

<u>No:</u>	BH2020/01951	<u>Ward:</u>	Regency Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Land to the Rear of Hilton Brighton Metropole 106 - 121 Kings Road Brighton BN1 2FU		
<u>Proposal:</u>	Redevelopment incorporating demolition of existing buildings on Cannon Place & St Margaret's Place and erection of a building between four to nine storeys to create a 221 room hotel (C1) including retention of Grade II listed facades at nos 31 and 32 Cannon Place.		
<u>Officer:</u>	Chris Swain, tel: 292178	<u>Valid Date:</u>	30.07.2020
<u>Con Area:</u>	Regency	<u>Expiry Date:</u>	29.10.2020
<u>Listed Building Grade:</u>	II	<u>EOT:</u>	
<u>Agent:</u>	Lichfields 14 Regents Wharf All Saints Street London N1 9RL		
<u>Applicant:</u>	Topland Neptune Limited C/o Lichfields 14 Regents Wharf All Saints Street London N1 9RL		

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 a s106 agreement on the Heads of Terms set out below and the following Conditions and Informatives as set out hereunder, **SAVE THAT** should the s106 Planning Obligation not be completed on or before the **5 May 2021** the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 10.1 of this report:

Section 106 Head of Terms:

Sustainable Transport

Management Plans

- A Travel Plan covering a minimum 5 year period. The first version of the plan should be submitted and approved before first occupation of the development and should (include as a minimum).
 - Objectives, targets, actions and measures/incentives which shall include reducing single-occupancy trips by motor vehicles and where possible reducing trips by delivery and servicing vehicles.
 - The Plan should be monitored with TRICS Level 3 SAM Surveys undertaken and monitoring reports submitted over a 5 year period.
 - A monitoring fee of **£6,000** should also be secured to cover council officer time associated with approving, monitoring and enforcing successive versions of the plan and related liaison/coordination activities.

- As a minimum, the measures and incentives outlines in the Employee / Commercial Travel Pack shall be secured to support the delivery of Travel Plan objectives and targets.
- A Travel Plan Coordinator shall be appointed by the developer to implement the Travel Plan.

Employee/Commercial Travel Pack: as a minimum

- Providing and retaining maintenance stands together with pumps and basic maintenance and repair tools within the cycle store for employee use.
- Promotion of sustainable travel measures on the hotel website
- Providing and maintaining a notice board in a prominent communal location in the development containing information on the following -
 - road safety,
 - local sustainable travel options,
 - Travel Plan objectives, targets, measures and progress,
 - initiatives being promoted by the staff or the Travel Plan Coordinator relating to any of the above, including the Love to Ride website and initiatives,
 - initiatives being promoted by Brighton & Hove City Council relating to any of the above, as may be sent by the City Council from time to time.

Highway works

Requirement to enter into a s278/38 highway agreement to implement the scheme of highway works approved under the condition 5 (Highway Works) and for the implementation of the works to be completed to the satisfaction of the council as Local Highway Authority prior to first occupation.

Public Art

- Commissioning and installation of an Artistic Component to the value of **£49,900** within the development in public view or in the immediate vicinity of the site. This could comprise an ‘uplift’ in the value of public realm provision to incorporate an artistic component.
- S106 monitoring fee of **£2,495**

Employment

- Submission of an Employment & Training Strategy to secure the use of at least 20% local construction labour,
- A financial contribution of **£22,100** towards the Local Employment Scheme
- S106 monitoring fee of **£1,105**

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
Location Plan	11231-EPR-00-XX-DR-A-01-0208	P2	19 October 2020

Proposed Drawing	11231-EPR-00-AA-DR-A-01-0001	P2	19 October 2020
Proposed Drawing	11231-EPR-00-BB-DR-A-01-0002	P2	19 October 2020
Proposed Drawing	11231-EPR-00-CC-DR-A-01-0003	P2	19 October 2020
Proposed Drawing	11231-EPR-00-DD-DR-A-01-0004	P2	19 October 2020
Proposed Drawing	11231-EPR-00-EE-DR-A-01-0005	P2	19 October 2020
Proposed Drawing	11231-EPR-00-FF-DR-A-01-0006	P2	19 October 2020
Proposed Drawing	11231-EPR-00-GG-DR-A-01-0007	P2	19 October 2020
Proposed Drawing	11231-EPR-00-XX-DR-A-01-0200	P2	19 October 2020
Proposed Drawing	11231-EPR-00-XX-DR-A-01-0203	P2	19 October 2020
Proposed Drawing	11231-EPR-00-XX-DR-A-01-0204	P2	19 October 2020
Proposed Drawing	11231-EPR-00-XX-DR-A-01-0206	P2	19 October 2020
Proposed Drawing	11231-EPR-ZZ-01-DR-A-02-2101	P2	19 October 2020
Proposed Drawing	11231-EPR-ZZ-02-DR-A-02-2102	P2	19 October 2020
Proposed Drawing	11231-EPR-ZZ-03-DR-A-02-2103	P2	19 October 2020
Proposed Drawing	11231-EPR-ZZ-04-DR-A-02-2104	P2	19 October 2020
Proposed Drawing	11231-EPR-ZZ-05-DR-A-02-2105	P2	19 October 2020
Proposed Drawing	11231-EPR-ZZ-06-DR-A-02-2106	P2	19 October 2020
Proposed Drawing	11231-EPR-ZZ-07-DR-A-02-2107	P2	19 October 2020
Proposed Drawing	11231-EPR-ZZ-RF-DR-A-02-2108	P2	19 October 2020
Proposed Drawing	11231-EPR-ZZ-RF-DR-A-02-2109	P2	19 October 2020
Proposed Drawing	11231-EPR-ZZ-EL-DR-A-04-0001	P2	19 October 2020
Proposed Drawing	11231-EPR-ZZ-EL-DR-A-04-0002	P2	19 October 2020
Proposed Drawing	11231-EPR-ZZ-EL-DR-A-04-0004	P2	19 October 2020
Proposed Drawing	11231-EPR-ZZ-EL-DR-A-04-0005	P2	19 October 2020
Proposed Drawing	11231-EPR-ZZ-EL-DR-A-04-0006	P2	19 October 2020

Proposed Drawing	11231-EPR-ZZ-EL-DR-A-04-0007	P2	19 October 2020
Proposed Drawing	11231-EPR-ZZ-EL-DR-A-04-0008	P2	19 October 2020
Proposed Drawing	11231-EPR-ZZ-EL-DR-A-04-0009	P2	19 October 2020
Proposed Drawing	11231-EPR-ZZ-EL-DR-A-04-0010	P2	19 October 2020
Proposed Drawing	11231-EPR-ZZ-AA-DR-A-05-3001	P2	19 October 2020
Proposed Drawing	11231-EPR-ZZ-BB-DR-A-05-3002	P2	19 October 2020
Proposed Drawing	11231-EPR-ZZ-CC-DR-A-05-3003	P2	19 October 2020
Proposed Drawing	11231-EPR-ZZ-DD-DR-A-05-3004	P2	19 October 2020
Proposed Drawing	11231-EPR-ZZ-B1-DR-A-02-3099	P3	15 January 2021
Proposed Drawing	11231-EPR-ZZ-GF-DR-A-02-3100	P3	15 January 2021
Proposed Drawing	11231-EPR-ZZ-B1-DR-A-02-3098	P3	15 January 2021
Proposed Drawing	11231-EPR-ZZ-EL-DR-A-04-0303	P3	4 December 2020

2. 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. No development above ground floor slab level 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 cladding (roof and elevations) to be used and the details of all joints, seams and fixing methods,
- b) details of the proposed windows treatments, dormers, bays and door treatments,
- c) details 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 CP12, CP13 and CP15 of the Brighton & Hove City Plan Part One and polices HE3 and HE6 of the Brighton & Hove Local Plan.

4. No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any elevation facing a highway.

Reason: To safeguard the appearance of the building and the visual amenities of the locality and to comply with policy CP12, CP13 and CP15 of the Brighton & Hove City Plan Part One and policies HE3 and HE6 of the Brighton & Hove Local Plan.

5. Notwithstanding the submitted plans no development other than demolition shall take place until a general arrangement plan(s) showing the following works to the adopted highway has been submitted to and approved in writing by the Local Planning Authority.
- Underground utility detection, verification and location survey to PAS 128 standard, category A,
 - Stopping up of highway adjacent to the main pedestrian access on Cannon Place,
 - 13m loading bay with kerb build out to allow for delivery vehicles to enter the bay in forward gear,
 - Inclusion of a sufficiently sized taxi bay,
 - Bollards protecting the loading bay from vehicles mounting the kerb,
 - Treatment to stop vehicles from stopping on the corner of the access radii should be provided,
 - Continuous pedestrian crossing treatment from the loading bay kerb associated with the development to the proposed kerb build out for the loading bay to the south of the access,
 - Works to allow for safe manoeuvre of vehicles with pedestrian refuge in place
 - Formal pedestrian crossing leading to the public car park.

Where applicable indicating proposals for:

- Existing levels of the finished highway tying into building threshold levels,
- Alterations to waiting restrictions or other Traffic Regulation Orders to enable the works,
- Signing, street furniture, street trees and pits,
- Structures on or adjacent to the highway,
- Extent of any stopping up, diversion or dedication of new highway (including all public rights of way shown on the definitive map and statement)

Prior to occupation these works shall be completed in accordance with the approved details.

Reason: In the interests of public safety and to ensure that all road works associated with the proposed development are: planned; approved in good time (including any statutory processes); undertaken to a standard approved by the Local Planning Authority and are completed before occupation.

6. Notwithstanding the submitted drawings, prior to occupation of the development hereby permitted, a scheme for landscaping shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be implemented in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. The scheme shall include the following:

- a. details of all hard and soft surfacing to include type, position, design, dimensions and materials and any sustainable drainage system used;
- b. a schedule detailing sizes and numbers/densities of all proposed trees/plants including details of tree pit design, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period;
- c. details of any planters or street furniture,

Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD15 of the Brighton & Hove Local Plan and CP12, CP13 and CP15 of the Brighton & Hove City Plan Part One and policies HE3 and HE6 of the Brighton & Hove Local Plan.

