

PLANNING COMMITTEE ADDENDUM BH2023/02443: Brighton Hippodrome Appendices

2.00PM, WEDNESDAY, 3 APRIL 2024

COUNCIL CHAMBER, HOVE TOWN HALL

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ADDENDUM

ITEM

**Page
No.**

A BH2022/02443 - The Hippodrome, 51 & 52-58 Middle Street,
Brighton - Full Planning

3 - 20

Appendix 2 – Conditions

1. List of approved plans and documents
2. No further development on site shall take place until a detailed phasing plan is submitted to and agreed in writing with the Local Planning Authority. The details of Phase 1 and Phase 2 shall demonstrate how the different elements of the scheme (i.e. the repair, restoration, conversion and fit out of the Hippodrome, conversion of Hippodrome House and development of the apart-hotel) would be delivered, the details and particulars of Phase 1 and Phase 2 and details of lease arrangements as may be required. The development shall thereafter be carried out in full accordance with the agreed phasing plan.
Reason: To ensure the public benefits of the scheme are secured and materialise in accordance with the NPPF and Brighton and Hove Development Plan Policies CP15, DM26 and DM27.
3. No development of Phase 2 of the Apart Hotel hereby permitted shall take place until either; a lease has been granted and evidence submitted to the LPA to confirm such for the use and operation of the Hippodrome auditorium and associated spaces; or an operator has been contractually secured for the running and operation of the Hippodrome Auditorium and associated spaces.
Reason: To ensure the public benefits of the scheme are secured and materialise in accordance with the NPPF and Brighton and Hove Development Plan Policies CP15, DM26 and DM27.
4. No development of Phase 2 (The Apart Hotel) of the development hereby permitted shall commence until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with policies DM31 of Brighton & Hove City Plan Part 2, and CP15 of the Brighton & Hove City Plan Part One.
5. No part of Phase 2 (The Apart Hotel) of the development hereby permitted shall be brought into use until the archaeological site investigation and post - investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) for that phase has been completed and approved in writing by the Local Planning Authority.
The archaeological site investigation and post – investigation assessment will be undertaken in accordance with the programme set out in the written scheme of investigation approved under condition 2.
Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with policies DM31 of Brighton & Hove City Plan Part 2, and CP15 of the Brighton & Hove City Plan Part One.
6. No development of Phase 1, including demolition and excavation, shall commence until a Site Waste Management Plan has been submitted to and

approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details approved.

Reason: To maximise the sustainable management of waste and to minimise the need for landfill capacity and to comply with policy WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan.

7. No development of Phase 2 (The Apart Hotel) of the development, including demolition and excavation, shall commence until a Site Waste Management Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details approved.

Reason: To maximise the sustainable management of waste and to minimise the need for landfill capacity and to comply with policy WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan.

8. No works pursuant to this permission shall commence on Phase 2 (The Apart Hotel) 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 BS 10175:2011+A1:2013 - Investigation of Potentially Contaminated Sites - Code of Practice;

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

(b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS 10175:2011+A1:2013;

And if notified in writing by the local planning authority that the results of the site investigation are such that site remediation is required then,

(c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such a scheme shall include nomination of a competent person to oversee the implementation of the works.

Reason: To safeguard the health of future residents or occupiers of the site and to comply with policy DM41 of Brighton & Hove City Plan Part 2.

9. The development hereby permitted shall not be occupied or brought into use until there has been submitted to, and approved in writing by, the local planning authority a written verification report by a competent person approved under the provisions of condition (6)c that any remediation scheme required and approved under the provisions of condition (6)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 the verification report shall comprise:

a) built drawings of the implemented scheme;

b) photographs of the remediation works in progress;

c) certificates demonstrating that imported and/or material left in situ is free from contamination.

Reason: To safeguard the health of future residents or occupiers of the site and to comply with policy DM41 of Brighton & Hove City Plan Part 2.

