

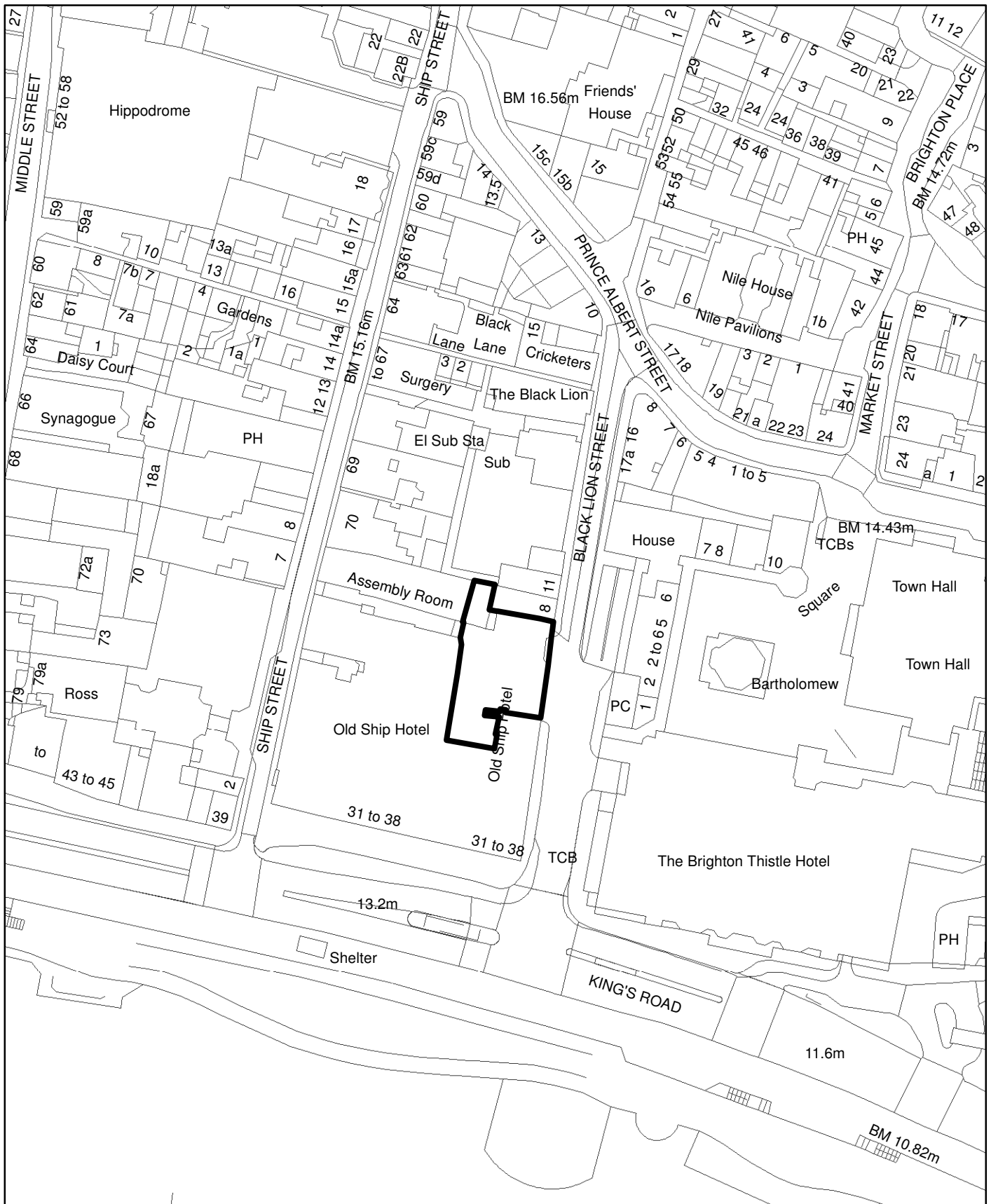
ITEM A

Old Ship Hotel, 31-38 Kings Road, Brighton

BH2014/02100
Full planning

13 MAY 2015

BH2014/02100 Old Ship Hotel, 31-38 Kings Road, Brighton



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2014/02100	<u>Ward:</u>	REGENCY
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Old Ship Hotel 31-38 Kings Road Brighton		
<u>Proposal:</u>	Demolition of existing 3 storey garage and staff accommodation block fronting Black Lion Street and construction of new 6 storey building to provide 8no one bed and 10no two bed flats on the 1st-5th floors and associated cycle and car parking on the ground floor with revised vehicular access together with other associated works including solar panels on the roof.		
<u>Officer:</u>	Liz Arnold Tel 291709	<u>Valid Date:</u>	04 July 2014
<u>Con Area:</u>	Old Town	<u>Expiry Date:</u>	03 October 2014
<u>Listed Building Grade:</u>	Adjacent Grade II*		
<u>Agent:</u>	Knight Frank LLP, 11th Floor, No 1 Marsden Street, Manchester M2 1HW		
<u>Applicant:</u>	Old Ship Hotel (Brighton) Ltd, Mike Jourdain, Bond Street House 14 Clifford Street, London W1S 4JU		

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 The Old Ship Hotel lies in a prominent position on the seafront, occupying the whole block between Ship Street and Black Lion Street, with return elevations along both streets. The hotel is an assemblage of different buildings dating from 1767 to the 1960s but predominantly 19th century. The oldest part is the Assembly Rooms of 1767 which is Grade II* listed and has a narrow frontage on Ship Street dating from c1895. The significance of the Assembly Rooms lies largely in the architectural and historic interest of the interior.
- 2.2 The Kings Road frontage is predominantly 19th century, with four linked Victorian frontages ranging from 4 storeys to 5 storeys plus mansard attic storey and all of painted stucco and full height canted bays. At the eastern end is a six storey 1960s extension in pseudo Victorian style which returns along Black Lion Street. There it adjoins the 1920s garage of block of two/three storeys and originally incorporating staff accommodation at upper level. This part of the building is the subject of this application. It has little intrinsic architectural merit and has a harmful impact on the appearance of the conservation area due particularly to its large ground floor openings and blank metal shutters.
- 2.3 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.

- 2.4 The adjoining building to the north, 8 Black Lion Street, is a four storey development forming 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 including a restaurant, drinking establishment and karaoke bar. The Thistle Hotel and Bartholomew House, Council Offices, are on the opposite side of Black Lion Street.
- 2.5 The site lies within the Old Town Conservation Area and is defined in the Brighton & Hove Local Plan as being within the Hotel Core Area. The Old Town Conservation Area is a mixed area of tightly knit urban grain and small scale buildings in a variety of materials but Black Lion Street has largely been redeveloped in the 20th century with larger scale buildings and harmed by the entrance to an underground car park.

3 RELEVANT HISTORY

BH2012/03998 - Replacement Conservation Area Consent application for the demolition of hotel garage. Approved 10/04/2013

BH2012/03982 - Application to extend time limit for implementation of previous approval BH2009/02606 for the demolition of hotel garage and construction of new 7 storey extension (basement - 5th floor) to provide 42 bedrooms, 2 conference rooms, car parking and restaurant/bar. Approved 10/04/2013.

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

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 the demolition of the existing 3 storey hotel garage and staff accommodation and the construction of a new six storey extension to the hotel to provide 18 residential units (8 x one bedroom and 10 x two bedroom units), across the first to fifth floor levels, and associated cycle and car parking on the ground floor with revised vehicular access together with other associated works including solar panels on the roof.

