 P 425	A	14/06/2013
Proposed Section 1	1239 P 440	A	14/06/2013
Sustainability Statement	-	-	06/03/2013
BREEAM Domestic Refurbishment	-	-	06/03/2013
Sustainability checklist	-	-	06/03/2013
Mechanical and electrical services overview	-	-	06/03/2013
Noise assessment	-	-	06/03/2013
Street Lighting	-	-	06/03/2013
Design and access statement	-	-	06/03/2013
Phase 1 Contamination report	-	-	06/03/2013
Drainage and flood risk strategy	-	-	06/03/2013
Transport Statement	-	-	06/03/2013
Daylight Report	-	-	06/09/2013

- 3) No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any elevation facing a highway. **Reason:** To safeguard the appearance of the building and the visual amenities of the locality and to comply with policies QD1 and QD27 of the Brighton & Hove Local Plan. No cables, wires, aerials, pipework (except rainwater downpipes shown on the approved

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plans) meter boxes, ventilation grilles or flues shall be fixed to or penetrate any external elevation, other than those shown on the approved drawings, without the prior consent in writing of the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.

- 4) Within 3 months of commencement of the development hereby approved, the Developer or owner shall submit to the Local Planning Authority for approval in writing a detailed Travel Plan for the uses upon the site (a document that sets out a package of measures tailored to the needs of the site, which is aimed at promoting sustainable travel choices by residents, visitors, staff, deliveries and parking management for the development. The Travel Plan shall include such commitments as are considered appropriate, and should include as a minimum the following initiatives and commitments:
- (i) Promote and enable increased use of walking, cycling, public transport use, car sharing, and car clubs as alternatives to sole car use:
 - (ii) Increase awareness of and improve road safety and personal security:
 - (iii) Undertake dialogue and consultation with adjacent/neighbouring tenants/businesses:
 - (iv) Identify targets focussed on reductions in the level of car use:
 - (v) Following the annual staff survey, an annual review will be submitted to the Local Planning Authority to update on progress towards meeting targets:
 - (vi) Identify a nominated member of staff or post to act as Travel Plan Co-ordinator, and to become the individual contact for the Local Planning Authority relating to the Travel Plan.

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

11.3 Pre-Commencement Conditions:

- 5) 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.
- 6) Unless otherwise agreed in writing by the Local Planning Authority, no residential development shall commence until a BRE issued Interim/Design Stage Certificate demonstrating that the development has achieved a BREEAM Domestic Refurbishment rating of 'very good' 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.

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- 7) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority 1:20 scale elevations and sections of all architectural features, including the parapets, bays, windows, doors, louvres, balconies, balustrades and shop fronts to all buildings. The 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
- 8) 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.
- 9) The development hereby permitted shall not be commenced until details of secure cycle parking facilities for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times. **Reason:** To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.
- 10) Prior to the commencement of the development hereby approved a Delivery & Service Management Plan for the construction project, which includes details of the types of vehicles, how deliveries will take place and the frequency of deliveries shall be submitted to and approved in writing by the Local Planning Authority. All deliveries 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.
- 11) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping, which shall include hard surfacing, boundary treatments, planting of the development, indications of all existing trees and details of any to be retained, together with measures for their protection in the course of development. **Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.
- 12) No development shall take place until details of external lighting have been submitted to and approved in writing by the Local Planning Authority,

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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

- 13) No development shall take place until a written scheme for the all rainwater goods has been submitted to and approved by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details and thereafter retained. **Reason:** To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.
- 14) 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.
- 15) No development shall take place until a written scheme for the ventilation of the residential units has been submitted to and approved by the Local Authority. The ventilation scheme shall ensure that the internal noise conditions achieved by the glazing will not be compromised and will comply with BS8233:1999 good standard. **Reason:** To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 16) Details of the external lighting of the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The lighting installation shall comply with the recommendations of the Institution of Lighting Professionals (ILP) "Guidance Notes for the Reduction of Light Pollution" (2011) for zone E or similar guidance recognised by the council. The approved installation shall be maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to a variation. **Reason:** To safeguard the amenities of the occupiers of adjoining properties and to comply with policies QD25 and QD27 of the Brighton & Hove Local Plan

11.4 Pre-Occupation Conditions

- 17) Unless otherwise agreed in writing by the Local Planning Authority, none of the residential units hereby approved shall be occupied until a BRE issued BREEAM Domestic Refurbishment Final/Post Construction Certificate confirming that each residential unit built has achieved a rating of 'very good' 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

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- 18) Prior to the first occupation of the development hereby approved a 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 polices S10, QD27 and TR7 of the Brighton & Hove Local Plan.
- 19) 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.

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 BREEAM Domestic Refurbishment assessment and a list of approved assessors can be obtained from the BRE website (www.breeam.org/page.jsp?id=228). Details can also be found in Supplementary Planning Document SPD08 Sustainable Building Design, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk).
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 proposal when considered as part of a comprehensive redevelopment master plan with Hannington Lane or with the redevelopment of the east side of the square for a hotel would provide significant improvements to the appearance of the area and to the surrounding historic environment.

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Suitable phasing, detailing and operational controls upon the development by legal agreement and conditions would be required to ensure appropriate detailing, delivery and compliance with adopted planning policy.