

<u>No:</u>	BH2018/03943	<u>Ward:</u>	Regency Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	The Old Ship Hotel 31 - 38 Kings Road Brighton BN1 1NR		
<u>Proposal:</u>	Remodelling of accommodation and extensions to provide an additional 54no bedrooms, leisure facilities and retail units. Works to include demolition of existing garage and erection of six storey extension on Black Lion Street, single storey mansard roof extension on Kings Road, enclosure of existing fire escape on Ship Street, swimming pool and leisure facilities (D2) in internal courtyard, 6no retail units (A1), in-house restaurants (A3), basement parking facilities, external alterations and associated works.		
<u>Officer:</u>	Sonia Gillam, tel: 292265	<u>Valid Date:</u>	29.01.2019
<u>Con Area:</u>	Old Town	<u>Expiry Date:</u>	30.04.2019
<u>Listed Building Grade:</u>	II*	<u>EOT:</u>	
<u>Agent:</u>	Iceni Projects	Da Vinci House	44 Saffron Hill London EC1N 8FH
<u>Applicant:</u>	Cairn Group	C/o Iceni Projects	Da Vinci House 44 Saffron Hill London Newcastle Upon Tyne EC1N 8FH

1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to be MINDED TO GRANT planning permission subject to the Conditions and Informatives as set out hereunder, SAVE THAT should the s106 Planning Obligation not be completed on or before 26 February 2020 the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 11 of this report:

S106 Heads of Terms

- Contribution of £ 13,360 towards the Council's Local Employment Scheme,
- Construction Training and Employment Strategy
- Contribution of £28,400 towards Public Art
- Sustainable Transport Contribution - amount to be determined by the Planning Manager on receipt of additional information
- CEMP (Construction/ Demolition Environmental Management Plan)
- Travel Plan

Conditions:

1. 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
Proposed Drawing	A-110-003	P4	24 July 2019

Proposed Drawing	A-110-004	P3	24 July 2019
Proposed Drawing	A-110-005	P4	24 July 2019
Proposed Drawing	A-110-006	P4	24 July 2019
Proposed Drawing	A-120-001	P4	24 December 2018
Proposed Drawing	A-120-002	P3	24 December 2018
Proposed Drawing	A-100-000	P5	24 July 2019
Proposed Drawing	A-110-010	P3	25 March 2019
Location Plan	A-000-001	P3	21 January 2019
Proposed Drawing	A-100-001 AO	P5	24 July 2019
Proposed Drawing	A-100-002 AO	P8	24 December 2018
Proposed Drawing	A-100-003 AO	P1	24 December 2018
Proposed Drawing	A-100-004 AO	P1	24 December 2018
Proposed Drawing	A-100-005 AO	P1	24 December 2018
Proposed Drawing	A-100-006 AO	P1	24 December 2018
Proposed Drawing	A-100-007 AO	P1	24 December 2018
Proposed Drawing	A-100-008 AO	P1	24 December 2018
Proposed Drawing	A-110-001	P4	25 March 2019
Proposed Drawing	A-110-002	P3	24 December 2018

2. 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.

3. The works of demolition hereby permitted shall not be begun until documentary evidence has been submitted to and approved in writing by the Local Planning Authority to show that contracts have been entered into by the developer to ensure that building work on the site the subject of this consent is commenced within a period of 6 months following commencement of demolition in accordance with a scheme for which planning permission has been granted.
Reason: As this matter is fundamental to the acceptable delivery of the permission to prevent premature demolition in the interests of the character and appearance of the Conservation Area and to comply with policy HE8 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

4. No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any elevation facing a highway.
Reason: To safeguard the appearance of the building and the visual amenities of the locality and to comply with policy HE6 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

5. The six (6) retail units hereby permitted shall be retained as individual units and shall not be consolidated into larger units in the future.
Reason: To safeguard the viability and vitality of the nearby Regional Shopping Centre and to comply with policy CP4 of the Brighton & Hove City Plan Part One.

6. Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not be equal to or lower than 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. In addition, there should be no significant low frequency tones present.
Reason: To safeguard the amenities of the future occupiers of the development and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
7. The retail use hereby permitted shall not be carried out except between the hours of 08:00 and 21:00 on Mondays to Saturdays, and 10:00 and 17:00 Sundays, Bank or Public Holidays.
Reason: To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
8. No servicing or deliveries to or from the business premises shall be carried out except between the hours of 07.00 to 23.00
Reason: To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
9. No alcohol shall be sold or supplied in any café or restaurant which has a public floorspace in excess of 150 square metres within the development hereby permitted except to persons who are taking meals on the premises and who are seated at tables.
Reason: To prevent noise, nuisance, disturbance and public disorder, to protect the amenities of the occupants of residential accommodation within the development and within the vicinity of the site and to comply with policies QD27 and SR12 of the Brighton & Hove Local Plan.
10. All ecological measures and/or works shall be carried out in accordance with the details contained in Appendices 3 and 4 of the Biodiversity Assessment Report (SK Environmental Solutions Ltd) dated November 2018, received on the 28 December 2018.
Reason: To protect habitats and species identified in the ecological surveys from adverse impacts during construction and to comply with policy CP10 of the Brighton & Hove City Plan Part One.
11. The development hereby permitted shall not commence until full details of existing and proposed ground levels (referenced as 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

QD27 of the Brighton and Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

12.