4.2 The proposed development would consist of the following;

4.3 Demolition

- Demolition of existing two storey garage and redundant staff accommodation at second floor level.

4.4 Proposed Extension

- The proposed extension would comprise 6 storeys, measuring a maximum of 18.5m in height (18.8m taking into account the proposed solar panels) with the 5th floor set in from the eastern and northern building line of the floors below. The proposed 5th floor would comprise mainly glazed elevations,
- The ground floor level would comprise a vehicular entrance to the proposed ground floor parking area for the new residential units and altered hotel car parking area. A large opaque glazed panel with protective metalwork would also be inserted in the ground floor Black Lion Street frontage,
- The proposed extension would measure approximately 22.6m wide along the Black Lion Street frontage, approximately 31m at the rear and approximately 15.4m in depth. The proposed ground floor level would connect with the retained hotel facilities and would provide new hotel valet parking.

4.5 Residential Accommodation

- Ground Floor – entrance to apartments, 26 cycle parking spaces and 14 car parking spaces and 1 disabled space (to be provided in the retained existing hotel parking area),
- First Floor – 2 one bedroom flats, and 2 two bedroom flats (ranging from approximately 50.3m² to 69.2m²),

- Second Floor – 2 one bedroom flats, and 2 two bedroom flats (ranging from approximately 50.3m² to 69.2m²),
- Third Floor – 2 one bedroom flats, and 2 two bedroom flats (ranging from approximately 50.3m² to 69.2m²),
- Fourth Floor – 2 one bedroom flats, and 2 two bedroom flats (ranging from approximately 50.3m² to 69.2m²), and
- Fifth Floor – 1 2/3 bedroom flat and a two bedroom flat (measuring 89.9m² and 91.8m²).

4.6 Materials:

- Walls - white render and marley eternit equitone 'tectiva' cladding panels in dark grey,
- Stainless steel glazed balconies, and
- Windows/doors– dark grey framed aluminium

5 PUBLICITY & CONSULTATIONS

External:

5.1 Neighbours:

Moore House, 13 Black Lion Street: Comment. Concerned about the level of noise and disruption during the demolition and construction of the Old Ship Hotel as business needs a quiet environment to function as make and take a lot of telephone calls and hold many meetings. Concerned that the increase in noise and disturbance over a period of time will affect company and the ability to work effectively during this time.

5.2 **13 Black Lion Street:** Comment that neighbouring property has a roof terrace that is in regular use which provides a partial sea view. Cannot assess from the documents submitted if the view will be obstructed by the proposed development.

5.3 **8 Old Patcham Mews:** Comment. Would like to see the name "Old Ship" retained in the name of the apartments and at least some of the existing period lettering "Old Ship Hotel Garage" reused in a similar position.

5.4 **Brighton and 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. Suggest the County Archaeologist is contacted for recommendations.

5.5 **CAG:** Comment. Group felt the proposal would be a significant improvement to the area and would be more in keeping than the existing building. Recommended approval of the application, if possible would like to see the attractive copper/enamel 'Old Ship Hotel Garage' signage retained in its current position.

5.6 County Archaeologist:

(Original comments 22/07/2014) Comment. The proposed development is situated within both a Conservation Area and an Archaeological Notification Area, defining the historic core of the medieval village of Brighthelmstone and the post medieval town of Brighton. The site is located in close proximity to the medieval Cluniac complex of St Bartholomews and within an area of regular burgage plots

that formed in the 12th-14th Century. Recent archaeological monitoring at 8 Black Lion Street recorded remains of a cellar relating to an earlier building than the one currently occupying the site. Accept that the construction of the current building is likely to have damaged/destroyed archaeological deposits that may have existed in this site, however as the recent work to the north at 8 Black Lion Street has demonstrated; deeper archaeological deposit can survive this impact.

- 5.7 Although the applicant has submitted a heritage statement, this only considers impact on the Conservation Area, so there is a concern that the applicant is unaware of the risk of below ground heritage remains and the potential cost mitigating their damage.
- 5.8 Assume that the Council's Conservation team are also making recommendations regarding the impact of the development; however would also recommend that the recommended archaeological mitigation strategy covers any impact on the historic structure of the building.
- 5.9 In light of the potential for loss of heritage assets on the site resulting from development the area affected by the proposals should be the subject of a programme of archaeological works.
- 5.10 (13/10/2014 following submission of further information) The Desk Based Assessment is adequate in relation to below ground archaeological potential from the later prehistoric periods onwards, however the assessment has failed to identify the potential in relation to earlier prehistoric periods due to the site's location on top of the Brighton quaternary deposits.
- 5.11 Can the applicant therefore provide information regarding depth and extent of proposed below ground works, any available geotechnical information for the site, and a revised assessment of impact on the quaternary deposits.
- 5.12 (Revised comments 16/10/2014 following submission of further information) The site also lies above the Brighton Quaternary Deposits, locally known as the Black Rack Raised Beach, which contains artefacts. In light of the potential for loss of heritage assets on the site resulting from development the area affected by the proposals should be the subject of a programme of archaeological works.
- 5.13 (Revised comments 04/11/2014 following submission of further information) This revised document now addresses the concerns raised in the letter dated 22nd July 2014. The Desk Based Assessment also confirms interpretation of the heritage potential of this site outlined in recommendations letter dated 15th October 2014, which requested heritage planning conditions. Do not wish to amend this recommendation.
- 5.14 **County Ecologist:** Comment. The proposed development is unlikely to have any significant impacts on biodiversity and can be supported from an ecological perspective, The site offers opportunities for biodiversity enhancements that will help the Council address its duties and responsibilities under the Natural Environment and Rural Communities Act and NPPF.

- 5.15 **East Sussex Fire and Rescue Service:** Have no comments to make.
- 5.16 **English Heritage:** Do not wish to offer any comments on this occasion. The application should be determined in accordance with national and local policy guidance and on the basis of Council Heritage advice.
- 5.17 **Environment Agency:** Having screened the application with regard to the low risk of the development type and location of the proposal, confirm have no comments to make.
- 5.18 **Regency Society:** Comment. The Society reviewed the application in order to present its view to the Conservation Advisory Group. The Society raised no objection to the scheme although felt the design to be somewhat uninspiring.
- 5.19 Did however note that in the Planning Statement reference is made to a Viability Assessment and it is suggested that the scheme is only marginally viable and is therefore not capable of providing on-site or off-site affordable housing. Would urge Council to scrutinise the viability of the scheme in some detail before permitting any relaxation in the affordable housing requirement.
- 5.20 **Southern Water:** Comment. Requires a formal application for a connection to the public sewer to be made by the applicant or developer, request that a condition is attached to an approval.
- 5.21 Initial investigations indicate that there are no public surface water sewers in the area to serve the development. Alternative means of draining surface water from the development are required.
- 5.22 Should the application receive planning approval request that a condition is attached regarding details of the proposed means of foul and surface water sewerage disposal.
- 5.23 **UK Power Networks:** Has no objections to the proposed works.

Internal:

- 5.24 **Access Officer:**
(22/07/2014) If the parking is meant for the use of the flats there needs to be at least one space capable of being widened to 3.3m by 4.8m. Confirmation is required of floor drainage for the required future level entry showers.
- 5.25 In a development of 18 units there should be at least one wheelchair accessible unit. Such a unit needs to be identified and will have to have a space for storage and charging of an electric wheelchair/scooter. Wheelchair accessible housing must be accessible at all times. Any units above entrance level must be served by two lifts to cover for periods of breakdown/maintenance.
- 5.26 (Comments 29/07/2014 following query from agent) The requirement for two lifts is because of the requirement for wheelchair accessible housing in a development of this size (i.e. not because of Lifetime Homes requirements). The response does not address that.

