

51 SHIP STREET,
BRIGHTON, BN1 1AF

HERITAGE STATEMENT

PREPARED BY PEGASUS GROUP
ON BEHALF OF TROIA UK RESTAURANTS LTD.

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DESIGN | ENVIRONMENT | PLANNING | ECONOMICS | HERITAGE

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FORMER FAT FACE UNIT, 51 SHIP STREET, BRIGHTON BN1 1AF

ON BEHALF OF: TROIA UK RESTAURANTS LTD.

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1. Introduction

1.1 Pegasus Group have been commissioned by Troia Restaurants UK Ltd to prepare a Heritage Statement to assess the proposed internal alterations at 51 Ship Street, Brighton. The location of the site is indicated on the Site Location Plan provided at Plate 1.

1.2 The application site comprises the southern annexe of No. 51, which is currently a retail unit, having previously traded as Fat Face Brighton. This annexe is part of a larger Grade II Listed building which is located within the Old Town Conservation Area.

1.3 The application seeks Listed Building Consent, Planning Permission and Advertisement Consent for:

"Internal and external alterations, comprising: internal reconfiguration and works to Listed building; installation of plant equipment; installation and display of advertisements."

1.4 This Built Heritage Statement provides information with regards to the significance of the built historic environment to fulfil the requirement given in paragraph 194 of the Government's National Planning Policy Framework (the NPPF¹) which requires:

"an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting."²

1.5 In order to inform an assessment of the acceptability of the scheme in relation to impacts to the built historic environment, following paragraphs 199 to 203 of the NPPF, any harm to the historic environment resulting from the proposed development is also described, including impacts to significance through changes to setting.

1.6 As required by paragraph 194 of the NPPF, the detail and assessment in this Report is considered to be "proportionate to the asset's importance."³

1.7 As part of the investigatory works in preparing the applications for the site, strip-out works were undertaken following agreement with Brighton City Council. The removal of the modern elements installed by the previous occupant informed the proposals and will be referenced in the impact assessment below. The email correspondence and plans can be found in Appendix 1.

¹ Ministry of Housing, Communities and Local Government (MHCLG), National Planning Policy Framework (NPPF) (London, July 2021).

² MHCLG, NPPF, paragraph 194.

³ MHCLG, NPPF, paragraph 194.

APPENDIX 1: STRIP-OUT WORKS AND EMAIL AGREEMENT

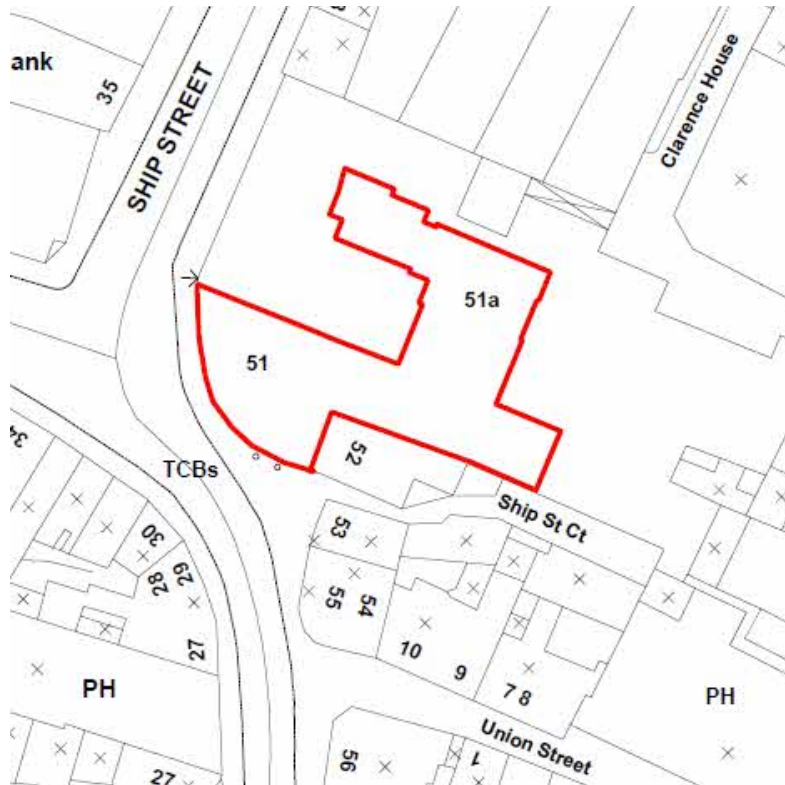


Plate 1: Site location plan.

2. Site Description and Planning History

- 2.1 The property is located on the north-east side of Ship Street within Brighton Town Centre. The application site comprises the southern annexe of 51 Ship Street which was most recently in operation as Fat Face Brighton, but formerly part of the Post Office that preceded the retail uses on the site. The application site also includes part of the existing Ivy restaurant in the adjacent unit.
- 2.2 As discussed in detail in Section 6 below, the annexe dates from 1849. The main building of 51 Ship Street, which adjoins the application site to the north, dates from c. 1925 but incorporates some parts of an earlier, late 19th-century building. Both buildings were a post office until the end of the 20th century.
- 2.3 The annexe is two storeys in height and its curved façade extends across seven bays. This façade has a stuccoed finish and is adorned with banded rustication, consoles, and pediments. The fenestration is a mix of round-headed openings (ground floor) and rectangular sashes (first floor). An entablature and parapet conceal the roof from view.
- 2.4 The interior previously comprised two storeys but was altered over time to remove the first floor in locations as well as the access to the remaining area of first floor. There are extremely limited instances of historic detailing internally.



Plate 2: Front elevation.



Plate 3: Front elevation.

2.5



Plate 4: Southern part of the ground floor beneath the mothballed first floor.



Plate 5: Ground floor.



Plate 6: Double-height space.



Plate 7: Double-height space when looking towards the main entrance and western elevation.



Plate 8: Double-height space looking towards the south and mothballed first floor area beyond the black-painted wall.



Plate 9: View from the rear of the site towards the front.



Plate 10: Rear ground floor area.



Plate 11: Rear first floor area.

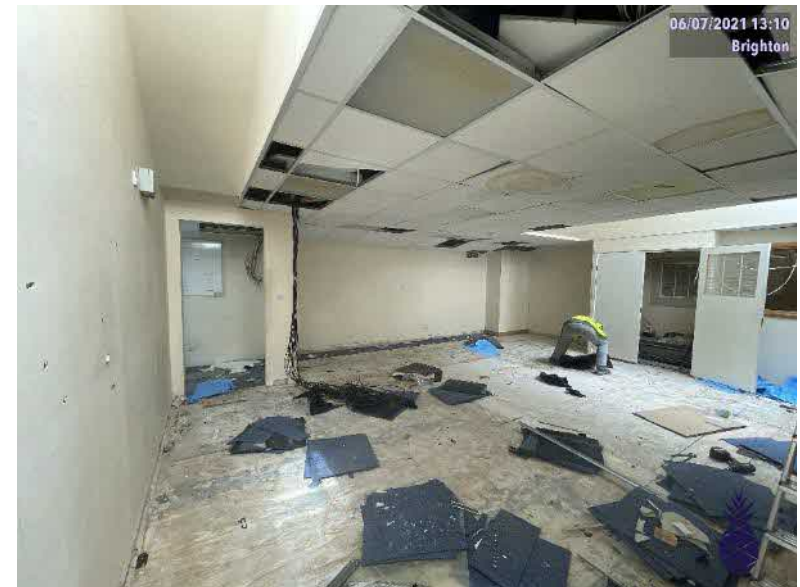


Plate 12: Rear first floor area.



Plate 13: Mothballed first floor only accessible by a hatch.



Plate 14: Former chimney breast of the mothballed first floor.



Plate 15: Eastern half of the mothballed first floor.

Site Development

- 2.6 A review of historic mapping available for the site reveals that the application site and the surrounding urban landscape has evolved considerably over the last 150 years. However, the

layout of the application site itself has changed relatively little since the later 19th century.

- 2.7 The First Edition (1875–1877) Ordnance Survey map records the building as a post office. The architectural footprint within the site corresponds with that still extant today; however, at that time the building extended much further to the rear (south-east). The adjoining building to the north (the main structural element of 51 Ship Street beyond the application site) had not yet been built; this area was instead occupied by several smaller buildings, reinforcing the dense urban grain of this part of Brighton.
- 2.8 A plan drawn in the 1890s records the layout of the building before the northern post office was constructed. At that time, the front of the building retained a largely open plan with a small lobby to the eastern elevation. It also included a staircase adjacent to the southern entrance which accessed the first floor above that is currently mothballed. There were several openings in the northern wall of the application site which facilitated access to the structures beyond.

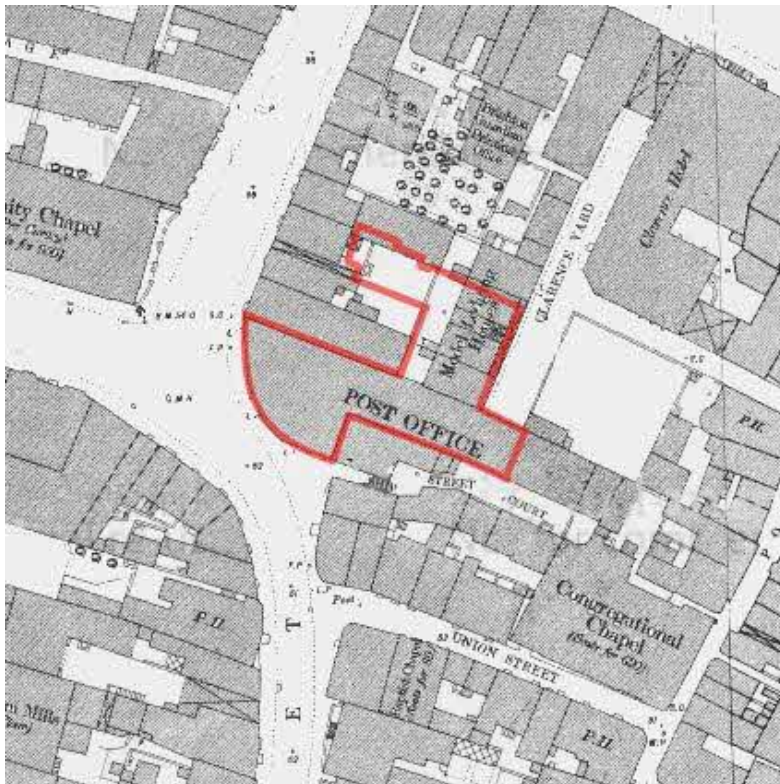


Plate 16: 1876 Ordnance Survey extract.