- i) No development shall take place 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 by the applicant and approved by the Local Planning Authority.
- ii) A written record of any archaeological works undertaken shall be submitted to the Local Planning Authority within 3 months of the completion of any archaeological investigation unless an alternative timescale for submission of the report is first agreed in writing with the Local Planning Authority.

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework

13.

1. No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the local planning authority:
 - (a) A desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and 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.
- (2) 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 (1)c that any remediation scheme required and approved under the provisions of condition (1)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 SU11 of the Brighton & Hove Local Plan.

14. No development above ground floor slab level shall take place until a details of the proposed means of surface water drainage has been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to comply with policy CP11 of the Brighton & Hove City Plan Part One.

15. No development above ground floor slab level of any part of the development hereby permitted shall take place until samples 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):

- a) samples 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 of all hard surfacing materials including paving materials
- d) details of the proposed window, door and balcony treatments
- e) samples of all other materials to be used externally

Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development and to comply with policies HE6 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

16. No development above ground floor slab shall take place until details of the ventilation openings to the Black Lion Street elevation at ground floor level have been submitted to and approved in writing by the Local Planning Authority. The openings shall have metal grilles. The development shall be implemented 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 and CP15 of the Brighton & Hove City Plan Part One.

17. No development above ground floor slab shall take place until 1:20 scale elevational drawings of the new dormer windows have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented 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 and CP15 of the Brighton & Hove City Plan Part One.

18. No development above ground floor slab shall take place until 1:20 scale elevational drawings and section details of the windows and door to the Ship Street infill extension have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented 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 and CP15 of the Brighton & Hove City Plan Part One.
19. 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 QD27 of the Brighton & Hove Local Plan, 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.
20. The development hereby permitted shall not be occupied until details showing the type, number, location and timescale for implementation of swift boxes has been submitted to and approved in writing by the Local Planning Authority. The scheme shall then be carried out in strict accordance with the approved details and thereafter retained.
Reason: To ensure appropriate integration of new nature conservation and enhancement features in accordance with policies QD18 of the Brighton & Hove Local Plan and CP10 of the Brighton & Hove City Plan Part One and SPD11: Nature Conservation and Development.
21. Within 3 months of first occupation of the non-residential development hereby permitted a BREEAM Building Research Establishment has issued a Post Construction Review Certificate confirming that the non-residential development built has achieved a minimum BREEAM New Construction rating of 'Excellent' and such certificate has been submitted to, and approved in writing by, the Local Planning Authority.
Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy CP8 of the Brighton & Hove City Plan Part One.
22. The development hereby permitted shall not be brought into use until details of secure cycle parking facilities for the occupants of, and visitors to, the development have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first use of the development 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 and SPD14: Parking Standards.

23. The development hereby permitted shall not be brought into use until a Delivery & Service Management Plan, which includes details of the types of vehicles, how deliveries servicing and refuse collection will take place and the frequency of those vehicle movements has been submitted to and approved in writing by the Local Planning Authority. All deliveries servicing and refuse collection 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 SU10, QD27 and TR7 of the Brighton & Hove Local Plan.

24. The development hereby permitted shall not be brought into use until details of electric vehicle charging points 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 first use of the development hereby permitted and shall thereafter be retained for use at all times.

Reason: To encourage travel by more sustainable means and seek measures which reduce fuel use and greenhouse gas emissions and to comply with policy CP9 of the Brighton & Hove Brighton & Hove City Plan Part One and SPD14: Parking Standards

25. The development shall not be brought into use until a Scheme of Management of the vehicle and any other forms of parking and stopping in the car park area has been submitted to and approved in writing by the Local Planning Authority. The scheme must include the following measures:

- Details of how each car parking space will be allocated and managed;
- Details of measures to ensure that each car parking space is for the sole use of its allocated owner and/or those they permit to use said space.

The above works must be implemented prior to the occupation of the building and thereafter be maintained as such.

Reason: To ensure the development maintains a sustainable transport strategy and to comply with policies TR7, TR12, TR14 and TR18 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One.

26. The development shall not be occupied until the basement and ground floor parking areas have been provided in accordance with the details shown on drawing nos. A 100 001 A0 P5 and A 100 002 A0 P8. The vehicle parking area(s) shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to staff and visitors to the development hereby approved and shall be maintained so as to ensure their availability for such use at all times.