5.27 As regards the response about all the units being wheelchair accessible, can suggest the applicant is referred to the requirements outlined in the Wheelchair Housing Design Guide, Second Edition, published by Habinteg; particularly the requirements for size of bathrooms and the need for space for a shower and a bath with at least one being fitted, the requirement for the size of the entrance hall immediately inside the entrance door of each unit. Agree that the first floor units are the ones that could most readily be adapted but need to emphasise that there needs to be one unit designed to the required standards, not just adaptable.

5.28 (Comments 28/10/2014 following receipt of amendments) Proposal looks fine now, a wheelchair storage space has been incorporated inside flat 01.03. The car parking space is now satisfactory. There is clearly little likelihood of the single lift being out of service for any prolonged period in a development of this type and the lack of a second lift should not be an issue.

City Clean:

5.29 (Original comments 9/09/2014) Black Lion Street is included in Council's on street communal refuse and recycling collections but recommend that a bin store is provided for with future-proofing in mind.

5.30 The nearest communal refuse and recycling bins for Black Lion Street are at the side of Bart's House near East Street or opposite the Friend's Meeting House, on Prince Albert Street.

5.31 Waste arising calculations based on the property count provided recommend development allows for 4 x 1100L refuse/recycling containers and have a bin store space of 11.85m².

5.32 (Additional comments 13/10/2014 following submission of amendments) The bin store looks good. Has the double doors that are required, dropped kerbs and is within the recommended trundle distance from roadside.

5.33 **Economic Development Officer:** Has no adverse economic development comments to make but requests a contribution through a S106 Agreement for the payment of £9,000 towards the Local Employment Scheme in accordance with the Developer Contributions Interim Guidance and the provision of an Employment and Training Strategy with the developer committing to using 20% local employment during demolition and construction phases of the development.

5.34 **Education:** If the application were to proceed would seek a contribution towards the cost of providing educational infrastructure for the school age pupils the development would generate. In this instance would seek a contribution of £20,824 in respect of primary and secondary education.

5.35 **Environmental Health:**

(25/07/2014) Comment. Insufficient information has been submitted.

5.36 (Comments 25/11/2014 following receipt of further information) Recommends approval subject to conditions regarding glazing and ventilation requirements,

insulation between bin store/car park and residential units and potential contaminated land.

Heritage:

- 5.37 (Original comments 24/07/2014) Planning permission has previously been granted for the demolition of the existing garage block building and its replacement by a 6 storey building for hotel use. This proposal is for a building of the same height and footprint but for residential use. There remains no objection to the loss of the existing 1920s garage block and a six storey building is considered appropriate in the context of Black Lion Street and in views from Kings Road. It would enhance views southwards where the blank end wall of the 1960s hotel extension currently looms above the garage block. It also has the potential to enhance the street level environment and provide a more visually attractive street frontage. There would be no harmful impact on the setting of the Listed Assembly Rooms building, which is already surrounded by development and whose interest lies largely in its interior.
- 5.38 The proposed design has been positively amended at pre-application stage to reflect concerns raised about the extent and prominence of the top floor and the proportions of the front elevation and it is considered now to be of comparable quality to the previously approved scheme in these respects. The main concern remains with regard to the ground floor frontage, as the use of the ground floor for a vehicular entrance and car parking limits the opportunity to provide an interesting and lively street frontage. The width and alignment of the vehicular entrance has been amended and there would be a large opaque glazed panel with protective metalwork to provide ground interest. The quality of design and materials of this feature would be key to a successful scheme and this should be carefully controlled by condition. This feature could form the subject of any public art contribution. The residential entrance has also been revised in response to pre-application comments, to give it greater prominence and to help to enliven the ground floor. The detailed design of this feature is considered to be acceptable but subject to more information on materials. It is not clear about what an H.P.L. PANEL is, so details of this material in particular would be needed. Also the image shows the 'glazed look-alike panels' as blue but the note refers to them as dark grey so again more detail of this material is needed.
- 5.39 It is noted that there are some discrepancies between the elevation and plan drawings at ground and fifth floor levels. At ground floor level the widths of openings and solid wall sections are not all the same on plan as they are on elevation. At fifth floor level some of the glazed panels would presumably be solid or opaque panels where there are walls behind, but these are not visually differentiated on the elevation. In addition, some of the opening lights appear to coincide with areas of solid walling.
- 5.40 The County Archaeologist's comments cover the need for an archaeological mitigation strategy.
- 5.41 (Comments 8/08/2014 following receipt of rear elevation as existing) Have nothing to add to previous comments.

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- 5.42 (Comment 8/08/2014 in response to CAG comments) Do not consider that the lettering is of any special merit. It is just plain black letters in what looks like Times New Roman font. Certainly does not look like copper, it would appear rather out of place on a new residential block.
- 5.43 (Comments 31/10/2014 following receipt of amendments) The previously identified discrepancies between the elevation and plan drawings at ground and fifth floor levels have been addressed by the amended plans. The other amendments to the proposals do not raise any further issues from a heritage perspective.
- 5.44 The archaeological desk-based assessment is welcomed and the County Archaeologist's revised comments cover the need for an archaeological mitigation strategy.
- 5.45 Recommends approval subject to conditions regarding samples of material, large scale details of the ground floor opaque-glazed opening, the upper floor balconies and the parapet balustrade, and details of any method of gating or shutting the proposed vehicular entrance.
- 5.46 **Housing Officer:** Comment. Housing Strategy is committed to maximising the provision of affordable housing in the City and welcome the fact that as a result of the District Valuer's assessment of the proposal the applicant is now agreeing to the provision of 40% affordable housing in the proposed scheme, helping to provide high quality affordable housing for local people in housing need.
- 5.47 40% affordable housing in this case equates to 7 units. Would expect that at least 10% of the affordable housing should be built to fully wheelchair accessible standards in line with our affordable housing brief, in this case 1 unit.
- 5.48 The affordable housing units should be owned and managed by one of our Registered Providers of affordable housing.
- 5.49 Council affordable housing brief reflects the very pressing need for affordable homes in the City. Currently have over 20,988 households registered on the Council's Housing Register of which 14,039 are in demonstrable housing need waiting for affordable rented housing and a significant number of applicants looking for help to buy (shared ownership).
- 5.50 **Planning Policy:** Comment. The principle of residential development on the site is acceptable, however the lack of an element of affordable housing is regrettable. In order to ensure compliance with Local Plan Policy HO3, the viability report submitted to support the application should be assessed by the District Valuer to clarify whether the provision of an element of affordable housing in the development would not be viable. Furthermore, no information has been submitted to demonstrate how construction and demolition waste will be minimised and sustainably managed in line with the requirements of policy WMP3d of the Waste and Minerals Plan.

5.51 **Public Art:** To make sure the requirements of Policy QD6 are met at implantation stage, it is recommended that an 'artistic component' schedule be included in the Section 106 Agreement.

Sustainability Officer:

5.52 (Original comments 28/07/2014) Under supplementary planning document SPD08 major new built residential development is expected to achieve Code for Sustainable Homes (CfSH) Level 4. The application commits to achieving this standard.