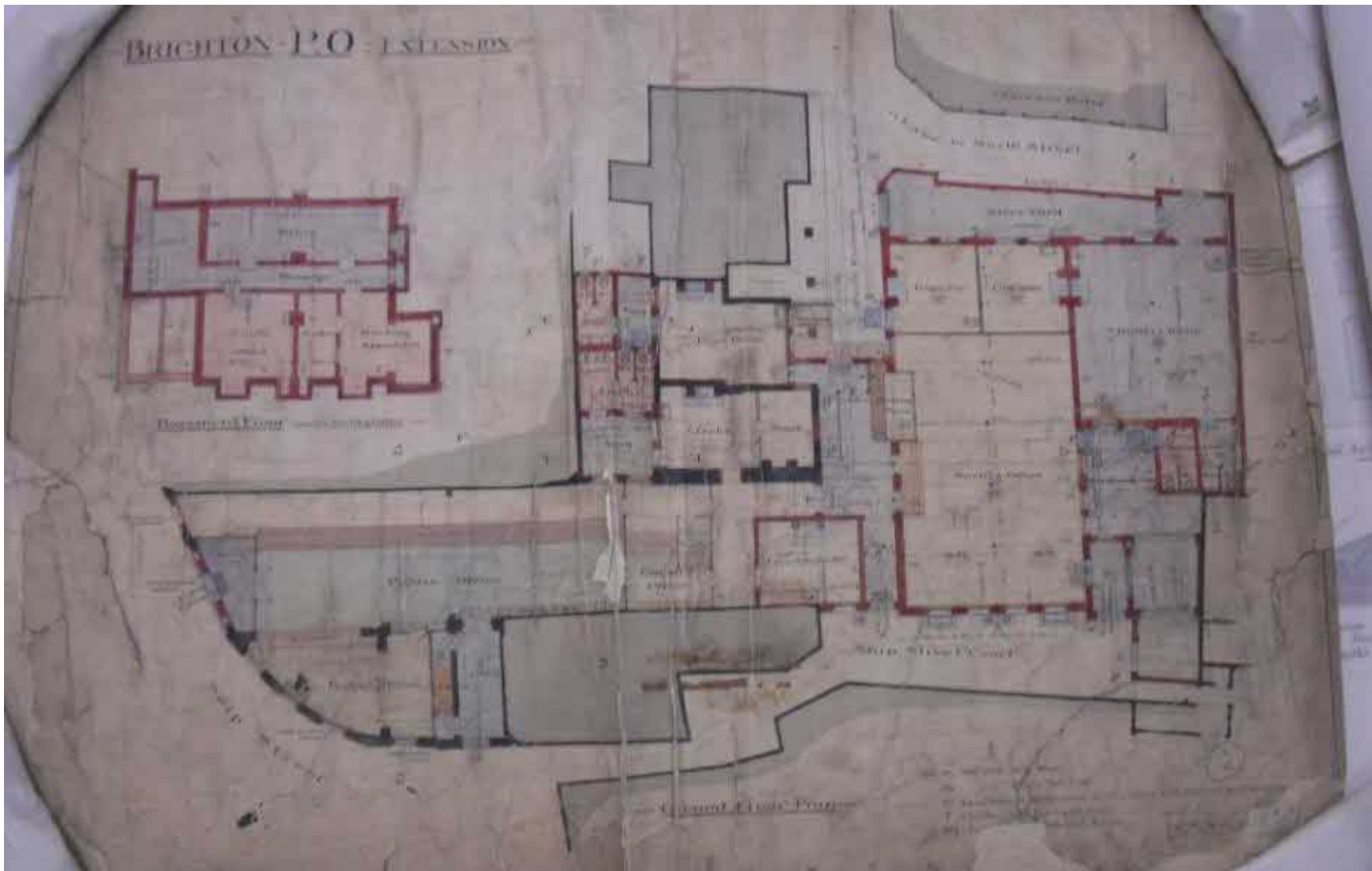


Plate 17: 1890s plan of Brighton Post Office.

- 2.9 The 1911 Ordnance Survey map shows that the post office had been substantially enlarged to the north and east. The several buildings that formerly occupied the area to the north of the application site had been subsumed by a larger structure, which corresponds with the present-day Ivy restaurant.
- 2.10 A photograph taken in the 1890s shows the c. 1905 Edwardian frontage of the new northern extension, prior to the subsequent remodelling of c. 1925 which gave the façade its present appearance. The architectural details of the annexe appear to be the same as those visible today, although the stucco of the ground floor was then painted a dark colour and a large lantern hung over the main doorway (this has since been replaced with modern retail signage).
- 2.11 Subsequent maps show no perceptible changes to the footprint of built form within the application site. Changes were evidently made to other parts of the post office building beyond the application site; for example, the northern carriageway entrance was removed and rear structural elements were reconfigured.

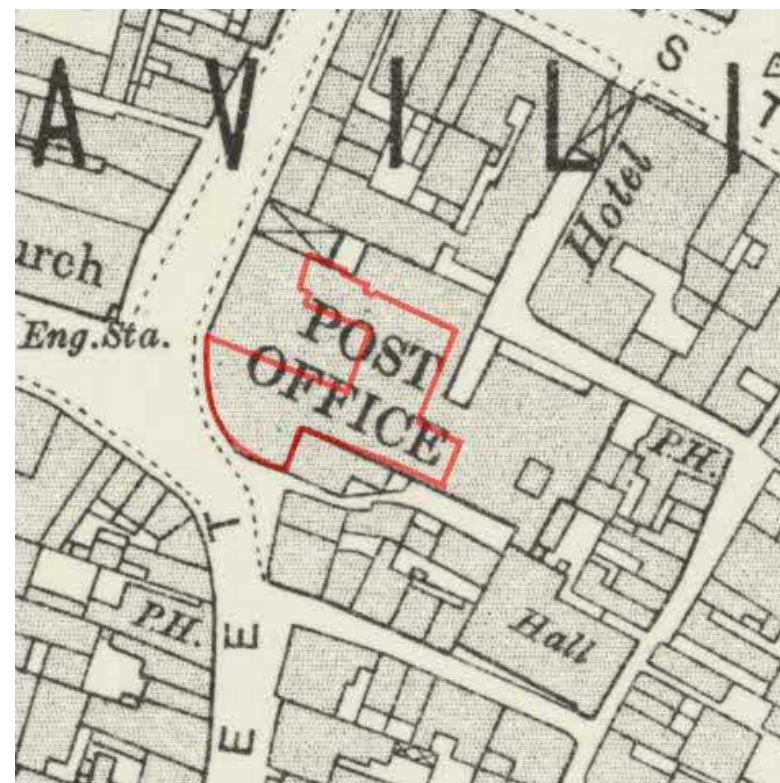


Plate 18: 1911 Ordnance Survey extract.



Plate 19: 1890s photograph.



Plate 20: 1931 Ordnance Survey extract.

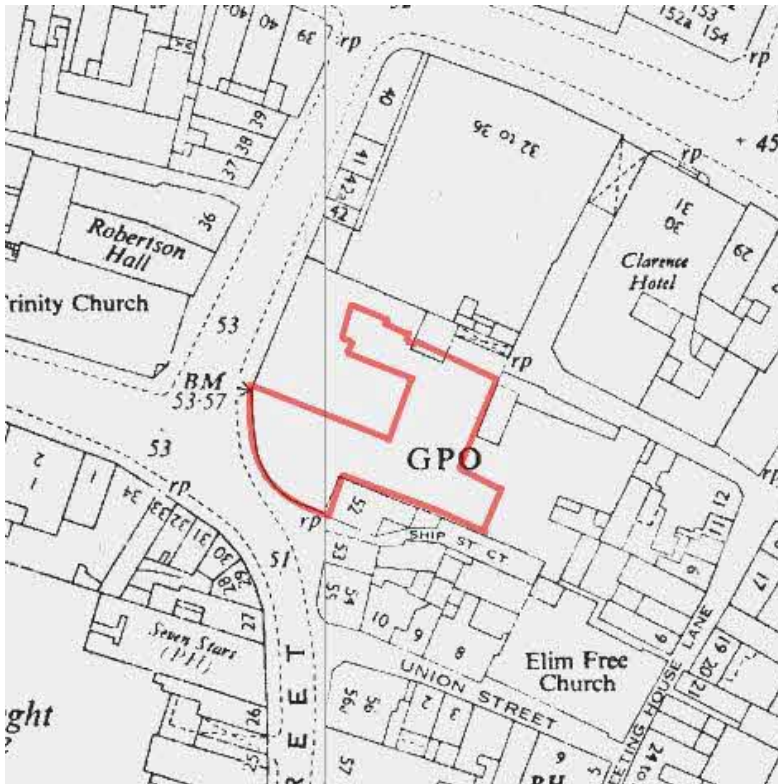


Plate 21: 1952 Ordnance Survey extract.

2.12 Plans from the 1970s show that the ground-floor interior of the application site had been altered in a number of ways, including:

The former openings in the northern wall of the application site had been blocked;

A new staircase and opening had been inserted into the northern wall, connecting the original post office building (the application site) to the northern extension;

New partitions had been added at the main entrance to the building (the northernmost bay of the frontage); and

A partitioned room to the rear of the application site had been removed.

2.13 Since these plans were drawn, most of the historic internal partitions within the ground floor of the application site have been removed to create an open-plan shop floor.

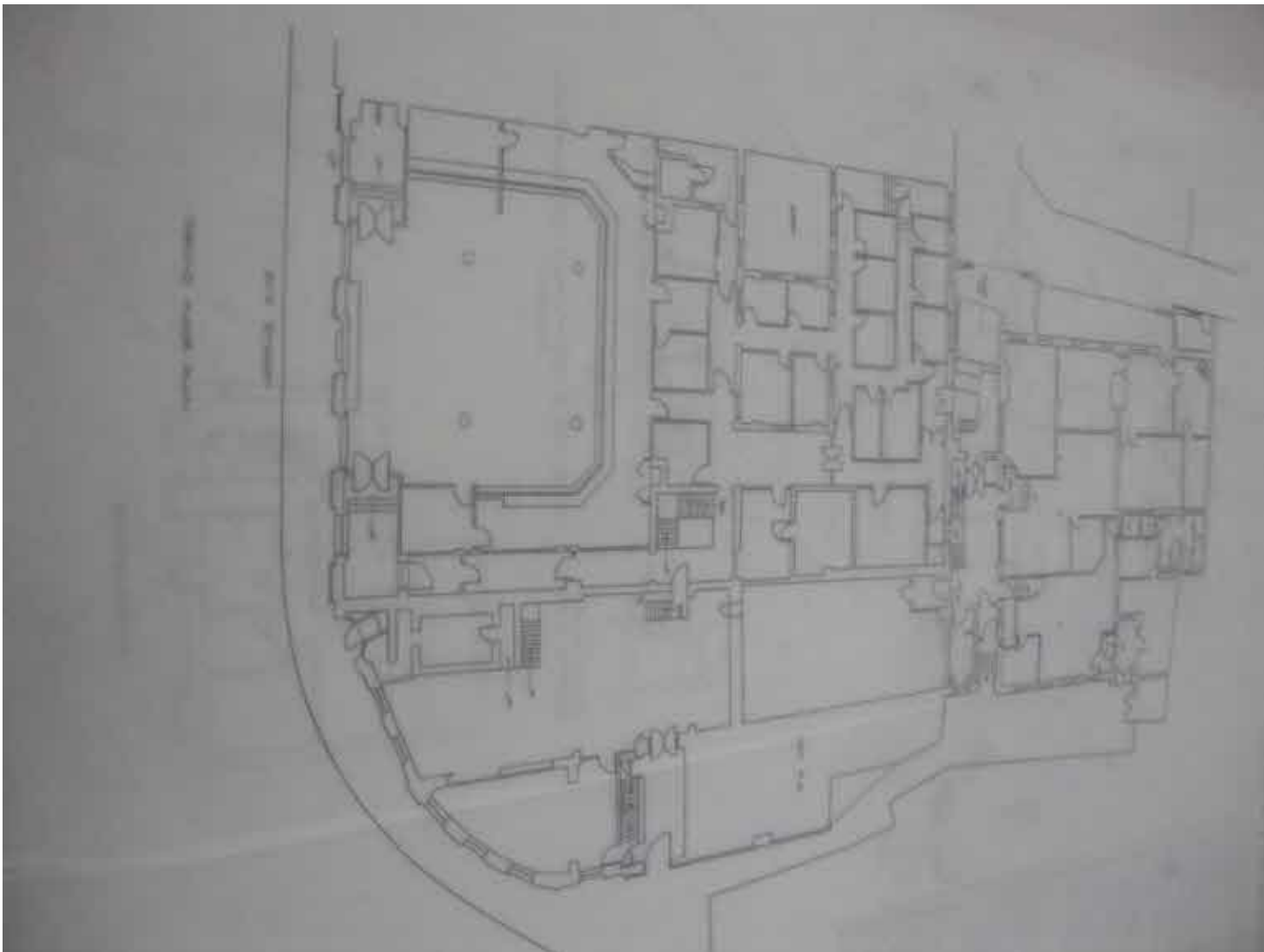


Plate 22: 1970s plan.

Planning History

- 2.14 Whilst the review of historic mapping and plans described above indicates the development of the wider area, including the extension of the former Post Office building, a review of the recent planning history records held online by Brighton & Hove City Council has revealed that there are a number of planning applications which relate to the property at 51 Ship Street, which detail the evolution of the building itself. However, it is important to note the following applications which granted permission for the change of use of ground floor and basement along with a package of internal and external alterations:
- 2.15 [BH2010/00703](#) | Listed Building Consent for display of signage and internal and external alterations to layout to form new Retail Unit (A1) (Retrospective). | Approved | 10th June 2010.
- 2.16 The most recent changes to the former Fat Face unit are detailed on plans drawn in 2010 to accompany the applications for the conversion of the property to a retail unit (LPA Ref: BH2010/00703). This illustrates the following changes (which subsequently consented and carried out):

The blocking of all ground-floor openings between the application site and the structural element to the north (the present-day Ivy restaurant);

The insertion of stud partitions to create an entrance lobby to the main western entrance;

The removal, insertion, and general reconfiguration of partitions to the rear of the

ground floor;

The insertion of structural steel beams into the southern part of the ground-floor frontage to support the floor above;

The cladding of the ground-floor structural piers in timber decoration and Fat Face insignia; and

The insertion of shop counters, cupboards, and other retail facilities and services.