Reason: To ensure that adequate parking provision is retained and to comply with policy CP9 of the Brighton & Hove City Plan Part One and SPD14: Parking Standards.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One 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 the above condition on land contamination has been imposed because the site is known to be or suspected to be contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer. To satisfy the condition a desktop study shall be the very minimum standard accepted. Pending the results of the desk top study, the applicant may have to satisfy the requirements of part (b) and part (c) of the condition above. It is strongly recommended that in submitting details in accordance with this condition the applicant has reference to Contaminated Land Report 11, Model Procedures for the Management of Land Contamination. This is available on both the DEFRA website (www.defra.gov.uk) and the Environment Agency website (www.environment-agency.gov.uk).
3. The applicant is advised that under Part 1 of the Wildlife and Countryside Act 1981 disturbance to nesting wild birds, their nests and eggs is a criminal offence. The nesting season is normally taken as being from 1st March - 30th September. The developer should take appropriate steps to ensure nesting birds, their nests and eggs are not disturbed and are protected until such time as they have left the nest.
4. The applicant is advised of the possible presence of bats on the development site. All species of bat are protected by law. It is a criminal offence to kill bats, to intentionally or recklessly disturb bats, damage or destroy a bat roosting place and intentionally or recklessly obstruct access to a bat roost. If bats are seen during construction, work should stop immediately and Natural England should be contacted on 0300 060 0300.
5. The applicant is advised that details of the BREEAM assessment tools and a list of approved assessors can be obtained from the BREEAM websites (www.breeam.org).
6. To discharge the condition re surface water drainage above required by the LLFA, the applicant will need to provide:
 - Details and location of the final drainage infrastructure with appropriate calculations to demonstrate that the final proposed drainage system will be able to cope with both winter and summer storms for a full range of events and storm durations.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The Old Ship Hotel is a locally listed heritage asset that lies in a prominent position on the seafront within the Old Town Conservation Area. The hotel covers a block bounded by Kings Road, Black Lion Street and Ship Street. The hotel is an assemblage of different buildings dating from 1767 to the 1960s but predominantly 19th century. The oldest part is the Assembly Rooms of 1767 which is Grade II* listed and has a narrow frontage on Ship

Street dating from c1895. The significance of the Assembly Rooms lies largely in the architectural and historic interest of the interior.

- 2.2. The Ship Street frontage consists of six different building frontages dating from different periods spanning the early 19th century to the 1930s. The northernmost frontage is to the Assembly Rooms.
- 2.3. The Kings Road street frontage is 19th century towards the western end, with three linked Victorian frontages ranging from 4 to 5 storeys. The frontage steps up to a six storey section, with false mansard roof. At the eastern end is a six storey 1960s extension in pseudo Victorian style which returns along Black Lion Street where a lower 1930s garage block completes the hotel.
- 2.4. This part two/part three storey element of the building forms a car park at ground and first floor levels, with boiler/plant room within the basements, and redundant staff accommodation within the second floor which is generally set back front the building facade. Black Lion Street has largely been redeveloped in the 20th century with larger scale buildings and the entrance to an underground car park.
- 2.5. The adjoining building to the north, 8 Black Lion Street, is a four storey development forming a karaoke bar. The building is part of a larger scheme approved in 2007 for the mixed use redevelopment of the site including restaurants. The Thistle Hotel and Bartholomew House Council Offices are on the opposite side of Black Lion Street.
- 2.6. The site lies within the Old Town Conservation Area and is defined in the City Plan Part One as being within the Hotel Core Area. The Old Town Conservation Area is a mixed area of largely tightly knit urban grain and small scale buildings in a variety of materials.
- 2.7. The application aims to improve and expand the existing hotel to create a more contemporary 'lifestyle hotel' with a wider offer of onsite leisure facilities. Permission is sought for the remodelling of accommodation and extensions to provide an additional 54 no. bedrooms, leisure facilities and retail units. Works to include:
 - Demolition of the existing garage and first floor car park; a five-storey extension to the Black Lion Street elevation;
 - Erection of a single-storey roof extension and new lift core above 35 and 37 King's Road to link the East and West wings of the hotel's existing fourth floor;
 - Reconfiguration and restoration of the internal courtyard to provide a new swimming pool area with glazed retractable roof, new external leisure facilities and a health club;
 - Enclosing the existing external fire escape along Ship Street with the appearance matching the existing buildings;
 - Remodelling of the existing accommodation with the provision of 54 additional bedrooms; and;
 - Reconfiguration of the commercial uses at basement and ground floor level, and provision of new commercial units with minor external

alterations. Uses to include 6 no. retail units (251sq.m), in-house restaurants (336sq.m) and conferencing facilities.

- 2.8. The scheme originally included a proposed basement nightclub; however this element has been deleted.

3. RELEVANT HISTORY

- 3.1. **PRE2018/00261** Pre-application advice for proposed scheme.
- 3.2. **BH2018/03944** Internal alterations to layout of the ground and second floor of the Assembly Rooms and renovation works to the roof. Approved 01.05.2019
- 3.3. **BH2014/02100** Demolition of existing 3 storey garage and staff accommodation block fronting Black Lion Street and construction of new 6 storey building to provide 8no one bed and 10no two bed flats on the 1st-5th floors and associated cycle and car parking on the ground floor with revised vehicular access together with other associated works including solar panels on the roof. Approved 24.03.2016.
- 3.4. **BH2012/03998** Replacement Conservation Area Consent application for the demolition of hotel garage. Approved 10/04/2013.
- 3.5. **BH2012/03982** Application to extend time limit for implementation of previous approval BH2009/02606 for the demolition of hotel garage and construction of new 7 storey extension (basement - 5th floor) to provide 42 bedrooms, 2 conference rooms, car parking and restaurant/bar. Approved 10.04.2013
- 3.6. **BH2009/02607** Demolition of hotel garage. Approved 09/04/2010.
- 3.7. **BH2009/02606** Demolition of hotel garage and construction of new 7 storey extension (basement - 5th floor) to provide 42 bedrooms, 2 conference rooms, car parking and restaurant/bar. Approved 09.04.2010.
- 3.8. **BH2007/03472** Demolition of existing hotel garage. Construction of two and six storey extension to form replacement garage and 30 additional bedrooms. Withdrawn 14/12/09.
- 3.9. **BH2007/03473** Demolition of existing garage at ground and first floor levels and staff quarters at second floor level. Withdrawn 14/12/09.
- 3.10. **BH2001/02968/FP** Demolition of existing garage at ground and first floor levels and staff quarters at second floor level. Construction of new 5 storey bedroom wing providing 30 bedrooms with re-planned garage under providing 38 car parking spaces. Approved 17/10/02.

