

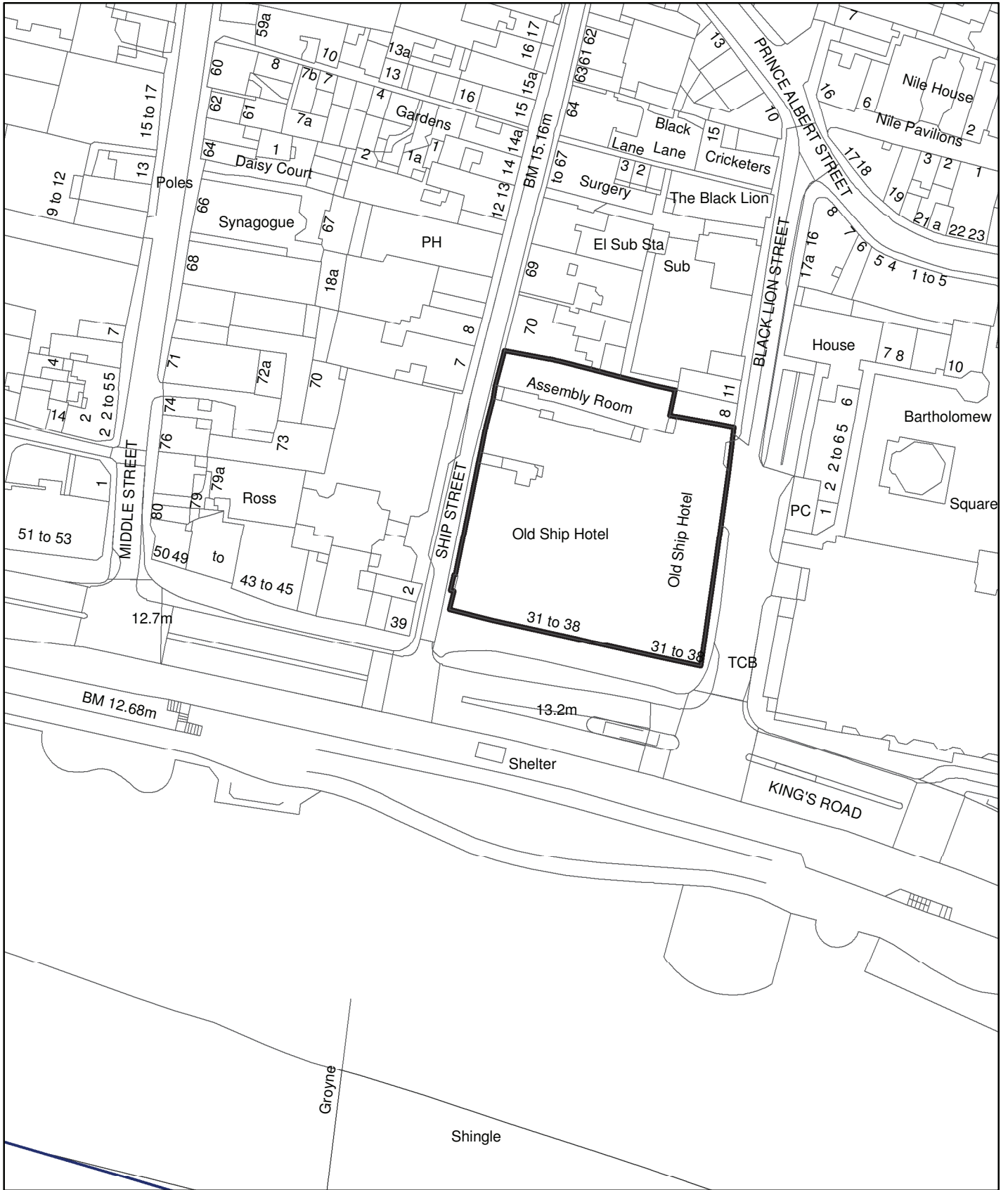
**PLANS LIST
ITEM A**

**The Old Ship Hotel, 31-38 Kings Road,
Brighton**

**BH2012/03982
Extension to time limit full planning**

20 FEBRUARY 2013

BH2012/03982 The Old Ship Hotel, 31 - 38 Kings Road, Brighton.