10. No development above ground floor slab level of Phase 2 (The Apart Hotel) shall commence until full details of existing and proposed ground levels (referenced as Above Ordnance Datum) within the site and on land and buildings adjoining the site by means of spot heights and cross-sections, proposed siting and finished floor levels of all buildings and structures, have been submitted to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved level details.

Reason: As this matter is fundamental to the acceptable delivery of the permission to safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, in addition to comply with Policy DM20 of Brighton & Hove City Plan Part 2 and CP12 of the Brighton & Hove City Plan Part One.

11. Notwithstanding any details shown on the approved plans, no development above ground floor slab level of the respective phases of the development hereby permitted shall take place until details of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):

PHASE 1

- A) Samples/details of all brick, render and tiling (including details of the colour of render/paintwork to be used)
- B) samples of all cladding to be used, including details of their treatment to protect against weathering
- C) samples/details of all hard surfacing materials
- D) samples/details of the proposed window, door and balcony treatments
- E) samples/details of all other materials to be used externally

PHASE 2

- F) Samples/details of all brick, render and tiling (including details of the colour of render/paintwork to be used)
- G) samples of all cladding to be used, including details of their treatment to protect against weathering
- H) samples/details of all hard surfacing materials
- I) samples/details of the proposed window, door and balcony treatments
- J) samples/details of all other materials to be used externally

The development shall thereafter be carried out in accordance with the details approved.

Reason: As this matter is fundamental to the acceptable delivery of the permission to ensure a satisfactory appearance to the development and to comply with policies DM26, DM27 of Brighton & Hove City Plan Part 2, and CP12 and CP15 of the Brighton & Hove City Plan Part One.

12. No development above ground floor slab level shall take place to the Middle Street elevation until details in respect of the following external works, including 1:20 scale elevations and 1:1 scale profiles where appropriate, have been submitted to and approved in writing by the Local Planning Authority:
- a) all new window(s) and doors, their materials and their reveals and cills including 1:20 scale elevational drawings and sections and 1:1 scale joinery sections where appropriate
 - b) Juliette balconies to the Middle Street frontage
 - c) Crow stepped vents to the towers on the Middle Street frontage
 - d) The traditional lead clad dormer windows in the roof space of Hippodrome House including 1:20 scale elevational drawings and sections and 1:1 scale joinery sections where appropriate
 - e) Acoustic louvres (type 01 and type 02) including rooftop positioning
 - f) Rooftop plant including type and positioning
 - g) Gates to the Middle Street yard including colour and finish
 - J) All glazed balustrading and handrails to the northern and eastern elevations
 - K) Detail of depth of infills and inserts to Middle Street, Hippodrome frontage
- have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details and shall be retained as such thereafter.
- Reason: As this matter is fundamental to the acceptable delivery of the permission to ensure a satisfactory appearance to the development and to comply with policies DM26 and DM27 of Brighton & Hove City Plan Part 2, and CP15 of the Brighton & Hove City Plan Part One.

13. No development above ground floor slab level of Phase 2 (The Apart Hotel Extension) shall take place to the until details in respect of the following external works, including 1:20 scale elevations and 1:1 scale profiles where appropriate, have been submitted to and approved in writing by the Local Planning Authority:
- a) Ship Street (Class E unit) shopfront and fascia, including 1:20 scale elevational drawings and sections and 1:1 scale joinery sections where appropriate
 - b) Gate to the Ship Street frontage including colour and finish
 - c) all new window(s) and doors, their materials and their reveals and cills including 1:20 scale elevational drawings and sections and 1:1 scale joinery sections where appropriate.

The works shall be carried out and completed fully in accordance with the approved details and shall be retained as such thereafter.

Reason: As this matter is fundamental to the acceptable delivery of the permission to ensure a satisfactory appearance to the development and to comply with policies DM26 of Brighton & Hove City Plan Part 2, and CP12 and CP15 of the Brighton & Hove City Plan Part One.