- 3.11. **BH2001/02969/CA** Demolition of existing garage at ground and first floor levels and staff quarters at second floor level. Approved 17/10/02.
- 3.12. **95/0449/FP** Erection of 6 storey plus basement extension to Black Lion Street. Additional floor to 2 sections of building fronting Kings Road, link block at rear and alterations, providing a total of 86 bedrooms and 40 parking spaces. Approved 07/09/95.
- 3.13. **95/0450/CA** Demolition of hotel garage and No. 8 Black Lion Street. Approved 07/09/95.
- 3.14. **BN90/0732/F & BN90/0733/LBC** Demolition of Old Ship Hotel garage and floor above and No. 8 Black Lion Street and erection of a 6 storey plus basement extension fronting Black Lion Street comprising 40 car parking spaces on ground/basement floors with 61 bedrooms over, additional floor on 2 sections of the building fronting Kings Road, new link block at the rear and other additions/alterations to provide an additional 86 hotel bedrooms. Granted 14/08/90.
- 3.15. **86/2147/F & BN86/2148/LBC/CA** Alterations extension at first to fifth floors on Black lion Street wing to provide 86 bedrooms and mansard room extension at front southeast corner. Granted 24/03/87.

4. REPRESENTATIONS

- 4.1. **One (1)** letter from the Regency Society who support the proposal on the following grounds:
Taken together the proposed changes will benefit both the building and its surrounding area and enable the Old Ship to continue its longstanding role as one of Brighton's most significant sea-front buildings.

5. CONSULTATIONS

- 5.1. **Environmental Health:** No objection subject to conditions relating to noise levels, contaminated land and a submission of a Construction and Environmental Management Plan.
- 5.2. **Economic Development:** No objection subject to an Employment and Training Strategy and a contribution through a S106 agreement for the payment of £13,360 towards the council's Local Employment Scheme.
- 5.3. **Heritage:** No objection subject to conditions relating to proposed materials, large scale elevations relating to windows and doors, and further details relating to the ventilation openings to Black Lion Street.
- 5.4. **Planning Policy:** No objection The general principle of the development is supported. It is recommended that an 'Artistic Component' schedule be included in the section 106 agreement to the value of £28,400.

- 5.5. **Sustainable Transport:** Objection There are many aspects of the proposed design that appear acceptable and the applicant has done substantial work to address some of the design concerns. There is an on-going lack of reasonable information to evidence the traffic and movement changes that the proposed development would bring about. Such information should be easy to source and provide. Nevertheless, this lack of information means we are unable able to reasonably assess the transport impacts of the proposed development and consequently to advise what mitigation, if any, is required to make any impacts acceptable.
- 5.6. **Sustainability:** No objection subject to requirement for Excellent BREEAM rating.
- 5.7. **Sustainable Drainage:** No objection subject to details of the proposed means of surface water drainage submitted by condition
- 5.8. **County Archaeologist:** No objection In the light of the potential for impacts to heritage assets with archaeological interest resulting from the proposed development, the area affected by the proposals should be the subject of a programme of archaeological works.
- 5.9. **Brighton and Hove Archaeological Society:** No objection This proposed development lies in the archaeologically sensitive centre of Old Brighton. It is possible that Palaeolithic deposits may remain or vestiges of the medieval or Reformation periods. Suggest that the County Archaeologist is contacted for recommendations.
- 5.10. **Sussex Police:** No objection Any consent for a new restaurant or future application for the premises should be conditional that alcohol is ancillary to food prepared on the premises and served at table by waiters / waitresses.
- 5.11. **Ecology:** No objection The proposed development is unlikely to have an adverse impact on biodiversity and can be supported from an ecological perspective, subject to compliance with the measures detailed in the submitted Biodiversity Assessment report and the provision of swift boxes to provide a net gain for biodiversity.

6. MATERIAL CONSIDERATIONS

- 6.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report
- 6.2. The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016)
 - Brighton & Hove Local Plan 2005 (retained policies March 2016);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);

- East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);

6.3. Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

7. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
SA1	The Seafront
SA2	Central Brighton
SA6	Sustainable Neighbourhoods
CP1	Housing Delivery
CP2	Sustainable economic development
CP4	Retail provision
CP5	Culture and tourism
CP6	Visitor accommodation
CP7	Infrastructure and developer contributions
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP11	Flood risk
CP12	Urban design
CP13	Public streets and spaces
CP15	Heritage
CP17	Sports provision
CP18	Healthy city

Brighton and Hove Local Plan (retained policies March 2016):

TR4	Travel plans
TR7	Safe Development
TR12	Helping the independent movement of children
TR14	Cycle access and parking
TR18	Parking for people with a mobility related disability
SU9	Pollution and nuisance control
SU10	Noise Nuisance
QD5	Design - street frontages
QD14	Extensions and alterations
QD18	Species protection
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development
SR4	Regional shopping centre
SR12	Large use Class A3 (restaurants and cafes) and Use Class A4 (pubs and bars);
HE1	Listed buildings
HE3	Development affecting the setting of a listed building