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2012/03982	<u>Ward:</u>	REGENCY
<u>App Type:</u>	Extension to Time Limit Full Planning		
<u>Address:</u>	The Old Ship Hotel, 31 - 38 Kings Road, Brighton		
<u>Proposal:</u>	Application to extend time limit for implementation of previous approval BH2009/02606 for the demolition of hotel garage and construction of new 7 storey extension (basement - 5th floor) to provide 42 bedrooms, 2 conference rooms, car parking and restaurant/bar.		
<u>Officer:</u>	Steven Lewis Tel 290480	<u>Valid Date:</u>	13/12/2012
<u>Con Area:</u>	Old Town	<u>Expiry Date:</u>	14/03/2013
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Knight Frank LLP, 1 Marsden Street, Manchester.		
<u>Applicant:</u>	Old Ship Hotel (Brighton) Limited, Bond Street House, 14 Clifford Street, London		

1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 10 and the policies and guidance in section 7 and resolves it is **MINDED TO GRANT** planning permission subject to the subject to the applicant entering into a deed of variation to the Section 106 Agreement and to Conditions and Informatives set out in section 11.

2 SITE LOCATION & DESCRIPTION

- 2.1 The application relates to the northeast corner of the Old Ship Hotel, fronting Black Lion Street. This part two/part three storey element of the building forms a car park within at ground and first floor levels, with boiler/plant room within the basements, and redundant staff accommodation within the second floor which is generally set back front the building facade. The hotel covers a block bounded by Kings Road, Black Lion Street and Ship Street. The hotel is a collection of mainly 19th century buildings, generally 6 storeys in height. The Assembly Rooms within the building is the only part of the building which is listed.
- 2.2 The adjoining building to the north, 8 Black Lion Street, is a new four storey development forming a karaoke bar. The building is part of a larger scheme approved in 2007 for the redeveloped the site of 8 to 14 Black Lion Street for a mixed use also including restaurant and drinking establishment. The Thistle Hotel and Bartholomew House, Council Offices, are on the opposite side of Black Lion Street.
- 2.3 The site lies within the Old Town Conservation Area and is defined in Brighton & Hove Local Plan as being within the Hotel Core Area.
- 2.4 The site and its immediate environment has not sufficiently altered since the time of the previous planning approval (BH2009/02606) in April 2010.

3 RELEVANT HISTORY

BH2012/03998: Is concurrent with this application and seeks a replacement of conservation area consent for the demolition of the hotel garage. The application is considered elsewhere on this agenda.

BH2009/02606: Demolition of hotel garage and construction of new 7 storey extension (basement - 5th floor) to provide 42 bedrooms, 2 conference rooms, car parking and restaurant/bar. Approved 09/04/2010

BH2009/02607: Demolition of hotel garage. Approved 09/04/2010

BH2007/03472: Demolition of existing hotel garage. Construction of two and six storey extension to form replacement garage and 30 additional bedrooms. Withdrawn 14/12/09.

BH2007/03473: Demolition of existing garage at ground and first floor levels and staff quarters at second floor level. Withdrawn 14/12/09.

BH2001/02968/FP: Demolition of existing garage at ground and first floor levels and staff quarters at second floor level. Construction of new 5 storey bedroom wing providing 30 bedrooms with re-planned garage under providing 38 car parking spaces. Granted 17/10/02.

BH2001/02969/CA: Demolition of existing garage at ground and first floor levels and staff quarters at second floor level. Approved 17/10/02.

95/0449/FP: Erection of 6 storey plus basement extension to Black Lion Street. Additional floor to 2 sections of building fronting Kings Road, link block at rear and alterations, providing a total of 86 bedrooms and 40 parking spaces. Granted 07/09/95.

95/0450/CA: Demolition of hotel garage and No. 8 Black Lion Street. Granted 07/09/95.

BN90/0732/F & BN90/0733/LBC: Demolition of Old Ship Hotel garage and floor above and No. 8 Black Lion Street and erection of a 6 storey plus basement extension fronting Black Lion Street comprising 40 car parking spaces on ground/basement floors with 61 bedrooms over, additional floor on 2 sections of the building fronting Kings Road, new link block at the rear and other additions/alterations to provide an additional 86 hotel bedrooms. Granted 14/08/90.

86/2147/F & BN86/2148/LBC/CA: Alterations extension at first to fifth floors on Black lion Street wing to provide 86 bedrooms and mansard room extension at front southeast corner. Granted 24/03/87.

4 THE APPLICATION

4.1 Planning permission is sought for an extension to the time limit of Planning Permission BH2009/02606, which granted permission for demolition of the hotel garage and construction of a seven storey extension to the hotel to provide an additional 42 bedrooms, 2 conference rooms, a restaurant/bar and car parking. The development scheme involves the following:

4.2 Demolition:

- Demolition of existing two storey garage and redundant staff accommodation at second floor level. This work is subject to the tandem application BH2012/03998 which seeks a replacement conservation area consent for the demolition as the building is within the Old Town Conservation Area.

