

ITEM B

**8-12A South Street & 79-81 West Street,
Brighton BH2015 / 04575
Full Planning**

13 July 2016

<u>No:</u>	BH2015/04575	<u>Ward:</u>	REGENCY
<u>App Type:</u>	Full Planning		
<u>Address:</u>	8-12A South Street & 79-81 West Street Brighton		
<u>Proposal:</u>	Demolition of garage / storage buildings at 8 - 12a South Street and two storey rear wing at 81 West Street. Construction of part 3, 4, 5 and 6 storey plus basement buildings to provide 91 hotel rooms (C1 use comprising 69 standard rooms, and 22 micro rooms), new ground floor kitchen and refuse store to 81 West Street and provision of 3no two bedroom flats and 1no one bedroom flat (C3 use) fronting South Street. Demolition and extension of roof level structure at 79 West Street to provide 11no additional backpacker hostel rooms (Sui Generis). Enclosure of external stairs. Reinstatement of public footpath in South Street.		
<u>Officer:</u>	Maria Seale Tel 292175	<u>Valid Date:</u>	25/01/2016
<u>Con Area:</u>	Old Town	<u>E.O.T:</u>	13/08/16
<u>Listed Building Grade:</u>	Within setting of Grade II listed buildings		
<u>Agent:</u>	Morgan Carn Partnership, Blakers House, 79 Stanford Avenue, Brighton BN1 6FA		
<u>Applicant:</u>	Smart Space UK, Mr Afshin Foulad, 101 Marylebone Road, York Gate, Regents Park, London NW1 5PX		

1 RECOMMENDATION

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

2 SITE LOCATION & DESCRIPTION

- 2.1 South Street is located between the bottom (south) of West Street and Middle Street in the city centre. It is a one-way single track road and has a mix of residential, commercial and storage/garaging uses along it. It has a feel of a rear service road and is rather run down, with a number of refuse containers located within it, although some properties do front onto it.

8-12A South Street is partly vacant and partly comprised of several small scale buildings (in a poor state of repair) used as storage/garaging and also as an outdoor area for the Walkabout public house. The building to the east of the site (no.12) has the appearance of a former house with undercroft area and has been used for storage. It is in a poor state of repair with boarded up windows.

79-81 West Street is an existing backpackers hostel (of approx. 230 bed spaces) located above the Walkabout public house.

The site is bordered by the high wall of the existing night club building to the north, and South Street to the south. To the east are residential properties and a hotel.

The site is located within the Old Town Conservation Area. It is located on the boundary of the Brighton Centre and Churchill Square Development Area and within the Central Brighton Area as defined in policies DA1 and SA2 in the Brighton & Hove City Plan Part One.

3 RELEVANT HISTORY

BH2001/02842/FP Redevelopment of site to provide part 3, part 4 storey hotel with associated landscaping to courtyard. Granted 17/05/02.

BH2001/02849/CA Demolition of existing office building and garages. Granted 17/5/02.

(79-81 West St):BH2001/01716/FP Removal of conditions 12 and 13 of BH1998/00190/FP for use of premises as pub and staff flats, to lift restriction on use of courtyard for cycle and refuse storage only. Granted 17/05/02.

There have also been a number of withdrawn applications for redevelopment of the site.

Pre-Application Consultation: With Planning, Heritage, Transport and Environmental Health officers. The applicant also carried out a public consultation exercise. The application was presented at the pre-application stage to elected members at a briefing session on 27th October 2015.

4 THE APPLICATION

- 4.1 Planning permission is sought to demolish the garage and storage buildings at 8 - 12a South Street and the two storey rear wing at 81 West Street. It is proposed to construct a part 3, 4, 5 and 6 storey plus basement buildings to provide a new hotel with 91 rooms (comprising 69 standard rooms, and 22 'micro rooms'). A new ground floor kitchen and refuse store is proposed to 81 West Street. It is also proposed to demolish and extend part of the roof level structure at 79 West Street and enclose external stairs to provide 11no additional backpacker hostel rooms which have a potential to accommodate up to 60 additional bedspaces (giving a total for whole hostel of about 290 if every single bed is taken).

It is proposed to erect a 4-storey building adjacent to 13 South Street to provide 3no two bedroom flats and 1no one bedroom flat fronting South Street. This would be located over a basement associated with the hotel canteen.

The application site measures 0.14Ha, including the footprint of the retained 79-81 West Street buildings. The proposed scheme has a total gross internal area of 3,319.2m² (proposed hotel = 2,721.6m²; proposed flats = 315.2m²; proposed roof extension = 282.4m²).

It is proposed to reinstate the public pavement on the north side of South Street where the garages are located which is currently missing.

The applicant has submitted an indicative Masterplan which covers this site and that adjacent to the north (78 West Street-7-8 Middle Street night club building). This indicative plan shows how this application and that for the adjacent site (BH2015/04577) could be developed together or independently.

Amended drawings and additional supplementary information have been submitted – including more traditional mansard roof design to West Street and addendums to the noise and transport assessments. Also the roof terraces fronting South Street have been relocated to the rear, the cycle parking amended and more windows introduced to the micro hotel rooms. An additional indicative plan showing enhancements to the safety and environment of South Street has also been submitted.

5 PUBLICITY & CONSULTATIONS

External

5.1 Neighbours:

One (1) letter of representation have been received from **Casablanca Jazz Club 2-5 Middle Street** objecting to the application for the following reasons:

- Loss of privacy
- Overshadowing/Loss of light
- Design out of character with area
- Overdevelopment/excessive scale
- Impact to door used as smoking area for nightclub
- Traffic congestion
- Refuse congestion
- Too many licensed premises in area

One (1) letter of representation has been received from **Flat 2, 16 South Street** supporting the application.

5.2 **Brighton & Hove Archaeological Society:** Comment. The development lies in the centre of Old Brighton. It is possible that Palaeolithic deposits may remain or vestiges of the medieval or reformation periods. A development, located close to this one carried out during the 1990's revealed traces that may possibly have been old harbour frontage. It is possible that other archaeology may remain underground and view of the County Archaeologist should be sought.

5.3 **Conservation Advisory Group (CAG):** Approval is recommended. Care needs to be taken to protect small characterful buildings at east end of South Street. There needs to be a full archaeological survey. New mansard roof on West Street looks rather modern and a more sympathetic design would be welcomed [note: amended plans received showing this].

5.3 **County Archaeologist:** Comment. The submitted archaeological desk based assessment and Heritage Appraisal are useful, which include an assessment of standing buildings. The assessment identifies particular potential for ice age

geological deposits, a moderate potential for Bronze Age and Romano-British evidence and a high potential for archaeological interest with regard to below ground evidence for the post-medieval development of the site and with respect to elements of the standing buildings. A programme of archaeological works is therefore recommended by condition.

- 5.4 **County Ecologist:** Support. Provided recommended mitigation measures are implemented the proposal is unlikely to have a significant impact on biodiversity and can be supported from an ecological perspective.