HE6	Development within or affecting the setting of conservation areas
HE8	Demolition in conservation areas
HE10	Buildings of local interest
HE12	Scheduled ancient monuments and other important archaeological sites

Supplementary Planning Guidance:

SPG15 Tall Buildings

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD09	Architectural Features
SPD11	Nature Conservation & Development
SPD14	Parking Standards

8. CONSIDERATIONS & ASSESSMENT

8.1. The main considerations in the determination of the application relate to the principle of the development, the design of the proposed building and its impacts on the surrounding Conservation Area and the setting of the listed Assembly Rooms located within the vicinity of the site, the impact of the development on neighbouring amenity, and transport and sustainability issues.

Planning Policy:

Background

8.2. The northeast corner of the site fronts onto Black Lion Street and several planning permissions have been granted for the redevelopment of this section of the site. The principle of demolishing the garage and developing the site for a six storey building has already been accepted under planning application BH2014/02100 and previously under BH2012/03982 and BH2009/02606. Additionally, it is recognised that the redevelopment of the northern part of Black Lion Street for commercial development, including restaurants and a karaoke bar, has transformed the street both architecturally and commercially and now makes a positive contribution to the vibrancy of this part of the Old Town.

Hotel Bedrooms

8.3. Policy CP6 of the City Plan Part One supports the City's tourism and business conference economy, through encouraging the provision of a sufficient and wide ranging type of visitor accommodation. Proposed extensions to existing hotels will be supported where this is required to upgrade existing accommodation to meet changing consumer demands. The policy states that partial conservation of a hotel will be considered where there is adequate demonstration of the need to enable investment in the remaining hotel. The application site lies within the designated Hotel Core Zone which Policy CP6 defines as the area where the main accommodation clusters and drivers of accommodation demand can be found.

- 8.4. The Visitor Accommodation Study Update (April 2018) has identified a greater requirement for additional hotel provision over the Plan period. The study includes projections which indicate continuing growth in demand for all forms of visitor accommodation particularly from the leisure tourist market over the next five years. The study also emphasises the need to attract hotel products that will help to attract new markets to the City and will strengthen its position as a tourism destination (including specific reference to lifestyle and budget boutique hotels). It states that some of the demand for new hotels could also potentially be delivered by extensions to existing hotels.
- 8.5. The proposals would provide 54 additional hotel bedrooms in an established seafront location in the heart of the city within the Hotel Core Zone. The additional accommodation and enhanced hotel facilities would contribute towards meeting the quantitative and qualitative demand identified in the 2018 Visitor Accommodation Study. The proposals would enhance central Brighton and the city as a whole as a tourist and conference destination in line with Policies SA2, CP5 and CP6.

Retail units

- 8.6. The scheme includes six small retail units, four fronting Ship Street and two fronting Kings Road close to the hotel entrance. The total retail space would be c248 sq.m with none of the units being larger than 60 sq.m.
- 8.7. The retail space does not fall within a designated shopping centre (being outside the defined Regional Centre, albeit by less than 100m). Policy CP4 states that all new edge and out of centre retail development will be required to address the tests set out in national policy. The proposed retail space falls below the locally set threshold of 1,000 sq.m and therefore a retail impact assessment is not required. However the NPPF (para 86) indicates that potential opportunities within existing centres should be considered.
- 8.8. The two small retail units immediately adjacent to the main hotel and dining area entrances can be regarded as directly ancillary to the C1 hotel use. However, the four units proposed in Ship Street are less obviously related to main hotel function. It is very likely that there would be alternative small retail opportunities available within the defined Regional Centre. The provision of retail units in this location must therefore be regarded as contrary to Policy CP4.
- 8.9. However, the provision of ground floor retail units would provide positive benefits by creating more active street frontages and increasing vitality, encouraging increased footfall along Ship Street, and enhancing the pedestrian linkages between the Seafront and The Lanes. This would support the general aims of Policy SA2 for Central Brighton and saved Policy QD5 for street frontages. In addition, the small size of the retail units would be unlikely to lead to any significant impact on the Regional Centre.
- 8.10. In this situation, the retail provision is considered acceptable despite the conflict with Policy CP4. However, to limit the impact on the Regional Centre,

the use of planning conditions is considered appropriate to ensure that the individual retail units are not consolidated into larger units in the future.

Restaurant (A3) uses

- 8.11. The proposals include substantial restaurant space (A3) covering most of the ground floor and a large part of the basement area. A total of 1,135 sq.m A3 space is proposed, which would be an increase of 390 sq.m (+52%) on the existing provision. This will comprise a mix of in-house restaurants (including private dining areas) and space for an independent restaurant. The planning statement indicates that these facilities are intended to upgrade the visitor offer/ experience which would be supported by Policy CP6 in respect of upgrading existing accommodation.
- 8.12. Saved Policy SR12 applies specific criteria to A3 proposals with public floorspace in excess of 150 sq.m - they should not be within 400m of another establishment falling within the same category, operate within or abut residential accommodation or cause nuisance or increase disturbance to nearby residents
- 8.13. The applicant accepts that there are other restaurants within 400m however contends that there will not be an over-concentration of A3 uses in the vicinity of the site, and that the new facilities will be integrated within a high end hotel offer and would be subject to ongoing management. In addition, it is acknowledged that much of the restaurant space would be for private dining so would not be in constant use.
- 8.14. Given the already lively urban character of the surrounding area and that the proposed restaurant uses would be largely ancillary to the hotel, it is not considered likely that the extension of the A3 floorspace would create any major concerns in terms of noise or amenity. The enhanced restaurant/dining provision would add to the vitality and diversity of the visitor offer supporting Policy CP6 and SA2.