7. Notwithstanding the plans hereby permitted, prior to first occupation of the development hereby permitted, details of secure, accessible and inclusive cycle parking facilities for the occupants of, and visitors to, the development shall 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 occupation 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 paragraph 110b of the National Planning Policy Framework.

8. Prior to the first use/occupation of the development hereby approved a Waste & Recycling Management Plan, which includes, inter alia, details of the types of storage of waste and recycling, types of vehicles used to collect these materials, how collections will take place and the frequency of collections shall be submitted to and approved in writing by the Local Planning Authority. All waste, recycling and their storage and collection activities 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 and the Waste and Minerals Plan for East Sussex, South Downs and Brighton & Hove.

9. Within 6 months of first occupation of the 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.

10. No development above ground floor slab level hereby permitted shall be first occupied until
- i) details of external lighting, which shall include details of; levels of luminance, hours of use, siting, predictions of both horizontal illuminance across the site and vertical illuminance affecting immediately adjacent receptors, hours of operation and details of maintenance have been submitted to and approved in writing by the Local Planning Authority.
 - ii) the predicted illuminance levels have been tested by a competent person to ensure that the illuminance levels agreed in part 1 are achieved. Where these levels have not been met, a report shall demonstrate what measures have been taken to reduce the levels to those agreed in part i).
 - iii) The submitted details should clearly demonstrate that areas to be lit will not disturb or prevent sensitive species using their territory or having access to their breeding sites and resting places.

The lighting installation shall comply with the recommendations of the Institution of Lighting Professionals (ILP) e.g. Guidance On Undertaking Environmental Lighting Impact Assessments. A report and certification on completion, from a competent person shall be submitted to show the lighting installation complies with the guidance. The external lighting shall be installed, operated and maintained in accordance with the approved details and thereafter retained.

Reason: To safeguard the amenities of the occupiers of adjoining properties and ensure an acceptable appearance to the development in accordance with QD27 of the Brighton & Hove Local Plan and policy CP12 of the Brighton and Hove City Plan.

11. No 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.

- 12.
- (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.

- 13. If during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority), shall be carried out until a method statement identifying and assessing the risk and proposing remediation measures, together with a programme for such works, shall be submitted to and approved in writing by the Local Planning Authority. The remediation measures shall be carried out as approved and in accordance with the approved programme.

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. Prior to completion and occupation of the development hereby permitted, details of all plant and machinery and the noise associated with it shall be submitted to and approved in writing by the Local Planning Authority. Noise associated with plant and machinery shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed the representative background noise level. Rating

Level and existing representative background noise levels to be determined as per the guidance provided in BS 4142:2014. In addition, there should be no significant adverse impacts from low frequency noise.

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.

15. No servicing (i.e. deliveries to or from the premises) shall occur except between the hours of 06.00 and 23.00 Monday to Sundays, including Bank or Public Holidays.

Reason: To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

16. The outdoor courtyard shall not be in use for guests except between the hours of 07.00 and 23.00.

Reason: To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

17. The development hereby permitted shall not be first occupied until a scheme for the fitting of odour control equipment to the building has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the first occupation of the development and shall thereafter be retained as such.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policy QD27 of the Brighton & Hove Local Plan.

18. Prior to the first occupation of development hereby permitted a Hotel Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall set out how noise will be managed throughout the site, including details of the management of the communal external amenity space, smoking arrangements for commercial operations and management of on-site events. The approved measures shall be implemented in strict accordance with the approved details from the first occupation of the development and shall thereafter be retained as such.

Reason: To protect the amenity of future residential and commercial occupiers of the development and also to protect the amenity nearby residents, in accordance with policies SU10 and QD27 of the Brighton & Hove Local Plan.

19. No development shall take place (other than demolition works) until a detailed design for the site using sustainable drainage methods as per the recommendations of the Cannon Place Hotel, Brighton SUDS Report (2200059-EWP-ZZ-XX-RP-C-0001) by Elliot Wood dated July 2020 has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design prior to the building commencing.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to comply with policy SU3 of the Brighton & Hove Local Plan.

20. No development above ground floor slab level of any part of the development hereby permitted shall take place until a drainage strategy detailing the proposed means of foul water disposal and an implementation timetable, has been submitted to and approved in writing by, the Local Planning Authority in consultation with the sewerage undertaker. The development shall be carried out in accordance with the approved scheme and timetable.
Reason: To ensure adequate foul sewage drainage/treatment is available prior to development commencing and to comply with policy SU5 of the Brighton & Hove Local Plan.
21. No development above ground floor slab shall take place until an ecological design strategy (EDS) addressing measures for the protection and enhancement of biodiversity has been submitted to and approved in writing by the local planning authority. The EDS shall include the following:
- a. purpose and conservation objectives for the proposed works;
 - b. review of site potential and constraints;
 - c. detailed design(s) and/or working method(s) to achieve stated objectives;
 - d. extent and location /area of proposed works on appropriate scale maps and plans;
 - e. type and source of materials to be used where appropriate, e.g. native species of local provenance;
 - f. timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
 - g. persons responsible for implementing the works;
 - h. details of initial aftercare and long-term maintenance;
 - i. details for monitoring and remedial measures;
 - j. details for disposal of any wastes arising from works,
- The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.
Reason: To ensure that any adverse environmental impacts of development activities can be mitigated, compensated and restored and that the proposed design, specification and implementation can demonstrate this.
22. The development hereby permitted shall not be occupied until details showing the type, number, location and timescale for implementation of the compensatory bird, bat and insect bricks / 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 prior to occupation and thereafter retained.
Reason: To safeguard these protected species from the impact of the development and 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.
23. No development above ground floor slab shall take place until an example bay study showing full details of window(s) and their reveals and cills and the ground

and basement floor frontages / entrances including 1:20 scale elevational drawings and sections for the development hereby permitted 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: To ensure a satisfactory appearance to the development and to comply with policies CP12, CP13 and CP15 of the Brighton & Hove City Plan Part One and policies HE3 and HE6 of the Brighton & Hove Local Plan.

24. All boiler flues shall have vertical termination above roof.
Reason: To safeguard the amenities of the local residents and minimise air pollution and to comply with policies SU9 and QD27 of the Brighton & Hove Local Plan and policy CP8 of the Brighton & Hove City Plan Part One.
25. The glazed frontages to the ground and basement floors adjacent to Cannon Place shall be fitted with clear glass which shall be retained and kept unobstructed at all times.
Reason: To ensure an active frontage is maintained and to comply with policy CP12 of the Brighton and Hove City Plan Part One.
26. No development shall take place until a Demolition & Environmental Management Plan (DEMP) has been submitted to and approved in writing by the Local Planning Authority. The DEMP shall include:
- (i) The phases of the Proposed Demolition including the forecasted completion date(s)
 - (ii) A commitment to apply to the Council for prior consent under the Control of Pollution Act 1974 and not to Commence Demolition until such consent has been obtained
 - (iii) A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme)
 - (iv) A scheme of how the contractors will minimise disturbance to neighbours regarding issues such as noise and dust management vibration site traffic and deliveries to and from the site
 - (v) Details of hours of construction including all associated vehicular movements
 - (vi) Details of the any demolition compound
 - (vii) A plan showing demolition traffic routes
- The construction shall be carried out in accordance with the approved CEMP.
Reason: As this matter is fundamental to the protection of amenity, highway safety and managing waste throughout development works and to comply with policies QD27, SU9, SU10 and TR7 of the Brighton & Hove Local Plan, policy CP8 of the Brighton & Hove City Plan Part One, and WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 and Supplementary Planning Document 03 Construction and Demolition Waste.

27. No development, excluding demolition, shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:
- (i) The phases of the Proposed Development including the forecasted completion date(s)
 - (ii) A commitment to apply to the Council for prior consent under the Control of Pollution Act 1974 and not to Commence Development until such consent has been obtained
 - (iii) A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any considerable constructor or similar scheme)
 - (iv) A scheme of how the contractors will minimise disturbance to neighbours regarding issues such as noise and dust management vibration site traffic and deliveries to and from the site
 - (v) Details of hours of construction including all associated vehicular movements
 - (vi) Details of the construction compound
 - (vii) A plan showing construction traffic routes
- The construction shall be carried out in accordance with the approved CEMP.
- Reason:** As this matter is fundamental to the protection of amenity, highway safety and managing waste throughout development works and to comply with policies QD27, SU9, SU10 and TR7 of the Brighton & Hove Local Plan, policy CP8 of the Brighton & Hove City Plan Part One, and WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 and Supplementary Planning Document 03 Construction and Demolition Waste.
28. The development hereby permitted shall not be occupied until a Delivery & Service Management Plan, which includes details of the types of vehicles, how deliveries will be scheduled, take place and otherwise be managed, and the frequency of deliveries, shall be submitted to and approved in writing by the Local Planning Authority. All deliveries shall thereafter be carried out in accordance with the approved plan.
- Reason:** In order to ensure the safe operation of the development and to protect the amenities of nearby residents and to comply with policies TR7, SU10, QD27 and SR4 of the Brighton & Hove Local Plan and SA2, CP4, CP5, CP9, CP12, CP13 and CP15 of the City Plan Part One.
29. HGVs used for demolition and construction of the development shall minimise routes through the City Centre Air Quality Management Area when travelling to/from the site.
- Reason:** To minimise NOx and particulate emissions to the established AQMAs during demolition and construction and to comply with policies SU9 and QD27 of the Brighton & Hove Local Plan and policy CP8 of the Brighton & Hove City Plan Part One.