4.3 Proposed extension:

- Size: maximum width 31m with a street frontage 22m, depth 21m, height 5/6 storey with maximum height of 18.5m – 6 storey.
- Floorspace: existing floor space to be demolished – 1,378m²; proposed floorspace 3097m²; additional floorspace 1719m² of which 1,594m² would form bedrooms, etc. and 125m² would form restaurant/bar.
- Layout: excavation to form basement for car parking; ground floor to form restaurant/bar and car parking area; first floor to form 2 meeting rooms – 240m², and 6 bedroom; second floor to form 6 bedrooms; third and fourth floors to form 11 bedrooms per floor; fifth floor to form 8 bedrooms. Total of 42 bedrooms of which 8 overlook the rear of the hotel and 28 overlook Black Lion Street. Hotel currently has 152 bedrooms which will be increased to 194 (a 27% increase in bedroom numbers).

4.4 Design/materials:

- Front elevation with three main vertical sections in painted render, lightweight glazed fifth floor set back from façade behind terrace, curved northern elevation, powder coated metal windows, Juliette balconies.
- Shopfront at ground floor level.

4.5 Parking areas:

- Parking for 37 vehicles to be provided at ground floor level and in a new basement car park accessed via a car lift.

4.6 Cycle Parking:

- To be situated within an existing car parking area at ground floor level with an area of 40m².

5 PUBLICITY & CONSULTATIONS

External

5.1 **Neighbours:** None received.

5.2 **English Heritage:** Recommend that the application be determined in accordance with guidance from national and local policy guidance and on the basis of the Local Planning Authority's own specialist conservation advice.

5.3 **UK Power Networks:** No objections.

5.4 **East Sussex County Archaeologist:** No further archaeological information has been recorded for this site since the original consultation upon this proposal, whereupon a condition was placed to require archaeological mitigation.

5.5 In light of the changes to national guidance it is recommended that the condition is amended to meet new requirements given in the NPPF

5.6 **Environment Agency:** The planning application is low risk with regards to the type of development and location of the proposal, therefore no comment is required in this case.

- 5.7 **Southern Water:** No objection to make in respect of the time extension.
- 5.8 **Sussex Police:** The ideal glazing solution would incorporate a toughened glass outer pane and laminate glass inner pane. The toughened glass outer pane reduces the threat of the glass failing and the laminate glass provides a shield should the glass fail. Make sure that the laminate glass is on the inside.
- 5.9 Anti Shatter Film (ASF) is a retrofit installation designed to be bonded to the inside face of the glass to hold a hazardous glass pane together and reduce the threat of injury. ASF is graded into three categories of performance:
- 5.10 B1 which is the lowest grade and is generally attributed to the 100 micron ASF A1 which is generally attributed to the 150-200 micron AFF and the most commonly used A2 which covers the 300-350 micron ASF
- 5.11 Laminated glass incorporates at least 2 sheets of either annealed or toughened glass which sandwich an inter layer film. This film inside the glass provides the protection. It binds the shards to it and the film membrane acts as a shield holding the pane within the frame. Should the forces of the blast be sufficient to push the pane out the contained pane is less hazardous than the annealed or toughened glass. The protection offered by this glass is mainly dictated by the thickness of the inter layer film in comparison to the size and thickness of the pane of glass and its double/single glazed nature. This needs to be professionally assessed to ensure the inter layer provides compliant or adequate protection on its own.
- Internal:**
- 5.12 **Planning Policy:** No objection.
- 5.13 **Sustainable Transport:** Recommended approval as the Highway Authority has no objections to this application. The Highway Authority comments from the previous application (BH2009/02606) still stand.
- 5.14 Aside from changes to National Planning Policy the main change in the local area is the proposals for the Old Town traffic improvement scheme. However, the proposed access on Black Lion Street is unaffected by these proposals. The proposals mean that traffic to and from the site will access and leave the area via Kings Road. Therefore this is not forecast to impact upon the previous scheme.
- 5.15 The Highway Authority would not wish to restrict grant of consent of this Planning Application. The Highway Authority would recommend the inclusion of the original conditions attached to Planning Permission BH2009/02606, conditions 14, 15 & 16. The Highway Authority would also recommend that a condition is attached requiring a Travel Plan to be produced. The scale of the development will be in line with the DfT threshold of 100 beds for when a Travel Plan is required. The Travel Plan will promote sustainable forms of transport to the site.
- 5.16 **Ecology:** No objection.