Assembly rooms

- 8.15. The proposals fully integrate the listed Assembly Rooms into the scheme, to remain as part of the conferencing facility, and this is very welcome in terms of the principle of securing the long term viable use of the listed building.

Impact on housing supply

- 8.16. The proposals would not lead directly to the loss of any existing residential units. However, as noted, part of the application site fronting Black Lion Street (the existing hotel garage) was previously subject to a planning permission for housing and on this basis has been proposed for allocation in the draft City Plan Part Two (CPP2) as mixed residential/hotel floorspace (C1). The current scheme would potentially result in the loss of the residential opportunity and thereby reduce the City's identified future housing supply. However, CPP2 carries little weight at this stage of the planning process and this would not warrant refusal of the planning application.

Public Art

- 8.17. Adopted City Plan Policy CP5 supports investment in public realm spaces suitable for outdoor events and cultural activities and the enhancement and retention of existing public art works; CP7 seeks development to contribute to necessary social, environmental and physical infrastructure including public art and public realm; and CP13 seeks to improve the quality and legibility of the city's public realm by incorporating an appropriate and integral public art element. To ensure that the requirements of local planning policy are met at implementation stage, it is recommended that an 'Artistic Component' schedule be included in the section 106 agreement, to the value of £28,400.
- 8.18. The Council's Planning Policy Officer has no objections to the scheme and the Economic Development officer fully supports the proposal as it would create additional job opportunities and increased provision of visitor accommodation in the city, subject to an Employment and Training Strategy and a contribution through a S106 agreement for the payment of £13,360 towards the council's Local Employment Scheme.
- 8.19. Given the above, the principle of the proposals is considered to be acceptable, subject to other planning considerations

Design, Appearance, Impact on Heritage Assets:

- 8.20. In considering whether to grant planning permission which affects a listed building or its setting the Council has a statutory duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. When considering whether to grant planning permission for development in a conservation area the council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. Case law has held that the desirability of preserving a listed building or its setting or the character or appearance of a conservation area must be given "considerable importance and weight".

Demolition of hotel garage and new extension on Black Lion Street

- 8.21. As mentioned the principle of demolishing the garage and development of a six storey building has been accepted by the previous planning permissions. The footprint and height of this proposed development would replicate those of the previous permissions.
- 8.22. Supplementary Planning Guidance Note SPG:15 relates to tall buildings which are defined as buildings 18m or taller (approximately 6 storeys) above ground floor level. The guidance states that buildings significantly taller than surrounding buildings should be located in designated areas. The site falls outside of the specific nodes and corridors for tall buildings identified in the SPG, however this does not necessarily preclude a tall building if local context dictates otherwise and the tests of SPG15 have been met. As required by the SPG, the applicant has submitted a Tall Buildings Statement as part of the application to help justify the scale of building proposed in the local and wider city context.

8.23. The main bulk of the proposed building would be 5 storeys in height with a further top floor set back from the main façade. As with the previously approved schemes, the proposed extension would be lower than the existing part of the hotel fronting Black Lion Street. This would provide an attractive link, in terms of scale and design, to the lower adjoining building to the north, and be of similar height to the main neighbouring development on Black Lion Street and the office and hotel opposite. The resulting height and massing are therefore considered to be acceptable.

8.24. The proposed Black Lion Street elevation is considered to be appropriate in terms of appearance and the ground floor design has allowed for the potential to accommodate the public art contribution. This can be progressed subject to funds secured under the s106 agreement.

Kings Road roof extension and lift core

8.25. Given the absence of any historic roof structure to these properties, and in view of the benefits of forming a more unified seafront street frontage to the hotel, the proposed roof extensions to numbers 35-37 are considered to be acceptable. In this case a traditional mansard style approach is considered appropriate, matching number 38 adjacent. The proposed dormer windows are appropriate in size and spacing, subject to larger scale details by condition. The new lift core would be partially visible from the upper promenade on Kings Road in views from the south-west; however in these instances it would be seen against the side wall of the mansard to number 33 and in the context of roof top plant on the 1960s block (number 31). Overall it would not be visually intrusive. There would be a net improvement in the roofline as a whole.

New swimming pool and external courtyard

8.26. The new leisure facilities and external courtyard is welcomed in heritage terms as it would significantly enhance the setting of the listed Assembly Rooms and enable the exterior to be appreciated externally and better integrated into the hotel.

Ship Street infill extension and new shop fronts

8.27. The enclosure of the existing fire escape is welcomed and the infill extension has been suitably set back from the front elevation, so that the two separate historic buildings either side continue to be read as separate buildings in oblique views and that the extension appears as a discrete infill. The provision of new shop fronts on this elevation has the opportunity to enliven this stretch of road. The traditional design approach to both elements is appropriate.