30. HGVs within the control of the developer which are used for the demolition/construction of the site shall meet the euro-VI emission standard (available for vehicles registered after September-2014).
Reason: To minimise NOx and particulate emissions to the established AQMAs during demolition and construction and to comply with policies SU9 and QD27 of the Brighton & Hove Local Plan and policy CP8 of the Brighton & Hove City Plan Part One.
31. The developer shall comply with Stage IIIB of EU directive 97/68/EC for NOx emissions limits from non-mobile construction machinery in accordance with DfT guidance improving air quality emissions from non-road mobile machinery.
Reason: To avoid emission impacts in and around the AQMA and to comply with policies SU9 and QD27 of the Brighton & Hove Local Plan and policy CP8 of the Brighton & Hove City Plan Part One.
32. 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 and CP15 of the Brighton & Hove City Plan Part One.
33. All gas boilers within the development shall have NOx emission rates of less than 30mg/kwh. To safeguard the amenities of the local residents and minimise air pollution and to comply with policies SU9 and QD27 of the Brighton and Hove Local Plan and policy CP8 of the Brighton and Hove City Plan Part One.
Reason: To safeguard the amenities of the local residents and minimise air pollution and to comply with policies SU9 and QD27 of the Brighton & Hove Local Plan and policy CP8 of the Brighton & Hove City Plan Part One.
34. All render finishes to the north facing elevation of the new build element of the building hereby permitted fronting St Margaret's Place 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 policy CP12 and CP15 of the Brighton & Hove City Plan Part One and polices HE3 and HE6 of the Brighton & Hove Local Plan.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One 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 accredited energy assessors are those licensed under accreditation schemes approved by the Secretary of State (see [Gov.uk website](#)); two bodies currently operate in England: National Energy Services Ltd; and Northgate Public Services. The production of this information is a requirement under [Part L1A 2013](#), paragraph 2.13.
3. The applicant is advised that the details of external lighting required by the condition above should comply with the recommendations of the Institution of Lighting Engineers (ILE) 'Guidance Notes for the Reduction of Light Pollution (2011)' or similar guidance recognised by the council. A certificate of compliance signed by a competent person (such as a member of the Institution of Lighting Engineers) should be submitted with the details. Please contact the council's Pollution Team for further details. Their address is Environmental Health & Licensing, Bartholomew House, Bartholomew Square, Brighton, BN1 1JP (telephone 01273 294490 email: ehlpollution@brighton-hove.gov.uk website: www.brighton-hove.gov.uk).
4. 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.
5. The applicant is advised that a formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel 0330 303 0119), or www.southernwater.co.uk
6. Planning permission is no defence against a statutory noise nuisance investigation. The council is required to investigate under the provisions of the Environmental Protection Act 1990 to determine whether or not a statutory nuisance is occurring and if any action is appropriate,
7. You are advised that a Traffic Regulation Order (TRO) is required. You must submit a plan to a scale of 1:1000 of an indicative scheme for a TRO, along with timescales for commencement and completion of the development. Please be aware that the statutory TRO process is not straightforward; involving the public advertisement of the proposal(s) and the resolution of any objections. You should expect a minimum of six months to elapse between the Highway Authority's TRO Team confirming that it has all the information necessary to enable it to proceed and the TRO being advertised. You will not be permitted to implement the TRO measures until the TRO has been sealed, and we cannot always guarantee the outcome of the process. We cannot begin the TRO

process until the appropriate fee has been received. To arrange for a TRO to be processed contact parking.infrastructure@brighton-hove.gov.uk. N.B. The cost of implementing any lining, signing or resurfacing required by the TRO is separate to the TRO fees, which solely cover the administration required to prepare, consult, amend and seal the TRO.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. This application relates to Brighton Metropole Hotel located in Cannon Place in central Brighton. The development site includes much of Cannon Place frontage of the existing Brighton Metropole Hotel site and would extend around to the corner of Cannon Place and St. Margaret's Place. Within the existing hotel, the site currently accommodates exhibition space (at ground and first floor levels) along with small conference rooms and associated service areas at second floor. The site includes Nos. 31-32 Cannon Place, a grade II listed building that fronts St Margaret's Place. The site also includes a hardstanding / pavement area between the existing built form and the highway on Cannon Place which is under the ownership of B&HCC, the majority of which is Local Highways Authority land.
- 2.2. The Brighton Metropole building itself is on the Council's Local List of Heritage Assets and has been significantly extended and altered over time since it was originally built. The main building fronts the seafront on Kings Road.
- 2.3. Sussex Heights residential tower is located to the west, St Margaret's Place, a residential terrace is sited to the north. To the east of the site on the opposite side of Cannon Place are two multi storey car parks separated by Russel Road.
- 2.4. The site is located within the Regency Square Conservation Area, which is centred around Regency Square, located to the west of the development, which is characterised by 19th Century residential properties. There are several listed buildings within its vicinity, including the Grand Hotel to the south east of the site and Nos. 2 and 3 St Margaret's Place and No.30 Cannon Place immediately to the north.
- 2.5. Planning permission is sought for the redevelopment of part of the wider Brighton Metropole Hotel site, incorporating the demolition of existing buildings containing conference facilities on Cannon Place & St Margaret's Place and the erection of a new standalone hotel (C1): The development would consist of the following;
 - Building of between four to nine storeys (including basement level)
 - Retention of Grade II listed facades at Nos. 31 and 32 Cannon Place and the addition of a mansard roof,
 - 221 rooms with a variety different sizes and types from first to seventh floor,
 - Reception, dining and bar areas and access to internal open courtyard at ground floor level,

- Basement floor to provide meeting rooms, back of house and services and cycle parking,
 - and the creation of new landscaping / public realm on the Cannon Place frontage.
- 2.6. The new proposal would be a standalone hotel and would not share facilities with the existing Metropole hotel.
- 2.7. A number of revisions to the proposal were sought during the life of the application including the following:
- Elevational improvements including revised fenestration, detailing, and bay treatments,
 - Changes to proposed materials,
 - A taller tower topped with an open framed belvedere element,
 - Reduction / re-siting of plant enclosures on the roof,
 - Revisions to external landscaping / public realm and loading bays.

3. **RELEVANT HISTORY**

- 3.1. There is no recent relevant history of planning applications on the site other than the concurrent listed building application (BH2020/01952).
- 3.2. A pre-application proposal for a similar hotel scheme was submitted in March 2020.

Pre-application advice from officers

- 3.3. **PRE2020/00071** - Part redevelopment of the Hilton Brighton Metropole to create a new hotel to the North of the Metropole Hotel building. The facades of the existing Grade II listed numbers 31 and 32 Cannon Place to be retained.
- 3.4. Consultee advice was sought during the pre-app process from the Planning Policy, Urban Design and Heritage Teams.
- Officers considered the principle of the hotel was considered acceptable subject to acceptable justification for the loss of the existing conferencing facilities.
 - The general height, scale and massing of the proposals was considered appropriate in principle,
 - Work was required on the articulation of the facades and the relationship between the new build and the listed buildings to ensure the proposed fully respected the listed buildings and better evoked a Regency terrace form.
 - It was considered that the tower feature could be strengthened with a taller slimmer design,
 - The proposal should ensure that the site is greened as much as possible with landscaping improvements on the Cannon Place frontage,
 - Future application would be required to demonstrate an acceptable impact on neighbouring amenity.

4. REPRESENTATIONS

4.1. **Nineteen (19)** letters has been received objecting to the proposed development for the following reasons:

Design / Appearance

- Excessive height,
- Out of keeping with the Conservation Area and neighbouring listed buildings,
- The proposed mansard roof is out of character and harms the listed building,
- No masterplan of the area has been provided,
- Zinc cladding mansard to the proposal hotel is inappropriate
- Proposals do not fully respect of reference the existing heritage assets within the area,
- Adverse impact on listed building,

Transport

- Will result in increased traffic resulting in noise, air pollution and congestion,
- Will increase parking pressures in the immediate area,
- Disruption to pedestrians using the footway due to drop offs and hotel deliveries,
- Restricted access for hotel drop offs,
- The Transport Assessment is flawed,
- The hotel will not be 'car free',
- Proposal unsafe for pedestrians,
- Lack of cycle lanes on Cannon Place

Impact on neighbouring amenity

- Loss of daylight and sunlight to adjoining properties,
- Loss of privacy with views into adjoining properties,
- Overbearing on neighbouring properties,
- Increased noise disturbance during construction,
- Increased noise disturbance through the operation of the hotel (plant / deliveries etc) and also through increased footfall from users of the hotel, including those also using the bar facilities,
- Noise and disturbance from the open hotel courtyard,
- Wind tunnel impact, especially on St Margaret's Place
- Sunlight and daylight assessment inadequate,
- Restriction of view,

Other Considerations

- City doesn't need any more hotels,
- Should be used for housing,
- Reduce neighbouring property values
- Further strain on surrounding infrastructure
- Lack of greening or biodiversity measures proposed,
- The pedestrian wind survey is flawed,

- Concerns raised with the Noise Assessment as the plant and ventilation strategies and locations are not known at this stage,
- Concerns raised in respect of the accuracy of the visuals in the design and access statement and those used previously in pre-application discussions,
- Concern that this is the first of a piecemeal development of the wider site,
- Air quality concerns,

Regency Square Area Society

4.2. The Society objects on the following grounds:

- The proposal does not address concerns highlighted by the planning department, amenity groups or residents during pre-application consultations,
- The Cannon Place and St Margaret's Place Street frontages would not be fully repaired by the proposals,
- Significant Highways impacts over and above that set out in the Transport Assessment,
- The mansards to both the new build and the listed building are inappropriate and would harm the buildings and the public realm including the conservation area.

The Brighton Society

4.3. The Society objects on the following grounds:

This design fails to meet the high standards of high quality and sympathetic design which this important site demands. It is an overbearing, poorly conceived and poorly designed proposal, out of context with its Conservation Area surroundings in terms of scale, form, detailing and materials. It attempts to cram too much accommodation on to its sensitive site. It represents commercial exploitation of a historic area of the central city - at the expense of our heritage and urban environment.

5. CONSULTATIONS

Internal

5.1. **Air Quality:** Comment

The hotel is located in an area of clean air quality not far from the open sea frontage.

5.2. The development proposals are not deemed to worsen prevailing fresh air.

5.3. Consideration has been given to traffic production to and from the site. Additional private car trips are most likely to access Central Brighton via section of the A259 - outside of the Air Quality Management Areas (AQMA). From the year of occupation additional taxi movements, due to the development are predicted to pass through AQMA1 such as guest pickups from railway stations and Gatwick Airport. This is predicted to be below the guidance, threshold of 100 extra

vehicles per day in an AQMA that would trigger the requirement for a detailed air quality assessment.