5.53 The sustainability strategy is disappointing as overall lacks the detail to enable a more thorough assessment of the scheme, there are omissions and occasional contradiction. However, the basic standards proposed especially via assessment under the Code for Sustainable Homes to Level 4 will deliver standards across the key aspects of sustainability that should be addressed under Local Plan Policy SU2 and SPD08. In this case it is absolutely essential that the scheme if approved should be conditioned to achieve Level 4 as the other information in the application is not able to provide assurance that local sustainability policy would otherwise be delivered. Code Level 4 will ensure basic standards are met for waste management especially construction waste, materials, energy efficiency, health, pollution, water efficiency.

5.54 The only caveat to this is the question of whether an adequately sized photovoltaic array can be installed to deliver Code Level 4. The proposals suggest the photovoltaic array on a neighbouring roof and whilst the principle of this is acceptable, further information has been requested to demonstrate this approach will be successful.

5.55 (Comments 30/10/2014 following submission of amendments) Under supplementary planning document SPD08 major new built residential development is expected to achieve Code for Sustainable Homes (CfSH) Level 4. The application commits to achieving this standard. A photovoltaic array is proposed delivering 16.12kWp, this is predicted to generate 1010 kWh/kW and offset 8.6tonnes CO2 emissions per year.

5.56 Some of the positive aspects of the scheme are that all units proposed to meet Code for Sustainable Homes Level 4 and a PV array of 16.12kWp. Energy efficiency measures include: dedicated A rated gas boiler installation; fabric performance beyond the minimum requirements laid down in the current Part L1A of the Building Regulations; Low air leakage rates to reduce heat loss; Efficient lighting strategy primarily using CFL or LED type fittings, with automatic control in landlord areas. Passive design measures include solar shading to reduce the impact of solar gain.

5.57 Though a Sustainability Checklist was completed and a short Sustainability Statement submitted, there is little additional information provided in support of the application with regards sustainability standards and meeting sustainability policy. Whilst it is welcomed that a communal rainwater harvesting scheme has been costed, it is disappointing that this was found to be not technically or financially viable.

- 5.58 Aspects of policy not addressed in submitted information: measures not proposed or no information provided: use of sustainable materials; Greening of development such as green walls or roofs; food growing; creation of new biodiversity habitats; provision for composting; and whilst a short waste management statement has been submitted but this covers operational waste only and not construction waste impacts.
- 5.59 However, the standards proposed under the Code for Sustainable Homes to Level 4 will deliver standards across the key aspects of sustainability that should be addressed under Local Plan Policy SU2 and SPD08. Code Level 4 will ensure basic standards are met for waste management especially construction waste, materials, energy efficiency, health, pollution, water efficiency.
- 5.60 No objections subject to a condition requiring Code for Sustainable Homes level 4.

Sustainable Transport Officer:

- 5.61 (Original comments 03/09/2014) Recommends approval as the Highway Authority has no objections to the application subject to the inclusion of necessary conditions regarding retention of parking area, cycle parking, car parking management and highway works, an informative regarding Section 278 Agreement and a S106 payment of £12,150.
- 5.62 (Further comments 16/10/2014 following receipt of amendments) The disabled parking bays do not quite conform with DfT Traffic Advisory Note 5/95. The space should be 2.4m wide minimum with the walkways either side 1.2m. Also it is noted that the layout of the doors on route to the cycle parking area has not been adjusted to make more convenient access (however this second point is not a reason for refusal unlike the design of the disabled bay).
- 5.63 (Comments 4/11/2014 following receipt of amendments) The disabled parking space is now acceptable and the omission of one of the doors leading to the cycle parking area has improved the arrangement.
- 5.64 **S106 Contributions Officer:** The recreation open space contribution will be spent at Pavilion Gardens and/or Valley Gardens; Peter Pans and or Kings Road playground. The indoor sports sum will be spent at Prince Regent Swimming complex and the allotments sum at Craven Vale and/or Walpole Road, Whitehawk Hill allotments.

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 Local Plan 2005 (saved policies post 2007);

- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
- East Sussex and Brighton & Hove Minerals Local Plan (November 1999); Saved policies 3,4,32 and 36 – all outside of Brighton & Hove;
- 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 relevant policies in the development plan according to their degree of consistency with the NPPF.
- 6.5 The Brighton & Hove City Plan Part One (submission document) is an emerging development plan. The NPPF advises that weight may be given to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies to the policies in the NPPF.
- 6.6 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
TR7	Safe development
TR8	Pedestrian routes
TR14	Cycle access and parking
TR18	Parking for people with a mobility related disability
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU3	Water resources and their quality
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU11	Polluted land and buildings
SU13	Minimisation and re-use of construction industry waste
SU15	Infrastructure
SU16	Production of renewable energy
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD5	Design - street frontages
QD6	Public Art
QD14	Extensions and alterations
QD17	Protection and integration of nature conservation features
QD27	Protection of amenity

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QD28	Planning obligations
HO2	Affordable housing – ‘windfall sites’
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO6	Provision of outdoor recreation space in housing schemes
SR15	Protection of hotels/guest houses
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

SPGBH9: A guide for Residential Developers on the provision of recreational space

SPGBH15: Tall Buildings

Supplementary Planning Documents

SPD03: Construction and Demolition Waste

SPD08: Sustainable Building Design

SPD09: Architectural Features

SPD11: Nature Conservation & Development

Brighton & Hove City Plan Part One (submission document)

SS1 Presumption in Favour of Sustainable Development

CP1 Housing Delivery

CP6 Visitor Accommodation

CP8 Sustainable Buildings

CP19 Housing Mix

CP20 Affordable Housing

East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013

WMP3d Minimising and Managing Waste during construction, demolition and excavation

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of the application relate to the demolition of the existing building, the principle of the development, the design of the proposed building and its impacts on the surrounding area including the surrounding Conservation Area and the setting of the Listed Assembly Room located within the vicinity of the site, the standard of accommodation to be provided, the impact of the development on neighbouring amenity, and transport, ecology and sustainability issues.

Principle of Development:

- 8.2 The hotel is identified in the Local Plan as being within the Hotel Core Area. Local Plan Policy SR15 and City Plan Policy CP6 seek to prevent the loss of hotel accommodation within the defined core area, in which the site is located, unless certain criteria are met. The site is currently used as a garage for the Old Ship Hotel and redundant hotel staff accommodation. The loss of the staff accommodation and the partial loss of the hotel parking facilities are not considered to conflict with the objectives of either policy as the capacity of the hotel for visitors will remain unaffected.
- 8.3 At present, there is no agreed up-to-date housing provision target for the city against which to assess the five year housing land supply position. Until the City Plan Part 1 is adopted, with an agreed housing provision target, appeal Inspectors are likely to use the city's full objectively assessed need (OAN) for housing to 2030 (estimated to fall within the range 18,000 – 24,000 units) as the basis for the five year supply position. The Local Planning Authority is unable to demonstrate a five year supply against such a high requirement. As such, applications for new housing development need to be considered against paragraphs 14 and 49 of the NPPF. These paragraphs set out a general presumption in favour of sustainable development unless any adverse impacts of development would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole. The merits of the proposal are considered below.
- 8.4 The provision of 18 units of residential development would make a welcome contribution towards meeting the city's significant unmet housing need. Local Plan Policy HO2 requires proposals for residential development with 10 or more dwellings to provide for 40% affordable housing. Policy CP20 of the submission City Plan states that the Council will negotiate to achieve 40% onsite affordable housing provision on sites of 15 or more dwellings. The proposal has been assessed by the District Valuer and is considered to be viable with a 40% affordable housing provision, a provision that the applicant has agreed to provide. Plans have been submitted to show the location and layout of the proposed affordable housing units (both one and two bed).
- 8.5 Local Plan Policy HO3 states that new residential development should incorporate a mix of dwelling sizes to reflect the city's housing needs. In this city centre location, the proposed mix of one and two bedroom apartments is considered acceptable.