The biodiversity survey carried out is sufficient to inform appropriate mitigation. Given the nature scale and location of the proposed development there are unlikely to be any significant impacts on sites designated for their nature conservation interest. The site comprises buildings and hardstanding within an urban setting and is relatively low ecological interest. The site has potential for nesting birds and demolition should take this into account. A nesting bird check would need to be carried out by an ecologist. Bird boxes/alternative roosting should be provided to compensate for any loss. The site offers opportunities for enhancement including use of species of known value to wildlife within landscaping and provision of green walls and roofs. Native species of local provenance should be used. The green roof should be a biodiverse roof instead – a chalk grassland mix is appropriate.

- 5.5 **Historic England:** Support. The site lies in an area which developed in the 18th century with a mix of small scale buildings that were part of the old fishing town of Brighthelmstone. These were gradually developed by larger late 19th century buildings as Brighton expanded its hotel and entertainment offer. Whilst many of the buildings have been altered or redeveloped over the years, the tight grain of the streets and sense of enclosure create a very distinctive character to Brighton's Old Town Conservation Area.

HE is supportive of the redevelopment of this largely run down service area. Whilst 12 South Street has a consistent domestic scale and appearance with that of other attached buildings to the east it is not of sufficient historic or architectural value to the conservation area to insist on its retention. It is considered that overall this proposal will improve the appearance of this part of South Street helping to create a more vibrant quarter of Brighton in line with the objectives of the NPPF policies regarding sustainable development and the historic environment.

Quality of design material and detailing will be essential to ensure the development makes a positive contribution to the conservation area. The new roof extension to West Street needs to be high quality. The LPA will need to ensure the scale and massing of the blocks behind frontages are appropriate and not overly dominant in views and are in keeping with the established form of the historic townscape and varied roof line.

- 5.6 **Southern Gas Networks:** No objection.

- 5.7 **Southern Water:** Comment. A public sewer may need to be diverted, at the developers expense to the satisfaction of SW. Foul sewage and a water supply can be provided to the development. An appropriate condition and informatives should be added to the permission.
- 5.8 **Sussex Police:** Comment. Perimeter security and access control are going to be paramount in ensuring the safety and security of the development, both for the hotel and private dwelling's environment. Concerns expressed regarding the impact of such a development on Sussex Polices resources as has potential to create additional footfall and anti-social behaviour across city centre. Supportive of proposed security measures.
- 5.9 **UK Power Networks:** No objection.

Internal:

- 5.10 **CityClean:** Comment. CityClean would not collect from commercial premises. The bin store for the residential flats is acceptable.
- 5.11 **City Regeneration:** Support. Proposal will deliver welcome regeneration of the area plus will provide hotel and hostel accommodation to help meet demand for wide range of visitors to the city. Proposal will improve and diversify areas commercial and tourist offer through streetscape improvements and new uses. The proposal will create jobs (approx 30 from the hotel). Indirect benefits and induced benefits will also benefit neighbouring businesses and the wider local economy. Care should be taken to ensure night-time economy businesses adjacent are not negatively affected.

In accordance with the Developer Contributions Guidance a contribution of £30,040 towards the council's Local Employment Scheme is sought, and an Employment and Training Strategy is also required, with a commitment to using at least 20% local labour.

- 5.12 **Environmental Health:** Recommend approval subject to conditions. Given the location in close proximity to uses which generate high levels of noise late into the night it is critical that any uses introduced are well thought out and have adequate level of protection necessary to afford the end users the ability to use their properties/commercial spaces.

The proposal has been assessed on its own and together with the concurrent application to develop the site to the north. The Site Investigation report identifies likely asbestos in the buildings and recommends a discovery strategy to ensure no unexpected or unidentified contaminants are appropriately dealt with. This can be conditioned.

The submitted acoustic report is considered robust. In their unmitigated form, the air source heat pumps and the canteen extract/kitchen extract have the potential to cause significant noise impact to existing residents and new hotel users. Mitigation measures are recommended in the report to reduce incident noise levels to the councils required 5dB(A) below background target. This requires both an inline attenuator in the kitchen extract and acoustic louvres

around the air source heat pumps. Mitigation measure such as enhanced glazing are needed against city centre entertainment/environmental noise. This may mean windows cannot be opened and a need for mechanical ventilation is therefore required. There is potential for courtyard noise. Enhanced glazing and use of absorbent panels in the courtyard would assist the reduction of the reverberation within this area. If the nightclub site to the north is not redeveloped the South Street site would not rely on a party wall as it utilises a separate wall with appropriate air gap and sufficient separation to address both airborne and structure borne onward transmission of sound. A 2 meter screen to the private outdoor amenity areas to the proposed flats is required to help noise reduction. A CEMP is needed given the scale of the scheme.

With regard to air quality, based on past monitoring, the entire street meets standards for nitrogen oxide and other pollutants, therefore there are no policy issues (SU9) with regard to introducing new residents in the area. More information is needed regarding traffic movements and a CEMP is needed with a clear policy on construction traffic routes. Strongly recommend that this site on boundary of AQMA and high density city centre avoids a combustion plant with emissions to air and suggest selection of electrical heating.

- 5.13 **Heritage:** Support. It is considered that the proposals would enhance the appearance and character of the Old Town conservation area and would preserve the setting of the nearby listed buildings in West Street.

This site lies within the Old Town conservation area, which represents the original extent of Brighthelmstone as a fishing village and is an area of generally small scale buildings set in a tight knit urban grain with a mix of architecture, but predominantly 18th and 19th century, and a mix of commercial, leisure and residential use uses. Old Town is bounded by North Street, West Street and East Street with the seafront to the south. West Street is a main thoroughfare that has been subject to significant redevelopment in the 20th century. South Street is a narrow service road that has suffered from some 20th century demolition and neglect.

Numbers 80-81 West Street consist of the hotel building of 1882 by Lainson & Sons in Queen Anne revival style, with a three storey addition at number 79 more standard late Victorian style, stucco rendered with canted bays and a heavy parapet cornice typical of the period but a flat roof.

The history and development of the South Street site has been fully assessed in the supporting documentation. The majority of the site now consists very late Victorian or Edwardian structures that were architecturally low key originally and have been subject to incremental alteration and later neglect, such that all that remains is of minor historic interest. The most interesting buildings, 2 and half storeys dwellings with gambrel roofs, were demolished soon after 1938 and the resulting unsightly gap in the street is now occupied by derelict garages. At the western end is a late Victorian former billiard room, a two-storey rendered building with a hipped slate roof with a flat central top section (formerly a lantern). This building is in use in connection with the adjacent hotel building on the corner of West Street and is in good condition. It has horizontal banded

rustication on the ground floor with a cornice under the first floor window sills and has some architectural and historic interest.

Number 77 West Street is a grade II listed building, a double fronted detached property with segmental bays dating from the early 19th century and adjacent to it is a grade II listed cast-iron post dating from the 18th century, being all that remains of a post and chain fence which once stood outside the house which was, at one time, occupied by Henry and Hester Thrale, friends of Dr Johnson. Across West Street is the grade II* listed Church of St Paul, which is a distinctive local landmark.

These proposals have been subject to constructive pre-application discussions. The principle of redeveloping this site is very welcome as the gap in the street frontage and the dilapidated structures and refuse storage area very much detract from the appearance and character of the Old Town conservation area. The Standing Buildings Assessment and Heritage Assessment show that the existing buildings on the site proposed for demolition are generally of little surviving architectural interest and of only minor historic interest. The reinstatement of a terrace of buildings hard onto the street would return South Street to something more like its 19th century urban grain and street character, albeit that the new buildings would be a storey or half a storey higher. The proposed design appropriately reflects the mixed plot widths and informal roofline that is characteristic of this former service road and the mix of facing materials helps to reinforce this informal character. The former Victorian billiard hall to the west end of the site is architecturally more impressive and the loss of its first floor and roof would cause some harm to the historic character of the area but would enable the creation of a coherent height and massing to the street.