- 5.4. A condition is recommended to ensure any gas boilers are ultra low NOx and additional air quality requirements to be included in any CEMP.
- 5.5. **Arboriculture: Comment**
Tree planting would be feasible although individuals may struggle. Large vegetation within the highway generally does not establish in proximity to Kingsway due to poor soil and wind channelling. Those that do are considerably stunted compared to compatriots 50m further inland.
- 5.6. Further details of species and landscaping is recommended by condition.
- 5.7. **Artistic Contribution: Comment**
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
- 5.8. CP13 seeks to improve the quality and legibility of the city's public realm by incorporating an appropriate and integral public art element. It is suggested that the Artistic Component element for this application is to the value of £49,900.
- 5.9. To make sure that the requirements of Policies CP5, CP7 and CP13 are met at implementation stage, it is recommended that an Artistic Component schedule be included in the section 106 agreement.
- 5.10. **City Clean: No objection**
- 5.11. **County Archaeologist No objection**
Although this application is situated within an Archaeological Notification Area, based on the information supplied, it is not considered that any significant archaeological remains are likely to be affected by these proposals. For this reason there are no further recommendations to make in this instance.
- 5.12. **Economic Development: No objection**
City Regeneration has no adverse comments regarding this application. The proposed application states that the existing C1 gross floorspace of 3421sqm will be lost, however the proposed gross new internal floor space will be 9747sqm and additional net gain of 6326sqm an addition of 221 new hotel rooms. The application does not state the current number of employees working within the conference sector of the hotel, but indicates that the proposed number of new employees would be for 55 FTE's and 42 PTE. City Regeneration

accepts that the current rooms used as conference facilities are of poor quality; Viscount Room, Hall 7, Hall 9 and the Park Suites, and are not sufficiently used. It is understood from the Visit Brighton that the loss of this conference space will not affect the conference offer that Brighton and Hove City has, as there are more modern facilities with conference facilities within the city.

- 5.13. Due to the size of the development, it meets the criteria as a major development and as such will be subject to developer contributions for the sum of £22,100 in line with the council's Technical Guidance for Developer Contributions.
- 5.14. There will also be a requirement for the submission of an Employment and Training Strategies relating to the site in respect of both the demolition and construction phases of the development.
- 5.15. **Environmental Health: No objection**
Conditions are recommended in respect of land contamination, a Construction and Environmental Management Plan and a Site Waste Management Plan.
- 5.16. **Heritage: No objection**
Whilst it is disappointing that this proposal does not represent a more comprehensive redevelopment of the unattractive 1960s conference hall facilities, the redevelopment of this part of the site is nevertheless very welcome. The full restoration and repair of the listed frontage is also welcomed and there is no objection to the proposed mansard roof. It is considered that, given the very mixed built context and the width of Cannon Place, the proposed footprint, building line, scale and massing of the new hotel building are generally appropriate whilst the design has responded positively to the mixed context and adjacent heritage assets. The active street level frontage for much of the building's length would be a positive improvement on Cannon Place. The south-east corner 'tower' feature has evolved positively during the design and pre-application process and has an acceptable vertical emphasis. Revisions to the scheme have improved the detailing and articulation of the external facades and notwithstanding the somewhat heavy zinc clad roof which would still benefit from being set back from the main façade the proposal would overall have an acceptable appearance.
- 5.17. It is considered that the proposals would preserve the significance of the listed building at 31-32 Cannon Place and would enhance the appearance of the Regency Square conservation area and enhance the settings of the locally listed Metropole Hotel and the listed buildings in Cannon Place and St Margaret's Place.
- 5.18. Conditions are recommended in respect detailed specifications of all materials, and large-scale details of key architectural elements including dormer windows.

- 5.19. **Planning Policy:** No objection
The site is located within the Brighton Centre and Churchill Square Development Area as set out in Policy DA1 of City Plan Part One. The Development Area designation provides an opportunity to deliver sustainable development and address some of the existing townscape, public realm, and permeability issues in the area.
- 5.20. The provision of a hotel in this location is supported in principle as the site is within the Hotel Core Zone defined by Policy CP6 'Visitor Accommodation' where new hotel development is directed. Para 2.133 in the emerging policy DM17 in CPP2 also sets sequentially suitable opportunity search areas for new hotels which includes the DA1 area. The scheme would result in the loss of approximately 3500m² conference floorspace. An emerging policy in CPP2 (DM17) aims to safeguard existing large capacity conference facilities. Justification for the loss of the conference facilities is set out in the Planning Statement. This satisfies the criteria and as no objection is raised as regards to the loss.
- 5.21. **Sustainability:** No objection
The building fabric incorporates good U-values and a proposed reduction in carbon emissions over Part L Building Regs of 22.7%. The proposal to use a communal air source heat pump for heating and cooling will contribute significantly to reducing the carbon dioxide emissions from the building through efficient use of electricity. The blue / green roof is an innovative proposal that will limit rainwater runoff to the drainage system and could add a limited amount of biodiversity. A good maintenance regime will be required for the roof to ensure continuing operation.
- 5.22. Water use is proposed to be within the 110 litres / person / day standard required in CP8. The main provision of Policy CP8 for non-residential buildings is to achieve a BREEAM "Excellent" rating. It is stated that this development will target the Excellent standard.
- 5.23. Conditions are recommended to ensure a BREEAM 'excellent' rating.
- 5.24. **Sustainable Urban Drainage:** No objection
The proposals outlined in the submitted SUDS report are considered appropriate. Further detailed drainage information will be required by condition.
- 5.25. **Sustainable Transport:** Object
Concerns raised over various works on highway land including configuration of loading bay, taxi stand, and soft/hard landscaping including pedestrian refuge but note will be possible to resolve through s278 process. Seek refusal due to cycle parking design issues (aisle widths etc. within the building and lack of

spacing around external provision), and lack of disabled parking, notably a lack of data from carpark operator in relation to occupancy of disabled spaces in carpark opposite site.

5.26. **Tourism: No objection**

Having looked at the Canon Place Hotel Planning Statement our initial feedback would be that the proposal has merit and would offer enhanced facilities available for both leisure and business visitors. The addition of a new 221 room hotel would add to the City's portfolio of accommodation and the proposed number of additional rooms would comply with the additional accommodation potential identified in the Brighton & Hove Visitor Accommodation Study Update 2018, assuming that the rooms are of mid-market quality. As set out in the Planning Statement it is agreed that the proposed loss of conference space would not be of detriment to Brighton's conference offer. It is agreed that the rooms to be lost, including the Viscount Room, Hall 7, Hall 9 and the Park Suites, are of poor quality, infrequently used and are not reflective of the quality of product required by conference planners. Should conference organisers require rooms of this size they have many other options in the City to fulfil their requirements.

5.27. **Urban Design: No objection**

Proposals have progressed through pre-application (PRE2020/00071) and received urban design comments at this stage in June 2020, as well as post-application urban design comments in August 2020 with subsequent meetings. Following this process, proposals are generally well received and respond well to considerations of townscape, heritage and scale. The majority of urban design concerns raised at pre-application and post-application stage have been addressed.

5.28. However, some recommendations for improvement remain. Some aspects could be dealt with by condition. These include:

- Biodiversity gains and nature enhancement;
- Public realm interface and active ground frontage;
- Visibly increased height caused by roof plant enclosures, and;
- Massing and appearance of the corner tower element.

5.29. Conditions are recommended in respect of materials, detailing and landscaping.

External Consultees

5.30. **The Brighton and Hove Archaeological Society: No objection**

The Brighton and Hove Archaeological Society are unaware of any archaeological deposits that are likely to be affected by this development. The development is close to Regency Square so that there may be some historical implications.

- 5.31. It is possible that The County Archaeologist has information not available to this Society. The Society would suggest that you contact him for his recommendations.
- 5.32. **Conservation Advisory Group (CAG): Objection**
The Group welcomes the ambition to repair, restore and activate the street scene of Cannon Place, some changes to the pre-application consultation blocky design and the retention of the facade of the Grade II listed 31-32 Cannon Place and Royal Newburgh Assembly Rooms. The Group nevertheless recommends refusal for the reasons below.
- There is no supporting 'master site plan' for the rest of the applicant's Metropole conference buildings.
 - The Wilds and Busby designed façade to the No.1 St Margaret's Place (the Royal Newburgh Assembly Rooms) as well as the exquisite Grade II Listed early 19th Century houses at 27 - 32 Cannon Place are only 4 storeys high and would be dominated by the height and mass of the proposed development,
 - Mansard style roofs are not characteristic of the conservation area and that proposed for the Grade II listed 31-32 Cannon Place would be particularly inappropriate.
 - The metal clad upper floors of the new build have an unattractive industrial character which is emphasised by their overwhelming mass,
 - The SE tower is misrepresented in the application's visuals. It should be at least one storey lower and with reduced bulk,
- 5.33. **Ecology: No objection**
Surveys were carried out in accordance with best practice and are sufficient to inform appropriate mitigation, compensation and enhancement. The site is not covered by a nature conservation designation. Given the nature, scale and location of the proposed development, there are unlikely to be any impacts on any sites designated for their nature conservation interest. The site is currently dominated by buildings within an urban environment and is of limited ecological interest. The site offers opportunities to provide biodiversity net gain which will help the Council address its duties and responsibilities under the NERC Act, NPPF and local planning policy. The recommendations made in the Preliminary Environmental Appraisal are appropriate and should be incorporated into an Ecological Design Strategy.
- 5.34. Conditions are recommended in respect of an Ecological Design Strategy and a requirement for bird, bat, bee boxes and bricks.
- 5.35. **Historic England: No objection**
Historic England is supportive in principle of the redevelopment of the site. The proposal and the potential to deliver improvements to the character and appearance of the Regency Square Conservation Area. It will also deliver enhancements to the facades of the grade II listed 31-32 Cannon Place.