8.28. The Council's Heritage Officer fully supports the proposals, which are not considered to cause harm to the listed Assembly Room or its setting or the character or appearance of the conservation area.

Impact on Amenity:

8.29. Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it

would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.

- 8.30. An existing office block is located approximately 14m to the east of the site, on the opposite side of Black Lion Street. Although the proposal includes the provision of windows and balconies in the east facing elevation it is not considered that the inclusion of such features, given the proposed uses and distances involved, would result in a significantly adverse impact upon the amenities of this eastern neighbouring property, with regards to overlooking or loss of privacy.
- 8.31. Given the siting of the proposed extension to the north-east of the retained hotel, the height and design of the existing hotel building and the existing urban form, it is not considered that it would have a harmful impact upon the amenities of the neighbouring properties with regards to loss of sunlight/daylight or overshadowing. A daylight /sunlight assessment has been submitted with the application which concluded that the proposed development will have an overall negligible impact on the adjacent properties.
- 8.32. It is recognised that it is not in the hotel's interests to have restaurant hours that may give rise to disturbance to their guests. In that regard it is considered that hours of use of the A3 uses might be left to the licensing authorities. The use of conditions relating to retail hours of use, deliveries times, noise from plant/ machinery and the serving of alcohol in the restaurants to seated patrons only are considered appropriate and would limit impact from noise and disturbance to nearby residents. The Council's Environmental Health officer has no objection to the scheme.

Sustainability:

- 8.33. Policy CP8 of the City Plan states that the Council will seek that all new development incorporate sustainable design features. Unless it can be demonstrated that doing so is not technically feasible and/or would make the scheme unviable, all non-residential development will be required to achieve a BREEAM rating of 'Excellent' for Major Schemes.
- 8.34. A Sustainability and Energy Statement was submitted with the application which seeks to justify a 'Very Good' rating. The Council's Sustainability officer has assessed the statement and concluded that there are additional BREEAM credits which could be included towards the 'Excellent' rating at not much additional cost. Having reviewed this it has been agreed with the agent that it is possible to achieve an 'Excellent' rating; this can be secured by condition.

Sustainable Transport:

- 8.35. City Plan policy CP9 seeks to promote sustainable modes of transport and cycling and walking in particular, to reduce reliance on the private car. Local plan policy TR4 promotes the use of Travel Plans. Policy TR7 seeks to

ensure highway safety. Development is expected to meet vehicular and cycle parking standards set out in SPD14.

- 8.36. The Council's Highways team has made detailed comments regarding the proposals. They have advised that there are many aspects of the proposed design that appear acceptable and the applicant has done substantial work to address some of the design concerns. The aspects of the scheme which are acceptable or further details can be secured by condition are outlined below:

Deliveries and servicing

- 8.37. Servicing arrangements for the expanded hotel will remain unchanged from the existing situations, with the majority of the deliveries being conducted on Black Lion Street for the hotel. The Hotel has confirmed that no additional delivery and servicing trips would be generated through the proposed extension. The vehicles that currently access the site are able to accommodate the new bedrooms.
- 8.38. The Highways officer has advised that there is currently an issue with servicing vehicles parking on the footway and blocking access for pedestrians passing the site. The applicant has indicated their willingness to fund a formal on-street loading bay. This is proposed as an improvement to something that already operates in a safe arrangement, over and above what is required for the continuation of existing operations. The improvement is considered reasonable and can be secured by condition as part of the Delivery & Service Management Plan (DSMP).
- 8.39. There is likely to be a small increase in deliveries in terms of the new commercial uses, however these would not be large vehicles and would not use the loading bay in Black Lion Street, rather Ship Street.

Cycle parking

- 8.40. Cycle parking (46 spaces) is proposed for staff, visitors and customers of the hotel at ground level. This is provided within the building at a number of accessible locations through the provision of two-tier stands, Sheffield stands and wall brackets. Wall brackets are generally not acceptable, as they do not meet the accessibility standard required. However further details of appropriate cycle parking can be secured by planning condition.

Disabled parking/ Equality

- 8.41. Disabled parking is located at both the ground and basement level. A valet service will be available from the front of the hotel for disabled persons to access the site. For specially adapted vehicles the valet drivers will act as banksmen or guides to help with vehicles navigating into the disabled areas outlined in the plans submitted. Three disabled parking bays are proposed as part of this development, one at ground level with two additional bays in the basement. This meets the requirements as outlined under SPD14. Subject to minor changes to provide additional access zones, the proposals are acceptable. Further details about allocation and management can be secured via a Car Park Management Plan.

Pedestrian and vehicle access

- 8.42. The applicant has provided ramped access to the proposed retail units on Ship Street which would provide access for all users. Vehicle access is from Red Lion Street which utilises an existing cross over, this is acceptable. It is also noted that this access will not be used by the general public, as a valet service is provided to all guests that visit the site.

Electric vehicle charging points (EVCP)

- 8.43. SPD14 has a standard of 10% active and 10% passive provision for electric vehicles. This can be secured by condition.

Construction/Demolition management plan

- 8.44. The development would involve a significant level of construction, generating a high level of vehicles traveling to and from the site and substantial noise/vibration/dust. This could cause a significant impact on the public highway in a sensitive location. To mitigate the impacts and minimise disturbance to local residents, a CEMP (Construction/ Demolition Environmental Management Plan) should be secured as a s106 obligation.