14. Notwithstanding the plans here approved, no development to the Middle Street frontage shall commence until full details of;
- A) the replacement entrance canopy to the Hippodrome Middle Street frontage
 - B) the entrance portico to Hippodrome House

have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details and shall be implemented prior to first use of any part of the development.

Reason: As this matter is fundamental to the acceptable delivery of the permission to ensure a satisfactory appearance to the development and to comply with policies DM26 and DM27 of Brighton & Hove City Plan Part 2, and CP15 of the Brighton & Hove City Plan Part One.

14. No cables, wires, aerials, pipework 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 safeguard the appearance of the building and the visual amenities of the locality and to comply with policies DM26 and DM27 of Brighton & Hove City Plan Part 2 and CP12 and CP15 of the Brighton & Hove City Plan Part One.

15. No works shall take place to the auditorium interior and ancillary spaces including demolition until a Method Statement for the internal works has been submitted to, and approved in writing by, the local planning authority. The Method Statement shall include details of (1) working methods, including the proposed use of tools; (2) the means by which the structural stability of the building is to be secured for the duration of the works including demolition phases; and (3) methods by which the interior features of the building and in particular all features noted in the Historic Feature Retention Schedule submitted 4th April 2023 and including but not limited to a) the decorative features and panelling in the entrance lobby, foyer and auditorium; doors; windows; historic lighting; historic joinery; plasterwork; columns, pilasters and similar features; grand master control lighting panel and historic radiators are to be protected against accidental loss, damage, or theft. The works shall be carried out in accordance with the approved Method Statement and details agreed.

Reason: As this matter is fundamental to the acceptable delivery of the permission, to preserve and protect the special historic interest of the site and to comply with policies DM27 of Brighton & Hove City Plan Part 2, and CP15 of the Brighton & Hove City Plan Part One and the NPPF.

16. Prior to commencement of any internal works including demolition and removal of internal partitions, walls or features to the auditorium or Hippodrome House of the development hereby approved shall take place until a full schedule and method statement for the restoration of historic features shall be submitted to and approved in writing by the Local Planning Authority. The schedule and statement shall include details and working methods, tools, materials, treatment and colours for the restoration and repair of all historic features including but not limited to all features noted in the Historic Feature Retention Schedule submitted 4th April 2023 and other historic features, plaster work, proscenium arch and decorative detailing noted in the auditorium, foyer panelling, foyer floor, Hippodrome House and circulation

spaces. The submitted detail shall include a timetable for implementation and completion. The works shall thereafter be carried out in full accordance with the approved schedule and statement unless otherwise agreed in writing by the Local Planning Authority.

Reason: As this matter is fundamental to the acceptable delivery of the permission, to preserve and protect the special historic interest of the site, to secure the public benefits of the proposal and to comply with policies DM27 of Brighton & Hove City Plan Part 2, and CP15 of the Brighton & Hove City Plan Part One and the NPPF.

17. Prior to commencement of any internal works to the auditorium plasterwork, including but not limited to the decorative ceiling, proscenium arch, stage and auditorium audience box surrounds and enclosures a full schedule and method statement for the proposed restoration shall be submitted to and approved in writing by the Local Planning Authority. The schedule and statement shall include details and working methods, tools, materials, treatment and colours for the restoration and repair, full recording and detail of the works already undertaken. The submitted detail shall include a timetable for implementation and completion of the restoration work. The works shall thereafter be carried out in full accordance with the approved schedule and statement unless otherwise agreed in writing by the Local Planning Authority.
Reason: As this matter is fundamental to the acceptable delivery of the permission, to preserve and protect the special historic interest of the site, to secure the public benefits of the proposal and to comply with policies DM27 of Brighton & Hove City Plan Part 2, and CP15 of the Brighton & Hove City Plan Part One and the NPPF.
18. No works shall take place to the auditorium floor until full details in the form of a structural report including any proposed structural details, interventions and proposed covering has been submitted to and approved in writing by the Local Planning Authority. The details shall include the recording of any removal of the flooring layers and a full method statement of how the proposed flooring would be implemented. The works shall thereafter be carried out in full accordance with the approved schedule and statement unless otherwise agreed in writing by the Local Planning Authority.
Reason: As this matter is fundamental to the acceptable delivery of the permission, to preserve and protect the special historic interest of the site, to secure the public benefits of the proposal and to comply with policies DM27 of Brighton & Hove City Plan Part 2, and CP15 of the Brighton & Hove City Plan Part One and the NPPF.
19. No works shall take place until details of all new and reused services, internal or external, including mechanical, electrical, heating/cooling, communications and information technology, and related fixtures, have been submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details.
All new internal and external works and finishes, and works of making good to the retained fabric, including internal and external joinery, shall match the