- 2.17 By 2010, the historic staircase adjacent to the southern entrance had already been removed and the redundant void above was accessed through a hatch (as it still is today).
- 2.18 The extant piers and archway and in the southern part of the ground-floor space give some physical legibility as to the original internal layout.
- 2.19 The plans for this can be found in Appendix 2.

APPENDIX 2: BH2010/00703 PLANS

- 2.20 [BH2014/03269](#) | Full Planning Permission for the change of use of ground floor and basement from Post Office (A1) to restaurant (A3) with associated plant and alterations. | Approved | 30th April 2015.
- 2.21 [BH2014/03270](#) | Listed Building Consent for internal and external alterations to facilitate change of use of ground floor and basement from Post Office (A1) to restaurant (A3) with associated plant. | Approved | 30th April 2015.

- 2.22 The above two applications set the precedent on the site for the acceptability of the restaurant use.
- 2.23 BH2017/03924 | Internal and external alterations to basement and ground floor including installation of plant, ventilation and extraction equipment, shopfront alterations and alterations to internal layout. | Approved | 2nd February 2018.
- 2.24 The above application dealt with the specific detailing and fit-out of the approved retail unit within the northern part of the site. This established that the basement level would be used for toilets, kitchen and back-of-house areas. The annexe to the south was not included within this application.
- 2.25 With respect to heritage, the Officer's Report concluded:

"The level of detail submitted with the application is commended. The principle of bringing back this long-vacant listed building into full use is very much welcomed and the proposals are in effect a variation of a previous approval for a restaurant.

The internal alterations respect the primary significance of the area of the ground floor that comprised the former public hall and service counters. The retention and restoration of surviving historic internal features is welcomed and the proposed internal finishes and materials are considered to be sympathetic to the architectural character of the interior.

The alterations to the courtyard elevations in connection with the ventilation system are similar to the previously-approved scheme and would not

cause any significant harm to the listed building; there would be no loss of historic fabric or impact on historic features, the works would not be publicly visible and would be easily reversible. The new delivery access and escape door to the rear elevation is not considered to cause any harm.

Externally to the front elevation the proposed dome-shaped awnings are not strictly in accordance with the policy guidance in SPD02 but it is acknowledged that this building is very much a one-off in terms of its façade design and the awnings would relate well to the arched window openings and would align with the tops of the flanking pilasters. The retention of the existing entrance doors with the insertion of stained glass to the upper panels is considered to be acceptable and the restoration of matching stonework beneath the windows, in place of the plywood, is welcomed. There is no objection to the proposed colour scheme for the windows. SPD07 normally restricts each business frontage to one hanging sign but given the width of this frontage and the modest size of the proposed signs it is considered that two such signs would be acceptable in this case."

- 2.26 The full report and Decision Notice can be found in Appendix 3.

APPENDIX 3: BH2017/03924 DECISION NOTICE AND OFFICER'S REPORT

3. Proposed Development

3.1 The application seeks Listed Building Consent, Planning Permission and Advertisement Consent for:

"Internal and external alterations, comprising: internal reconfiguration and works to Listed building; installation of plant equipment; installation and display of advertisements."

3.2 The proposals are detailed on the following plans which form the application package and which this assessment considers:

Site Location Block Plan (drawing no. 6690 – 476);

Existing GA Plan – Ground Floor (drawing no. 6990 – 101);

Existing GA Plan – First Floor (drawing no. 6990 – 102);

Existing GA Plan – Basement (drawing no. 6990 – 103-A);

Existing GA Plan – Basement (drawing no. 6990 – 103.1);

Existing GA – Roof Plan (drawing no. 6990 – 104);

Existing Internal Elevations (drawing no. 6990 – 120);

Existing Internal Elevations (drawing no. 6990 – 121);

Existing Internal Elevations (drawing no. 6990 – 122);

Existing External Elevations (drawing no. 6990 – 130);

Existing Reflective Ceiling Plan – Ground Floor (drawing no. 6990 – 132);

Existing Reflective Ceiling Plan – First Floor (drawing no. 6990 – 133);

Proposed GA Plan – Basement (drawing no. 6990 – 201);

Proposed GA Plan – Basement (drawing no. 6990 – 201.1);

Proposed GA – Ground Floor Plan (drawing no. 6990 – 202);

Proposed GA – First Floor Plan (drawing no. 6990 – 203A);

Proposed Internal Elevations (drawing no. 6990 – 220);

Proposed Internal Elevations (drawing no. 6990 – 221);

Proposed Internal Elevations – Lobby (drawing no. 6990 – 222);

Proposed Internal Elevations – Lobby (drawing no. 6990 – 223);

Proposed Internal Elevations (drawing no. 6990 – 225);

Proposed External Elevations (drawing no. 6990 – 230 – B);

Proposed External Details (drawing no. 6990 – 231);

Proposed Reflective Ceiling Plan – Basement (drawing no. 6990 – 301);

Proposed Reflective Ceiling Plan – Ground Floor (drawing no. 6990 – 302);

Proposed Reflective Ceiling Plan – First Floor (drawing no. 6990 – 303);

Proposed Fire Strategy Plan – Basement (drawing no. 6990 – 401);

Proposed Fire Strategy Plan – Ground Floor (drawing no. 6990 – 402);

Proposed Fire Strategy Plan – First Floor (drawing no. 6990 – 403);

Proposed Floor Finishes Plan – Basement (drawing no. 6990 – 601);

Proposed Floor Finishes Plan – Ground Floor (drawing no. 6990 – 602);

Proposed Floor Finishes Plan – First Floor (drawing no. 6990 – 603);

Details Plan – Proposed Bar (drawing no. 6990 – 901);

Details Plan – Proposed Bar (drawing no. 6690 – 902);

Details Plan – Proposed Bar – Back Bar (drawing no. 6690 – 904);

Details Plan – Proposed Bar – Front Bar (drawing no. 6690 – 905);

Details Plan – Wall Panelling Ground Floor (drawing no. 6990 – 906 – A);

Details Plan – Sushi Bar (drawing no. 6990 – 907);

Details Plan – Wall Panelling First Floor (drawing no. 6990 – 908);

Ivy Asia Brighton Equipment Locations Plan;

Ivy Asia Brighton ES Schedule;

Ventilation Scheme Plan (drawing no. 6990 – 155); and

Ventilation Scheme Plan (drawing no. 6990 – 156).

- 3.3 Section 7 of this Report presents an analysis of the harm or benefits of the proposed development on the identified heritage assets discussed at Section 6.

4. Methodology

4.1 The aims of this Built Heritage Statement are to assess the significance of the heritage resource within the site, to assess any contribution that the site makes to the heritage significance of any identified heritage assets, and to identify any harm or benefit to them which may result from the implementation of the development proposals, along with the level of any harm caused, if relevant.

Sources

4.2 The following key sources have been consulted as part of this assessment:

The National Heritage List for England for information on designated heritage assets;

Archival sources, including historic maps, held online;

Aerial photographs and documentary sources held at the Historic England Archives, Swindon; and

Site Visit

4.3 A site visit was undertaken by Claire Gayle, Associate Heritage Consultant, on 17th August 2021, during which the site and its

surrounds were assessed.

Assessment of significance

4.4 In the NPPF, heritage significance is defined as:

"The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting. For World Heritage Sites, the cultural value described within each site's Statement of Outstanding Universal Value forms part of its significance."⁴

4.5 Historic England's Managing Significance in Decision-Taking in the Historic Environment: Historic Environment Good Practice Advice in Planning: 2⁵ (hereafter GPA 2) gives advice on the assessment of significance as part of the application process. It advises understanding the nature, extent, and level of significance of a heritage asset.

4.6 In order to do this, GPA 2 also advocates considering the four types of heritage value an asset may hold, as identified in

⁴ MHCLG, NPPF, pp. 71-72.

⁵ Historic England, Managing Significance in Decision-Taking in the Historic Environment: Historic Environment Good Practice Advice in Planning: 2 (2nd edition, Swindon, July 2015).

English Heritage's Conservation Principles.⁶ These essentially cover the heritage 'interests' given in the glossary of the NPPF⁷ and the online Planning Practice Guidance on the Historic Environment⁸ (hereafter 'PPG') which are archaeological, architectural and artistic and historic.

4.7 The PPG provides further information on the interests it identifies:

Archaeological interest: "As defined in the Glossary to the National Planning Policy Framework, there will be archaeological interest in a heritage asset if it holds, or potentially holds, evidence of past human activity worthy of expert investigation at some point."

Architectural and artistic interest: "These are interests in the design and general aesthetics of a place. They can arise from conscious design or fortuitously from the way the heritage asset has evolved. More specifically, architectural interest is an interest in the art or science of the design, construction, craftsmanship and decoration of buildings and structures of all types. Artistic interest is an interest in other human creative skills, like sculpture."

Historic interest: "An interest in past lives and events (including pre-historic). Heritage assets can illustrate or be associated with them. Heritage assets

⁶ English Heritage, Conservation Principles: Policies and Guidance for the Sustainable Management of the Historic Environment (London, April 2008). These heritage values are identified as being 'aesthetic', 'communal', 'historical' and 'evidential', see *idem* pp. 28–32.

⁷ MHCLG, NPPF, p. 71.

⁸ Ministry of Housing Communities and Local Government (MHCLG), Planning Practice Guidance: Historic Environment (PPG) (revised edition, 23rd July 2019),

with historic interest not only provide a material record of our nation's history, but can also provide meaning for communities derived from their collective experience of a place and can symbolise wider values such as faith and cultural identity."⁹

4.8 Significance results from a combination of any, some or all of the interests described above.

4.9 The most-recently issued guidance on assessing heritage significance, Historic England's Statements of Heritage Significance: Analysing Significance in Heritage Assets, Historic England Advice Note 12,¹⁰ advises using the terminology of the NPPF and PPG, and thus it is that terminology which is used in this Report.

4.10 Listed Buildings and Conservation Areas are generally designated for their special architectural and historic interest. Scheduling is predominantly, although not exclusively, associated with archaeological interest.

<https://www.gov.uk/guidance/conserving-and-enhancing-the-historic-environment>.

⁹ MHCLG, PPG, paragraph 006, reference ID: 18a-006-20190723.

¹⁰ Historic England, Statements of Heritage Significance: Analysing Significance in Heritage Assets, Historic England Advice Note 12 (Swindon, October 2019).

Setting and significance

4.11 As defined in the NPPF:

"Significance derives not only from a heritage asset's physical presence, but also from its setting."¹¹

4.12 Setting is defined as:

"The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral."¹²

4.13 Therefore, setting can contribute to, affect an appreciation of significance, or be neutral with regards to heritage values.

Assessing change through alteration to setting

4.14 How setting might contribute to these values has been assessed within this Report with reference to The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning Note 3¹³ (henceforth referred to as 'GPA 3'), particularly the checklist given on page 11. This advocates the clear articulation of "what matters and why".¹⁴

¹¹ MHCLG, NPPF, p. 72.

¹² MHCLG, NPPF, p. 71.

4.15 In GPA 3, a stepped approach is recommended, of which Step 1 is to identify which heritage assets and their settings are affected. Step 2 is to assess whether, how and to what degree settings make a contribution to the significance of the heritage asset(s) or allow significance to be appreciated. The guidance includes a (non-exhaustive) checklist of elements of the physical surroundings of an asset that might be considered when undertaking the assessment including, among other things: topography, other heritage assets, green space, functional relationships and degree of change over time. It also lists aspects associated with the experience of the asset which might be considered, including: views, intentional intervisibility, tranquillity, sense of enclosure, accessibility, rarity and land use.

4.16 Step 3 is to assess the effect of the proposed development on the significance of the asset(s). Step 4 is to explore ways to maximise enhancement and minimise harm. Step 5 is to make and document the decision and monitor outcomes.

4.17 A Court of Appeal judgement has confirmed that whilst issues of visibility are important when assessing setting, visibility does not necessarily confer a contribution to significance and also that factors other than visibility should also be considered, with Lindblom LJ stating at paragraphs 25 and 26 of the judgement

¹³ Historic England, The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning Note 3 (2nd edition, Swindon, December 2017).

¹⁴ Historic England, The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning Note 3 (2nd edition, Swindon, December 2017), p. 8.