Visual Amenities:

- 8.6 Policies QD1, QD2 and QD3 set out the design criteria for applications of this nature. These policies require proposals to make an efficient and effective use of the site, contributing positively to the visual quality of the environment, addressing key principles for the neighbourhoods in terms of height, scale, bulk and design. The onus is upon the applicant to demonstrate that new development can be integrated successfully into its context.
- 8.7 Policy QD5 of the Brighton and Hove Local Plan relates to street frontage design and states that all new development should present an interesting and attractive frontage particularly at street level for pedestrians.

- 8.8 As set out above the site is located within the Old Town Conservation Area. Policy HE6 states that proposals within or affecting the setting of a conservation area should preserve or enhance the character or appearance of the area and should show:
- a) a consistently high standard of design and detailing reflecting the scale and character or appearance of the area, including the layout of the streets, development patterns, building lines and building forms;
 - b) the use of building materials and finishes which are sympathetic to the area;
 - c) no harmful impact on the townscape and roofscape of the conservation area;
 - d) the retention and protection of trees, gardens, spaces between buildings, and other open areas which contribute to the character or appearance of the area;
 - e) where appropriate, the removal of unsightly and inappropriate features or details; and
 - f) the retention and, where appropriate, the reinstatement of original features such as chimneys, chimney pots, gates, railings and shopfronts and small scale architectural details such as mouldings which individually or cumulatively contribute to the character or appearance of the area.
- 8.9 Proposals that are likely to have an adverse impact on the character or appearance of a conservation area will not be permitted.
- 8.10 As set out above the hotel is formed of an assemblage of different buildings, dating from 1767 to the 1960s. The oldest part is the Assembly Rooms, located to the west of the proposed extension, dating to 1767 and is a Grade II* Listed Building, but as the development does not affect this part of the building Listed Building consent is not required. Policy HE3 relates to development affecting the setting of Listed Buildings. This policy states that development will not be permitted where it would have an adverse impact on the setting of a Listed Building, through factors such as its siting, height, bulk, scale, materials, layout, design or use.
- 8.11 The NPPF states that good design is a key aspect of sustainable development and that development should function well and add to the overall quality of the area, respond to local character and reflect the identity of the local surroundings. The principle of a modern designed development on this site is not objected to, however the resulting building must respect its context and should be designed to emphasise and enhance the positive qualities of the local neighbourhood, taking into account the local characteristics in order to accord to design policies in the local plan.
- 8.12 The building to be demolished is a 1920s garage which comprises a wide entrance at ground floor level which fronts onto Black Lion Street, it is not a building that makes an important contribution to the character of the Conservation Area. Several planning approvals have been granted for the redevelopment of the area; those relating to the hotel are set out in section 3 above. To the north of the existing hotel is a refurbished and extended warehouse building forming a

karaoke bar, and further north is a refurbished office building which incorporates a restaurant on the ground floor. The completed redevelopment of the northern part of Black Lion Street for commercial development has transformed the street both architecturally and commercially and now makes a positive contribution to the vibrancy of this part of the Old Town. On the opposite side of the road is a modern hotel and Council office building.

- 8.13 In terms of scale, the proposed building would be 6 storeys in height, measuring approximately 18.86m at its maximum point. The proposed 5th floor level would be set in from the lower floor levels on the east and part of the northern side of the extension. The proposed 5th floor would comprise large sections of glazing on the southern and northern side of the Black Lion Street elevation which further helps reduce the bulk and massing of the 5th floor in addition to its set back from the eastern building line.
- 8.14 The provision of a 6 storey building is considered appropriate in the context of Black Lion Street and in views from Kings Road and the surrounding Conservation Area. It is considered that the proposed development would enhance views southwards where the blank end wall of the 1960s hotel extension currently looms above the garage block. The proposal also has the potential to enhance the street level environment and provide a more visually attractive street frontage, in accordance with policy QD5. In addition it is considered that the proposal would not have a harmful impact on the setting of the listed Assembly Rooms building, which is already surrounded by development and whose interest lies largely in its interior.
- 8.15 The proposed Black Lion Street frontage would comprise single and double width windows and glazed doors providing access to external balcony areas (1st to 4th floors), that would be set within the built form of the building rather than protruding beyond the facade. In addition to the set back of the 5th floor level the proposed inset balconies in the Black Lion Street elevation would help to break up the main frontage of the extension. Glass balustrading would be located along the outer edge of the proposed balconies including at 5th floor level.
- 8.16 The proposed rear elevation of the extension would only be visible from within the areas of the hotel to the west of the proposed extension. The proposed rear elevation of the extension includes a large area of rendered elevation which would be located adjacent to the proposed staircase area. The proposed rear elevation would also comprise both inset and suspended balcony areas.
- 8.17 The depth of the proposed extension would be less than in comparison to the existing 3 storey building. This would result in a greater distance between the Listed Assembly room and parts of the hotel located to the west of the proposed extension and the western building line of the proposed extension, at first to fifth floors. A flat roof would be created at first floor level between the built form of the retained hotel and the proposed extension.
- 8.18 The height of the proposed development would constitute a 'tall building' as defined in SPGBH15 'Tall Buildings', although it is noted that the eastern and part of the northern building lines of the proposed upper floor would be set back from

the lower levels. The site falls outside of the specific nodes and corridors for tall buildings identified in the SPG, however this does not necessarily preclude a tall building if local context dictates otherwise and the tests of SPG15 have been met. As required by the SPG, the applicants have submitted a Tall Buildings Statement as part of the application to help justify the scale of building proposed in the local and wider city context.

- 8.19 The key test of the SPG is whether the proposed building is deemed 'significantly taller' than the mean height of surrounding development within a 100m radius. If deemed 'significantly taller' and not within an identified tall buildings node or corridor, such buildings will normally be judged contrary to policies QD1, QD2 & QD4 of the Local Plan.
- 8.20 It is stated that the proposed development "has been designed as a natural extension of the existing 1960s six storey bedroom block which was built with basement, ground and first to fifth floor with two sixth floor plant rooms".
- 8.21 Progressing north along Black Lion Street no. 8 (immediately to the north of the development site) is formed of four storeys with a five storey building beyond. To the east of the site the neighbouring property is formed of five storeys, plus a basement (Bartholomew House) with a similar height hotel block (Thistle hotel) to the south. Both the Thistle hotel building and Bartholomew House are of a comparable scale and height to the existing Old Ship Hotel building.
- 8.22 As with the previously approved scheme (BH2009/02606/BH2012/03982), to which the footprint and height of the proposed development would replicate, the proposed extension would be lower than the retained part of the hotel fronting Black Lion Street and would provide an attractive link in terms of scale and design to the lower adjoining building to the north (8 Black Lion Street), and of similar height to the main developments to the northern part of the street and the office and hotel opposite.
- 8.23 The proposed stepped form of the development would relate well to adjoining buildings, would add visual interest to the street scene and would enhance this part of the street and Conservation Area.
- 8.24 The request by CAG for the existing 'Old Ship Garage' sign to be retained is acknowledged. However this lettering is not considered to be of any special merit and it is considered that it would appear out of place on a new residential development.
- 8.25 Overall it is considered that the proposed development maximises the potential of the site whilst respecting the scale, massing and visual amenities of the adjacent buildings and the general rhythm and character of the Black Lion Street and the wider area including the surrounding Old Town Conservation Area. The building would be an appropriate addition to the street in accordance with policies of the Brighton & Hove Local Plan and the tall buildings guidance within SPGBH15.