Behind the street frontage the development rises to six storeys (over basement) with the tallest element at 20.4m. However, it has been satisfactorily demonstrated that due to the topography, tight urban grain and dense building form of the area this tall block would not be visible at all from outside the site and therefore would have little impact on the appearance of the conservation area. The new frontages on South Street would appear 3 storey from street level and would screen the taller element behind. The T-shaped footprint of the development, with open courtyards to the east and west of the tall block, would ensure that there would be some reflection of the traditional openness of the site behind the street frontage, as demonstrated in the Heritage Assessment. The proposed uses would cause no harm to the character of the area and whilst the development would be at high density it would not overwhelm its historic context. Larger scale elevation details would be needed by condition if the application is approved.

The proposal also involves a 'mansard' roof addition to 79 West Street. The building is flat roofed (probably as a result of 20th century alterations) and this addition would not involve any loss of, or alteration to, historic roof form but would enable the removal of unsightly roof-top staircases which can be partly seen from street level. This roof extension would not be out of scale with the building itself and the extended building would still remain clearly subservient in

scale to its ornate neighbour at 80/81 and would not harm the setting of the 77 West Street. Revised plans of the roof extension are considered an improvement and are acceptable.

The application includes reinstatement of the missing section of footway in South Street in front of the development and this is welcomed. No details of this have been provided but could no doubt be dealt with by a landscaping condition. It is noted from the historic photograph in the Heritage Assessment that the footway here originally appeared to have been brick, which would be characteristic of Old Town, and it would be highly desirable to restore this material for the new footway.

5.14 Private Sector Housing: Comment Although there are concerns about the size and ventilation/natural light shortage in the ‘micro rooms’ as they are hotel rooms they are beyond the remit of the Housing Act 2004. The hostel is similarly not covered. The layout of the self-contained residential flat is acceptable although there are concerns about providing residential units in such a central location.

5.15 Planning Policy: Comment There is a presumption in favour of sustainable development and policies in the Local Plan and City Plan encourage making more efficient use of sites. The principle of bringing vacant premises and land back into active use is welcomed.

The key policy issues relate to the loss of ‘employment’ space and how the proposed hotel, in conjunction with the hotel proposed on the adjacent site, would add to and impact on the current supply and offer of accommodation and whether the proposal has the ability to create new demand and how it might meet needs currently unsatisfied in the city.

Further information regarding the history of the storage/employment space is required as it appears it was previously described as office space in a planning application in 2001 (see history section in this report). There is a need to establish how long the buildings have been vacant and/or used as storage as policy resists loss of office space. A more detailed Hotel Impact Report has been submitted since the application was first registered, and is considered to meet the requirements of City Plan Policy CP6. It sets out how the ‘SmartSpace’ element of the scheme which offers micro-rooms will meet a need currently unsatisfied in the city, and demonstrates how citywide occupancy rates have increased in recent years. It is further noted that Visit Brighton have commented on the previous version of the Statement and have confirmed that it is reasonable and in line with their knowledge of the hotel market in the city

City Plan policies CP5, CP7 and CP13 support the provision of public art within development schemes. A contribution of £26,000 is sought based on past levels sought for such sized developments.

5.16 Sustainability: No objection subject to imposition of appropriate conditions relating to BREEAM and energy and water use. City Plan policies CP8 and DA1 are relevant.

The development as a whole has been designed with a ‘fabric first’ approach, using a combination of low u-values and low levels of air leakage to minimise heating and Passive design measures are to be considered and implemented where possible. The residential units would use both fabric efficiency and Low and Zero Carbon technologies to achieve the carbon reduction target. Both uses would seek to reduce water usage. The proposed new hotel commits to meeting BREEAM ‘excellent’, in compliance with policy CP8 and a Pre-BREEAM Assessment has been submitted to evidence this. This assessment demonstrates that across key sustainability policy areas the scheme addresses sustainability well. Due to the tight urban nature of the site space for external low and zero carbon technologies is limited but a PV array is proposed and heat pump technology and to achieve ‘excellent’ some renewables is required. Green walls are proposed to cover 40sqm and green roofs 50sqm which reduce the heat island effect and enhance biodiversity. The site is located next to the DA1 area which encourages low and zero carbon decentralised energy and heat networks in particular and a development should therefore ensure any energy plant is designed with capacity for connection to a future district heat network given the policy requirement in DA1 for this.

The new hostel rooms would meet BREEAM ‘very good’ which is considered acceptable given the scale of the newly extended part which is ‘non-major’.

- 5.17 **Sustainable Transport:** Comment. Approval should not be granted unless the footway width and South Street access is improved. The existing pavement measures just 600mm wide and is unacceptable being on the main route for guests to the hotel and is contrary to policies CP9 and TR7. Data suggests there is a peak in vehicle movements at night and patrons of the hotel (and residents) could be endangered. The proposal could cause serious safety problems and whilst the applicant is agreeable to reinstating the missing footway, the Highway Authority would wish to see further substantial improvements to enable guests to walk safely. A shared space or increased footway and entry treatments should be considered. Further street lighting should also be considered. The detailed design of such measures should be agreed in conjunction with the Highways Authority.

Further details of cycle parking required. A Travel Plan is needed to encourage use of sustainable modes for travel to the site for staff and visitors. Lack of car parking is acceptable in this central, sustainable location. New residents should be prevented from obtaining parking permits to ensure the development is genuinely car-free. Some deliveries (3 per week) will happen on South Street, other deliveries will occur in loading bays on Middle Street. Taxi loading/unloading will occur on West Street. Refuse will be collected from West Street via a lift platform. Whilst no on-site disabled parking is proposed the Highway Authority is satisfied there is sufficient space within nearby car parks or disabled spaces in Middle Street.

The increase in person trips generated by the development can be mitigated by additional highway improvements and S106 contributions to improving pedestrian infrastructure in the area. The cumulative impact of this proposal

together with that to the north is acceptable given the central sustainable location and proposed mitigation. A section 106 contribution is required of £71,360 for highways improvements in the area (excluding South Street) calculated in accordance with the Developer Contributions Technical Guidance. This could go towards routes between the development and amenities and attractions in the Old Town, the wider city centre and key transport hubs.

A CEMP is required to cover construction routes, mitigation etc.

It is recommended that conditions relating to the following are imposed:

- Public realm/safety/accessibility improvement in South Street
- Cycle parking scheme
- Delivery & service management plan
- Car free housing
- Travel plan
- CEMP

- 5.18 **VisitBrighton: Support**. Welcome the proposal in principle. It will enhance the city's accommodation offer, and potentially attract and support tourism outside of the main season, which is encouraged. It is vital that the city is able to support its tourism and business conference economy by providing sufficient and wide ranging type and cost of accommodation to cater for visitors.

The proposal will do much to improve the environment in South Street which is a very run down and neglected area. It is critical that an area so close to both leisure and business tourism facilities is regenerated to maintain the city's image as a premier tourist destination.