However, we have concerns regarding the applications on heritage grounds due to the design of the tall and visually dominant mansard roof and also that the roof level plant closures are visible in some views. We recommend that amendments to the design of the scheme are sought to reduce the height of the mansard roof element to a single storey and that the roof plant enclosures are not visible at street level.

5.36. **SGN: No objection**

No gas mains are located within the application site.

5.37. **Southern Water: No objection**

The developer can discharge foul and surface water flow no greater than existing levels if proven to be connected and it is ensured that there is no overall increase in flows into the sewerage system. No additional flows other than currently received can be accommodated within existing sewerage network. Following initial investigations, Southern Water can provide a water supply to the site.

5.38. A condition is requested for details of the proposed means of foul and surface water sewerage disposal.

5.39. **Sunlight and Daylight (BRE): Comment**

The Sunlight and Daylight report submitted with the application is considered robust. Loss of daylight would be outside the BRE guidelines for four properties on St Margaret's Place, immediately to the north of the site. The losses would be minor adverse in three cases, and moderate adverse in the other. Some of the worse results are likely to be partly due to contributory factors arising from the receptor building's own design such as overhangs and setbacks. Three of these properties would also have a loss of sunlight outside the BRE guidelines which would be minor adverse tending towards moderate. The fourth dwelling does not have room uses which are relevant for sunlight. Additionally, another property on the row which would be within the guidelines for daylight would have a loss of sunlight which would be minor adverse. Winter sunlight would be most affected in each case, whilst loss of year round sunlight (which is more important) would be more minor.

5.40. Most of the proposed hotel rooms would receive either the recommended amount of daylight for a residential bedroom or close to it. As hotels are a non-residential use and rooms are occupied for short periods, some flexibility in consideration of lower results would be reasonable

5.41. **Sussex Police: No objection**

The National Planning Policy Framework demonstrates the government's aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of

life or community cohesion. Despite the level of crime and anti-social behaviour in Brighton & Hove district being above average when compared with the rest of Sussex, I have no major concerns with the proposals at this location, however, additional measures to mitigate against any identified local crime trends and site specific requirements should be considered. The applicant is advised that there is a cumulative impact policy in place and the proposed premises falls within the cumulative area/centre of the night-time economy. The applicant is advised to refer to *Secure By Design* guidance.

5.42. **UK Power Networks:** No objection

5.43. **Wind microclimate:** Comment

The study employs a wind climate model based on data measured at Thorney Island airport. This is an acceptable approach. The study considers and accounts for the effects of the local terrain within the area via the method set out within ESDU data item 01008. This is an appropriate and robust technique. The study derives the suitability of wind conditions via application of the London Docklands Development Corporation (LDDC) variant of the Lawson criteria for pedestrian comfort and safety. This is the most widely adopted variant of the Lawson criteria and is considered both acceptable and appropriate. Overall, the assessment represents a plausible appraisal of the wind microclimate upon the introduction of the proposed development.

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 and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only - site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.

6.3. 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 Two

Policies in the Proposed Submission City Plan Part 2 do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since 23 April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications but any greater weight to be given to individual policies will need to await the outcome of the Regulation 19 consultation, which ended on the 30 October 2020.

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
DA1	Brighton Centre and Churchill Square Area
SA1	The Seafront
SA2	Central Brighton
CP2	Sustainable economic development
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
CP18	Healthy city

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

TR4	Travel plans
TR7	Safe Development
TR14	Cycle access and parking
TR18	Parking for people with a mobility related disability
SU5	Surface water and foul sewage disposal infrastructure
SU9	Pollution and nuisance control
SU10	Noise Nuisance
QD5	Design - street frontages
QD15	Landscape design
QD16	Trees and hedgerows
QD18	Species protection
QD25	External lighting
QD27	Protection of amenity
HE1	Listed buildings
HE2	Demolition of a listed building
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

Supplementary Planning Guidance:
SPGBH15 Tall Buildings

Supplementary Planning Documents:
SPD03 Construction & Demolition Waste
SPD11 Nature Conservation & Development
SPD14 Parking Standards

Further Guidance
Developer Contributions Technical Guidance (March 2017).

8. CONSIDERATIONS & ASSESSMENT

8.1. The main considerations in the determination of this application relate to:

- The principle of the development,
- Design: including scale, form, density, materiality and impact on the character and appearance of the listed building and the setting of the neighbouring heritage assets and the wider Regency Square Conservation Area,
- Landscaping, public realm,
- Impact on the amenity of neighbouring occupiers,
- Sustainable transport implications,

Planning Policy Context and Principle of Development

8.2. The site is located within the Brighton Centre and Churchill Square Development Area as set out in Policy DA1 of City Plan Part One. The primary aim of the policy is to secure a new state of the art conference centre in a new location through redevelopment of the Brighton Centre to accommodate an extension of the Churchill Shopping Centre. Although the proposed development is not within the strategic allocation for that development, the local priorities and principles set out in the policy also apply to this site where appropriate.

8.3. The Development Area designation provides an opportunity to deliver sustainable development and address some of the existing townscape, public realm, and permeability issues in the area.

Principle of new hotel

8.4. The site is in a hotel and conference use as existing and is sited within the SA2 Central Brighton area, as noted in City Plan Part 1 (CPP1), which seeks to “reinforce central Brighton’s role as the city’s vibrant, thriving regional centre for shopping, leisure, tourism, cultural, office and commercial uses”. The Planning Statement sets out that the hotel will be an additional facility serving the mid to high-market, complementing the nearby Metropole and Grand Hotels.

- 8.5. Both CPP1 and the background documents supporting CPP2 suggest a strong need for new visitor accommodation spaces in the city. CPP1 recognises the strategic need for a range of hotels and conference facilities across Brighton and Hove.
- 8.6. CPP1 Policy CP5 Culture and Tourism supports the retention, upgrading and enhancement of existing visitor facilities to meet changing consumer demands and high environmental standards in terms of design, management and access. The site is within the Hotel Core Zone defined by CPP1 Policy CP6 'Visitor Accommodation' where new hotel development is directed, while CPP1 Policy DA1 sets out the Council's strategy for Brighton to be 'one of Europe's leading conference and meeting destinations'.
- 8.7. The Planning Policy Team raise no objections to the provision of a new hotel in this location. The Tourism Team 'Visit Brighton' set out that the proposals are in accordance with the aims of the Brighton and Hove Visitor Accommodation Study 2018 and well located to cater to a wide range of visitors and as such support the scheme.
- 8.8. Emerging policy in CPP2 (DM17) identifies DA1 as one of the 'opportunity areas for new hotels', but also aims to safeguard existing large capacity conference facilities, such as the application site.
- 8.9. Although Policy DM17 therefore does not carry full weight it indicates the future policy approach and carries forward the objective set out in CPP1. It is also supported by robust up-to-date evidence in the Brighton and Hove Visitor Accommodation Study Update 2018, which specifically mentions Hilton Brighton Metropole providing conference facilities that play an important role in attracting major conferences to the city.
- 8.10. The policy is criteria-based and requires proposals that lead to the loss of these facilities to demonstrate:
- A) availability of adequate provision elsewhere in the City; and
 - B) existing use was no longer viable or could no longer be sustained on a long-term basis; or
 - C) partial loss enables the upgrade of remaining conference and banqueting provision; or
 - D) re-provision within a new development or in accordance with a Strategic Allocation set out in CPP1.
- 8.11. The Brighton and Hove Visitor Accommodation Study Update 2018 goes on to suggest that any significant reduction in conference and banqueting provision in the city's 4-star hotels would weaken Brighton's competitive position as a conference destination. The proposed loss of approximately 3500sqm

conference floorspace is therefore a potential concern which would need to be fully justified by the applicant.

- 8.12. The Planning Statement submitted in support of the application addresses this issue in detail. It sets out that the conference facilities to be lost are of poor quality with limited natural light and tired decoration and are rarely used. It is stated that the Hall 7 Viscount Room (the largest room to be 'lost') was only in use as a conference venue on two days during the whole of 2018. The ground floor Viscount room was occupied for just 5 days, and there were 15 events during this same period in the Stanmer, Preston and Park Rooms. Furthermore, the operator (Hilton) has indicated it will not retain these conferencing facilities as part of the hotel following the planned refurbishment of the hotel estate so it is unclear whether they would be operating as conferencing facilities in the future should the proposed development not proceed.
- 8.13. Policy DM17 allows for the loss of conferencing facilities where certain criteria are satisfied. It is considered that the issues set out above demonstrate that the existing use can no longer be sustained on a long-term basis, thereby complying with criterion (b). The Planning Statement also details the nature and extent of alternative conferencing facilities in the city so criterion (a) is also considered to be satisfied. On this basis, it is considered that the loss of the conference facility, and its replacement with a new hotel, accords with emerging Policy DM17 of CPP2.
- 8.14. The Tourism Team do not object to the loss of the conference facilities, setting out the following, "It is agreed that the proposed loss of conference space would not be of detriment to Brighton's conference offer. Should conference organisers require rooms of this size they have many other options in the City to fulfil their requirements. Having received assurances that the rooms which are being lost are marginal to the requirements of the Labour Party Conference and thus the City would still be able to accommodate the event, we are happy to support the proposed alterations." The Planning Policy Team also raise no objections to the loss of the existing conference facilities and confirm the proposed hotel use is in accordance with the relevant development plan policies.
- 8.15. Finally, the application submission sets out that the proposed development would provide employment for a total of 55 FTE and 42PTE employees in a modern, well specified hotel. The proposed development would result in economic benefits for the city as well as providing future employment and this welcomed. The proposal is supported by the Economic Development Team.
- 8.16. On the basis of the above, it is considered that the provision of a hotel on this site, and the loss of the conference facilities, is acceptable in principle and

accords with the relevant planning policy, subject to the other considerations set out below.