(referring to an earlier Court of Appeal judgement)¹⁵:

Paragraph 25 – "But – again in the particular context of visual effects – I said that if "a proposed development is to affect the setting of a listed building there must be a distinct visual relationship of some kind between the two – a visual relationship which is more than remote or ephemeral, and which in some way bears on one's experience of the listed building in its surrounding landscape or townscape" (paragraph 56)".

Paragraph 26 – "This does not mean, however, that factors other than the visual and physical must be ignored when a decision-maker is considering the extent of a listed building's setting. Generally, of course, the decision-maker will be concentrating on visual and physical considerations, as in Williams (see also, for example, the first instance judgment in R. (on the application of Miller) v North Yorkshire County Council [2009] EWHC 2172 (Admin), at paragraph 89). But it is clear from the relevant national policy and guidance to which I have referred, in particular the guidance in paragraph 18a-013-20140306 of the PPG, that the Government recognizes the potential relevance of other considerations – economic, social and historical. These other considerations may include, for example, "the historic relationship between places". Historic England's advice in GPA3 was broadly to the same effect."

Levels of significance

- 4.18 Descriptions of significance will naturally anticipate the ways in which impacts will be considered. Hence descriptions of the

significance of Conservation Areas will make reference to their special interest and character and appearance, and the significance of Listed Buildings will be discussed with reference to the building, its setting and any features of special architectural or historic interest which it possesses.

- 4.19 In accordance with the levels of significance articulated in the NPPF and the PPG, three levels of significance are identified:

Designated heritage assets of the highest significance, as identified in paragraph 200 of the NPPF, comprising Grade I and II* Listed buildings, Grade I and II* Registered Parks and Gardens, Scheduled Monuments, Protected Wreck Sites, World Heritage Sites and Registered Battlefields (and also including some Conservation Areas) and non-designated heritage assets of archaeological interest which are demonstrably of equivalent significance to Scheduled Monuments, as identified in footnote 68 of the NPPF;

Designated heritage assets of less than the highest significance, as identified in paragraph 200 of the NPPF, comprising Grade II Listed buildings and Grade II Registered Parks and Gardens (and also some Conservation Areas); and

Non-designated heritage assets. Non-designated heritage assets are defined within the PPG as "buildings, monuments, sites, places, areas or landscapes identified by plan-making bodies as having a degree of significance meriting consideration in planning decisions, but which do not meet the criteria for designated heritage assets".¹⁶

¹⁵ Catesby Estates Ltd. V. Steer [2018] EWCA Civ 1697, para. 25 and 26.

¹⁶ MHCLG, PPG, paragraph 039, reference ID: 18a-039-20190723.

4.20 Additionally, it is of course possible that sites, buildings or areas have [no heritage significance](#).

Assessment of harm

4.21 Assessment of any harm will be articulated in terms of the policy and law that the proposed development will be assessed against, such as whether a proposed development preserves or enhances the character or appearance of a Conservation Area, and articulating the scale of any harm in order to inform a balanced judgement/weighting exercise as required by the NPPF.

4.22 In order to relate to key policy, the following levels of harm may potentially be identified for designated heritage assets:

[Substantial harm or total loss](#). It has been clarified in a High Court Judgement of 2013 that this would be harm that would “have such a serious impact on the significance of the asset that its significance was either vitiated altogether or very much reduced”,¹⁷ and

[Less than substantial harm](#). Harm of a lesser level than that defined above.

4.23 With regards to these two categories, the PPG states:

[“Within each category of harm \(which category applies should be explicitly identified\), the extent of the harm may vary and should be clearly articulated.”](#)¹⁸

¹⁷ Bedford Borough Council v Secretary of State for Communities and Local Government [2013] EWHC 2847 (Admin), para. 25.

¹⁸ MHCLG, PPG, paragraph 018, reference ID: 18a-018-20190723.

4.24 Hence, for example, harm that is less than substantial would be further described with reference to where it lies on that spectrum or scale of harm, for example low end, middle of the spectrum and upper end of the less than substantial harm scale.

4.25 With regards to non-designated heritage assets, there is no basis in policy for describing harm to them as substantial or less than substantial, rather the NPPF requires that the scale of any harm or loss is articulated. As such, harm to such assets is articulated as a level of harm to their overall significance, with levels such as negligible, minor, moderate and major harm identified.

4.26 It is also possible that development proposals will cause [no harm or preserve](#) the significance of heritage assets. A High Court Judgement of 2014 is relevant to this. This concluded that with regard to preserving the setting of a Listed building or preserving the character and appearance of a Conservation Area, ‘preserving’ means doing ‘no harm’.¹⁹

4.27 Preservation does not mean no change; it specifically means no harm. GPA 2 states that [“Change to heritage assets is inevitable but it is only harmful when significance is damaged”](#).²⁰ Thus, change is accepted in Historic England’s guidance as part of the evolution of the landscape and environment. It is whether such change is neutral, harmful or beneficial to the significance of an

¹⁹ R (Forge Field Society) v Sevenoaks District Council [2014] EWHC 1895 (Admin).

²⁰ Historic England, GPA 2, p. 9.

asset that matters.

4.28 As part of this, setting may be a key consideration. For an evaluation of any harm to significance through changes to setting, this assessment follows the methodology given in GPA 3, described above. Again, fundamental to the methodology set out in this document is stating “what matters and why”. Of particular relevance is the checklist given on page 13 of GPA 3.

4.29 It should be noted that this key document also states that:

“Setting is not itself a heritage asset, nor a heritage designation...”²¹

4.30 Hence any impacts are described in terms of how they affect the significance of a heritage asset, and heritage values that contribute to this significance, through changes to setting.

4.31 With regards to changes in setting, GPA 3 states that:

“Conserving or enhancing heritage assets by taking their settings into account need not prevent change”.²²

4.32 Additionally, it is also important to note that, as clarified in the Court of Appeal, whilst the statutory duty requires that special regard should be paid to the desirability of not harming the setting of a Listed Building, that cannot mean that any harm, however minor, would necessarily require Planning Permission

²¹ Historic England, GPA 3, p. 4.

²² Historic England, GPA 3., p. 8.

to be refused.²³

Benefits

4.33 Proposed development may also result in benefits to heritage assets, and these are articulated in terms of how they enhance the heritage values and hence the significance of the assets concerned.

4.34 As detailed further in Section 6, the NPPF (at Paragraphs 201 and 202) requires harm to a designated heritage asset to be weighed against the public benefits of the development proposals.

4.35 Recent High Court Decisions have confirmed that enhancement to the historic environment should be considered as a public benefit under the provisions of Paragraphs 201 and 202.

4.36 The PPG provides further clarity on what is meant by the term ‘public benefit’, including how these may be derived from enhancement to the historic environment (‘heritage benefits’), as follows:

“Public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the National Planning Policy Framework (paragraph 8). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. However, benefits do not always

²³ Palmer v Herefordshire Council & Anor [2016] EWCA Civ 1061.

have to be visible or accessible to the public in order to be genuine public benefits, for example, works to a listed private dwelling which secure its future as a designated heritage asset could be a public benefit.

Examples of heritage benefits may include:

sustaining or enhancing the significance of a heritage asset and the contribution of its setting

reducing or removing risks to a heritage asset

securing the optimum viable use of a heritage asset in support of its long term conservation.²⁴

4.37 Any 'heritage benefits' arising from the proposed development, in line with the narrative above, will be clearly articulated in order for them to be taken into account by the Decision Maker.

²⁴ MHCLG, PPG, paragraph 020, reference ID: 18a-020-20190723.

5. Planning Policy Framework

5.1 This section of the Report sets out the legislation and planning policy considerations and guidance contained within both national and local planning guidance which specifically relate to the site, with a focus on those policies relating to the protection of the historic environment.

Legislation

5.2 Legislation relating to the built historic environment is primarily set out within the Planning (Listed Buildings and Conservation Areas) Act 1990,²⁵ which provides statutory protection for Listed Buildings and Conservation Areas.

5.3 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that:

"In considering whether to grant planning permission [or permission in principle] for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."²⁶

²⁵ UK Public General Acts, Planning (Listed Buildings and Conservation Areas) Act 1990.

²⁶ Planning (Listed Buildings and Conservation Areas) Act 1990, Section 66(1).

5.4 In the 2014 Court of Appeal judgement in relation to the Barnwell Manor case, Sullivan LJ held that:

"Parliament in enacting section 66(1) did intend that the desirability of preserving the settings of listed buildings should not simply be given careful consideration by the decision-maker for the purpose of deciding whether there would be some harm, but should be given "considerable importance and weight" when the decision-maker carries out the balancing exercise."²⁷

5.5 A judgement in the Court of Appeal ('Mordue') has clarified that, with regards to the setting of Listed Buildings, where the principles of the NPPF are applied (in particular paragraph 134 of the 2012 draft of the NPPF, the requirements of which are now given in paragraph 196 of the revised NPPF, see below), this is in keeping with the requirements of the 1990 Act.²⁸

5.6 With regards to development within Conservation Areas, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:

"In the exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability

²⁷ Barnwell Manor Wind Energy Ltd v (1) East Northamptonshire DC & Others [2014] EWCA Civ 137. para. 24.

²⁸ Jones v Mordue [2015] EWCA Civ 1243.

of preserving or enhancing the character or appearance of that area.”

5.7 Unlike Section 66(1), Section 72(1) of the Act does not make reference to the setting of a Conservation Area. This makes it plain that it is the character and appearance of the designated Conservation Area that is the focus of special attention.

5.8 In addition to the statutory obligations set out within the Planning (Listed Buildings and Conservations Area) Act 1990, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise.²⁹

National Planning Policy Guidance

The National Planning Policy Framework (July 2021)

5.9 National policy and guidance is set out in the Government’s National Planning Policy Framework (NPPF) published in July 2021. This replaced and updated the previous NPPF 2019. The NPPF needs to be read as a whole and is intended to promote the concept of delivering sustainable development.

5.10 The NPPF sets out the Government’s economic, environmental and social planning policies for England. Taken together, these policies articulate the Government’s vision of sustainable development, which should be interpreted and applied locally to

meet local aspirations. The NPPF continues to recognise that the planning system is plan-led and that therefore Local Plans, incorporating Neighbourhood Plans, where relevant, are the starting point for the determination of any planning application, including those which relate to the historic environment.

5.11 The overarching policy change applicable to the proposed development is the presumption in favour of sustainable development. This presumption in favour of sustainable development (the ‘presumption’) sets out the tone of the Government’s overall stance and operates with and through the other policies of the NPPF. Its purpose is to send a strong signal to all those involved in the planning process about the need to plan positively for appropriate new development; so that both plan-making and development management are proactive and driven by a search for opportunities to deliver sustainable development, rather than barriers. Conserving historic assets in a manner appropriate to their significance forms part of this drive towards sustainable development.

5.12 The purpose of the planning system is to contribute to the achievement of sustainable development and the NPPF sets out three ‘objectives’ to facilitate sustainable development: an economic objective, a social objective, and an environmental objective. The presumption is key to delivering these objectives, by creating a positive pro-development framework which is

²⁹ UK Public General Acts, Planning and Compulsory Purchase Act 2004, Section 38(6).

underpinned by the wider economic, environmental and social provisions of the NPPF. The presumption is set out in full at paragraph 11 of the NPPF and reads as follows:

"Plans and decisions should apply a presumption in favour of sustainable development.

For plan-making this means that:

- a. all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects;
- b. strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

³⁰ MHCLG, NPPF, para. 11.

For decision-taking this means:

- a. approving development proposals that accord with an up-to-date development plan without delay; or
- b. where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.³⁰

5.13 However, it is important to note that footnote 7 of the NPPF applies in relation to the final bullet of paragraph 11. This provides a context for paragraph 11 and reads as follows:

"The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 180) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in

[footnote 68](#)); and areas at risk of flooding or coastal change.³¹ (our emphasis)

5.14 The NPPF continues to recognise that the planning system is plan-led and that therefore, Local Plans, incorporating Neighbourhood Plans, where relevant, are the starting point for the determination of any planning application.

5.15 Heritage Assets are defined in the NPPF as:

"A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including local listing)."³²

5.16 The NPPF goes on to define a Designated Heritage Asset as a:

"World Heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site, Registered Park and Garden, Registered Battlefield or Conservation Area designated under relevant legislation."³³ (our emphasis)

5.17 As set out above, significance is also defined as:

"The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting. For World Heritage Sites, the cultural value

described within each site's Statement of Outstanding Universal Value forms part of its significance."³⁴

5.18 Section 16 of the NPPF relates to 'Conserving and enhancing the historic environment' and states at paragraph 195 that:

"Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal."³⁵

5.19 Paragraph 197 goes on to state that:

"In determining planning applications, local planning authorities should take account of:

- a. the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b. the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and

³¹ MHCLG, NPPF, para. 11, fn.7.