5.17 **Environmental Health:** Recommended that there are no objections subject to conditions and informative which were upon the original decision being reiterated.

These conditions related to:

- Land contamination
- Suitable treatment to plant and machinery
- Control of the noise emitted from plant and machinery
- Restrictions of servicing and delivery times
- A scheme of odour control equipment
- Suitable sound insulation

5.18 **Access officer:** No objection.

5.19 **Heritage:** No objection to the extension of the time limits on the previous permissions BHH2009/02606 & BH2009/02607 subject to all the conditions attached to the previous permissions still applying.

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:

- The Regional Spatial Strategy, The South East Plan (6 May 2009);
- East Sussex and Brighton & Hove Minerals Local Plan (November 1999);
- East Sussex and Brighton & Hove Waste Local Plan (February 2006);
- Brighton and Hove Local Plan 2005 (saved policies post 2004).

6.3 The National Planning Policy Framework (NPPF) was published on 27 March 2012 and is a material consideration which applies with immediate effect.

6.4 Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF. At the heart of the NPPF is a presumption in favour of sustainable development.

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 Local Plan:

TR1	Development and the demand for travel
TR14	Cycle access and parking

PLANS LIST – 20 FEBRUARY 2013

TR18	Parking for people with a mobility related disability
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU10	Noise nuisance
SU11	Polluted land and buildings
SU13	Minimisation and re-use of construction industry waste
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD5	Design - street frontages
QD6	Public Art
QD14	Extensions and alterations
QD17	Protection and integration of nature conservation features
QD27	Protection of amenity
QD28	Planning obligations
SR12	Large Use Class A3 (food and drink) venues and Use Class A4
SR14	New hotel and guest accommodation
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

Supplementary Planning Documents

SPD03: Construction and Demolition Waste

SPD08: Sustainable Building Design

SPD09: Architectural Features

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The proposed development has already been judged to be acceptable in principle at an earlier date under application reference BH2009/02606. This application has been submitted to extend the time limit for implementation of the permission, which expires on 09 April 2013. As such, the plans under consideration remain identical to the current permission. The determining issues to consider relate to whether there have been any material changes.
- 8.2 The option to extend time limits for implementing planning permission was introduced as a measure to make it easier for developers and Local Planning Authorities to keep planning permissions alive for longer during the economic downturn so that they can more quickly be implemented when economic conditions improve. In accordance with the National Planning Policy Framework (NPPF) government guidance on extending time limits for implementation states that in current circumstances, Local Planning Authorities should take a positive and constructive approach towards applications which improve the prospect of sustainable development being taken forward quickly.

- 8.3 A site visit has revealed that there have been no material changes to the site since the grant of permission in 2009. Therefore issues relating to the principle of the development, the design and appearance of the development, conservation area impact demolition waste, and sustainability remain identical to the previous application.
- 8.4 At the national level, the NPPF has replaced the majority of Planning Policy Statements and Planning Policy Guidance documents, including all that were previously relevant to this development. Further, whilst it is still part of the Development Plan, the Regional Spatial Strategy is in the process of being abolished and therefore its' policies carry minimal weight. At the local level, there have been no changes to the current development plan, the Brighton & Hove Local Plan 2005, whose policies are currently 'saved'.

National Planning Policy Framework (NPPF)

- 8.5 The NPPF was published on 27 March 2012 and came into immediate effect. At the heart of the NPPF is a presumption in favour of sustainable development. The NPPF encourages Local Authorities to proactively drive and support sustainable development to deliver homes, business and industrial units, infrastructure and thriving places that the country needs. This proposal is in accordance with the NPPF as it encourages sustainable development, provides for good quality commercial floorspace, and is appropriate in terms of its design.

Design

- 8.6 The building to be demolished is a 1920s garage with a wide entrance at ground floor level and fronts onto Black Lion Street. It is not a building that makes an important contribution to the character of the conservation area. It backs onto the Listed Assembly Rooms at the rear and adjoins a 1960s style hotel extension to the south. To the north of it is a recently refurbished and extended warehouse building forming a karaoke bar, and further north is a recently refurbished office building which incorporates a restaurant on the ground floor. On the opposite side of the road is a modern hotel and Council office building. This arrangement has not altered since the previous approval.
- 8.7 The scale of the proposed building is unchanged and continues to be considered acceptable in this location in townscape and upon urban design terms. The set back all glazed top storey and the stepping down of the building at its north end sets up a satisfactory transition in scale between the new building and the extended former warehouse and the modern office block beyond. It would also screen the blank north wall of the 1960s extension and largely screen its plant room in views from the street looking south.
- 8.8 The introduction of a restaurant use on the ground floor with a glazed restaurant frontage would remain a welcome improvement to the street level appearance and character of the street and improve the linkage between the seafront and the Old Town.
- 8.9 The design introduces some vertical subdivision by slightly recessing the end bays, which reflects the modeled facade of the modern hotel extension to the

south, as well as the plot width subdivisions of the historic streets. The proposed balconies and full height glazing and doors would be an acceptable approach given the character of the south end of this street, which is dominated by modern buildings.