existing adjacent work, with regard to the material, colour, texture, and profile, and working methods used, unless shown otherwise on the drawings, or other documentation, hereby approved, or required by any condition(s) attached to this consent.

Reason: In order to ensure a satisfactory appearance of the Listed Building and to secure the public benefits of the proposal and to preserve and protect special historic interest of the site in accordance with policies CP15 of the Brighton and Hove City Plan Part One, DM27 of the Brighton and Hove City Plan Part Two and the NPPF.

20. The local planning authority shall be notified immediately of any currently hidden historic feature(s) revealed during the course of the works hereby approved. The feature(s) shall be retained in situ until provision has been made for inspection, recording and possible retention, as may be required by the local planning authority.

Reason: In order to preserve and protect special historic interest of the site in accordance with policies CP15 of the Brighton and Hove City Plan Part One, DM27 of the Brighton and Hove City Plan Part Two and the NPPF.

21. No part of Phase 1 or Phase 2 of the development hereby approved shall be occupied until such time as full details of the height and materials used for any interior acoustic treatments (sound wall) have been submitted to and approved in writing by the Local Planning Authority. The details shall include visualisations of how the acoustic treatment shall appear within the auditorium. The details and acoustic treatments (sound wall) shall be fully implemented on site in accordance with the details approved prior to first use of any part of the site.

Reason: As this matter is fundamental to the acceptable delivery of the permission, to preserve and protect the special historic interest of the site, to secure the public benefits of the proposal and to comply with policies DM27 of Brighton & Hove City Plan Part 2, and CP15 of the Brighton & Hove City Plan Part One and the NPPF.

22. No development shall take place to the auditorium interior and ancillary spaces until the following details have been submitted to and approved in writing by the Local Planning Authority:

- a) full details of the proposed internal paint scheme to the Hippodrome based on the findings of the analysis of the paint samples secured under the Architectural Paint Research document dated November 2022.

Development shall be carried out in accordance with the approved details and retained as such thereafter.

Reason: To ascertain the colour and composition of the original paint scheme to ensure the satisfactory preservation of the listed buildings and to comply with policy DM27 of the Brighton and Hove City Plan Part Two and the NPPF.

23. No development, including demolition shall take place to Hippodrome House until the following details have been submitted to and approved in writing by the Local Planning Authority
- a) full details of the proposed treatments, restoration and/or protection for the basement, kitchen, and vaults of Hippodrome House
- Development shall be carried out in full accordance with the approved details and retained as such thereafter.
- Reason: In order to preserve and protect special historic interest of the site in accordance with policy DM27 of the Brighton and Hove City Plan Part Two.
24. Access to the flat roofs over the development hereby approved shall be for maintenance or emergency purposes only and the flat roofs shall not be used as a roof garden, terrace, patio or similar amenity area unless otherwise explicitly approved within this consent.
- Reason: In order to protect adjoining properties from overlooking and noise disturbance and to comply with Policies DM20 of Brighton & Hove City Plan Part 2.
25. All new render finishes shall be smooth, lime based, wet render without external beads, stops, bell drips or expansion joints.
- Reason: To ensure a satisfactory appearance to the development and to comply with DM26 and DM27 of Brighton & Hove City Plan Part 2 and CP15 of the Brighton & Hove City Plan Part One.
26. The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.
- Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with Policy DM21 of Brighton & Hove City Plan Part 2, policy CP8 of the Brighton & Hove City Plan Part One and Policy WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.
27. Prior to any operation and/or occupation of the development, an acoustic assessment and design statement, produced by a suitably experienced, qualified, and competent person e.g. a Member of the Institute of Acoustics, shall be submitted to, and its contents approved in writing, by the Local Planning Authority. The assessment shall predict 'worst case scenario' noise levels produced by any of the activities held within the venue during representative periods, and compare these levels with the ambient noise levels in the area over the same periods. The assessment shall assess, confirm and secure suitable soundproofing and treatments between the different uses on the site. The results of the assessment shall make reference to BS8233 (Guidance on Sound Insulation and Noise Reduction for Buildings), WHO standards, ProPG guidance, and any other applicable approved