Travel Plan

- 8.45. A draft Travel Plan relating to encouraging use of sustainable transport modes has been submitted as part of this application however further details are needed. This can be secured as a s106 obligation.

- 8.46. Notwithstanding the above, the Highways team has advised that there is a lack of information to evidence the traffic and movement changes that the proposed development would bring about. This means that the transport impacts of the proposed development and consequently any mitigation required cannot be assessed. Several issues have been highlighted below which should be addressed:

General car and motor cycle parking

- 8.47. Thirty (30) general car parking spaces currently exist on site. As part of these works, it is proposed to reduce this to 19. The requirement in policy SPD14 as outlined above is a maximum of 52 and the provision is therefore policy compliant.

- 8.48. However the reduction of the existing on-site parking needs further justification as it is likely to lead to increased reliance on on-street parking and use of public car parks.

- 8.49. To address and to provide the basis for an impact assessment (in conjunction with traffic forecast and parking demand data) a parking audit of local parking supply and details relating to which car parks motorists currently use has been requested. The applicant is undertaking the survey work which can be assessed to establish if funding needs to be secured in mitigation of the impact.

Traffic Forecasts

- 8.50. The Highways team has requested a full TRICS SAM (Trip Rate Information Computer System Standard Assessment Methodology) survey of the existing operational site. This would serve to evidence existing trips by all modes and therefore provide the basis for directly extrapolating changes to modal trips resulting from the proposed intensification of the site. The survey is being undertaken by the applicant and will allow assessment of the likely impact on the highway and whether any mitigation measures should be sought by funding secured by the s106 legal agreement.

Section 106 Contributions (inc. Sustainable Transport Contribution)

- 8.51. The basis for the Sustainable Transport Contribution is the formula set out in BHCC's Developer Contributions Technical Guidance, Planning Policy CP7. Contributions are based on the uplift in daily person trips and the sustainable transport contribution cannot be confirmed until details of the net change in daily person trips have not been provided. Once the surveys have been completed the amount of the Sustainable Transport Contribution will be determined by the Planning Manager on receipt of the additional information.

Other Considerations:

Archaeology

- 8.52. The proposed development is within an Archaeological Notification Area defining the historic core of the medieval village of Bighthelmstone and the post-medieval town of Brighton. The site therefore has a potential to contain buried archaeological remains, potentially at depth, from the medieval period onwards
- 8.53. The County Archaeologist has advised that the area affected by the proposals should be the subject of a programme of archaeological works. This will enable any archaeological deposits and features that would be disturbed by the proposed works, to be either preserved in situ or, where this cannot be achieved, adequately recorded in advance of their loss. This can be secured by condition.

Contaminated land

- 8.54. The Council's historical records indicate that as far back as 1910 the address was occupied by commercial motor engineers. Historical activities could have included vehicle fuelling, service and repair in one form or another. As such the site could potentially have been contaminated with hazardous chemicals and oil. The proposed demolition would involve breaking old ground, digging down and associated groundworks. Therefore, it is appropriate in this instance to apply a contaminated land condition. A desk top study (including site walkover), conceptual site model and risk assessment will be the minimum requirement.

Conclusion

- 8.55. It is considered that the proposed development would make an efficient and effective use of the site. The development would improve and expand the existing facility to create a contemporary 'lifestyle hotel' with a wider offer of onsite leisure facilities. The height, design and bulk of the proposed extensions would not compromise the quality of the local environment,

including the surrounding Conservation Area. The introduction of new and improved commercial and leisure uses at basement and ground floor level would enhance the hotel offer, creating welcome improvements to the street level appearance and the linkage between the seafront and the Old Town.

- 8.56. It is acknowledged that the requested highways/ transport surveys have yet to be completed. Once these are received and assessed it is recommended the Sustainable Transport Contribution be determined by the Planning Manager. Given the afore-mentioned benefits of the scheme and that the Highways impacts were considered acceptable in relation to the previous similar schemes, this is considered a reasonable approach to ensure that the timetable of the development and investment is not in jeopardy.

9. EQUALITIES

- 9.1. Ramped access to retail units and disabled parking proposed.

s106 Agreement

In the event that the draft S106 agreement has not been signed by all parties, the application shall be refused for the following reasons:

1. The proposed development fails 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.
2. The proposed development fails to provide an acceptable 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.
3. The proposed development fails to provide a financial contribution towards Public Art provision contrary to polices CP5, CP7 and CP13 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
4. The proposed development fails provide a financial contribution towards Sustainable Transport provision relating to appropriate mitigation of the transport impacts of the development contrary to policies TR7 of the Brighton & Hove Local Plan and CP7 and CP9 of the Brighton and Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
5. The proposed development fails to provide an acceptable Construction Environmental Management Plan (CEMP) contrary to policies CP7 and CP9

of the Brighton & Hove City Plan Part 1 and the City Council's Developer Contributions Technical Guidance.

6. The proposed development fails to provide adequate Travel Plan measures to encourage use of sustainable transport modes and is therefore contrary to policies TR4 and QD27 of the Brighton and Hove Local Plan and CP7 and CP9 of the Brighton and Hove City Plan Part One.