Impact Upon Amenity

8.26 Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.

Future occupiers

8.27 Policy HO5 requires new residential development to provide adequate private and usable amenity space for occupiers, appropriate to the scale and character of the development. In considering the amount of usable private amenity space within new residential proposals the Local Planning Authority will take into account balconies. Each of the proposed residential units would have sole access to at least one external balcony area of between approximately 0.8m and 1m in depth, and as such accords with policy HO5. The site is also located in close proximity to the seafront.

8.28 Policy HO13 requires new residential units to be built to Lifetime Homes Standards, which enables units to be adapted at a later date to meet the changing needs of occupants, without the need for major structural alterations. There are sixteen standards relating to Lifetime Homes and as the proposal is for a new build development all of the standards should be incorporated into the design. Since submission of the application amendments have been made to the proposal to ensure that Lifetime Homes Standards are complied with, including with respect to the provision of a disabled parking bay and the provision of two wheelchair accessible units (one of which would be an affordable housing unit) which includes the provision of a wheelchair storage space.

8.29 It is noted that the proposal only proposes the provision of one lift however it is not considered that refusal on this basis could be sustained given that an 'ambulant stair' would also be constructed and given that it is stated that maintenance would only be carried out 4 times a year for approximately 1 to 2 hours per visit.

8.30 Conditions should be attached to an approval to ensure the provision of accommodation which accords with Lifetime Homes standards and the provision of Wheelchair Accessible units within the scheme.

8.31 The site is located in a built up area where existing buildings surround the development site on all sides. All habitable rooms would be provided with some form of natural light and ventilation. As part of the application a Sunlight and Daylight Analysis Document has been submitted. It is concluded within the submitted report that;

- "Each apartment is provided with very good views out due to the geometry of the room and the size of the glazing.
- The East / West aspect of the building allows all apartments to benefit from direct sunlight at some point during the day and year.
- All open plan kitchen / living areas achieve an average daylight factor of 1.5%.
- All but 3 of the 18 open plan kitchen / living areas achieve an average daylight factor of 2%.

- All bedrooms achieve an average daylight factor of 1%.
- Both the East and West worst case apartments, i.e. the first floor rooms with the least view of the sun and sky, satisfy the sunlight probability criteria in both the summer and winter. The upper floors would see more sunlight compared to the 1st floor rooms”.

- 8.32 It is noted that the BRE Guidance should only be used as a guide and as a result it is not considered that refusal on this basis of 3 of the 18 apartments not meeting the average daylight factor of 2% for a combined open plan kitchen/living room area, could be justified.
- 8.33 Overall it is considered that the standard of accommodation proposed is acceptable.

Neighbouring Amenities

- 8.34 The concern regarding the loss of a sea view from the rooftop of a northern neighbouring property is noted however the loss of such views is not a material planning consideration. In addition the proposed extension would be no higher than the southern section of the retained hotel. The objection regarding noise and disruption during demolition and construction phases are also note. Such concerns can be dealt with via the attachment of a Construction Environmental Management Plan (CEMP) condition to an approval.
- 8.35 The proposed 6 storey extension would replace an existing 3 storey building of an identical width but a greater depth. The principle of the construction of a 6 storey extension on the north-west part of the existing hotel site was approved under a previous application (BH2009/02606) however this previously approved scheme related to the provision of additional hotel accommodation and facilities rather than residential accommodation.
- 8.36 The proposed development would overlook the rear of the hotel to the west. A distance of approximately 8.5m would be located between the western elevation of the proposed extension (from first floor level) and the eastern most building line of the retained hotel. The eastern elevation of the western section of the hotel does not incorporate windows above third floor level. Overall it is not considered that the proposal would have a significant adverse impact upon the patrons of the hotel with regards to overlooking or loss of privacy.
- 8.37 An existing office block is located approximately 14m to the east of the site, on the opposite side of Black Lion Street. Although the proposal includes the provision of windows and balconies in the east facing elevation it is not considered that the inclusion of such features would result in the proposal having a significant adverse impact upon the amenities of this eastern neighbouring property, with regards to overlooking or loss of privacy.
- 8.38 The proposed extension would adjoin the southern elevation of no. 8 Black Lion Street. It is noted that in consideration of the earlier applications (BH2009/02606 and BH2012/03982) it was stated that some overshadowing would be caused to an office window located in the recessed part of the third floor level of the northern neighboring property, which currently overlooks the roof of the hotel. As

with the previous approvals (the latter of which is still extant), which granted consent for an extension of an identical height and footprint, it is considered that the proposal would have a negligible impact upon the amenities of this neighbouring commercial property.

- 8.39 Given the siting of the proposed extension to the north-east of the retained hotel, the height and design of the existing hotel building and the existing urban form, it is not considered that the proposed extension would have a significant adverse impact upon the amenities of the neighbouring properties with regards to loss of sunlight/daylight or overshadowing.
- 8.40 It is recommended that a condition is attached to ensure that the proposed flat roof at first floor level between the proposed extension and the existing hotel is not utilised as an amenity area in order to protect the amenities of the future occupiers of the development and hotel guests.
- 8.41 Overall it is considered that the proposed development would not have a significant adverse impact upon the amenities of neighbouring properties.

Sustainable Transport:

- 8.42 Policy TR1 requires new development to address the demand for travel which the proposal will create and requires the design of the development to promote the use of sustainable modes of transport on and off site, so that public transport, walking and cycling are as attractive as use of a private car. Policy TR7 requires that new development does not increase the danger to users of adjacent pavements, cycle routes and roads. Policy TR14 requires the provision of cycle parking within new developments, in accordance with the Council's minimum standards as set out in SPGBH4. Policy TR19 requires development to accord with the Council's maximum car parking standards, as set out in SPGBH4.
- 8.43 The site is located in the City Centre and is therefore located in close proximity to a number of public transport networks, namely bus routes and Brighton Station.

Cycle Parking

- 8.44 As part of the proposal 26 cycle parking spaces are proposed with the ground floor level. This intended amount, proposed layout and proposed design is acceptable and accords with SPG04. If approved, the provision of such facilities can be ensured via a condition.
- 8.45 Despite the omission of a door following the Transport Officer's original comments, it is noted that several doors would be located between the ground floor residential entrance and the proposed cycle storage facilities which would be inconvenient for residents to negotiate with a bike. However it has been confirmed that the doors proposed are required for fire protection reasons, overall it is not considered that refusal on this basis would be warranted.

Car Parking

- 8.46 The site is in Controlled Parking Zone Z.

- 8.47 In association with the proposed 18 residential units, 14 car parking spaces are proposed. For the 14 standard car parking spaces the applicant is proposing a 2 tier semi-automated parking system, which is considered acceptable.
- 8.48 Although all of the proposed residential units would not be provided with on-site parking provisions the Council's Transport Officer has assessed the 2011 car ownership census data and as a result considers that it is likely that the number of overspill vehicles from the proposal would be minimal.
- 8.49 The Highway Authority requests that the car parking spaces are allocated to individual dwellings to ensure that the number of cars accessing the spaces and movements on the highway is reduced. It is recommended that a car parking management plan condition is attached if permission is granted, such a plan should also include a system that manages the visitor and disabled parking.
- 8.50 If the site did generate additional car parking on the highway it is considered unlikely that it would have a significant impact and therefore refusal on this basis is not considered warranted.