- 8.10 The new building would still not impinge on the Listed Assembly Rooms at the rear and little has changed since the previous approval.
- 8.11 The proposed extension would be lower than the existing hotel and provide an attractive link in terms of scale and design to the lower adjoining building to the north, and of similar height to the main new development to the northern part of the street and the office and hotel opposite.
- 8.12 The design remains unaltered from the previous planning permission and the impact of the development upon the character and appearance of the conservation area and the setting of the adjacent Listed Building remains acceptable upon the basis of the same design-related planning conditions being re-imposed upon any extension to time.

Environmental Health Issues

- 8.13 Matters pertaining to potential noise disturbance, contaminated land and light spillage remain as per the current extant permission, and all associated conditions are proposed to be re-imposed.

Impact on amenity

- 8.14 The development overlooks an office block to the east and the rear of the hotel to the west. The only impact of the development on amenity is the overshadowing of the window to the office of the adjacent karaoke bar, 8 Black Lion Street. The window at third floor level is to a south facing recessed area with outlook over the existing roof of the hotel. The occupiers of the building previously acknowledged that daylight reduction would be negligible and raised concerns that the hotel should not object to the activities of their karaoke bar; whilst the karaoke booths are soundproofed noise may be experienced from general comings and goings to the venue. This was raised with the applicants at the time of the previous application and it was considered that the uses are compatible and that excessive noise and disturbance could be satisfactorily dealt with by Environmental Health legislation, if necessary.
- 8.15 Due to the lack of material land use, physical and policy changes in the interim, it is considered that no further issues or harm with respect to amenity have been identified.

Transport

- 8.16 The existing hotel has approximately 39 parking at ground and first floor levels. The first floor is access by a car lift which is old and unreliable and this parking area is not generally used at present. The proposal involves excavation to form a new basement, which together with part of the ground floor will provide a total of 37 car parking spaces, including two for disabled users at ground floor level. The proposal extension would increase the number of bedrooms from 152 to 194 and provide two additional conference rooms. The hotel is situated in a

Controlled Parking Zone; public car parks are within close proximity. The Sustainable Transport Team raised no objection to this level of parking provision subject to a financial contribution towards off site highway improvements commensurate with the scale of highway impact. In line with policies TR1 and QD28, and former Planning Policy Guidance Note 13 – Transport (PPG13) a contribution of £21,870 was secured by an obligation under Section 106 of the Town & Country Planning Act 1990. This contribution would be re-imposed on the renewal application through a deed of variation to the s106 Agreement.

- 8.17 Policy TR14 seeks the provision of secure and covered cycle parking facilities within developments. The hotel, which does not currently have dedicated cycle storage, proposes to provide a cycle storage area of 40m² within the building adjacent to the ground floor car parking area. This is considered satisfactory in accordance with development plan policies.
- 8.18 The Highway Authority now recognises that the scale of the development is in line with the DfT threshold of 100 beds for when a Travel Plan is required. Such a Travel Plan would promote sustainable forms of transport to the site and can be secured by planning condition if considered necessary and reasonable.
- 8.19 Subject to the a deed of variation to the agreed S106 and securing appropriate cycle parking by planning condition it is considered that the scheme remains acceptable upon transport grounds.

Archaeology

- 8.20 The County Archaeologist and Brighton & Hove Archaeological Society commented the development is situated within an archaeologically sensitive area, designated because it lies within the historical core of the medieval village and post medieval town of Brighton. The basement is to be excavated and the County Archaeologist considered that there is the potential for archaeological deposits to survive in the area and recommends that the area affected by the proposals should be subject to a programme of archaeological works to comprise a watching brief on the ground work associated with the extension which would enable any archaeological deposits and features disturbed during the proposed works to be adequately recorded.
- 8.21 A suitable condition was imposed previously, which due to National policy changes has required rewording. This updated condition has been amended to meet the necessary changes since previous approval and is contained within the recommendation.