guidance. The results shall if necessary, be used to inform any amendments to the building envelope (including doors and windows), improved necessary sound insulation (including any necessary with the party wall adjoining residential property), sound design/specification/installation of the P.A. system inside the venue, a noise management plan, or any other noise mitigation measures including and taking into account structural and vibrational transfer.

Reason: As this matter is fundamental to the acceptable delivery of the permission to secure the public benefits of the proposal and to safeguard the listed building and amenities of nearby properties to comply with Policy DM20 and DM27 of Brighton & Hove City Plan Part 2 and CP12 of the Brighton & Hove City Plan Part One and the NPPF.

28. Prior to any operation and/or occupation of the development, to ensure that any details/specifications contained within the previously approved Acoustic I know see testing below Assessment/Design Statement have been appropriate and effectively implemented, a post completion sound insulation test report shall be submitted to and approved by the local planning authority. The test report shall demonstrate that any necessary noise mitigation measures implemented ensure that no noise breakout, and/or structural transmission of noise from both live and recorded music, including any low, high frequency and/or tonal components, has a detrimental impact upon any of the proposed uses and/or nearby noise sensitive properties.

Reason: As this matter is fundamental to the acceptable delivery of the permission to secure the public benefits of the proposal and to safeguard the listed building and amenities of nearby properties to comply with Policy DM20, DM27 and DM40 of Brighton & Hove City Plan Part 2 and CP15 of the Brighton & Hove City Plan Part One and the NPPF.

29. Any plant and/or 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 noise sensitive premises, shall not exceed a level equal to, or 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: 2014-A1:2019 Methods for rating and Assessing Industrial and Commercial Sound.

Reason: To safeguard the listed building and amenities of nearby properties to comply with Policy DM20, DM27 and DM40 of Brighton & Hove City Plan Part 2 and CP15 of the Brighton & Hove City Plan Part One and the NPPF.

30. Prior to first use of the Auditorium hereby permitted an events management plan shall be submitted to and approved in writing by the Local Planning Authority. The Management Strategy shall be agreed and implemented in accordance with the details approved.

The Management Strategy shall include, but not be limited to:

- Site management including staff numbers, staff training, protocols and first aid.
- Safety and security including risk assessment procedures.
- Crowd and incident management for use of all areas of the scheme, including arrival and departure details for crowds.
- Queueing procedures and management.
- Strategies to reduce peak arrivals/departures (i.e., a soft close).
- Emergency and evacuation procedures (including an Emergency Evacuation Strategy and Access Strategy).
- Vehicle drop-off strategy for disabled patrons.
- Details of a wayfinding strategy and communication travel and parking strategy to encourage and promote travel to/from the site via active and sustainable modes
- The Event Management Plan should be amended and updated to reflect the management strategy needed for the different events booked and should be reviewed with the Local Planning Authority at years 1, 3 and 5; and/or at more regular intervals should the management plan require changes to safety strategies to respond to the needs of different events being held at the site.

Reason: In order to maintain the character and amenities of the area, to achieve safe movement for pedestrians and in the interest of public safety in general, to mitigate adverse impacts on the public transport network and road network (both local and strategic), and to ensure compliance with Policy DM33 of the Brighton & Hove City Plan Part Two.