Design, Scale and Appearance and impact on wider townscape:

- 8.17. National and local policies seek to secure good quality design which respects the existing townscape and the setting of heritage assets. CPP1 Policy CP12 and the Supplementary Planning Guidance on Tall Buildings (SPGBH15) identify the application site as within an area with the potential for development of higher density and tall buildings (18m in height or approximately 6 storeys above existing ground level).
- 8.18. CPP1 Policy CP12 on Urban Design sets that development should hit certain criteria. The keys points are set out below:
- Raise the standard of architecture and design in the city;
 - Establish a strong sense of place by respecting the diverse character and urban grain of the city's identified neighbourhoods;
 - Achieve excellence in sustainable building design and construction;
 - Conserve or enhance the city's built and archaeological heritage and its settings;
 - Protect or enhance strategic views into, out of and within the city;
 - Be inclusive, adaptable and accessible;
 - Ensure that the design of the external spaces is an integral element of the overall design approach, in a manner which provides a legible distinction between public and private realm;
- 8.19. SPGBH15 requires all new tall buildings to be of a high quality of design, such that they can make a positive contribution to the city's urban form and skyline, support the city's continued regeneration, and are generally well received. All tall buildings must be integrated into the public realm, be responsive to environmental conditions and embrace principles of sustainability.
- 8.20. The design of the current scheme has been progressed through a pre-application submission and further discussions and revisions post submission.
- 8.21. The immediate site itself is mixed with the historic listed frontages of Nos. 31 and 32 Cannon Place juxtaposed with the stark blank facades of the 1960's conference centre. The locally listed Metropole hotel building is also a mix of historic with more modern built forms. Originally built in the 1890's it has been much changed over time culminating in harmful roof alterations and extensions in the 1970's and 80's. To the west on the wider site is the 1970's Sussex Heights tower. To the north of the site are the of historic Regency terraces along St Margaret's Place and Cannon Place., whilst the eastern side of Cannon Place is fronted two 1970's multi storey car parks and further to the south the listed Grand Hotel. It is noted that the site and surrounding area contain may tall buildings as existing.

- 8.22. The area suffers from a lack of greenery and a poor public realm experience with the exception of Russel Square to the north.
- 8.23. The proposed scheme would retain the listed frontages of Nos. 31 and 32 Cannon Place whilst demolishing the modern conference buildings on either side of the listing build on both Cannon Place and to the north on St Margaret's Place. The listed buildings would be refurbished externally with the non-original flat roof replaced with a mansard roof and dormer windows.
- 8.24. The new build hotel would be predominantly eight storeys in height (including basement level) rising to nine storeys at the south east tower. There would be a four-storey element to the north west fronting St Margaret's Place, with the height stepping up from listed frontage and tallest element on the southernmost corner. The built form would be set around an internal courtyard which would abut the existing Clarence House building which is to be retained to the west.
- 8.25. The upper two floors would be set within a metal clad mansard type roof form with protruding dormer windows. The south eastern corner would form a tower element providing a contrast to the metal clad roof form. The ground and basement floors fronting Cannon Place would largely be glazed and would provide an element of active frontage.
- 8.26. As originally submitted, whilst the height, scale and massing were generally considered appropriate there were concerns raised by the Urban Design Officer that the tower was lacking in prominence and that the facades were somewhat flat and featureless. The Heritage Team noted that the mansard on the new building should ideally be set back from the elevation below and that the elevation treatment should evoke more of the Regency style.
- 8.27. After discussions with the applicant revised drawings and an addendum to the Design and Access Statement were submitted. These included:
- increased height to the main tower, adding a 'belvedere' frame,
 - improvements to the Cannon Place elevation by adding bays and revised fenestration details to improve the articulation of the elevations,
 - replacement of the cladding on the north facing St Margaret's Place elevation with a painted render finish and revised fenestration and detailing to provide a more traditional appearance on this frontage,
 - the addition of a cornice line below the mansard roof,
 - More varied elevational materials with textured, matt and gloss terracotta cladding,
 - A lighter coloured, more traditional looking appearance to the zinc for the roof,
 - Revisions to the rooftop plant boundaries to limit impact from views from street,

- 8.28. It is considered that the revisions to the building are successful and whilst not overcoming all concerns would improve the appearance of the development and its relationship with the surrounding area.
- 8.29. The listed frontage and its new mansard would be set forward of the frontage of the new build element on Cannon Place and as such there is sufficient separation between the two building forms to ensure that there would not be an overly jarring relationship between the historic and more contemporary elements of the development.
- 8.30. The Urban Design Officer sets out that the proposals are generally well received and respond well to considerations of townscape, heritage and scale. Whilst supporting the scheme on design grounds recommendations for improvements to the tower and further revision to roof top plant enclosures to remove completely from southern views remain.
- 8.31. The Heritage Team welcome the revisions to the new build element setting out that “Overall, the amendments are relatively modest but have clearly improved the proportions and detailing of the new building.”
- 8.32. Whilst it is disappointing that a more comprehensive development has not been sought which would replace a greater extent of the visually harmful 1960/70’s conference buildings fronting the public domain, the proposal nevertheless would be a significant improvement on the existing Cannon Place frontage. The design of the scheme has improved significantly throughout the application process and overall it is considered an appropriate design approach for the site that respects the surrounding area in accordance with policies CP12 and DA1 of CPP1 and saved policy QD5 of the B&HCC Local Plan.
- 8.33. The quality of materials and detailing will be paramount to ensure a successful scheme. Conditions requiring details / samples of materials and detailed large-scale drawings / sections of elevational details are proposed to ensure a high-quality build is maintained through to completion.

Heritage

- 8.34. The application site itself contains the grade II listed 31-32 Cannon Place whilst the wider Metropole hotel is locally listed. There are three listed buildings immediately to the north in 30 Cannon Place and Nos. 2 and 3 St Margaret’s Place. The site itself is within the Regency Square Conservation Area.
- 8.35. The impacts on any designated heritage assets and their settings as well as the impact on the settings of any non-designated heritage assets are required to be assessed in accordance with national and local planning policy and in accordance with the relevant Acts of Parliament. At national level this is the

National Planning Policy Framework (NPPF) and locally under policy CP15 of CPP1 and policies HE1, HE3, HE6 and HE10 of the saved Local Plan.

- 8.36. 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.
- 8.37. 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”.
- 8.38. The Heritage Team are satisfied that the refurbishment and alterations of the listed building facades including the proposed mansard roof element are acceptable and subject to satisfactory detailing would preserve and enhance the listed building.
- 8.39. The Heritage Team also set out that, “It is also considered that given the very mixed built context and the width of Cannon Place, the proposed footprint, building line, scale and massing of the new hotel building are generally appropriate whilst the design has responded positively to the mixed context and adjacent heritage assets. The active street level frontage for much of the building’s length would be a positive improvement on Cannon Place.” It is further stated that the design of the tower has progressed through the application process and, “It would provide a distinctive and legible feature in views from the seafront in the conservation area but without diminishing from the prominence of the Metropole or the Grand.”
- 8.40. The Conservation Advisory Group, the Brighton Society and the Regency Square Area Society have all objected to the scheme on heritage grounds.
- 8.41. Whilst they did not formally object to the scheme as originally submitted it is noted that Historic England raised concerns about the double height mansard roof form and the potential to view the roof top plant from street level which they considered would detract from the listed frontage at 31-32 Cannon Place and the wider Conservation Area.
- 8.42. Whilst the concerns above are noted, especially in relation to the contemporary zinc mansard roof it is considered that the modern design and materials are an acceptable design approach in this location considering the varied built form within the vicinity.
- 8.43. Overall, it is considered that the proposals would preserve the significance of the listed building at 31-32 Cannon Place and would enhance the appearance

of the Regency Square Conservation Area and enhance the settings of the locally listed Metropole Hotel and the listed buildings in Cannon Place and St Margaret's Place.

Landscaping / public realm

- 8.44. National and local plan policies place great emphasis on securing good design and placemaking. City Plan Policy CP13 requires the quality, legibility and accessibility of the city's public urban realm to be improved in a comprehensive manner through new development schemes, transport schemes and regeneration schemes. Such proposals are required to produce attractive and adaptable streets and public spaces that enrich people's quality of life and provide for the needs of all users by:
1. Positively contributing to the network of public streets and spaces in the city;
 2. Enhancing the local distinctiveness of the city's neighbourhoods;
 3. Conserving or enhancing the setting of the city's built heritage;
 4. Reducing the adverse impact of vehicular traffic and car parking;
 5. Utilising high quality, robust and sustainable materials for all elements of the street scene;
 6. Incorporating street trees and biodiversity wherever possible;
 7. Encouraging active living and healthier lifestyles;
 8. Helping to create safe and inclusive public spaces;
 9. Incorporating an appropriate and integral public art element; and
 10. Reducing the clutter of street furniture and signage
- 8.45. Improved public realm and townscape is also a key aim of policy DA1 and also for SA1, the main seafront policy.
- 8.46. The existing public realm on the site frontage on Cannon Street provides a very poor experience for pedestrians, with ill-defined pavement and swathes of hardstanding, used for car unauthorised car parking as well as deliveries for the existing hotel. The blank façade of the conference building adds to a harsh environment dominated by cars and devoid of any greening or biodiversity.
- 8.47. The proposals would be almost entirely on highway land and would be subject to detailed agreement through a highway's works condition and implementation via a s278 agreement. However, the principle has been agreed, which represents a significant improvement on the existing condition of the site, with new seating, planters, and tree and shrub planting. High quality materials are proposed, as well as more legible pedestrian experience along Cannon Place. Planting is also proposed on the St Margaret's Place, including in front of the newbuild element which would replace one of the existing service bays.
- 8.48. While ideally the ground floor of the hotel on Cannon Place would integrate better with the outside space and provide opportunities for seating to extend into the public realm, it is acknowledged that there are a number of constraints,

including the sloping land, land ownership and the prevailing wind conditions which are obstacles in this regard.

- 8.49. Further, revisions to the landscaping / road layout will be required through the s278 process to satisfy highways concerns, as well as to improve biodiversity outcomes. It is suggested that additional planting could be achieved abutting the facades of the building on Cannon Place. within the applicant's land ownership.
- 8.50. Overall, the general principle of the landscaping is agreed, and subject to the recommended conditions and obligations is considered to significantly improve the public realm within the immediate vicinity of the site, in accordance with development plan polices.