It is crucial we continue to innovate the city's facilities in order for our tourism offer to remain competitive. The concept of micro rooms is a booming area - hotels skimp on space but not on amenities or services. The argument is that whilst staying in a city location you spend minimal time in your room. It is known that Z Hotels are doing exceptionally well with the concept. Smaller rooms means cheaper room rates which it is suggested fulfils a need in the city.

The submitted Hotel Impact Assessment appears very reasonable and ties in with what the council knows about the market.

6 MATERIAL CONSIDERATIONS

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

- 6.2 The development plan is:

- Brighton & Hove 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 The National Planning Policy Framework (NPPF) is a material consideration.
- 6.4 Due weight should be given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.
- 6.5 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

7 RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP2	Sustainable economic development
CP3	Employment land
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
CP14	Housing density
CP15	Heritage
CP19	Housing mix
DA1	Brighton Centre and Churchill Square Area
SA2	Central Brighton

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

TR4	Travel plans
TR7	Safe Development
TR9	Pedestrian priority areas
TR14	Cycle access and parking
TR18	Parking for people with a mobility related disability
SU3	Water resources and their quality
SU5	Surface water and foul sewage disposal infrastructure
SU9	Pollution and nuisance control
SU10	Noise Nuisance
QD5	Design - street frontages
QD14	Extensions and alterations

QD15	Landscape design
QD18	Species protection
QD25	External lighting
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes
EM9	Mixed uses and key mixed use sites
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of conservation areas
HE8	Demolition in conservation areas
HE12	Scheduled ancient monuments and other important archaeological sites

Supplementary Planning Guidance:

SPGBH4	Parking Standards
SPGBH15	Tall Buildings
Guidance on Developer Contributions	

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD11	Nature Conservation & Development

8 CONSIDERATIONS & ASSESSMENT

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

- Principle of demolishing buildings in a Conservation Area
- Principle of the proposed hotel/hostel/residential uses in this location
- Impact to tourism and the economy
- Impact to the visual amenities of the locality including the Old Town Conservation Area and setting of nearby listed buildings
- Impact on amenity of existing and prospective occupiers
- Crime prevention
- Transport demand and sustainable transport accessibility
- Sustainability
- Biodiversity

8.1 Planning Policy Context:

The main policies that are relevant to this application are stated below.

City Plan policy DA1 'Brighton Centre and Churchill Square Area' is relevant to this proposal as, whilst not located within the defined Development Area, the site does have a boundary with it to the west. The policy states that it seeks to 'secure a new state of the art conference centre in a landmark new building to benefit the city and the region and to sustain the tourism and service economy for the next 30 years, positioning Brighton & Hove as one of Europe's leading conference and meeting destinations. The redevelopment of the Brighton Centre will form part of a comprehensive scheme including the extension of the Churchill Square Shopping Centre and new leisure facilities'.

The site is located within the Central Brighton Area defined in City Plan policy SA2, the main aim of which is 'to reinforce central Brighton's role as the city's

vibrant, thriving regional centre for shopping, leisure, tourism, cultural, office and commercial uses'. It goes on to state that within Central Brighton existing office accommodation will be protected and their refurbishment and upgrade encouraged unless certain criteria are met such as whether the redevelopment or reuse would make a positive contribution to the vitality and vibrancy of Central Brighton and create employment opportunities. It states that mixed use developments will be promoted which retain active ground floor uses and accord with a range of appropriate city centre uses.

Policy CP6 of the City Plan is relevant as it relates to tourism and visitor accommodation. It aims to support the city's tourism and business conference economy and support the provision of a sufficient and wide ranging type of visitor accommodation. It states, amongst other things, the following:

- Proposals for new hotel accommodation will be assessed in line with the national planning policy framework and the sequential approach to site selection with proposals for new hotel development directed firstly to central Brighton (SA2).
- Proposals for new hotel accommodation should be accompanied by an impact assessment to identify how the proposal would add to and impact on the current supply and offer of accommodation; whether it has the ability to create new demand and how it might meet needs currently unsatisfied in the city.
- The council will work with the hotel industry to encourage the creation of apprenticeship schemes/ local jobs.
- Proposed extensions to existing hotels will be supported where this is required to upgrade existing accommodation to meet changing consumer demands.

With regard to design, heritage and amenity, CP12, CP13 and CP15 of the City Plan Part One and policies HE3, HE6, HE8, HE12, QD5, QD10, QD14 and QD27 of the Brighton & Hove Local Plan are relevant.

City Plan policy CP12 expects all new development to be built to a high quality standard and CP15 seeks to conserve and enhance the special character and appearance of heritage assets, including Conservation Areas. Local Plan policies HE3 and HE6, seek to conserve or enhance the setting of Conservation Areas and Listed Buildings. Policy HE12 seeks to preserve and enhance sites of known and potential archaeological interest and their settings.

Local Plan policy HE8 seeks to retain buildings, structures and features that make a positive contribution to the character or appearance of a conservation area. The demolition of a building and its surroundings, which make such a contribution, will only be permitted where all of the following apply:

- a. supporting evidence is submitted with the application which demonstrates that the building is beyond economic repair (through no fault of the owner / applicant);
- b. viable alternative uses cannot be found; and
- c. the redevelopment both preserves the area's character and would produce substantial benefits that would outweigh the building's loss.

Demolition will not be considered without acceptable detailed plans for the site's development. Conditions will be imposed in order to ensure a contract exists for

the construction of the replacement building(s) and / or the landscaping of the site prior to the commencement of demolition.

The Council has statutory duties under the Planning (Listed Buildings and Conservation Areas) Act 1990 in relation to development affecting listed buildings and conservation areas:

S66 (1) “In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall 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”;

S72(1) “In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2) [N.B. these include the Town and Country Planning Act 1990], special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area”.

The NPPF states that in determining planning applications, local planning authorities should take account of: the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation assets can make to sustainable communities including their economic vitality and the desirability of new development making a positive contribution to local character and distinctiveness (para 131).

Para 132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

Paras 133 & 134 of the NPPF state that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Para 136 of the NPPF states that local planning authorities should not permit loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.

Para 137 of the NPPF states that local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets to enhance or better

reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.

City Plan policies CP12 and CP13 seek to ensure places that are created are safe, and that development incorporates design features which deter crime and the fear of crime. Retained Local Plan policy QD5 states that all new development should present an interesting and attractive frontage at street level for pedestrians. Policy QD10 seeks good design for shopfronts/commercial frontages.

Local Plan policy QD14 states that extensions to buildings must be well designed, sited and detailed in relation to the main property, adjoining properties and the surrounding area and should not result in significant noise disturbance or loss of privacy, outlook, daylight/sunlight or amenity to neighbouring properties. Proposals should take into account the existing space around buildings and the character of the area and use materials sympathetic to the parent building.

Local Plan Policies QD27 and SU10 are relevant as they seek to ensure development protects the general amenity of the locality and of neighbouring occupiers from undue noise or disturbance. Retained Local Plan Policy QD27 states that planning permission for any development 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.