31. Delivery and Servicing Management Plan

Prior to first use of any part of the development hereby permitted a Delivery and Servicing management plan shall be submitted to and approved in writing by the Local Planning Authority. The delivery and servicing shall thereafter be implemented and operated in accordance with the details approved.

- The DSMP should include (but not be limited to) details of the delivery booking online system, details of the types of vehicles, how deliveries will take place and the frequency of deliveries.
- The DSMP Co-Ordinator should set objectives and targets
- Monitoring reports should be undertaken at years 1, 3 and 5 and should include data analysis from delivery surveys undertaken.
- Data collection (surveys) is key to tracking progress against targets and should be undertaken at years 1, 3 and 5, where multiple surveys may be required to capture the varying delivery requirements associated with the varying events/uses and audience capacities but must include delivery surveys for a maximum capacity event. Surveys should include:
 - o Date and time of delivery
 - o Location of loading/unloading (i.e., on-street or off-street)

- Whether the vehicle is inbound/outbound (delivering to/collecting from)
 - Vehicle type (pedestrian, cargo bike, motorbike/ped, van, lorry)
 - Fuel type (petrol, diesel, electric, hybrid)
 - How many suppliers per delivery
 - Type of goods
- DSMP Co-Ordinator should promote and encourage micro-consolidation where possible/feasible.

Reason: In order to ensure the safe operation of the development and to protect the amenities of nearby residents and commercial occupiers and to comply with policies SA2, CP4, CP5, CP9, CP12, CP13 and CP15 of the City Plan Part One and DM36 of the Brighton & Hove City Plan Part Two.

32. The use of the external terraces to The Foyer Bar on Middle Street and the rear external area to the Members Club in Hippodrome House hereby permitted shall not be carried out except between the hours of 09:00 and 23:00 on Mondays to Sundays, including Bank or Public Holidays unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of the locality and to comply with policies DM20 and DM40 of Brighton & Hove City Plan Part 2

33. The use of the external terrace to the Balcony Bar hereby permitted shall not be carried out except between the hours of 09:00 and 22:30 on Mondays to Sundays, including Bank or Public Holidays.

Reason: To safeguard the amenities of the locality and to comply with policies DM20 and DM40 of Brighton & Hove City Plan Part 2

34. The north facing doors to the Balcony Bar hereby permitted shall not be open except between the hours of 09:00 and 22:30 on Mondays to Sundays, including Bank or Public Holidays.

Reason: To safeguard the amenities of the locality and to comply with policies DM20 and DM40 of Brighton & Hove City Plan Part 2

35. No performances of any kind nor amplified music/audio shall take place within the external terraces hereby permitted.

Reason: To safeguard the amenities of the locality and to comply with policies DM20 and DM40 of Brighton & Hove City Plan Part 2

36. The Apart Hotel premises hereby permitted shall be used as Hotel (C1) and the ground floor unit to Ship Street as Class E (a, b, c, e or g) only and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or

without modification), no change of use shall occur without planning permission obtained from the Local Planning Authority.

Reason: As this matter is fundamental to the acceptable delivery of the permission to safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, in addition to comply with Policy DM20 of Brighton & Hove City Plan Part 2 and CP12 of the Brighton & Hove City Plan Part One.

37. The Foyer Bar as identified on the plans hereby approved shall be used as Class E (b) only and/or as an ancillary space of the auditorium use and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification), no change of use shall occur without planning permission obtained from the Local Planning Authority.

Reason: As this matter is fundamental to the acceptable delivery of the permission to safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, in addition to comply with Policy DM20 of Brighton & Hove City Plan Part 2 and CP12 of the Brighton & Hove City Plan Part One.

38. The south elevation windows of the Apart Hotel development hereby permitted shall be obscure glazed and non-opening, unless the parts of the window(s) which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and thereafter permanently retained as such.

Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with Policies DM20 and DM21 of Brighton & Hove City Plan Part 2.