Impact on Neighbouring Amenity

- 8.51. 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.
- 8.52. There are several residential properties in close proximity to the site. These include the properties immediately to the north on St Margaret's Place and Cannon Place within the adjacent residential tower, Sussex Heights to the west and also within the extended upper floors of the Metropole hotel to the south and west.
- 8.53. An assessment of the daylight and sunlight impact of the proposed redevelopment on neighbouring properties is contained in a report by Lichfields, titled 'Cannon Place Hotel, Brighton, daylight sunlight and overshadowing assessment' and dated July 2020.
- 8.54. The assessment sets out that some properties to the north of the site would be impacted with loss of daylight outside BRE guidelines at Nos. 2, 3 4a and 4b St Margaret's Place and loss of sunlight outside of the BRE guidelines at 2, 3, 4a and 5 Margaret's Place.
- 8.55. Sunlight and daylight within all other residential properties in close proximity, (Metropole hotel building, Sussex Heights and Cannon Place) would be within BRE guidance with the proposed scheme in place.
- 8.56. The BRE have undertaken an independent review of the applicant's daylight and sunlight submission and consider that the results are robust and in accordance with the guidance in BRE Report 'Site layout planning for daylight and sunlight: a guide to good practice' and BS 8206 Part 2.' The review sets out, *"There would be losses of daylight outside the BRE guidelines at 2, 3, 4a and 4b St Margaret's Place. At numbers 2, 4a and 4b, the losses would be minor adverse. Some of the losses would be only marginally outside the guidelines. Number 3 is the property which would be most affected. Three windows at this property would have a moderate adverse loss, with another two being minor*

adverse. Some of the worse results are likely to be partly due to contributory factors arising from the receptor building's own design such as overhangs and setbacks.

Three of these properties (2, 3, 4b) would also have a loss of sunlight outside the BRE guidelines which would be minor adverse tending towards moderate. A fourth does not have room uses which are relevant for sunlight. Additionally, another property on the row (No.5) which would be within the guidelines for daylight would have a loss of sunlight which would be minor adverse. Winter sunlight would be most affected in each case."

- 8.57. Overall, in respect of sunlight and daylighting, whilst acknowledging that there would be a detrimental impact on some of the adjoining occupiers in St Margaret's Place it is considered that the harm would be relatively minor overall in the context of the overall scheme. The new build element on St Margaret's Place, whilst taller than the existing frontage is set back from the street and no higher than the existing listed frontage at 31-32 and as such respects the existing height and scale of prevailing development within the street. The BRE guidance does note that sunlight and daylight levels may not be possible to be achieved in some built up or historic environments within town centres. In this context, the negative impacts on neighbouring amenity in respect of sunlight and daylight are not considered so significant to warrant the refusal of the application.
- 8.58. Given the close proximity of the proposed development to the existing terraced properties to the north there will be a degree of overlooking towards these properties. In respect of the refurbished listed building the windows are existing with the exception of the mansard dormers but it is acknowledged that the intensity of the use is likely to be greater than existing. The new building element on St Margaret's Place would replace a service entrance and whilst the scheme was revised to reduce the level of fenestration it would introduce windows and the potential for overlooking in this location. The new build element would be set back from the highway with the potential for some landscaping at ground floor which would provide some mitigation.
- 8.59. Overall, it must be noted that the existing windows of the adjacent residential properties on St Margaret's Place / Cannon Place front onto a public street where there is a lower expectation of privacy than if they backed onto a private garden. In this context, and considering the existing situation, any increase in either real or perceived overlooking from the proposed hotel is considered acceptable and would not warrant refusal on grounds of loss of privacy.
- 8.60. In respect of the impact on Sussex Heights and the residential properties within the Metropole building it is considered that these properties would be sited a sufficient distance away to ensure that any overlooking and therefore loss of privacy would not be significant.

- 8.61. Residents have raised concerns about noise and disturbance from the operation of the hotel, including noise from the courtyard, plant noise, disturbance from additional vehicular trips including deliveries and the potential for anti-social behaviour outside the hotel.
- 8.62. An Acoustic Report by Cahill Design Consultants has been submitted in support of the application. It confirms that noise from new traffic added to the network would not result in any material increase over and above the existing noise environment. The report assesses background noise levels on receptors within the site. Whilst exact details and locations of plant have not yet been confirmed, the report concludes that cumulatively the development should achieve a level that is minimum of 5 dB below the existing background noise levels (expressed as dB LA90), at the nearest defined noise sensitive receivers, consistent with guidance within BS4142:2014. A specific condition is recommended to ensure that plant and operational noise from machinery is controlled in line with the BS4142:2014 guidance.
- 8.63. It is further considered that noise and disturbance from the proposed development, be it from future occupiers or transport related impacts can be controlled via a Delivery and Servicing Management Plan and a Management Plan to be secured by condition and it is not considered that neighbouring properties will be significantly impacted in this regard.
- 8.64. Proposed windows are all to be fixed shut and will either be double glazed or include secondary glazing which will help prevent noise escaping from the hotel. Further conditions are recommended to control the hours of use of the external courtyard.
- 8.65. Noise, dust and air quality during the construction of the scheme will be controlled by a Demolition and Environmental Management Plan (DEMP) and Construction and Environmental Management Plan (CEMP).

Sustainable Transport:

- 8.66. 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.
- 8.67. Policies DA1 and SA1 outline that new development should contribute to improve sustainable transport with the area with improvements to the public realm and cycling and pedestrian routes.

- 8.68. The site is in a sustainable location close to the city centre and is well located to take advantage of existing sustainable transport links. It also benefits from a multi-storey public carpark immediately opposite, south of which is a long loading bay.
- 8.69. The design of the public realm abutting the application site has progressed during the life of the application and includes a loading bay for deliveries and a taxi drop off in front of the southern end of the building on Cannon Place.
- 8.70. The scheme includes 28 cycle spaces in a dedicated store for staff and guests, along with eight public cycle stands (16 cycle spaces) proposed on Cannon Place. No vehicle parking is proposed on site.
- 8.71. A Transport Assessment (TA) was submitted with the original application with further transport information, including a Road Safety Audit, submitted by the applicant as the application progressed.
- 8.72. Whilst the landscaping and highway design has progressed during the life of the application with the extension of the loading bay to the south to accommodate a taxi drop off and improvements to pedestrian crossings there are still a number of areas that have not been agreed. However, it is considered that the general principles are acceptable and the necessary changes could be secured by condition and implemented under a s278 /s38 agreement.
- 8.73. Other concerns raised by the LHA Highways Team concern the lack of disabled parking and inadequate cycle parking layout. In considering the issues raised, it is important to bear in mind paragraph 109 of the NPPF which states: *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*
- 8.74. A minimum of three disabled carparking spaces are required in accordance with SPD14. The applicant has set out that the nature of the constrained site and the aim of maximising the public realm has meant that no on-site provision has been achievable. The applicant has confirmed that there are 12 disabled spaces in the NCP car park opposite which can be pre-booked, as well as 14 spaces within the Metropole Hotel Car Park itself which is open to the public. Highway works are proposed on the site to ensure a safe pedestrian crossing is installed close to the hotel entrance on Cannon Place prior to occupation.
- 8.75. This being the case, it is considered that the disabled users will have sufficient parking availability in the immediate vicinity, and that considering the site constraints and the public realm requirements, the provision is considered acceptable in this regard.

- 8.76. Cycle parking for staff and users of the hotel has been provided internally within the basement and externally within the public realm in accordance with the numbers specified within SPD14. Whilst further revisions have improved the quality of the provision it is noted that the LHA Transport Team still have concerns with the detailed layout of the cycle store and the external provision. Overall, the internal provision is considered to provide a good balance between maximising cycle storage numbers, while providing practical circulation space. It is also of note that there is no adopted guidance regarding cycle parking dimensions. It is recognised that the external cycle parking will need to be revised to ensure a satisfactory external landscaping scheme and further cycle parking details will be secured by condition.
- 8.77. The applicant has set out in the TA that the site is well connected to local transport hubs and that future occupiers of the site will be encouraged to use sustainable modes. To help achieve these ends a Travel Plan is proposed, to be secured by condition. A Demolition and Environment Management Plan (DEMP) and a Construction and Environmental Management Plan (CEMP) will be required as a condition to ensure the demolition and construction of the scheme does not result in any adverse environmental health or transport impacts.
- 8.78. Overall, particularly as it would be car free, the proposal is considered to provide a development which would be sustainable in transport terms, encouraging car-free travel, in a sustainable location, so accords with both planning policy and national guidance which notes that *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”*.
- 8.79. Subject to the proposed conditions securing a Delivery and Service Management Plan, Highway Works, CEMP and DEMP, and the s106 agreement obligations for the implementation of the necessary highway works under a s278 agreement and the Travel Plan the scheme accords with the development plan in respect of transport impacts.

Other Materials Considerations

Sustainability

- 8.80. City Plan policy CP8 requires that all developments incorporate sustainable design features to avoid expansion of the City’s ecological footprint, achieve significant reductions in greenhouse gas emissions and mitigate against and adapt to climate change.
- 8.81. The applicant has submitted a Sustainability Strategy as part of their submission. The building fabric incorporates good U-values and a proposed reduction in carbon emissions over Part L Building Regs of 22.7%. Water use is proposed to

be within the 110 litres person / day standard required for residential development in CP8 and this is welcomed. Heating throughout is by air source heat pump via a communal system with low temperature distribution. Hot water is from a gas fired instantaneous boiler.

- 8.82. A condition is proposed to secure a BREEAM rating of excellent for the commercial elements of the scheme.
- 8.83. The blue roof is an innovative proposal that will limit rainwater runoff to the drainage system and could add a limited amount of biodiversity. The external envelope of the building is designed to exceed the statutory insulation requirements.
- 8.84. Overall, subject to compliance with the suggested conditions the proposal is considered to have an acceptable impact in respect of sustainability and is recommended for approval by the Sustainability Team.