Arts

- 8.22 A sum of £25,000 was secured in respect of the original planning permission and discussions on how this would be incorporated into the development took place. It remains likely the Art component would relate to, and take inspiration from, the historic nature of this building as the oldest remaining hotel in Brighton and may include a specifically commissioned piece of work to be displayed in the hotel lobby, but visible to the public. Subject to a deed of variation to the

agreed S106 agreement to further secure the art obligation in respect of this renewal there is no further material change to this element of consideration.

Sustainability

- 8.23 A Sustainable Building Design Statement has been submitted with the application together with a detailed BREEAM 'Pre-Assessment' Report and a further Energy Strategy Report. There is a clear commitment from the applicant to achieve BREEAM 'excellent' and score 60% in the energy and water sections, and these reports aim to provide assurance at this pre-determination stage that this is achievable.
- 8.24 Discussions with the architect took place during the previous application to investigate the possibility that a roof integrated photovoltaic (PV) system (producing electricity) rather than roof mounted panels may meet conservation and maintenance requirements on the uppermost roof and this is being further explored by the applicant. In addition a daylight and sunlight assessment accompanies the application. Bedrooms have an east or west facing orientation and will receive natural daylight, although it is recognized that the proposed conference rooms will be artificially lit and ventilated as little scope exists to provide natural light and ventilation to this internal area.
- 8.25 To achieve energy credits within BREEAM it was recognised that the existing boiler may require upgraded to a higher efficiency in addition to air tightness and building fabric far beyond building regulations requirements. In relation to water efficiency and the feasibility of greywater or rainwater system there was a commitment from the applicant to undertake a feasibility study for these systems and an opportunity to use collected rainwater for flushing WCs.
- 8.26 From the detailed information provided in the form of a BREEAM pre-assessment report and Energy Strategy report an overall BREEAM rating of excellent and a score 60% in the energy and water sections is readily achievable within the development and at the time of the previous committee decision the application was minded to grant as it was still under assessment by the Council's Sustainability Officer. The policy requirement upon the development have not substantially altered since the original approval and as such it is recommended that the same planning conditions are imposed to secure compliance with BREEAM excellent and for certification to be provided to confirm this has been achieved prior to occupation.

9 CONCLUSION

- 9.1 The application seeks to extend the time limit for which the proposed development can be implemented within. The principle of the development has previously been accepted under BH2009/02606 and the site and policy basis has not significantly changed since permission was granted in 2010. The NPPF has recently been published, however it is not considered that the NPPF alters the acceptability of the scheme, indeed it has introduced a presumption in favour of sustainable development and places greater emphasis on supporting economic development. As such the application is recommended for approval as being in accordance with both National and Local policy.

10 EQUALITIES

10.1 The building will have to meet Part M of the Building Regulations. Rooms which comply with the Disability Discrimination Act and a wheelchair refuge are located on each floor. A disabled toilet is provided within the proposed restaurant/bar.

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

11.1 S106

- a financial contribution of £21,870 towards off-site highway improvements, and
- a financial contribution of £25,000 for the provision of public art as an integral part of the development,

11.2 Regulatory Conditions:

1. BH01.01 Full planning.
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 existing granite setts to the garage crossover shall be salvaged and reused in situ in accordance with details to be submitted to and approved by the Local Planning Authority, and thereafter retained.
3. **Reason:** To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.
4. Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB below the existing LA90 background noise level. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:1997".
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.
5. No servicing or deliveries to or from the business premises shall take place outside the hours of 07.30 to 23.30 Mondays to Saturdays, or outside the hours of 08.30 and 23.00 on Sundays and Bank 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.
6. Within 3 months of occupation of the development hereby approved, the Developer or owner shall submit to the Local Planning Authority for approval in writing a detailed Travel Plan (a document that sets out a package of measures tailored to the needs of the site, which is aimed at promoting sustainable travel choices by residents, visitors, staff, deliveries and parking management) for the development. The Travel Plan shall include such commitments as are considered appropriate, and should include as a minimum the following initiatives and commitments:

PLANS LIST – 20 FEBRUARY 2013

- (i) Promote and enable increased use of 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 business and commuter 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 business and commuter 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 or post to act as Travel Plan Co-ordinator, and to become the individual contact for the Local Planning Authority relating to the Travel Plan.

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

7. The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

Reason: For the avoidance of doubt and in the interests of proper planning.