With regard to transport, City Plan Policy CP9 (Sustainable Transport) and retained Local Plan Policies TR4 (Travel Plans), TR7 (Safe Development), TR14 (Cycle access and parking), TR15 (Cycle network), TR18 (Parking for people with a mobility related disability) are relevant. These seek to ensure development is safe, meets the demand for travel it creates and maximises use of sustainable modes. SPG4 sets out maximum parking standards for development and minimum standards for disabled parking. Local Plan policy TR9 specifically identifies the Old Town Area as a pedestrian priority area.

With regard to sustainability, City Plan Policy CP8 is relevant. It requires all development to incorporate sustainable design features and major commercial developments are required to achieve a minimum standard of BREEAM 'Excellent'. City Plan Policy CP10 relating to biodiversity is relevant and this states all schemes should conserve existing biodiversity and provide net gains wherever possible.

8.2 Principle of development:

Redevelopment of this partly derelict and unattractive site is welcomed in principle. The buildings that would be lost are of no particular historic or architectural merit and have a very run down appearance (see Heritage comments and discussion under next heading below).

There is no planning history to definitively establish the lawful planning land use of some of the garage and other buildings fronting South Street. The applicant states that most of them have been unused for decades or have been used periodically as storage. It is noted that in 2001 some of the buildings are referred to as being in office use but there is no current or previous evidence of this. Therefore, given the uncertainty over their lawful planning use, their very poor state of repair, the need for significant investment, their unsuitability for modern office or storage needs together with the benefits of the proposed scheme, their loss is considered acceptable.

The proposed uses (hotel, hostel and residential) are considered appropriate town centre uses and are acceptable in principle on this site and in this location. A mixed use is welcomed and makes an effective sustainable use of the site.

The hotel and hostel are located within the identified central city zone for such uses in the City Plan. The site is well located in a central location close to amenities, tourist attractions, public transport and public car parks. The Hotel Impact Assessment submitted is considered robust and demonstrates the city's tourism economy is growing and that additional visitor accommodation is needed to meet demand and would not adversely impact existing provision. VisitBrighton, the council's tourism arm, fully support the proposal. The range of different types of accommodation proposed expands the city's offer and is welcomed. The introduction of 'micro rooms' is a first for the city and this is a booming area and provides an affordable option. It is supported by VisitBrighton. Expansion of an existing successful backpackers hostel business is welcomed in principle. The Walkabout public house would still retain an outdoor area to serve its customers. The proposal will bring new jobs to the city and is supported by the Council's Regeneration Team. Further jobs and use of local labour will be secured via a Section 106 agreement towards the Local Labour Scheme and construction training.

The provision of 4 new flats in this central and sustainable city centre location is considered acceptable in principle. Four new flats in the city would make a small but welcome contribution to the city's housing stock. The scheme proposes a mix of sizes (1 and 2 bed), which is encouraged. Adequate cycle parking and refuse/recycling storage can be accommodated. Each flat would have a private balcony. The flats would benefit from enhanced glazing and ventilation to prevent undue noise disturbance in this busy central location. The standard and layout of the proposed residential development is therefore considered to be satisfactory and policy compliant.

Regeneration of this in site in principle is particularly welcomed from a visual point of view. The site is located within the Old Town Conservation Area and currently detracts from it and the proposal would be a significant improvement. As stated by VisitBrighton, it is critical that an area so close to both leisure and business tourism facilities is regenerated to maintain the city's image as a premier tourist destination.

8.3 Design and impact to the character and appearance of the locality and heritage assets:

The site is located within the Old Town Conservation Area and lies within the setting a number of listed buildings.

The applicant has carried out a thorough assessment of the impact the proposal would have on designated heritage assets and the overall visual amenities of the locality and has submitted extensive supporting information with the application. Historic England is supportive of the redevelopment of this largely run down service area and agree that none of the existing buildings within South Street have sufficient historic or architectural value to the conservation area to insist on their retention. The council's Heritage Team carried out extensive pre-application discussions with the applicant and support the proposal. There is currently a gap in the South Street frontage and this proposal would repair the historic street pattern. The design reflects the varied plot widths, height and varied roof line that is characteristic of the area. It is considered the proposals would enhance the appearance and character of the Old Town Conservation Area and preserve the setting of nearby listed buildings for the reasons stated in the Heritage Team comments in section 5 of this report. CAG are supportive of the scheme.

The 6 storey over basement hotel building only just falls within the definition of a 'tall building' as defined in SPG15 (6-storeys/18m high), and the tallest element (20.4m) is a relatively limited area of the roof and is set back in the site. Whilst the site is not located within area specifically defined as suitable for tall buildings in the SPG, it is located adjacent to one and each application is judged on its own merits. Being the city centre, there are already many examples of tall buildings in the vicinity. The Tall Buildings assessment and other supporting information submitted with the application are considered to satisfactorily demonstrate the proposal would have an acceptable impact on the immediate and wider locality including key views. This is confirmed by the Heritage Team. It is considered the scale and massing of the blocks behind frontages are appropriate and not overly dominant in views and are in keeping with the established form of the historic townscape and varied roof line. The South Street buildings would appear 3-storeys and would screen taller buildings behind.

The mansard roof extension to 79-81 West Street is considered acceptable in principle. It hides unsightly rooftop staircases and would not be out of scale with the main building or harm the setting of nearby listed buildings. It would preserve the varied historic roof line in the street. Revised plans have been received showing a more traditional mansard design for West Street which is considered more appropriate and in line with consultee comments.

The quality of materials and detailing of the proposed replacement buildings will be critical and this can be carefully controlled by condition to ensure they very much do make a positive contribution to the conservation area.

The submission of the Masterplan document and visuals is welcomed and it is considered to demonstrate how the scheme and that of the adjacent site have been carefully thought out and ensures a consistent and complimentary

approach. It demonstrates that each scheme is capable of being implemented successfully individually or together.

The proposal will change the character and appearance of South Street from a run-down service road and it will enliven the area and introduce active frontages and activity, which is welcomed. Redeveloping the site for the scale and type of uses proposed will mean the missing public footway needs to be reinstated and other safety measures introduced in South Street, as well as overall visual enhancement of the street. The street is located in an important central location and its enhancement would maintain the city's image as a premier tourist destination. Safety measures and enhancement can be secured through a S106 obligation. There is the potential to incorporate an artistic 'influence' within the new public realm which would benefit visual amenity. Currently there are a number of refuse containers on the street and some of these will be relocated within the new buildings, which is a significant improvement. The council will explore if alternative locations are possible for the remainder of the bins.

The site has potential archaeological interest and given the comments of the County Archaeologist it is considered that conditions can satisfactorily deal with this aspect.

8.4 Impact on Amenity:

The South Street site, whilst being on a side road, is located in a very busy central location which is relatively noisy. The area has significant late night activity.

The council's Environmental Health team are satisfied that provided appropriate mitigation measures are implemented, there would be no adverse effect to prospective occupiers of the development. This includes enhanced glazing and ventilation and other noise prevention measures. These would also ensure nearby existing occupiers are protected and the night time economy is not unduly compromised. These measures can be conditioned. Whilst the proposal will undoubtedly introduce more people and activity into the area this is encouraged and is acceptable given its sustainable city centre location.