Disabled Parking

- 8.51 Parking standards SPG04 requires a minimum of 1 space per 10 dwellings or part thereof. Therefore for 18 dwellings the applicant should provide 2 disabled parking spaces.
- 8.52 The applicant is providing 1 guidance compliant space. Whilst this amount does not accord with SPG04 it is not deemed to be a reason for refusal in this instance as it is noted that blue badge holders can park for free in the vicinity at Pay & Display bays on Black Lion Street and at a disabled parking bay in Ship Street.

Other Issues

- 8.53 The proposal would include works to access serving the garaging area off Black Lion Street. These works to the highway would require approval from the Highway Authority. These works include the reinstatement of footway and removal of a redundant vehicle crossover, issues which could be dealt with via a condition if overall the proposal is considered acceptable.
- 8.54 In order to mitigate the potential increase in trips as a result of the proposal the Highway Authority requests that a contribution of £12,150 is provided. Such a contribution would go towards either a real time information sign in the vicinity of the site or pedestrian improvements in the Old Town area.

Sustainability:

- 8.55 Policy SU2 and SPD08 seeks to ensure that development proposals are efficient in the use of energy, water and materials. Proposals are required to demonstrate that issues such as the use of materials and methods to minimise overall energy use have been incorporated into siting, layout and design.
- 8.56 In order to comply with policy CP8 of the modified City Plan, the proposed development should be constructed to Code for Sustainable Homes Level 4, a standard which the applicant is committed to achieving. Some of the aspects of

the scheme proposed to achieve such a level include a PV array, the installation of A rated gas boilers, fabric performance beyond the minimum, requirements, efficient lighting strategy and passive design.

- 8.57 It is considered that the achievement of a minimum of Code for Sustainable Homes level 4 can be ensured via a condition attached to an approval, in order to comply with policy CP8.
- 8.58 The proposal involves the demolition of the existing buildings on site and therefore a significant quantity of construction and demolition waste is likely to be generated. No information regarding the management of waste in respect of the demolition of the existing building and construction of the proposal has been submitted as part of the application however it is considered that such information can be obtained as part of a CEMP.
- 8.59 A short term refuse and recycling store would be provided in the kitchen area of each proposed residential unit. In addition, since submission of the application, the proposal has been amended to include communal refuse and recycling areas at ground floor level in order to future proof the proposal should the on-street facilities within the vicinity of the site be removed. A condition should be attached to an approval to ensure the provision of such facilities prior to the occupancy of the development.

Other Issues:

- 8.60 Policy HE12 of the Local Plan relates to scheduled ancient monuments and other important archaeological sites. The policy states that development proposals must preserve and enhance sites known and potential archaeological interest and their setting.
- 8.61 The site is located within an Archaeological Notification Area defining the historic core of the medieval village of Brighthelmstone and the post medieval town of Brighton. The site is located in close proximity to the medieval Cluniac complex of St Bartholemews and within an area of regular burgrave plots that formed in the 12th-14th century. Recent archaeological monitoring at 8 Black Lion Street recorded remains of a cellar relating to an earlier building than the one currently occupying the site. The County Archaeologist accepts that the construction of the current building is likely to have damaged/destroyed archaeological deposits that may have existed on this site, however as the recent work to the north at 8 Black Lion Street has demonstrated deeper archaeological deposit can survive this impact. The site also lies above the Brighton Quaternary Deposits, locally known as the Black Rock Raised Beach.
- 8.62 Since submission of the application a revised archaeological desk-based assessment has been submitted, which has addressed concerns initially raised by the County Archaeologist and as a result it is considered that policy HE12 can be dealt with via a condition being attached to an approval, requiring the submission of a programme of archaeological works.

9 CONCLUSION

- 9.1 In conclusion it is considered that the proposed development would make an efficient and effective use of the site. The height, design and bulk of the proposed extension would not compromise the quality of the local environment, including the surrounding Conservation Area. The standard of accommodation proposed is considered acceptable and adequate private amenity space provided. Subject to the compliance with attached conditions the scheme would comply with the requirements for sustainability, cycle storage, waste management and refuse and recycling storage. In addition it is considered that the new residential development would not have a significant adverse impact upon the amenities of neighbouring properties. The proposal accords with policies of the Brighton and Hove Local Plan and the Brighton & Hove Submission City Plan Part One, approval is therefore recommended.

10 EQUALITIES

- 10.1 The development would provide a policy compliant number of wheelchair accessible residential units and all of the residential units would be designed to Lifetime Homes standards. The numbers of disabled parking bays proposed for residential and business occupiers is acceptable and would be sited in suitable locations.

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

11.1 S106 Heads of Terms

- Construction Training and Employment Strategy including 20% of demolition and construction jobs for the development sourced from Brighton & Hove.
- A contribution of £9,000 towards Local Employment Scheme,
- A contribution of £12, 150 to go towards either a real time information sign for the 'Breeze' 77 bus service at the Ship Street bus stop on the south side of King's Road (the service will be running 7 days a week from Spring 2015) and/or pedestrian improvements in the Old Town area,
- A contribution of £45, 696.69 towards Open Space and Indoor Sports, which will be spent at Pavilion Gardens and/or Valley Gardens; Peter Pans and or Kings Road playground. The indoor sports sum will be spent at Prince Regent Swimming complex and the allotments sum at Craven Vale and/or Walpole Road, Whitehawk Hill allotments.
- A contribution of £14,000 towards Public Art, and
- A contribution of £20,824 towards primary and secondary education.
- Provision of 40% Affordable Housing

11.2 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.
Reason: For the avoidance of doubt and in the interests of proper planning.

PLANNING COMMITTEE LIST- 13 MAY 2015

Plan Type	Reference	Version	Date Received
Site Location Plan	0001	Rev. P1	4 th July 2014
Site Block Plan	0002	Rev. P2	23 rd April 2015
Existing Ground Floor Plan	1001	Rev. P3	2 nd July 2014
Existing First Floor Plan	1002	Rev. P3	2 nd July 2014
Existing Second Floor Plan	1003	Rev. P3	2 nd July 2014
Existing Elevation to Black Lion Street	1010	Rev. P3	2 nd July 2014
Existing Elevation to Black Lion Street	1011	Rev. P1	2 nd July 2014
Existing Section	1015	Rev. P3	2 nd July 2014
Existing Rear Elevation	1026	Rev. P1	7 th August 2014
Proposed Ground Floor Plan	2000	Rev. P13	16 th October 2014
Proposed First Floor Plan	2001	Rev. P11	23 rd April 2015
Second Floor Plan	2002	Rev. P9	30 th March 2015
Third Floor Plan	2003	Rev. P8	22 nd April 2015
Fourth Floor Plan	2004	Rev. P8	22 nd April 2015
Fifth Floor Plan	2005	Rev. P7	22 nd April 2015
Roof Plan	2006	Rev. P8	6 th October 2014
Proposed Street Elevation on Black Lion Street	2010	Rev. P12	6 th October 2014
Proposed Rear Elevation	2011	Rev. P8	6 th October 2014
Proposed Street Elevation on Black Lion Street	2012	Rev. P2	21 st April 2015
Proposed Rear Elevation	2013	Rev. P1	2 nd July 2014
Proposed Sections	2015	Rev. P5	2 nd July 2014
Main Entrance Detail	2025	Rev. P3	21 st April 2015