39. The south and eastern elevation windows of the performance rehearsal space within the Fly Tower and the Apart Hotel development upon Level 05 of the Fit Tower hereby permitted shall be obscure glazed and non-opening, unless the parts of the window(s) which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and thereafter permanently retained as such.

Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with Policies DM20 and DM21 of Brighton & Hove City Plan Part 2.

40. The development hereby approved shall not be occupied until details of the doors and gates fronting onto Middle Street have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full as approved prior to first occupation of the development.

Reason: In the interests of highway safety and to enhance the appearance of the development in the interest of the visual and residential amenities of the area and to comply with policies SA6, CP7, CP9, CP12, CP13 and CP15 of the City Plan Part One, policy DM33 of the City Plan Part Two and Section 153 of the 1980s Highways Act.

41. Prior to first use of the auditorium hereby permitted a Travel Plan for the venue (auditorium) including a scheme of travel plan measures to promote sustainable transport to and from the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include but not be limited to the following measures:

- The scheme shall include but not be limited to the following measures for patrons:
- Providing public transport information, nearby cycle parking (including cycle hire docking stations) and taxi ranks to people when they book tickets.
- Communication of the car-free nature of the scheme and the location of local car parks including costs and operational times online/via email
- Travel Plan patron surveys should be undertaken once the site has been operational for 6 months and at years 1, 3 and 5 and a progress report should be submitted to BHCC's Travel Plan Monitoring Officer indicating progress made against targets.
- Monitoring fees should be secured for monitoring and ongoing engagement with the Event Space's Travel Plan.

Reason: to ensure the development maintains a sustainable transport and travel strategy and to comply with policies TR1, TR4 and TR8 of the Brighton & Hove Local Plan and SA6, CP7, CP9, CP12, CP13 and CP15 of the City Plan Part One and policy DM33 of the City Plan Part Two.

42. Prior to first occupation of Phase 2 (Apart Hotel) a Travel Plan for the Aparthotel including a scheme of travel plan measures to promote sustainable transport to and from the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include but not be limited to the following measures:

- Providing public transport information to people when they book hotel rooms/suites
- Communication of the car-free nature of the scheme and the location of local car parks including costs and operational times
- Promotion of sustainable transport travel for staff trips including personal travel planning and a staff notice board
- Sustainable transport promotional material being made available to both staff and customers/hotel guests including cycle, bus routes and timetable brochure and car club information

Reason: to ensure the development maintains a sustainable transport and travel strategy and to comply with policies TR1, TR4 and TR8 of the Brighton & Hove Local Plan and SA6, CP7, CP9, CP12, CP13 and CP15 of the City Plan Part One and policy DM33 and DM35 of the City Plan Part Two.

43. No development including ground works/demolition, shall take place until a Demolition Environmental Management Plan (DEMP) and Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The submitted document(s) shall include:
- “The Construction Programme” - Details of the demolition & construction programme and methodology of the development hereby permitted, including start and end dates of each phase and the forecast completion date for the development.
 - “Contact Details” – Provide contact details of a single point of contact who is responsible for the construction project and shall be the main contact for the LHA during construction works.
 - “Considerate Contractor” – A scheme setting out how the contractors will minimise disturbance to neighbours regarding issues such as site traffic and deliveries to and from the site.
 - “Hours of Operation” – Details of hours of demolition and construction including all associated vehicular movements.
 - “On-Site Contractor’s Compound” – Details of the compound on site where all demolition and/or construction staff will park, laid out to show the number of spaces available for staff parking. There shall be no spill-over of contractor parking onto and adjoining residential roads/highway.
 - “Haul Route” – A plan showing demolition and construction traffic routes and the type and number of vehicles forecast to use the route.
 - “Protection of Highway Assets” – Details of measures to protect highway assets and to mitigate impacts on public transport and emergency services and provide for their continued operation during the works.
 - “Wheel Washing” – Details of vehicle cleaning facilities to prevent mud and dirt being trafficked onto the highway from the site or being washed onto the highway.
 - “Traffic Management” – Details of any temporary traffic management and signage along the construction routes, at site access and elsewhere in the vicinity of the site.
 - “Prevention of Nuisance Parking by Contractor Staff & Travel Planning for Contractor Staff” – Details of employee and contractor parking provision within the Construction Site; or alternative arrangements for travel to and from the site by contractor staff working on site during the hours of operation.
 - “Qualified Marshals on Public Highway” – Undertaking that any temporary traffic management measures on the highway shall be provided by qualified TM providers, and any marshalling of construction traffic on the highway shall be undertaken by Contractor’s staff holding National Highways Sector Scheme 12(d) certification.
 - “Updated Plans to be submitted to the LHA” – A commitment to submit updates of the Approved Plan to the LHA, about the programme of