The impact of the proposal in terms of light and privacy on existing neighbours has been assessed and is considered acceptable. A Daylight/Sunlight assessment has been submitted and its methodology and conclusions are concurred with. It states no neighbouring windows would suffer unacceptable loss of daylight or sunlight as defined under BRE standards. Balcony screens will ensure there is no undue loss of privacy from the new flats. It should be recognised that this is central high density location and the proposed relationship between proposed and existing windows/properties is considered typical of the area and the development would be located sufficient distance way so as not to result in undue loss of amenity.

Amended plans have been submitted relocating two balconies/roof terraces from the second and third floors from the front on South Street to the rear to avoid undue overlooking/intrusion. The set back of both the hotel and residential blocks would remain as this is important in design terms, however, the roofs

would be green living roofs and will be conditioned not to be used as a usable amenity space or sitting out area. The relationship between windows in this location is considered to have less of an impact and is characteristic of the street.

A Courtyard Management Plan will be secured by condition to ensure sharing uses are compatible and to prevent undue noise or disturbance and in the interests of security, as cycle spaces are located within one.

A Construction Environmental Management Plan (CEMP) is secured via S106.

In terms of crime prevention, the views of Sussex Police are noted and it is considered that provided the measures stated by the applicant are implemented (and Secure By Design accreditation achieved) the proposal would not unduly compromise security.

8.5 Sustainable Transport:

The council's Highways team support the proposal provided appropriate conditions and S106 obligations are secured.

They do express concern regarding the narrow and missing footways in South Street which they consider are essential to address for highway safety reasons given the scale and nature of the development proposed.

The site is centrally located to take advantage of the public transport, pedestrian and cycle networks and public car parks. The lack of site car parking, including disabled, is therefore considered acceptable in principle. The proposal will generate demand for travel and a financial contribution is sought towards enhancement of sustainable modes to address this. Enhancement of the pedestrian network in particular is sought, in line with policy TR9. In addition, a Travel Plan is sought. Satisfactory cycle parking can be secured by condition to serve the development. A Delivery and Servicing plan can ensure this aspect is satisfactorily addressed.

A CEMP will cover the development and this will satisfactorily manage construction traffic and other highways issues during construction.

8.6 Sustainability:

The proposal is considered to be sustainable. It makes effective and efficient use of the site. It incorporates sustainable design features and the submitted pre-BREEAM assessment indicates the hotel development is able to meet a standard of 'excellent', as per the requirements of policy CP8. The hostel rooms are an extension to an existing use and are 'non-major' in scale, however, they do form part of a larger application proposal therefore they should aim to meet BREEAM 'excellent' if possible. The constraints for the extensions to an existing building are however recognised and given the main part of the scheme would meet this target, on balance this is considered acceptable. The council's Sustainability Officer supports the scheme.

The proposal would enhance biodiversity through the inclusion of green roofs and walls and bat and bird boxes.

9 CONCLUSION

- 9.1 The introduction of a new hotel, an extension to an existing backpackers hostel and 4 new flats is considered acceptable in this city centre location. The proposal would significantly regenerate the area and enhance visual amenity. The site currently detracts from the Old Town Conservation Area and the proposal would make a significant and positive contribution to its appearance. The proposal would not involve demolition of buildings of any architectural or historic merit. The proposal would enliven and enhance South Street. The proposal will bring jobs and housing and would improve the tourism offer of the city. The proposal would make effective and efficient use of this partly dilapidated site and would be sustainable. The proposal would not adversely affect the amenity of existing or prospective occupiers or compromise security. The proposal would meet the demand for travel it creates.

This scheme would deliver welcome regeneration of this site and is considered to have significant benefits. The proposals would reinforce central Brighton's role as the city's vibrant, thriving regional centre for tourism and commercial uses, therefore approval is recommended.

10 EQUALITIES

- 10.1 The site is flat and has flush thresholds access. The pavements in South Street are very narrow, limiting accessibility (see transport comments). The 4 flats meet Lifetime Homes principles except there is no lift to the upper floors. Disabled car parking is nearby. An accessible lift is proposed in the hotel and 3 'accessible' hotel rooms are proposed. The existing backpacker hostel does not benefit from lift access.

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

11.1 S106 Heads of Terms

- Submission of a landscaping scheme to enhance the safety and appearance of South Street. This shall include as a minimum, reinstatement of missing footway on northern part of South Street adjacent to site, resurfacing of all of north and south pavements in red brick (or similar), provision of raised road surface to form elongated table between Middle Street along South Street to boundary of new residential and hotel, assessment of and upgrade/addition to heritage mounted street lighting where necessary, provision of tactile paving in Middle Street on both sides of entrance to South Street. This would require an associated Section 278 agreement. The developer will meet the cost of any associated TRO.
- A financial contribution of £71,360 towards sustainable transport enhancement covering pedestrian, cycle, public transport and public realm improvements in the immediate area of the site including routes

between the development and amenities and attractions in the Old Town, the wider city centre and key transport hubs.

- Incorporation of an artistic element within the site itself or as artistic public realm 'influence' in its immediate vicinity to the value of £26,000
- A financial contribution of £30,040 towards the council's Local Employment Scheme
- Submission of an Employment and Training Strategy, with a commitment to using at least 20% local labour.
- Submission of a Construction Environmental Management Plan

Regulatory Conditions:

- 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
- 2) The development hereby permitted shall be carried out in accordance with the approved drawings listed below [list to be inserted in Late List].
Reason: For the avoidance of doubt and in the interests of proper planning.
- 3) (i) No development, including demolition, shall take place until a programme of archaeological work has been secured in accordance with a Written Scheme of Archaeological Investigation which has been submitted to and approved in writing by the Local Planning Authority.
(ii) The development hereby permitted shall not be brought into use until the archaeological site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under part i) and that provision for analysis, publication and dissemination of results and archive deposition has been secured.
Reason: This pre-commencement condition is imposed because it is necessary to ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with policy HE12 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.
- 4) No development above ground floor slab level of any part of the development hereby permitted shall take place until samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):
 - a) samples of all brick, render and tiling (including details of the colour of render/paintwork to be used)
 - b) samples of all cladding to be used, including details of their treatment to protect against weathering
 - c) samples of all hard surfacing materials
 - d) samples of the proposed window, door, canopy and balcony treatments
 - e) samples of all other materials to be used externallyDevelopment shall be carried out in accordance with the approved details.

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

- 5) No cables, wires, aerials, pipework (except rainwater downpipes shown on the approved plans) meter boxes, ventilation grilles or flues shall be fixed to or penetrate any external elevation, other than those shown on the approved drawings, without the prior consent in writing of the Local Planning Authority.

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

- 6) No development above ground floor slab level shall take place until full details of all facades, entrances, canopies, shopfronts, balconies, railings/ironwork, cladding, fenestration and windows and their reveals and cills including 1:20 scale elevational drawings and sections and 1:1 scale sections 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 policy HE6 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

- 7) Prior to first occupation of the development hereby permitted, a scheme for landscaping shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:

- (i) details of all hard surfacing;
- (ii) details of all boundary treatments;
- (iii) details of all proposed planting, including numbers and species of plant, and details of size and planting method of any trees.

All hard landscaping and means of enclosure shall be completed in accordance with the approved scheme prior to first occupation of the development. All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

- 8) Unless otherwise agreed in writing by the Local Planning Authority, the new 90 bed hotel development hereby approved shall not be occupied until a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the non-residential

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development built has achieved a minimum BREEAM New Construction rating of 'Excellent' 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.