- 3) The works of demolition hereby permitted shall not be begun until documentary evidence is produced to the Local Planning Authority to show that contracts have been entered into by the developer to ensure that building work on the site the subject of this consent is commenced within a period of 6 months following commencement of demolition in accordance with a scheme for which planning permission has been granted.
Reason: As this matter is fundamental to the acceptable delivery of the permission to prevent premature demolition in the interests of the character and appearance of the Conservation Area and to comply with policy HE8 of the Brighton & Hove Local Plan.
- 4) 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.
- 5) The vehicle parking area relating to the residential development hereby approved, as shown on the approved plans, shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved.
Reason: To ensure that adequate parking provision is retained and to comply with policy TR19 of the Brighton & Hove Local Plan.
- 6) The new dwellings hereby permitted shall be constructed to Lifetime Homes standards prior to their first occupation and shall be retained as such thereafter.
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.
- 7) i) The glazing and ventilation requirements for the facades of the development hereby approved shall comply with Table 5.1, page 4 of the Noise Impact Assessment for the scheme, undertaken by Environmental Noise Solutions Ltd., dated 26th September 2014, received on the 6th October 2014.
ii) Details showing that part i) has been complied with shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development.
Reason: To safeguard the amenities of the future occupiers of the development and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 8) Access to the first floor flat roof hereby approved shall be 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 policies QD14 and QD27 of the Brighton & Hove Local Plan.
- 9) A minimum of 10% of the affordable housing units and 5% of the total of all of the residential units hereby approved shall be built to wheelchair accessible standards.
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 and Hove Local Plan.

11.3 Pre-Commencement Conditions:

- 10) No development shall commence until full details of existing and proposed ground levels (referenced as Ordinance Datum) within the site and on land and buildings adjoining the site by means of spot heights and cross-sections, proposed siting and finished floor levels of all buildings and structures, have been submitted to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved level details.
Reason: As this matter is fundamental to the acceptable delivery of the permission to safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, to comply with policies QD2 and QD27 of the Brighton and Hove Local Plan.

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- 11) No development above ground floor slab level of any part of the development hereby permitted shall take place until samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):
- a) samples of all brick, render and tiling (including details of the colour of render/paintwork to be used)
 - b) samples of all cladding to be used, including details of their treatment to protect against weathering
 - c) samples of all hard surfacing materials including paving materials to the entrance
 - d) samples of the proposed window, door and balcony treatments
 - e) samples of all other materials to be used externally
- Development shall be carried out in accordance with the approved details.
Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.
- 12) No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:
- (i) The phases of the Proposed Development including the forecasted completion date(s)
 - (ii) A commitment to apply to the Council for prior consent under the Control of Pollution Act 1974 and not to Commence Development until such consent has been obtained
 - (iii) A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme)
 - (iv) A scheme of how the contractors will minimise complaints from neighbours regarding issues such as noise and dust management vibration site traffic and deliveries to and from the site
 - (v) Details of hours of construction including all associated vehicular movements
 - (vi) Details of the construction compound
 - (vii) A plan showing construction traffic routes
 - (viii) An audit of all waste generated during construction works
- The construction shall be carried out in accordance with the approved CEMP.
Reason: As this matter is fundamental to the protection of amenity, highway safety and managing waste throughout development works and to comply with policies QD27, SU10, SU13, SR18, SU9 and TR7 of the Brighton & Hove Local Plan and WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 and Supplementary Planning Document 03 Construction and Demolition Waste.
- 13) No development above ground floor slab level shall take place until 1:20 scale details of the ground floor opaque-glazed opening the upper floor balconies and the parapet balustrade 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.

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- Reason:** To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.
- 14) No development above ground floor slab level shall take place until 1:20 scale details of any method of gating or shuttering to the vehicular entrance 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.
- 15) No development above ground floor slab level shall take place until details of the proposed means of foul and surface water sewerage disposal shall be submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
- Reason:** To prevent pollution of the water environment and to comply with policy SU3 of the Brighton & Hove Local Plan.
- 16) No development above ground floor slab level shall take place until a scheme of Management of the vehicle parking has been submitted to and been approved in writing by the Local Planning Authority. The submitted scheme shall include details of how each car parking space will be allocated and any necessary measures to ensure that each car parking space is secured for the use of its allocated owner. The approved scheme shall be implemented prior to the first occupation of the building and thereafter retained at all times.
- Reason:** To ensure the development maintains a sustainable transport strategy and to comply with policies TR1 and TR19 of the Brighton & Hove Local Plan.
- 17) i) No development above ground floor slab level shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority showing that party Walls/Floors between the bin store and car park, and the residential accommodation, shall achieve an airborne sound insulation value of 5dB greater than that specified in Approved Document E of the Building Regulations.
ii) The development shall not be occupied until details of the pre-completion testing showing that the scheme achieves the standard outlined in part i) have been submitted to and approved in writing by the Local Planning Authority.
- Reason:** To safeguard the amenities of the future occupiers of the development and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 18) 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: As this matter is fundamental to the acceptable delivery of the permission to safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.

19) i) 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.

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.

11.4 Pre-Occupation Conditions:

20) 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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- 21) 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.
- 22) The development hereby permitted shall not be occupied a scheme setting out highway works to implement the reinstatement of footway on Black Lion Street has been submitted to and approved in writing by the Local Planning Authority. No part of the building hereby approved shall be occupied until the approved highway works have been carried out in accordance with the approved scheme.
Reason: To ensure that there suitable footway provision is provided to and from the development and to comply with policies TR7 and TR8 of the Brighton & Hove Local Plan.
- 23) Prior to first occupation of the development hereby permitted a scheme to enhance the nature conservation interest of the site shall have been submitted to and agreed in writing by the Local Planning Authority. The scheme shall accord with the standards described in Annex 6 of SPD 11 and shall be implemented in full prior to the first occupation of the development hereby approved.
Reason: To increase the biodiversity of the site, to mitigate any impact from the development hereby approved and to comply with Policy QD17 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD11 Nature Conservation and Development.
- 24) Unless otherwise agreed in writing by the Local Planning Authority, none of the residential units hereby approved shall be occupied until a Final/Post Construction Code Certificate issued by an accreditation body confirming that each residential unit built has achieved a Code for Sustainable Homes rating of Code level 4 as a minimum 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 policy CP8 of the Submission City Plan Part One.

11.5 Informatives:

1. The applicant is advised that Condition 18 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

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website (www.defra.gov.uk) and the Environment Agency website (www.environment-agency.gov.uk).

2. The applicant is advised to contact the East Sussex County Archaeologist to establish the scope for the Written Scheme of Archaeological Investigation as required by condition 19.
3. The applicant is advised that formal applications for connection to the public sewerage system and to the water supply are required in order to service this 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 in respect of condition 23, given the urban nature of the site, swift boxes are recommended.
5. The applicant is advised that details of the Code for Sustainable Homes can be found on the Planning Portal (www.planningportal.gov.uk), on the Department for Communities and Local Government website (www.communities.gov.uk) and in Supplementary Planning Document SPD08 Sustainable Building Design, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk). Accreditation bodies at March 2010 include BRE and STROMA; other bodies may become licensed in future.
6. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
7. 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 proposed development would make an efficient and effective use of the site. The height, design and bulk of the proposed extension would not compromise the quality of the local environment, including the surrounding Conservation Area. The standard of accommodation proposed is considered acceptable and adequate private amenity space provided. Subject to the compliance with attached conditions the scheme would comply with the requirements for sustainability, cycle storage, waste management and refuse and recycling storage. In addition it is considered that the new residential development would not have a significant adverse impact upon the amenities of neighbouring properties.