Ecology

- 8.85. There are no sites designated for their nature conservation interest that are likely to be impacted by the proposed development. The site is currently covered in buildings and hardstanding and has very little biodiversity value.
- 8.86. It is suggested that bird boxes, swift bricks, bat boxes and bee bricks / bug boxes are provided throughout the scheme and these are to be secured by condition.
- 8.87. Further nature enhancements to the scheme will be secured via an Ecological Design Strategy condition. The mitigation measures set out in the Preliminary Ecological Appraisal by The Ecology Consultancy in respect of nesting birds and potential disturbance of the nearby peregrine nest box on Sussex Heights are considered appropriate by the County Ecologist.
- 8.88. Subject to compliance with the recommended conditions the overall proposal is in accordance with development plan policies in respect of ecology.

Arboriculture

- 8.89. The existing site has no trees as existing. The Arboriculture Team have raised concerns that growing conditions will be difficult in this location close to the seafront due to the poor soils and wind channelling. Whilst the general landscaping approach is agreed further details will be required post decision via condition and this will include careful consideration of tree species

Contaminated Land

- 8.90. The Environmental Health Team raise no objection to the scheme. A full land contamination condition is required should planning permission be granted.

Sustainable Urban Drainage / Flood Risk

- 8.91. Policy CP11 in the City Plan Part One sets out that the council will seek to manage and reduce flood risk and any potential adverse effects on people or property in Brighton & Hove, in accordance with the findings of the Strategic Flood Risk Assessment (SFRA). Saved policies SU3, SU5 and SU11 in the B&H Local Plan relates to water resources and their quality, surface water and foul sewage disposal infrastructure and polluted land and buildings.
- 8.92. A SUDS report by Elliot Wood was submitted in support of the application.
- 8.93. The Local Lead Flood Authority is satisfied with the proposals subject to the imposition of a condition requiring a detailed design for the site using sustainable drainage methods as per the recommendations of the submitted SUDS Report.
- 8.94. Southern Water raise no objection subject to the imposition of a condition requiring further details of the proposed means of foul and surface water disposal to be agreed.

Air Quality

- 8.95. Policy SU9 of the Local Plan relates to pollution and nuisance control. The policy states that development that may be liable to cause pollution and/or nuisance to land, air or water would only be permitted where human health and safety, amenity and the ecological well-being of the natural and built environment is not put at risk; when such development does not reduce the Local Planning Authority's ability to meet the Government's air quality; and other sustainability targets and development does not negatively impact upon the existing pollution and nuisance situation.
- 8.96. Since 2013 an Air Quality Management Area (AQMA) has been designated in Brighton and Hove. Whilst the site is outside the central Brighton AQMA it is acknowledged that vehicular trips to/from Brighton station would travel through this designated area.
- 8.97. The applicant has provided information on daily trips into the AQMA and such it is agreed that the numbers are below those that would trigger the requirement for an Air Quality Assessment.
- 8.98. The Air Quality Officer has set out that the proposal is acceptable in respect of air quality subject to suggested conditions in respect of boiler emissions and a CEMP that includes specific measures to provide mitigation for any potential air quality issues during demolition and construction.

Wind Microclimate

- 8.99. The application includes a desk top Microclimate Wind Report by RWDI (July 2020) which has assessed the existing and proposed wind conditions at the site.

- 8.100. The wind study has enabled the pedestrian level wind environment at the site to be quantified and classified in terms of suitability for current and planned usage, based on the industry standard Lawson criteria for pedestrian comfort and safety. The study considers the proposed development in the context of existing surrounds and approved future surrounds.
- 8.101. The study acknowledges that the site is a windy location, reflecting its position so close to the seafront where prevailing winds predominate from the south-west (with secondary winds from the north-east, typically during the spring months).
- 8.102. The study has concluded that the proposed development does not have any adverse effect on the wind conditions compared to the current buildings on the site.
- 8.103. Whilst mitigation measures are not required the applicant has set out that landscaping measures such as tree planting and planters will be used to improve the wind conditions in key areas including the main entrance to the hotel on Cannon Place. This is likely to result in a net improvement over the existing prevailing wind conditions. Landscaping is also proposed in the internal open courtyard to improve comfort levels for future occupiers in this space.
- 8.104. Through design development and an enhanced landscaping scheme it will be the developer's intention to deliver a net improvement to the current condition.
- 8.105. The applicant's Wind Assessment has been independently peer reviewed by Architectural Aerodynamics Ltd. The review sets out that the study is robust and the results plausible and as such they are satisfied with the report and agree that the mitigation measures set out are appropriate. The wider landscaping details will be agreed as part of the s278 highway works.

Standard of accommodation

- 8.106. The hotel is generally considered to result in a good standard of accommodation for future occupiers. Daylight levels are generally very good throughout. There are four unlit rooms sited behind the listed frontage on St Margaret's Place and whilst this is disappointing it would not warrant refusal for a hotel use. The ground and basement floors used for meeting, dining and leisure are generally reasonably lit, some off the internal courtyard and considered acceptable.

Conclusion and planning balance

- 8.107. Paragraph 11 of the NPPF makes it clear that planning application decisions should apply a presumption in favour of sustainable development. When assessing the scheme before us, in applying the planning balance, there are factors which weigh both for and against the scheme.

- 8.108. Negative factors include a loss of daylight and sunlight for a limited number of properties on St Margaret's Place, some minor design concerns and some limited highways impacts, including the lack of onsite disabled parking.
- 8.109. Whilst acknowledging that the scheme will result in some harm to the amenity of neighbouring residents, the LPA is mindful that the proposed development within St Margaret's Place respects the prevailing built form and is considered an appropriate design response and any negative impact must also be weighed against the many positive benefits of the scheme. The overall highways approach is appropriate for the site and subject to the recommended conditions and obligations the overall highways impacts are acceptable when considering the scheme holistically.
- 8.110. Outlining the positives of the scheme, the public benefits include the contribution of a contemporary 221 bed hotel in a sustainable central location where there is a need for such accommodation. The proposal would help the local visitor economy and would create new employment within the city.
- 8.111. The design of the scheme has evolved positively during pre-application discussions with further improvements during the life of the application and overall offers significant improvements to the appearance and character of the site.
- 8.112. There are clear heritage benefits to the scheme with the refurbishment of the listed building and overall an enhancement of the Regency Square Conservation Area.
- 8.113. The redevelopment of the site will also result in the creation of active frontages along Cannon Place and a significantly improved public realm with tree planting and landscaping in accordance with the thrust of policy DA1 and this is considered a significant positive benefit of the scheme.
- 8.114. Other factors, including impacts relating to ecology, sustainability, flood risk, land contamination, wind and air quality have been assessed and have been considered acceptable.
- 8.115. Overall it is considered that the public benefits of the scheme taken as a whole, which include the provision of a policy compliant hotel scheme are such that they significantly outweigh any limited design and highways concerns and the harm to the amenity of neighbouring occupiers.
- 8.116. The proposed development will make a significant contribution towards sustainable development in the City and thus complies with the NPPF and contributes towards meeting the objectives of City Plan Part One Policy CP1 and approval of planning permission is therefore recommended subject to the

completion of a s106 planning legal agreement and to the conditions recommended above.

9. **COMMUNITY INFRASTRUCTURE LEVY & DEVELOPER CONTRIBUTIONS**

- 9.1. Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23 July 2020 and began charging on all CIL liable planning applications on and from the 5 October 2020. It is not considered that this application is CIL liable in accordance with the adopted Charging Schedule.

Developer Contributions

Highways

- 9.2. The applicant to enter into a s278/s38 agreement for the implementation of the works agreed under the recommended highway design condition. A travel plan is also to be secured to promote sustainable modes of travel.

Employment

- 9.3. Due to the size of the development, it meets the criteria as a major development and as such will be subject to developer contributions for the sum of £22,100 in line with the council's Technical Guidance for Developer Contributions.
- 9.4. There will also be a requirement for the submission of an Employment and Training Strategies relating to the site in respect of both the demolition and construction phases of the development.

Artistic Component

- 9.5. The artistic component is calculated via a standard formula linked to the overall floorspace of the scheme and in this instance the value of the contribution totals £62,500. This contribution is not a monetary payment to be sought by the council but rather an uplift to the quality of the scheme to the value of this amount and will be secured within the legal agreement.
- 9.6. It is recommended that an overall Artistic Component Strategy is sought allowing delivery of the artistic component elements where required which should consider a consistent approach across the site.
- 9.7. Taking into consideration an approved Artistic Component Strategy for suitable projects this may include street furniture, hard or soft landscaping, internal or external murals or sculptures or uplift in materials and may also include improvements to adjacent public realm. The objective is to bring an individual identity to the scheme with an uplift to the public realm and the development over and above the proposed plans.

In the event that the draft S106 agreement has not been signed by all parties within 12 weeks of the date of the permission, the Head of Planning is authorised to refuse the application for the following reasons:

1. The proposed development fails to provide appropriate mitigation of the transport impacts of the development or promote sustainable transport modes contrary to policies TR7 of the Brighton & Hove Local Plan and DA1, CP7 and CP9 of the Brighton and Hove City Plan Part One.
2. The proposed development does not include an appropriate artistic element commensurate to the scale of the scheme and therefore fails to address the requirements of CP5, CP7 and CP13 of the Brighton and Hove City Plan Part One.
3. 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 policies DA1 and CP7 of the Brighton and Hove City Plan Part 1 and the City Council's Developer Contributions Technical Guidance.
4. The proposed development fails to provide a financial contribution towards the City Council's Local Employment Scheme secured via Section 106 Agreement to support local people to employment within the construction industry contrary to policies DA1 and CP7 of the Brighton and Hove City Plan Part 1 and the City Council's Developer Contributions Technical Guidance.

10. EQUALITIES

- 10.1. An accessible external lift is provided to the main entrance on Cannon Street and lift access is provided to all floors. Five percent of the bedrooms will be accessible rooms, two on each floor from first floor to sixth floor, making a total of 12 accessible rooms in the building. There are three additional larger than standard rooms on each floor. The en-suite facility for the accessible bedrooms will be suitable for use by a person in a wheelchair. Accessible bathrooms will include level access showers.