³² MHCLG, NPPF, p. 67.

³³ MHCLG, NPPF, p. 66.

³⁴ MHCLG, NPPF, pp. 71-72.

³⁵ MHCLG, NPPF, para. 195.

- c. the desirability of new development making a positive contribution to local character and distinctiveness.³⁶

5.20 With regard to the impact of proposals on the significance of a heritage asset, paragraphs 199 and 200 are relevant and read as follows:

"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance."³⁷

"Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a. grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
- b. assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional."³⁸

5.21 Section b) of paragraph 200, which describes assets of the

³⁶ MHCLG, NPPF, para. 197.

³⁷ MHCLG, NPPF, para. 199.

highest significance, also includes footnote 68 of the NPPF, which states that non-designated heritage assets of archaeological interest which are demonstrably of equivalent significance to Scheduled Monuments should be considered subject to the policies for designated heritage assets.

5.22 In the context of the above, it should be noted that paragraph 201 reads as follows:

"Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a. the nature of the heritage asset prevents all reasonable uses of the site; and
- b. no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c. conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d. the harm or loss is outweighed by the benefit of bringing the site back into use."³⁹

5.23 Paragraph 202 goes on to state:

³⁸ MHCLG, NPPF, para. 200.

³⁹ MHCLG, NPPF, para. 201.

"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use."⁴⁰

5.24 The NPPF also provides specific guidance in relation to development within Conservation Areas, stating at paragraph 206 that:

"Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably."⁴¹

5.25 With regards to non-designated heritage assets, paragraph 203 of NPPF states that:

"The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."⁴²

5.26 Overall, the NPPF confirms that the primary objective of development management is to foster the delivery of

sustainable development, not to hinder or prevent it. Local Planning Authorities should approach development management decisions positively, looking for solutions rather than problems so that applications can be approved wherever it is practical to do so. Additionally, securing the optimum viable use of sites and achieving public benefits are also key material considerations for application proposals.

5.27 As set out later in this Report, it can be demonstrated that the proposals would serve to preserve the significance of the non-designated heritage asset. Thus, Planning Permission should be granted as per the requirements of paragraph 38 which state that:

"Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decisions-makers at every level should seek to approve applications for sustainable development where possible."⁴³

National Planning Practice Guidance

5.28 The then Department for Communities and Local Government (now the Ministry for Housing, Communities and Local Government (MHCLG)) launched the planning practice guidance

⁴⁰ MHCLG, NPPF, para. 202.

⁴¹ MHCLG, NPPF, para. 206.

⁴² MHCLG, NPPF, para. 203.

⁴³ MHCLG, NPPF, para. 38.

web-based resource in March 2014, accompanied by a ministerial statement which confirmed that a number of previous planning practice guidance documents were cancelled.

5.29 This also introduced the national Planning Practice Guidance (PPG) which comprised a full and consolidated review of planning practice guidance documents to be read alongside the NPPF.

5.30 The PPG has a discrete section on the subject of the Historic Environment, which confirms that the consideration of 'significance' in decision taking is important and states:

"Heritage assets may be affected by direct physical change or by change in their setting. Being able to properly assess the nature, extent and importance of the significance of a heritage asset, and the contribution of its setting, is very important to understanding the potential impact and acceptability of development proposals."⁴⁴

5.31 In terms of assessment of substantial harm, the PPG confirms that whether a proposal causes substantial harm will be a judgement for the individual decision taker having regard to the individual circumstances and the policy set out within the NPPF. It goes on to state:

"In general terms, substantial harm is a high test, so it may not arise in many cases. For example, in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact

seriously affects a key element of its special architectural or historic interest. It is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting.

While the impact of total destruction is obvious, partial destruction is likely to have a considerable impact but, depending on the circumstances, it may still be less than substantial harm or conceivably not harmful at all, for example, when removing later inappropriate additions to historic buildings which harm their significance. Similarly, works that are moderate or minor in scale are likely to cause less than substantial harm or no harm at all. However, even minor works have the potential to cause substantial harm."⁴⁵ (our emphasis)

Local Planning Policy

5.32 Local planning policy for the application site comprises the City Plan Part One (adopted March 2016), the saved policies of the Brighton & Hove Local Plan (2005) and the adopted Policies Map (March 2016).

Brighton & Hove City Plan Part One

5.33 The City Plan Part One was adopted by the City Council in March 2016 in order to provide the overall strategic and spatial vision for the future for Brighton and Hove to 2030, as well as setting policies to guide decisions on planning applications.

⁴⁴ MHCLG, PPG, paragraph 007, reference ID: 18a-007-20190723.

⁴⁵ MHCLG, PPG, paragraph 018, reference ID: 18a-018-20190723.

5.34 Policy CP15 relates to Heritage and reads as follows:

"The council will work with partners to promote the city's heritage and to ensure that the historic environment plays an integral part in the wider social, cultural, economic and environmental future of the city through the following aims:

1. The city's historic environment will be conserved and enhanced in accordance with its identified significance, giving the greatest weight to designated heritage assets and their settings and prioritising positive action for those assets at risk through, neglect, decay, vacancy or other threats. The council will further ensure that the city's built heritage guides local distinctiveness for new development in historic areas and heritage settings;

2. Where proposals are promoted for their contribution to mitigating climate change, the public benefit of this will be weighed against any harm which may be caused to the significance of the heritage asset or its setting; and

3. The Conservation Strategy will be taken forward and reviewed as a framework for future conservation area management proposals; to provide criteria for future conservation area designations and other local designations, controls and priorities; and to set out the council's approach to dealing with heritage at risk."

Brighton & Hove Local Plan 2005

5.35 The Local Plan was adopted in July 2005 and a number of Policies were subsequently 'saved' by the Secretary of State in July

2008. A number of the 'saved' policies were subsequently superseded by the adoption of the City Plan Part One in 2016.

"HE1 Listed Buildings

Proposals involving the alteration, extension, or change of use of a listed building will only be permitted where:

a. the proposal would not have any adverse effect on the architectural and historic character or appearance of the interior or exterior of the building or its setting; and

b. the proposal respects the scale, design, materials and finishes of the existing building(s), and preserves its historic fabric."

"HE6 Development within or affecting the setting of conservation areas

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.

Proposals that are likely to have an adverse impact on the character or appearance of a conservation area will not be permitted."

Material Considerations

Conservation Strategy (2015)

5.36 The Conservation Strategy was first adopted in 2003 in order "to clarify the council's responsibilities and reaffirm its commitment towards the conservation of Brighton and Hove's historic built environment". It has subsequently been updated and a revised version was approved by the Council on 15th January 2015. The objectives of the Conservation Strategy are set out as follows:

"Adopt a revised Conservation Strategy that will seek to positively manage change within the city's historic environment and to ensure that the available resources are put to best use, having regard to the council's commitments to:

the conservation of the city's listed buildings and their settings;

the conservation or enhancement of the character and appearance of the city's designated conservation areas and their settings;

the conservation or enhancement of the city's registered parks and gardens of special historic interest and their settings;

the conservation of designated archaeological assets;

identifying and conserving other, non-designated heritage assets;

reducing the number of heritage assets that are at risk;

maintaining and promoting high quality architecture, streets and open spaces within the historic areas of the city;

mitigating and adapting to the impacts of climate change on the historic environment;

investment in the historic environment for the economic well being of the city as a visitor destination and sub-regional commercial and cultural centre;"

Local Plan Policies with regards to the NPPF and the 1990 Act

5.37 With regard to Local Plan policies, paragraph 219 of NPPF states that:

"...existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)."⁴⁶

- 5.38 In this context, where local plan policy was adopted well before the NPPF, and does not allow for the weighing of harm against public benefit for designated heritage assets (as set out within paragraph 202 of the NPPF) or a balanced judgement with regards to harm to non-designated heritage assets (see NPPF paragraph 203) then local planning policies would be considered to be overly restrictive compared to the NPPF, thus limiting the weight they may be given in the decision-making process.
- 5.39 In this case, although the above policies are of relevance, they were adopted prior to the inception of the NPPF, and as so the weight which can be attributed to them will be determined by their consistency with the policy guidance set out within the NPPF. Since the above policies do not allow for a balanced

judgement to be undertaken by the decision maker, they are not considered to reflect the guidance within the NPPF and therefore considered to be out of date. Thus, the weight which can be attached to them in the decision-making process is limited.

⁴⁶ MHCLG, NPPF, p. 219.

6. The Historic Environment

6.1 This Section describes the elements of the historic environment which are relevant to this application, namely the Grade II Listed Post Office (51 Ship Street) and the Old Town Conservation Area. Each asset will be described, followed by an assessment of its overall heritage significance.

Statement of Significance

6.2 It is widely accepted (paragraph 207 of the NPPF) that not all parts of a heritage asset will necessarily be of equal significance. In some cases, certain elements of a heritage asset can accommodate substantial changes whilst preserving the significance of an asset which may potentially be affected by development proposals. Significance can be derived from many elements, including the historic fabric of a building, the layout of space or land use associated with a building or area.

Grade II Listed Post Office (51 Ship Street)

6.3 The application site at 51 Ship Street was first Listed on 13th May 1991 at Grade II, with the following List description updated on 26th August 1999 to read as follows:

"Post office. The main building of c1925, but incorporating parts of an earlier building of c1895; annexe to the south of 1849. The main building has a Portland stone front, red brick and terracotta to gable ends, roof of tiles. EXTERIOR: 2 storeys, 5-window range. The street front consists of 5 equally-

and widely-spaced bays; on the ground floor the archivolts over the round-arched openings are linked by a springing band, and the spaces between the openings are treated as fielded panels; thus the ground floor reads as a widely-spaced arcade. Flat-arched entrances in the outer bays with a bolection-moulded architrave and glazed tympanum; the 3 windows between have metal glazing echoing the round arches, altered in places. Moulded storey band incorporating a panel lettered 'POST OFFICE'. The first-floor windows have a sill band, architrave and cornice on consoles; cornice and balustraded parapet; the south gable end, so far as visible, consists of cornice, lunette (now blocked) and shaped gable flanked by corniced stacks, all in red brick with buff terracotta dressings; the north gable has an external stack and one corniced stack, in the same materials. INTERIOR: panelled vestibules; the main hall has square chamfered columns now clad in wood; dentil details to framing of the ceiling; broad wooden doorcases from the vestibules with pulvinated frieze and segmental pediments; the doorcases behind the counter have panelled pilasters and cornices. Annexe to south: stucco, roof obscured by parapet. 2 storeys, 7- window range, the second and 6th bays from the main building recessed and giving, though of unequal width, the effect of a centrepiece and wings. Ground floor decorated with banded rustication. Ground-floor openings round-arched and set back under a round arch of plain stucco; springing band. Broad entrance to first bay, and narrow entrance to 7th; sill band; first-floor windows flat-arched with architraves and pediment on consoles, except for tripartite window in second bay which has a cornice on consoles pedimented only over the central window; entablature and blocking

course, the latter raised and panelled over the centrepiece.”

APPENDIX 4: LIST ENTRY DESCRIPTION

- 6.4 The application site mainly corresponds with the ‘annexe to the south’. The List Entry describes the external appearance of the application site (which has evidently been unaltered since 1999) yet provides no details of the internal fixtures and fittings at that time.
- 6.5 Based on the historic plans described and illustrated in Section 2, it is clear that the interior layout and appearance of the application has been much altered since the late 19th century. These changes have primarily resulted from the expansion and adaptation of the post office and, most recently, the change of use to retail.
- 6.6 Internally, the building retains very few historic features of note. These are limited to archways between spaces, window architraves, paneling beneath windows and ceiling mouldings. Historic floorboards and instances of lathe and plaster walls are present within the mothballed first floor level.