Plan Type	Reference	Version	Date Received
Site Plan	771-PL.101	-	22/10/2009
Proposed Basement Plans	771-PL.102	-	22/10/2009
Proposed Ground Floor	771-PL.103	-	22/10/2009
Proposed First Floor	771-PL.104	-	22/10/2009
Proposed Second Floor	771-PL.105	-	22/10/2009
Proposed Third Floor	771-PL.106	A	18/01/2010
Proposed Fourth Floor	771-PL.107	A	18/01/2010
Proposed Fifth Floor	771-PL.108	-	22/10/2009
Proposed Roof Plan	771-PL.109	-	22/10/2009
Proposed Street View	771-PL.110	-	22/10/2009
Proposed Front Elevation	771-PL.111	A	18/01/2010
Proposed Rear Elevation	771-PL.112	-	22/10/2009
Photographic References	771-PL.114	-	22/10/2009
Existing Basement	771-EX.01	-	22/10/2009
Existing ground Floor	771-EX.012	A	05/11/2009
Existing First Floor	771-EX.013	A	05/11/2009
Existing Second Floor	771-EX.014	A	05/11/2009
Existing Street Elevation	771-EX.015	A	05/11/2009
Existing Rear Elevation	771-EX.016	A	05/11/2009
Existing Section A	771-EX.014	-	22/10/2009

11.3 Pre-Commencement Conditions:

8. No development shall take place until the developer has secured the implementation of a programme of archaeological work, in accordance with a Written Scheme of Archaeological Investigation which has been submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure that the archaeological and historical interest of the site is safeguarded, to provide a reasonable opportunity to record the history of the site and to comply with policy HE12 of the Brighton & Hove Local Plan.
9. BH12.01 Sample of materials - conservation areas. No development shall take place until samples of the materials (including colour of render, paintwork and colourwash) to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan
10. BH05.05A BREEAM – Pre-commencement (new build non-res) – “60% in energy and water sections of relevant BREEAM assessment within overall ‘Excellent’”. Unless otherwise agreed in writing by the Local Planning Authority, no non-residential development shall commence until:
 - a) evidence that the development is registered with the Building Research Establishment (BRE) under BREEAM (either a ‘BREEAM Buildings’ scheme or a ‘bespoke BREEAM’) and a Design Stage Assessment Report showing that the development will achieve an BREEAM rating of 60% in energy and water sections of relevant BREEAM assessment within overall “Excellent” for all non-residential development have been submitted to the Local Planning Authority; and
 - b) a BRE issued Design Stage Certificate demonstrating that the development has achieved a BREEAM rating of 60% in energy and water sections of relevant BREEAM assessment within overall ‘Excellent’ for all non-residential development has been submitted to, and approved in writing by, the Local Planning Authority. A completed pre-assessment estimator will not be acceptable.**Reason:** To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.
11. Notwithstanding the details shown on the submitted drawings, further details and specifications of the balconies, glass balustrading, handrails, copings, window frames, eaves, doors, ground floor shopfronts, air conditioning units and ducting and any other external plant or equipment, and screening thereof (including any sustainable development measures required in connection with meeting the BREEAM excellent standards necessary to comply with conditions 3 and 4) shall be submitted to and approved by the Local Planning Authority at a scale of 1:20 elevations and 1:1 sections in writing before work commences, and shall be completed in strict accordance with the approved plans.

PLANS LIST – 20 FEBRUARY 2013

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

12. BH08.01 Contaminated Land
- (i) The development hereby permitted shall not be commenced 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 BS10175:2001 - Investigation of Potentially Contaminated Sites - Code of Practice;
and, unless otherwise agreed in writing by the Local Planning Authority,
 - (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 BS10175:2001;
and, unless otherwise agreed in writing by the Local Planning Authority,
 - (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 scheme shall include the nomination of a competent person to oversee the implementation of the works.
 - (ii) The development hereby permitted shall not be occupied or brought into use until there has been submitted to the Local Planning Authority verification by the competent person approved under the provisions of (i) (c) above that any remediation scheme required and approved under the provisions of (i) (c) above 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 such verification shall comprise:
 - a) as built drawings of the implemented scheme;
 - b) photographs of the remediation works in progress; and
 - c) certificates demonstrating that imported and/or material left in situ is free from contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under (i) (c).

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. A scheme for the fitting of odour control equipment to the building shall be submitted to the Local Planning Authority and no development shall commence until a scheme is approved by the Local Planning Authority. The use of the premises shall not commence until all odour control equipment works have been carried out in accordance with the agreed details.

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.

14. A scheme for the sound insulation of all odour control equipment shall be submitted to the Local Planning Authority and no development shall commence until all sound insulation works have been carried out in accordance with the agreed details and the sound insulation works shall be maintained thereafter.
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.
15. Prior to the commencement of development on site, detailed drawings including levels, sections and constructional details of all proposed works to amend the access to the car parking area, and to form the basement car park, shall be submitted to and approved by the local planning authority. The development shall thereafter proceed in accordance with the agreed details.
Reason: In the interests of highway safety and for the benefit and convenience of the public at large and to comply with policies TR1 and TR7 of the Brighton & Hove Local Plan.