works and construction traffic forecasts; whenever the Developer changes them, or as and when they may be requested by the LHA

The demolition and construction works shall be carried out in accordance with the approved DEMP and CEMP.

Reason: As this matter is fundamental to the protection of neighbouring amenity, highway safety and managing waste throughout development works and to comply with Policies TR7, SU9 and QD27 of the Brighton & Hove Local Plan, CP8 and CP9 of the Brighton & Hove City Plan Part One, DM20, DM33 and DM40 of the emerging Brighton and Hove City Plan Part Two, WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 and SPD03.

44. Prior to first occupation of the development hereby approved, details of the photovoltaic array referred to in shall be submitted to and approved in writing by the Local Planning Authority. The photovoltaic array shall then be installed in accordance with the approved details.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and has an acceptable appearance and to comply with policies CP8 and CP12 of the Brighton & Hove City Plan Part One.

45. Unless otherwise agreed in writing by the Local Planning Authority within 6 months of first occupation of the Apart Hotel development hereby permitted a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the Apart Hotel development built has achieved a minimum BREEAM New Construction rating of 'Excellent' shall be submitted to, and approved in writing by, the Local Planning Authority.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy CP8 of the Brighton & Hove City Plan Part One.

46. The development hereby permitted shall not be first occupied until a scheme for the control of fumes, smells and odours has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in strict accordance with the approved details prior to the first use of the development hereby approved, and shall thereafter be retained as such.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies DM20 and DM40 of Brighton & Hove City Plan Part 2

47. Other than demolition works Phase 2 of the development hereby permitted shall not be commenced until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and

hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include details of:

- Surface runoff rates and calculations to support these.
- Demonstration that no flooding will occur in a 1 in 100yr +40%CC storm because of the development.
- A maintenance and management plan identifying tasks, frequencies and parties responsible for all drainage elements.
- Confirmation that post-development, surface water runoff rates will at least match, or preferably, be a betterment over pre-development conditions.
- Anticipated foul water peak discharge rates.
- Evidence of consultation with Southern Water, and approval for foul water connections.
- Confirmation as to which existing/new connections to the sewer are proposed, and proof (i.e., CCTV survey) that they are appropriate.

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

48. No development of Phase 2 (Apart Hotel Extension) shall take place until details of external lighting have been submitted to and approved in writing by the Local Planning Authority. 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 policy DM20 of the Brighton & Hove Local Plan City Plan Part Two.

Appendix 3 – Alternative Recommendation

In the event that the draft S106 Agreement has not been signed by all parties by the date set out above, the application shall be refused for the following reasons:

1. The proposed development fails to provide an Employment and Training Strategy specifying how the developer or their main contractors will provide opportunities for local people to gain employment or training on the construction phase of the proposed development, contrary to Policy CP7 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
2. The proposed development fails to provide a financial contribution towards the City Council's Local Employment Scheme to support local people to employment within the construction industry, contrary to Policy CP7 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
3. The proposed development fails to secure mechanisms by which the Local Authority can monitor the effectiveness of the Events Management Plan, the Delivery and Servicing Management Plan and Travel Plan, contrary to Policies CP5, CP7, CP15, DM26, DM27, DM33 of City Plan Part 2.