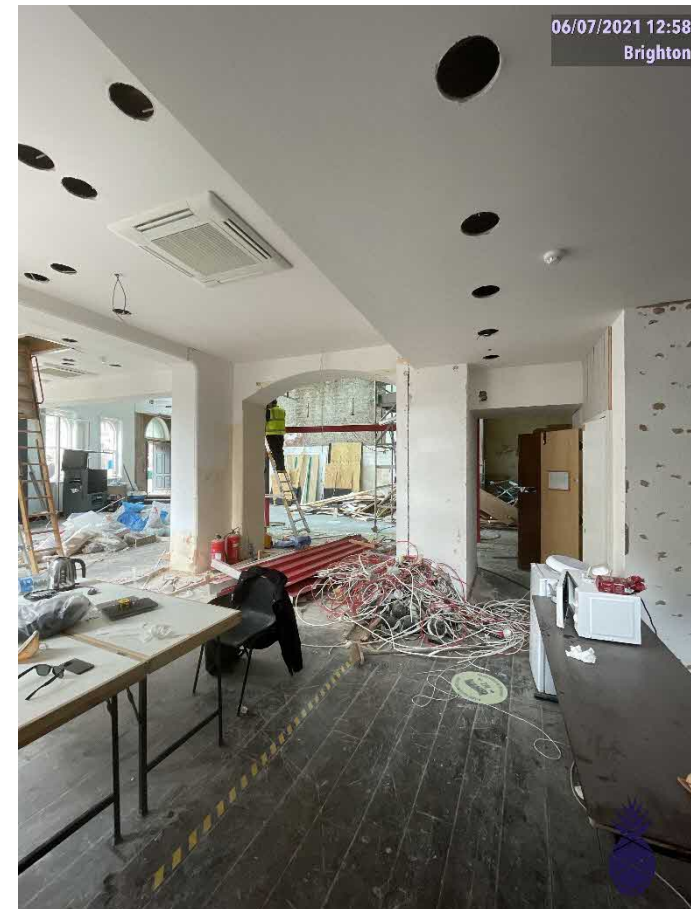


Plate 23: Ground floor archways.



Plate 24: Ground floor windows with panelling below.

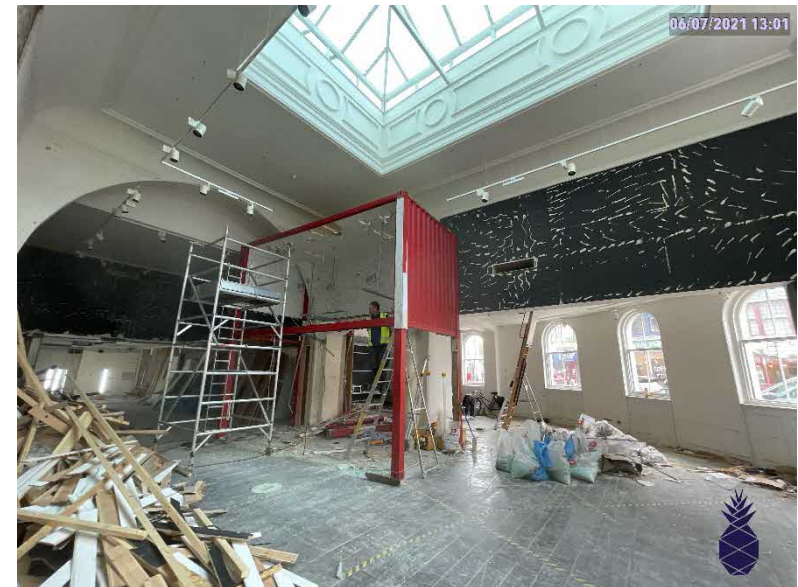


Plate 25: Ceiling mouldings.

- 6.7 The Grade II Listing of the building highlights that it is a designated heritage asset of less than the highest significance as defined by the NPPF. Besides possessing intrinsic historic and architectural interest, the significance of the building is consolidated by its inclusion within the boundaries of the Old Town Conservation Area.
- 6.8 The heritage significance of the Listed Building is principally embodied in its historic fabric, which has historic, architectural and artistic interest.
- 6.9 The historic interest of the building is derived from its general form and appearance, especially its primary façades which

represent a good example of a mid-19th-century post office that was substantially extended in the late 19th century and remodeled c. 1925.

- 6.10 Surviving internal fixtures, fittings and partitions augment this historic interest by giving legibility to the original function and circulation of the building, although this interest has been eroded where original features have been demolished and removed.
- 6.11 The architectural and artistic interest of the building is principally embodied in its primary façades, with the frontage of the later northern element being the most celebrated and admired part of the building. Internally, a number of significant decorative architectural features survive or have been reinstated or restored, and these elements further contribute to the architectural and artistic interest of the building.
- 6.12 The following represent the most significant features of the property with reference to the interests identified above:

The street fronting elevation, including the arched windows and main entrance door of the Portland stone façade as well as the rendered, older annexe which follows the curve of the street layout;

The limited historic fabric which remains inside the building, including but not limited to the remaining historic joinery and other features of interest such as the fan light, arched blind windows on the northern and southern and the four central columns and coffered ceiling;

The open plan nature of the northern, front ground

floor (now part of the Ivy restaurant); and

The siting of the building in a prominent location within one of the most historic streets within the Conservation Area.

- 6.13 The setting of Grade II Listed 51 Ship Street also contributes to its overall heritage significance, although to a lesser extent than its historic fabric.
- 6.14 The adjacent Ship Street and Duke Street positively contribute through setting, being the main historic approaches to and thoroughfares past the Listed building. As noted above, the Listed building was prominently located at this corner position so its grand façades would be admired by visitors and passers-by.
- 6.15 More generally, historic elements of the surrounding streetscapes, such as the former Church of the Holy Trinity opposite the site, contribute through setting by illustrating the historic grain and urban setting of 51 Ship Street.

Old Town Conservation Area

- 6.1 The Conservation Area was first designated in 1973 and was further extended in 1977 to its current boundaries, it lies at the heart of the built-up area of Brighton and covers the medieval extent of Brighton defined by West Street, North Street, East Street and the beach and King’s Road to the south.
- 6.2 The current boundaries are shown on the Plan provided at Appendix 5.

APPENDIX 5: OLD TOWN CONSERVATION AREA PLAN

- 6.3 A Conservation Area Character Statement was adopted in March 2017, in order to both define and identify the special character of the Conservation Area, along with ensuring that future changes respect its special interest.
- 6.4 The key elements of the character of the Conservation Area is also set out within the Character Statement as follows:

Table 1: Key Elements of Character of Old Town Conservation Area

Character Feature	Contribution of Significance
Street plan and distinctive hierarchy of streets.	The network of interconnecting intimate narrow streets and lanes are the hallmark of the Old Town and Lanes area. They illustrate the development of the Old Town from the medieval plotlands of the historic fishing settlement to the popular seaside resort of the 18 th , 19 th and 20 th centuries. The busy commercial

	city centre grew out of the cardinal streets that define the area.
Key views, including long street views to the sea.	These provide the visual connection between the spaces of the Old Town and the sea, illustrating the historic drivers of the town and later city’s development from fishing village to seaside resort
Town houses.	Provide evidence of the Town Centre’s role as the home of a residential community over several centuries. They provide evidence of evolving architectural styles relating to the history of the area’s development. Many of the town houses have special architectural interest in their own right.
Hotels and guesthouses.	Converted houses and purpose-built hotels demonstrate the rising popularity of the centre 5 as a visitor destination.
Buildings for entertainment.	A high density of music halls, theatres and cinemas competed to add variety to the visiting experience
Buildings for religion	A full range of churches, chapels and the synagogue was necessary to provide capacity for all the denominations of both residents and visitors.
Public buildings.	Buildings that have served a function as places of administration, public debate, ceremony or assembly illustrate the area’s historic role as the administrative heart of the growing town.
Building materials.	A wide range of local materials is evident in the Old Town: clunch (chalk block) flint, brick, tiles, mathematical tiles, weatherboarding and painted stucco. Also, particular to Brighton, is bungaroosh, a concretion of mainly flint and brick bound with lime mortar. These

	materials reflect changing tastes and also the hierarchy of building status.
Architectural details.	Detail gives richness to the character of the area. Some details, such as bow windows, stucco motifs and historic shop fronts are particularly distinctive to Brighton
Public realm.	The Lanes and smaller roads of the area are characterised by red brick paviers, distinguishing the historic core of Brighton from surrounding areas. The development of the King's Road as a promenade with unique street furniture was the defining element in the emergence of Brighton as a resort. The process of upgrading streets has continued up to the present.

6.5 The Character Statement goes on to describe the general character of each of the main streets within the Conservation Area, describing Ship Street as follows:

"Ship Street takes its name from the Old Ship Inn, which has early 17th century origins. To the rear are the Assembly Rooms (another important historic focus for entertainment) with a frontage of 1895 that does not do justice to the 18th century interior where Paganini played in 1831.

Like Middle Street, Ship Street also retains a domestic character with three-storey Georgian houses. Mathematical tiles were used for the bow fronts of No.7, while Nos.8 and 69 are faced with flint. Elsewhere, brick and stucco predominate. The street has a high proportion of listed buildings and few modern intrusions.

One very different property is the gothic building at Nos.3-6 with a timbered gateway and brick infill panels. This is a whimsical mock-Tudor rebuilding in 1933 of the New Ship Inn of the 1630s.

Ship Street is interrupted by Prince Albert Street and near that junction is the open service area to the rear of the Hippodrome. Once occupied by a row of small properties at right angles to the street, there is now a break in the active frontage with views to the unsightly parking area, the rear of the Hippodrome's fly tower and the intrusive side elevation of Nos.18-19. Cumulatively, this results in a negative impact on the area's character and appearance.

Ship Street becomes more urban at its north end. It is dominated here by the 19th century Post Office, which was remodeled in 1925 using Portland stone. Opposite is the former Holy Trinity Church originally built of stone and flint in 1817 to the design of Amon H Wilds. It was altered in 1825 by Charles Barry as it became an Anglican chapel of ease, then the stucco side elevation was added in 1867 when Duke Street was widened, and the front was remodeled in 1885. The church became a museum and is now the Fabrica Gallery."

6.6 The application site, by virtue of its high-quality architecture, response to the street layout (the curved façade) and its superseded use as a post office, gives it landmark quality and provides interest and variety to the streetscene. The building thus makes a positive contribution to the character and appearance of the Conservation Area.

7. Impact Assessment

- 7.1 This Section addresses the heritage planning issues that warrant consideration in the determination of the application for Listed Building Consent, in line with the proposals set out in Section 3 of this Report.
- 7.2 The Planning and Compulsory Purchase Act (2004) requires that planning applications, including those for Listed Building Consent, are determined in accordance with the Development Plan unless material considerations indicate otherwise. The policy guidance set out within the NPPF is considered to be a material consideration which attracts significant weight in the decision-making process.
- 7.3 The statutory requirement set out within the Planning (Listed Buildings and Conservation Areas) Act 1990, at Section 66 confirms that considerable weight should be given to the preservation of the historic and architectural interest of Listed Buildings and their settings. In addition, the NPPF states that the impact of development proposals should be considered against the particular significance of heritage assets such as Listed Buildings, and therefore this needs to be the primary consideration when determining the proposed application. It is also important to consider where the proposals cause harm. If

⁴⁷ MHCLG, Planning Practice Guidance, Paragraph: 018 (ID: 18a-018-20190723 Revision date: 23.07.2019)

they do, then one must consider whether any such harm represents 'substantial harm' or 'less than substantial harm' to the Grade II Listed Post Office or Conservation Area in the context of paragraphs 201 and 202 of the NPPF.

- 7.4 The PPG clarifies that within each category of harm ('less than substantial' or 'substantial'), the extent of the harm may vary and should be clearly articulated.⁴⁷
- 7.5 The guidance set out within the PPG states that substantial harm is a high test, and that it may not arise in many cases. The PPG makes it clear that it is the degree of harm to the significance of the asset rather than the scale of development which is to be assessed⁴⁸. In addition, it has been clarified in both a High Court Judgement of 2013⁴⁹ that substantial harm would be harm that would "have such a serious impact on the significance of the asset that its significance was either vitiated altogether or very much reduced".

The Grade II Listed Post Office (51 Ship Street)

- 7.6 At ground floor level, the proposals include the following
- The installation of fixed seating and a bar;

⁴⁸ Ibid

⁴⁹ EWHC 2847, R DCLG and Nuon UK Ltd v. Bedford Borough Council

the reinstatement of an opening between the site and the existing Ivy restaurant;

creation of a new lobby with cloak cupboard;

the reconfiguration of partitions at the rear of the site;

the installation of an additional staircase to access the currently mothballed first floor level as well as the opening to the adjacent restaurant; and

Decoration throughout.