- 9) Unless otherwise agreed in writing by the Local Planning Authority, the extension to the existing backpacker hostel to provide 11 new rooms hereby approved shall not be occupied until a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the development built has achieved a minimum BREEAM New Construction rating of 'Very Good' has been submitted to, and approved in writing by, the Local Planning Authority.

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

- 10) No development above ground floor slab level of any part of the development hereby permitted shall take place until details of the construction of the living 'green' roofs have been submitted to and approved in writing by the Local Planning Authority. The details shall include a cross section, construction method statement, the seed mix, and a maintenance and irrigation programme. The roofs shall be a chalk grassland mix. The roofs shall then be constructed in accordance with the approved details and shall be retained as such thereafter.

Reason: To ensure that the development contributes to ecological enhancement on the site and in accordance with policies CP8 and CP10 of the Brighton & Hove City Plan Part One.

- 11) No development above ground floor slab level of any part of the development hereby permitted shall take place until details of the proposed green walling to be provided within the proposed 2 courtyard areas and maintenance and irrigation programme have been submitted to and approved in writing by the Local Planning Authority. The walls shall thereafter be constructed, maintained and irrigated in accordance with the approved details.

Reason: To ensure that the development contributes to ecological enhancement on the site and in accordance with policy CP8 and CP10 of the Brighton & Hove City Plan Part One.

- 12) None of the residential units hereby approved shall be occupied until each residential unit built has achieved an energy efficiency standard of a minimum of 19% CO₂ improvement over Building Regulations requirements Part L 2013 (TER Baseline).

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

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- 13) None of the residential units hereby approved shall be occupied until each residential unit built has achieved a water efficiency standard using not more than 110 litres per person per day maximum indoor water consumption.
Reason: To ensure that the development is sustainable and makes efficient use of water to comply with policy CP8 of the Brighton & Hove City Plan Part One.
- 14) The dwellings hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) prior to first occupation and shall be retained as such thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.
Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.
- 15) The development hereby permitted shall not commence until such time as a scheme has been submitted to and approved in writing by the Local Planning Authority to provide that the residents of the development, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit.
Reason: This pre-commencement condition is imposed in order to allow the Traffic Regulation Order to be amended in a timely manner prior to first occupation to ensure that the development does not result in overspill parking and to comply with policies TR7 & QD27 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One.
- 16) (i) Within 6 months of the commencement of the development (excluding demolition), details of the external lighting of the site shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the predictions of both horizontal illuminance across the site and vertical illuminance affecting immediately adjacent receptors. The lighting installation shall comply with the recommendations of the Institution of Lighting Professionals (ILP) "Guidance Notes for the Reduction of Obtrusive Light" (2011,) for zone E4, or similar guidance recognised by the council.
(ii) Prior to occupation, the predicted illuminance levels shall be tested by a competent person to ensure that the illuminance levels agreed in part (i) 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 approved installation shall be maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to a variation.
Reason: Reason: To safeguard the amenities of the occupiers of adjoining properties and the locality in general to comply with policies HE3, HE6,

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QD25 and QD27 of the Brighton & Hove Local Plan and CP12 and CP15 of the Brighton & Hove City Plan Part One.

- 17) No part of the development hereby permitted shall be first occupied or brought into use until written evidence, such as certification, has been submitted to and approved in writing by the Local Planning Authority to demonstrate that the scheme meets Secure By Design standard.
Reason: In the interests of crime prevention in this busy central location, to comply with policies CP12 and CP13 of the Brighton & Hove City Plan Part One.
- 18) Prior to the first occupation of the development hereby approved a Delivery & Service Management Plan, which includes details of the types of vehicles, hours of deliveries, how deliveries will take place and the frequency of deliveries shall be submitted to and approved in writing by the Local Planning Authority. All deliveries shall thereafter be carried out in accordance with the approved plan.
Reason: In order to ensure that the safe operation of the development and to protection of the amenities of nearby residents, in accordance with policies SU10, QD27 and TR7 of the Brighton & Hove Local Plan.
- 19) Within three months of the date of the first respective occupation of the hotel and new hostel rooms, a Travel Plan for the respective hotel and hostel development shall have been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall thereafter be fully implemented in accordance with the approved details.
Reason: To ensure the promotion of safe, active and sustainable forms of travel and comply with policies TR4 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One.
- 20) Prior to first occupation of the development hereby permitted, details of secure 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.
- 21) The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.
Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policy QD27 of the Brighton & Hove Local Plan.

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- 22) No development shall commence until a scheme for the provision of surface water drainage works and proposed means of foul and surface water sewerage disposal has been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water. The works shall be completed in accordance with the details and timetable agreed.
Reason: To prevent the increased risk of flooding and to prevent pollution of controlled waters by ensuring the provision of a satisfactory means of surface water disposal and to comply with policy SU3 of the Brighton & Hove Local Plan.
- 23) Access to the 3rd floor flat roofs shown as a 'sedum' green living roof on the approved plan no. 1534-P-24 P2 facing South Street serving the flats and hotel shall be used as a landscaped area only and for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.
Reason: In order to protect adjoining properties from overlooking and noise disturbance and to comply with policy QD27 of the Brighton & Hove Local Plan.
- 24) Within 6 months of the date of commencement of development hereby permitted written evidence shall be submitted to and agreed in writing by the local planning authority to demonstrate that any new energy plant/room has capacity to connect to a future district heat network in the area. Evidence should demonstrate the following:
a) Energy centre size and location with facility for expansion for connection to a future district heat network: for example physical space to be allotted for installation of heat exchangers and any other equipment required to allow connection;
b) A route onto and through the site: space on site for the pipework connecting the point at which primary piping comes onsite with the on-site heat exchanger/ plant room/ energy centre. Proposals must demonstrate a plausible route for heat piping and demonstrate how suitable access could be gained to the piping and that the route is protected throughout all planned phases of development.
c) Metering: installed to record flow volumes and energy delivered on the primary circuit.
Reason: In the interests of sustainability, to comply with Policies CP8, SA2 and DA1 of the Brighton & Hove City Plan Part One.
- 25) No development above first floor level shall take place until details of a minimum of 5 bird boxes aimed at starlings and swifts and 5 bat boxes have been submitted to and approved in writing by the Local Planning Authority. The details shall include the type, location and timescale for implementation of the bird / bat boxes. The scheme shall then be carried out in strict accordance with the approved details.
Reason: To ensure appropriate integration of new nature conservation and enhancement features in accordance with policies QD18 of the Brighton & Hove Local Plan and CP10 of the Brighton & Hove City Plan Part One.

- 26) The development hereby permitted shall not be occupied until written evidence has been submitted to and approved in writing by the Local Planning Authority to the acoustic mitigation measures listed within the 7th Wave Report dated 6th June 2016, reference 1076.001R.2.0.RS have been incorporated into the development to provide the necessary levels of protection for indoor residents. These measures shall include:
- (i) An 1200mm 50% open area splitter attenuator to the atmospheric side of the Canteen/Kitchen supply fan located in the East Courtyard
 - (ii) 150mm deep acoustic louvres to be installed around the six air source heat pumps located on the 6th floor flat roof.
 - (iii) The separating wall of the hotel is to achieve at least 5dB better than approved document E of the building regulations for airborne sound.
 - (iv) Acoustically absorbent panels are to be applied to the sides of the East Courtyard
 - (v) For glazing in residential facades, a sound reduction index of 44dB is needed
 - (vi) For glazing in the Hotel, a reduction of between 47-57dB is required
 - (vii) For the hostel extension, a reduction of between 38 and 48dB is necessary
 - (viii) A 2 metre high noise/privacy screen to the side of the terrace/balcony areas at first, second and third floor of the residential properties is required.