11.4 Pre-Occupation Conditions:

16. BH05.06A BREEAM –. BREEAM – Pre-Occupation (New build non-residential)_Unless otherwise agreed in writing by the Local Planning Authority, none of the non-residential development hereby approved shall be occupied until a BREEAM Design Stage Certificate and a Building Research Establishment issued Post Construction Review Certificate confirming that the non-residential development built has achieved a BREEAM rating of 60% in energy and water sections of relevant BREEAM assessment within overall ‘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 SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.
17. 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 condition 7 and that provision for analysis, publication and dissemination of results and archive deposition has been secured.
Reason: To ensure that the archaeological and historical interest of the site is safeguarded, to provide a reasonable opportunity to record the history of the site and to comply with policy HE12 of the Brighton & Hove Local Plan.
18. A scheme for the suitable treatment of all plant and machinery against the transmission of sound and/or vibration shall be submitted to and approved by the Local Planning Authority. The use of the premises shall not commence until all specified works have been carried out in accordance with the agreed details.
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

PLANS LIST – 20 FEBRUARY 2013

19. The development shall not be occupied until the basement and ground floor parking areas have been provided in accordance with the details shown on drawing nos. 771-PL-102 and 771-PL-103. These areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.
Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway and to comply with policies TR19 of the Brighton & Hove Local Plan.
20. BH02.07 Satisfactory refuse and recycling storage.
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
21. BH06.03 Cycle parking facilities to be implemented.
The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development 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

11.5 Informatives:

1. This decision to grant Planning Permission has been taken:
 - (i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including Supplementary Planning Guidance and Supplementary Planning Documents:
(Please see section 7 of the report for the full list); and
 - (ii) for the following reasons:-
The proposal would provide improved hotel and conference accommodation within the hotel core area. The proposed extension is of a scale and design which relates well to the existing hotel and adjoining buildings and improves the appearance of the street scene and character and appearance of the Old Town Conservation Area.
2. Potentially contaminated land: The phased risk assessment should be carried out also in accordance with the procedural guidance and UK policy formed under the Environmental Protection Act 1990. The site is known to be or suspected to be contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer. The local planning authority has determined the application on the basis of the information made available to it. It is strongly recommended that in submitting details in accordance with the above/below conditions that the applicant has reference to CLR 11, Model

PLANS LIST – 20 FEBRUARY 2013

Procedures for the management of land contamination. This is available online as a pdf document on both the DEFRA website (www.defra.gov.uk) and the Environment Agency (www.environment-agency.gov.uk) website.

3. Licensing: It is the applicant's responsibility to submit any necessary applications to the Licensing Authority to ensure compliance with the Licensing Act 2003.
4. Investigations under the Environmental Protection Act 1990: The applicant should be aware that although conditions have been applied to the application, the future investigation of nuisance under the above legislation is not mitigated against. Should future investigations identify a Statutory Nuisance this could attract further odour and noise control measures.
5. The proposal includes works to the access serving the garaging area off Black Lion Street and a series of Juliette balconies which overhang the publicly adopted highway. The applicants are reminded of the need to secure approval from the Highway Authority for these works.
6. 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). Details about BREEAM can also be found in Supplementary Planning Document SPD08 Sustainable Building Design, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk).
7. The applicant is advised that the above condition on land contamination has been imposed because the site is known to be or suspected to be contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer. To satisfy the condition a desktop study shall be the very minimum standard accepted. Pending the results of the desk top study, the applicant may have to satisfy the requirements of (i) (b) and (i) (c) of the condition. It is strongly recommended that in submitting details in accordance with this condition the applicant has reference to Contaminated Land Report 11, Model Procedures for the Management of Land Contamination. This is available on both the DEFRA website (www.defra.gov.uk) and the Environment Agency website (www.environment-agency.gov.uk).
8. In respect of the financial contribution towards off-site highway improvements to be secured through a Section 106 agreement, the Planning Committee has expressed a preference for this to be used, at least in part, for upgrading the pavement to the front of the site on Black Lion Street to a quality finish commensurate with that found in the immediate vicinity of the site.
9. In accordance with the National Planning Policy Framework the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning

PLANS LIST – 20 FEBRUARY 2013

Authority seeks to approve planning applications which are for sustainable development where possible.