- 7.7 The previous lobby, changing rooms and other non-original partitions were removed as part of the strip-out works that were deemed acceptable by the council in their email in Appendix 1.
- 7.8 The double height space towards the front of the site is proposed to include a new bar in the form of a pagoda. The bar is positioned against the party wall with the existing Ivy restaurant to the north, and thus will not obscure any existing fenestration. The structure itself, in addition to the proposed back bar, will be fixed into this wall with layers of removeable MDF panels to protect the brickwork beyond. It should be noted that this wall was previously obscured by the joinery installed by Fat Face and now comprises a mix of exposed brickwork and render. The brickwork is unlikely to have been exposed historically, based on its condition, and was shown in previous plans as falling behind other walls and rooms. Therefore, the minimal fixings of the bar structure to the wall would have no undue impact on the historic fabric of the building. Other positive elements in the

building at this level will continue to be appreciated with the bar in place, such as the double-height space, the coving at ceiling level and the arched openings to the surrounding spaces. Thus, the proposed bar overall will have no impact upon the significance of the Listed Building.

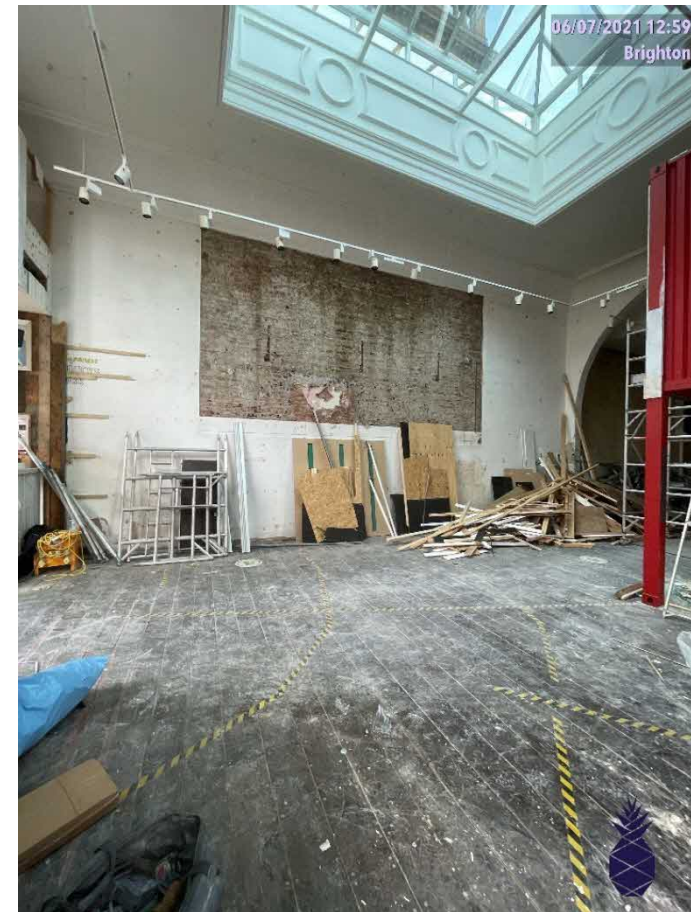


Plate 26: Northern party wall with the existing Ivy restaurant.

- 7.9 Along the same party wall, it is proposed to create an opening to the adjacent unit which comprises the existing Ivy restaurant. As seen in historic plans, this wall historically comprised fenestration in this location and a doorway was only blocked up as recent as the 2010 Fat Face application. The proposed opening is positioned in almost the same location as the previous opening. Whilst it may not be exact, this element of the proposals will reinstate the visible connection between the two buildings, which were historically a single entity on mapping and in use, despite the changes in the two buildings and the presence of the party wall. There may be a slight loss in historic fabric through the creation of the opening, but this will be minimal based on the location of the previous doorway seen in the 1970s map.
- 7.10 An additional back-of-house opening is proposed towards the rear of the site in a similar location to one seen on the 1890s plan. Again, there may be a loss of historic fabric, i.e. 19th century fabric, in addition to fabric from the first half of the 20th century that would have later infilled the opening. Furthermore, due to the change in levels between the two units a staircase is proposed to access the new opening. Nonetheless, the reinstated connection will emphasise the historic connection of the two buildings, even at the back-of-house.
- 7.11 Therefore, the proposed openings will only have a very limited negative impact, which is due to the potential loss of historic fabric. However, it should be noted that the openings have a considerable benefit in the re-establishment of the connection

between the two units.

- 7.12 Towards the front of the building, at its western doorway, a new lobby is proposed which includes a cloak cupboard. This replaces a previous lobby on that site, which was removed during the course of the initial strip-out works. The historic plans also show the presence of a lobby in this general location at various points, so it is clear that this type of element is indicative of the space in which it is positioned. The proposed lobby will have an appropriate height as to not obscure the first floor windows within the double-height space. Although the lobby is constructed in front of an existing ground floor window, the proposed partitions will not subdivide the fenestration, and the window will still be appreciated in full within the lobby itself. As with the proposed bar, the fixing into the walls will be minimal and similar to the previous lobbies seen in this position. Therefore, it is considered that the proposed lobby will have no impact upon the significance of the Listed Building.
- 7.13 The reconfiguration of partitions at the rear of this level includes several plasterboard stud walls which currently accommodate modern administration, storage, welfare and WC facilities. The removal and new insertion of these partitions will result in no loss of historic fabric and is essential to facilitate the continued retail use of the building. New facilities for a disabled WC will make use of existing plumbing and make the site more accessible.
- 7.14 As part of the more efficient use of the existing spaces in the

building, including a mothballed first floor area which will be discussed below, it is proposed to install a new staircase within the front-of-house space. This is positioned towards the rear of the double-height space beyond the archway and against the northern wall, in order to maintain the space's open character, and will lead to a walkway that accesses the reused first floor space. The proposed walkway will not have any structural elements such as columns, but will instead float across the arched opening. Both the walkway and the stair are designed so that the balustrades are open to maintain views beyond. Overall, these new insertions will have a high-quality finish and be a focal point in this area of the building. The installation of the staircase and walkway will result in some alteration to historic fabric through the introduction of the necessary structural beams, but the impact on the significance of the Listed Building through this is considered to be extremely limited.

7.15 Finally, the decoration throughout includes new finishes such as paneling and wallpaper in addition to new floor finishes. As seen in the existing photos of the site, the present finishes are not of a particularly high quality in their own right, nor do they reflect the quality or significance of the Listed Building and its surviving historic features. The proposed finishes will be a considerable improvement to the building and allow for the surviving historic features, such as the arches, double-height space with roof lantern and coving, to be showcased. Therefore, the new finishes will have a major positive impact upon the significance of the Listed Building.

7.16 At first floor level, the proposals include:

Re-use of the existing mothballed area as a dining space, including the removal of existing wall fabric;

Creation of windows from the first floor space to the double-height space;

Extension of an existing partition and floor to regularise the wall at the rear of the double-height space;

Reconfiguration of the partitions at the rear of the site;

Installation of a hoist at the rear of the site; and

Enlargement of the existing roof lantern.

7.17 As discussed, a new staircase and walkway will lead to the currently mothballed first floor area. This area is proposed to be re-utilised as a dining space, providing a significant benefit in that the historic plan form of the building will be revealed to the public. As part of the use of this space, it is proposed to remove existing wall fabric between the two rooms. Historically, this wall contained a chimney breast, as seen in a photo of the site from 1899 which shows a chimney stack in this location; however, the chimney stack has not been present since at least 2004 and no fireplaces have been retained. Nonetheless, the removal of this will result in a loss of historic fabric. Therefore, there is a minor negative impact on the significance of the building.



Plate 27: 1899 Photo.

7.18 In order to create more openness and link the proposed dining space at first floor with the rest of the front-of-house areas, it is proposed to create window openings within the structural wall between this area and the double-height space to the north. The 2010 application shows small openings present in this wall previously, albeit at a smaller scale than the proposed windows. Nonetheless, the retention of the wall will ensure that the plan form continues to be read, as well as the proportions of the main double-height space. The windows will allow users at this first floor level to appreciate the double-height space from a different vantage point, including other architectural elements such as the coving. However, it is accepted that the installation of the new windows will result in the loss of some historic fabric and

will thus have a minor negative impact upon the significance of the Listed Building.

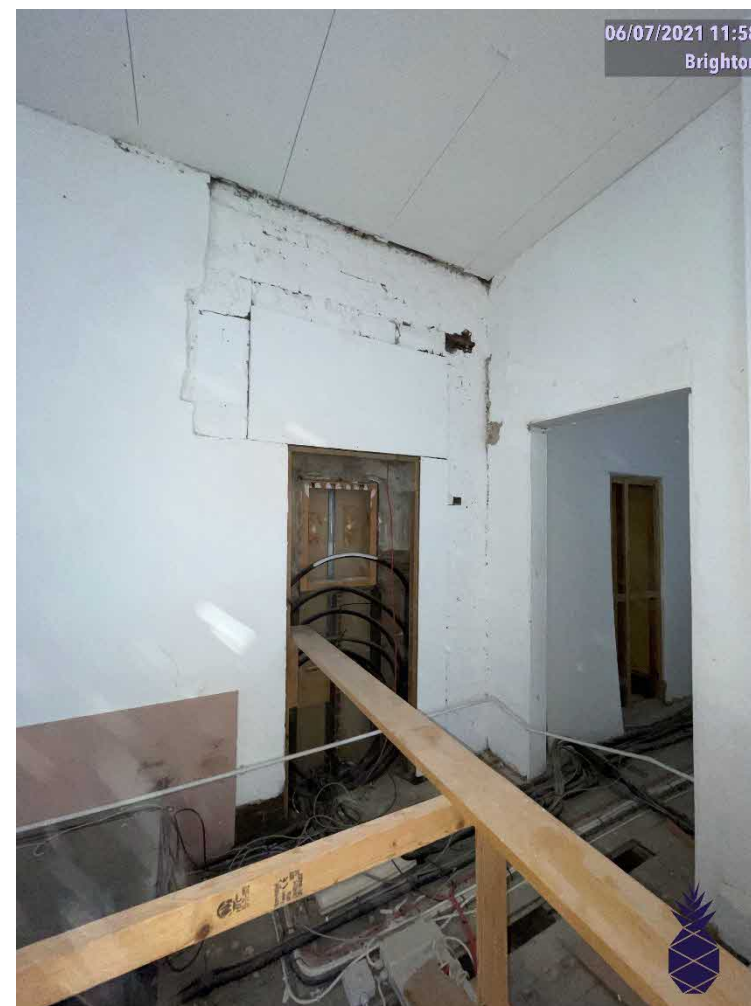


Plate 28: Existing openings from the first floor space to the double-height space to the north.

7.19 Within the other first floor area of the site, it is proposed to extend the level slightly in order to create a single wall at the rear of the double-height space. The partition in this position has modern origins, so its removal would not result in the alteration to historic fabric. Moreover, the slight extension of the first floor here would not affect the appreciation of the double-height space or any architectural features of note. Therefore, the proposals will not have a negative impact on the building.

7.20 The proposals at first floor level also include the reconfiguration of partitions at the rear of the site. These partitions all have modern origins, so their removal or alteration would have no impact on historic fabric. This area has historically been a back-of-house space as well, so its reconfiguration would not affect the way in which the unit operates or how its use and spaces are appreciated. It would thus not result in any harm to the building's significance.

7.21 A hoist is proposed towards the rear of the first floor. This area of the site has been heavily altered over the years and it is clear that modern structural elements have been incorporated throughout both levels. Therefore, it is not considered that the installation of the hoist would result in the removal of historic fabric or finishes. It would thus have no impact on the significance of the building.



Plate 29: The location of the proposed hoist at ground level with modern structural elements visible.



Plate 30: The location of the proposed hoist at first floor level.