The agreed measures shall be implemented before first occupation and retained as such thereafter.

Reason: To safeguard the amenity, living conditions and privacy of neighbouring properties and future occupiers of the site and to comply with policy SU9, SU10 and QD27 of the Brighton & Hove Local Plan.

- 27) Within 6 months of development commencing (excluding demolition), the applicant shall submit a written scheme for approval to the local planning authority to demonstrate how and where ventilation will be provided to the various premises/properties including specifics of where the clean air is drawn from and that sufficient acoustic protection is built into the system to protect end users of the development. The scheme shall ensure compliance with Building Regulations as well as suitable protection in terms of air quality. The agreed scheme shall be implemented prior to first occupation and retained as such.

Reason: To safeguard the amenity and living conditions of future occupiers of the site and to comply with policy SU9, SU10 and QD27 of the Brighton & Hove Local Plan.

- 28) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a method statement to identify, risk assess and address the unidentified contaminants.

Reason: To safeguard the health of future residents or occupiers of the site and to comply with policy SU11 and QD27 of the Brighton & Hove Local Plan.

29) Prior to first occupation of the development hereby permitted full details of any proposed extraction/ventilation and associated odour control equipment fitted to or within the building shall have 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 visual amenity and to comply with policies HE6 and QD27 of the Brighton & Hove Local Plan and CP12 and CP15 of the Brighton & Hove City Plan Part One.

30) Prior to first occupation of the development hereby permitted a scheme for the sound insulation of the odour control equipment referred to in the condition set out above shall have 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 policies SU10 and QD27 of the Brighton & Hove Local Plan.

31) The development hereby permitted shall not be occupied until a Courtyard Management Plan has been submitted to and approved in writing by the Local Planning Authority for the new hotel courtyard behind/below the new flats accessed from the basement canteen and for the reconfigured courtyard serving the Walkabout public house and new hotel and hostel rooms (as access and cycle parking). The Management Plan shall include hours of use of these spaces and details of how the shared use and security of these spaces is to be dealt with. The agreed Management Plan shall be implemented and adhered to at all times.

Reason: To ensure there is no conflict between different users of these spaces and to ensure security is not compromised and to prevent undue noise and disturbance to protect the amenity of existing nearby properties and proposed occupiers of the development, to comply with policies SU10, TR14 and QD27 of the Brighton & Hove Local Plan.

32) Unless otherwise approved in writing by the Local Planning Authority, no plant or equipment shall be erected or installed on the roofs except where specifically shown on the drawings hereby approved.

Reason: To ensure a satisfactory appearance to the development and to comply with policies HE6 of the Brighton & Hove Local Plan and CP12 and CP15 of the Brighton & Hove City Plan Part One.

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

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approve planning applications which are for sustainable development where possible.

2. This decision to grant Planning Permission has been taken:
 - (i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including Supplementary Planning Guidance and Supplementary Planning Documents: (Please see section 7 of the report for the full list); and
 - (ii) for the following reasons:-

The introduction of a new hotel, an extension to an existing backpackers hostel and 4 new flats is considered acceptable in this city centre location. The proposal would significantly regenerate the area and enhance visual amenity. The site currently detracts from the Old Town Conservation Area and the proposal would make a significant and positive contribution to its appearance. The proposal would not involve demolition of buildings of any architectural or historic merit. The proposal would enliven and enhance South Street. The proposal will bring jobs and housing and would improve the tourism offer of the city. The proposal would make effective and efficient use of this partly dilapidated site and would be sustainable. The proposal would not adversely affect the amenity of existing or prospective occupiers or compromise security. The proposal would meet the demand for travel it creates. The proposals would reinforce central Brighton's role as the city's vibrant, thriving regional centre for tourism and commercial uses.
3. 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
4. The applicant is advised that an agreement with Southern Water, prior to commencement of the development, the measures to be undertaken to divert/protect the public water supply main. Please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel 0330 303 0119), or www.southernwater.co.uk
5. The applicant is advised that having a planning application in place is no defence against a statutory noise nuisance being caused or allowed to occur. Should the council receive a complaint, they are required to investigate under the provisions of the Environmental Protection Act 1990 to determine whether or not a statutory nuisance is occurring.
6. The applicant should also note that any grant of planning permission does not confer automatic grant of any licenses under the Licensing Act 2003 or the Regulation (EC) No. 852/2004 on the Hygiene of Foodstuffs, Article 6(2). The applicant may also wish to be aware that the site is in a special stress

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area and the applicant would have to have extra regard to licensing objectives.

7. The applicant is advised that the scheme required to be submitted by Condition 15 should include the registered address of the completed development; an invitation to the Council as Highway Authority (copied to the Council's Parking Team) to amend the Traffic Regulation Order; and details of arrangements to notify potential purchasers, purchasers and occupiers that the development is car-free.
8. The applicant is advised that details of the BREEAM assessment tools and a list of approved assessors can be obtained from the BREEAM websites (www.breeam.org).
9. The water efficiency standard required under condition 13 is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.
10. 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.
11. The applicant is advised that under Part 1 of the Wildlife and Countryside Act 1981 disturbance to nesting 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.
12. The applicant is advised of the possible presence of bats on the development site. All species of bat are protected by law. It is a criminal offence to kill bats, to intentionally or recklessly disturb bats, damage or destroy a bat roosting place and intentionally or recklessly obstruct access to a bat roost. If bats are seen during construction, work should stop immediately and Natural England should be contacted on 0300 060 0300.
13. The Travel Plan in condition 19 above shall include such measures and commitments as are considered necessary to mitigate the expected travel impacts of the development and should include as a minimum the following initiatives and commitments:

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- (i) Promote and enable increased use walking, cycling, public transport use, car sharing, and car clubs as alternatives to sole car use
- (ii) A commitment to reduce carbon emissions associated with leisure and business travel:
- (iii) Increase awareness of and improve road safety and personal security:
- (iv) Undertake dialogue and consultation with adjacent/neighbouring tenants/businesses:
- (v) Identify targets focussed on reductions in the level of car use:
- (vi) Identify a monitoring framework, which shall include a commitment to undertake an annual staff travel survey utilising iTrace Travel Plan monitoring software, for at least five years, or until such time as the targets identified in section (v) above are met, to enable the Travel Plan to be reviewed and updated as appropriate:
- (vii) Following the annual staff survey, an annual review will be submitted to the Local Planning Authority to update on progress towards meeting targets:
- (viii) Identify a nominated member of staff to act as Travel Plan Co-ordinator, and to become the individual contact for the Local Planning Authority relating to the Travel Plan.
- (ix) Provide the all hotel residents with necessary information to make informed decisions on the sustainable travel options available to them when travelling to the site and within the city during their stay.