- 7.22 It is proposed to route a new flue through the building at the very rear of the site, out to the exterior of the building. The routing of this flue is proposed along a wall which has no features of interest, although it is noted that this will involve the loss of some fabric of the building through the creation of the openings required. As such, this element of the proposal will have a very slight negative impact upon the significance of the Listed Building through the loss of the building's fabric. Further discussion on the flue's potential impact upon the heritage significance of the site can be found in the Conservation Area section below.
- 7.23 It is also proposed to enlarge the existing roof lantern on the site. The glazed element itself is of modern origins with wired glass, so its replacement would not result in any harm to an original historic feature of the building. The proposed replacement roof lantern will have a similar appearance and will replicate the paneling seen around it at ceiling level as shown in the proposed internal elevations. An artwork panel will be installed beneath the roof lantern to prevent direct light or views of the modern lantern itself, but the paneling within the recess will still be appreciated. The opening within which the roof lantern sits will need to be expanded and thus this will result in a very minor negative impact on the significance of the building by virtue of the potential loss of limited historic roof fabric.
- 7.24 At basement level, under the existing Ivy restaurant to the north, it is proposed to reconfigure the WCs and back-of-house areas. The existing WCs are modern insertions resulting from

the 2017 approval on the site to fit-out the restaurant. Therefore, the removal of these partitions would not result in the loss of historic fabric. There will be removal of walls that likely contain historic fabric; however, they are of limited significance given the ancillary nature of this level and lack of any notable architectural features. Nonetheless, this alteration to historic fabric would result in a limited negative impact to the significance of the building.

- 7.25 Within the basement of the annexe, it is proposed to remove small areas of wall fabric to accommodate the routing of plant. This would result in the loss of some historic fabric, albeit very localised. This element of the proposals would thus result in very limited negative impact to the significance of the building.

Summary

- 7.26 In summary, the proposals comprise the fit-out of a vacant unit with high quality finishes and elements which will better reflect the quality and significance of the host building. There are limited instances of harm to the significance of the building resulting from the proposals mainly resulting from the limited loss of historic fabric, however, these are all localised and will accommodate the continued use of the site as retail, which is the optimum viable use.
- 7.27 The proposals would therefore result in limited level of harm to the significance of the Listed Building, but this is identified to be 'less than substantial' and at the lower end of the spectrum. As per Paragraph 202 of the NPPF, this harm should be weighed

against the public benefits of the proposals, including heritage benefits, which are outlined in this Report below.

The Old Town Conservation Area

- 7.28 The proposals to the exterior of the property relate to the updating of modern signage, installation of additional plant equipment and the enlargement of the existing roof lantern.
- 7.29 The signage proposals include lettering to the high-level fascia, projecting signs near to each doorway to the site and an awning to the main western entrance. The advertisement proposals are low-key and replace existing signage. The two hanging signs are proposed due to the curve of the building and its position on a street junction. This is considered proportionate and appropriate to the length of the frontage and its position within the streetscape. The awning is designed to match that of the existing Ivy restaurant next door. It is understood that such awnings are not typically found throughout the Conservation Area but were deemed acceptable on the adjacent building due to the shape of its windows (i.e. including arches). The entrance over which the awning is proposed is also arched, and the same treatment of the awning in this location in comparison with the adjacent Ivy restaurant will reinforce the historic relationship between the two buildings. Therefore, it is considered that the proposed signage, which is also non-illuminated, is appropriate for both the host building and the wider Conservation Area.
- 7.30 The proposals include the incorporation of an additional flue on the southern elevation of the building which faces a courtyard

area. This area is not readily visible from the public realm and has an inherently secondary appearance. The flue would extend just above the height of the parapet, ensuring it's not read as an obvious new element in the roofscape. Such plant equipment is seen throughout the Conservation Area on rear elevations or courtyards such as this, so this minor new element will not have any impact on the wider heritage significance of the Conservation Area.

7.31 A gas pipe is proposed to be installed on the southern elevation of the building. Options were explored of how to route the gas main, i.e. whether it was taken to higher level or through the first floor window; however, the most efficient option as well as the least visible, was to route the pipe to first floor level. Whilst the pipe itself will be visible from the public realm, this will be seen in conjunction with other elements on the frontage, such as downpipes. The gas main is small in diameter and length, and it will not affect the appreciation of the frontage as a whole. Therefore, it is not considered to result in any negative impact to the significance of the site.

7.32 The enlargement of the roof lantern will not be perceptible from the streetscene, nor would it affect any positive elements of interest. The form of the existing roof will continue to be read and the enlarged roof lantern will add to the interest and variety of the roofscape overall. Therefore, the enlargement of the roof lantern is not considered to have any impact on the Conservation Area as a whole.

7.33 Ultimately, the proposals will result in no adverse changes to the experience of Ship Street and elements of its historic streetscape. The mix of uses, building types and architectural styles within the Conservation Area as a whole will continue to be appreciated through the proposals. Therefore, with reference to the levels of harm in the NPPF, the proposals will result in 'no harm' to the Old Town Conservation Area.

Heritage Benefits

7.34 As discussed, the proposals will result in a number of heritage benefits that will restore elements of the historic character and circulation of the building.

7.35 The two new openings in the ground-floor northern wall will restore No. 51 to a single property and enable circulation between two units that were previously connected by several openings. This will restore the historic experience of designed functional interplay between the two structures. The proposed openings will correspond with earlier doorways documented in historic plans but were subsequently blocked.

7.36 The ground-floor cladding and decorative structures associated with the previous retail use of the site previously enclosed the ground floor and detracted from original architectural features, such as the cornices and the round-headed arch between the main hall and the southern entrance lobby. Whilst this paraphernalia was already removed as part of the agreed strip-out works, the proposals will highlight these features and ensure they are fully appreciable by users, thus revealing elements

which contribute to the significance of the building.

7.37 The re-use of the mothballed first floor space will ensure that users can appreciate the entirety of the building, including a space on the frontage with high-quality windows. Whilst there are instances of alteration to historic fabric within this space to accommodate its re-use, the proposals to this area overall will result in a significant benefit in terms of the effective facilitation of the accepted retail use of the building as a whole.

7.38 Overall, the proposals will secure the optimum viable use of the Listed Building by integrating the application site into the adjacent successful restaurant premises and reinstating the relationship between the two units on the historically combined site.

8. Conclusions

- 8.1 The application site comprises the southern annexe of No. 51, which is currently a retail unit, having previously traded as Fat Face Brighton. This annexe is part of a larger Grade II Listed building which is located within the Old Town Conservation Area.
- 8.2 The application seeks Listed Building Consent, Planning Permission and Advertisement Consent for:
- "Internal and external alterations, comprising: internal reconfiguration and works to Listed building; installation of plant equipment; installation and display of advertisements."
- 8.3 In summary, the proposals comprise the fit-out of a vacant unit with high-quality finishes and elements which will better reflect the quality and significance of the host building. There are limited instances of negative impact mainly resulting from the loss of historic fabric, however, these are all localised and will facilitate the reuse of the site in its optimum viable use.
- 8.4 Overall, the proposals will result in 'less than substantial harm' at the lower end of the spectrum to the significance of the Grade II Listed Former Post Office. According to Paragraph 202 of the NPPF, "this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use."
- 8.5 With reference to the Old Town Conservation Area, the proposed external changes, including advertisements, are not considered to result in any negative impacts and would thus result in 'no harm' to the significance of the Conservation Area. The requirement set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 would be fulfilled.
- 8.6 A number of heritage benefits have been identified in the proposals, including the occupation of a vacant unit, the retention of the retail use in the unit, a high quality fit out, the re-use of previously mothballed spaces and the reinstatement of the physical connection between the unit and the rest of the Listed Post Office to the north.

Appendix 1: Strip-out Works and Email Agreement

From: [Tim Jefferies](#)
To: [REDACTED]
Cc: [REDACTED]
Subject: [REDACTED]
Date: [REDACTED]
Attachments: [image001.png](#)
[image002.png](#)

Dear Claire,

Liz Hobden has asked me to respond to your e-mail.

I can confirm that you may proceed to strip out the internal signage, lobby, counter, window display and fitting rooms and that this would not be in breach of the need for Listed Building Consent.

I note that the ground floor plan that you sent has notes referring to the potential removal of a column and first floor area above, as well as the potential removal of three sections of what appear to be solid walls. The first floor plan also refers to investigation works to columns. For the avoidance of doubt, any removal of these walls, columns and floor would require Listed Building Consent, unless it can be clearly demonstrated, by means of plans and photographs (and structural engineer's report where appropriate), that the walls/columns are not structural and are either unauthorised or are recent additions.

I look forward to seeing the Listed Building Consent application soon.

Kind regards,

Tim Jefferies IHBC | Planning Team Leader – Heritage & Projects | Policy, Projects & Heritage Team
City Development and Regeneration
1st Floor, Hove Town Hall, Norton Road, Hove, BN3 3BQ

[REDACTED]
www.brighton-hove.gov.uk/content/planning/heritage

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Please note that this is an informal officer opinion only and does not prejudice the decision of the Local Planning Authority on any planning application. This opinion relates to heritage matters only.

From: Liz Hobden [REDACTED]
Sent: 29 June 2021 12:15
To: Tim Jefferies [REDACTED]
Subject: FW: Ivy Asia Ship Street
Importance: High

Would you mind responding Tim
Thanks

Liz Hobden
Head of Planning
City Development and Regeneration
Brighton & Hove City Council

[REDACTED]
www.brighton-hove.gov.uk

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From: [REDACTED]
Sent: 29 June 2021 08:43

To: Liz Hobden [REDACTED]
Cc: Geoff Raw [REDACTED]
Subject: FW: Ivy Asia Ship Street
Importance: High

This email originates from outside of Brighton & Hove City Council. Please think carefully before opening attachments or clicking on links.

Hi Liz,

Following on from the correspondence below, please see attached the proposed strip out works for the Fat Face unit at 51 Ship Street, which is a Grade II Listed Building.

All of the elements proposed to be removed are modern fabric, such as the Fat Face internal signage, lobby, counter, window display and fitting rooms. Examination of previous approvals have also demonstrated that much of this existing modern work is unauthorised, including the partitions associated with the fitting rooms and the double height structure within the main retail space. Photos will be taken during the course of the strip-out works.

Can we please have approval to commence these works as soon as possible? They are being done to inform proposals on the site for the impending Listed Building Consent application for the Ivy Asia.

I tried to send this to Tim Jefferies for his comment, but the email bounced back, so if you could forward this to the relevant email/Conservation Officer, that would be much appreciated. Give me a call if you wish to discuss further.

Kind regards,



Birmingham | Bracknell | Bristol | Cambridge | Cirencester | Dublin | East Midlands | Edinburgh | Leeds | Liverpool | London | Manchester | Newcastle | Peterborough | Solent



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IMPORTANT INFORMATION REGARDING PEGASUS GROUP & CORONAVIRUS / COVID-19

From: Geoff Raw [REDACTED]
Sent: Tuesday, June 29, 2021 8:33 am
To: [REDACTED] Angela Dymott; Max Woodford; [REDACTED]
Cc: Liz Hobden
Subject: Re: Ivy Asia Ship Street

[EXTERNAL]

Dear Anabel

Thanks for you email and heads up in your plans which sound very exciting. I'm sorry we haven't been able to respond to you on listed building matters. I've copied in Liz who heads up the planning service to help you.

Best

Geoff

From: [REDACTED]
Sent: Tuesday, June 29, 2021 8:30:16 AM
To: Angela Dymott [REDACTED]; Max Woodford [REDACTED];

Cc: Geoff Raw <[REDACTED]>
Subject: Ivy Asia Ship Street

This email originates from outside of Brighton & Hove City Council. Please think carefully before opening attachments or clicking on links.

Dear all I hope you don't mind the direct approach, and I was not sure who would be best placed, but I wanted to try and make contact with the Council to let you know of our plans.

We have managed to agree terms and complete on the Fat Face unit next to our current Ivy. We will be fitting it out as an Ivy Asia, which is a really great concept of which we currently have two, one in Manchester and one in St Pauls, London. Here is a link to show what we will be doing <https://www.theivyasia.com/>. Our design, as you will see, is unique. We will be investing over £4 million and creating another 120 full time jobs for local people.

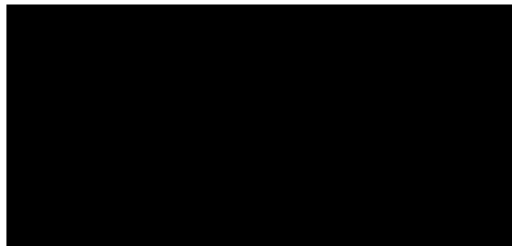
The reason for my email is that we have not been able to reach the listed building officer, due to the current COVID 19 situation, they have an automated reply to their email.

We wanted to get some guidance, as we need to strip out the unit of the Fat Face's fit out, whilst we wait for LBC. We do not think it is controversial as we are only removing stuff that they put in, however we wanted to double check. If we can do these works it will help us to open as quickly as possible once we hopefully receive our Listed Building consent.

If you can help in anyway, or point me in the right direction. We are very keen to get started on this project which we believe will be a really exciting addition to Brighton.

Kind regards

Anabel



Troia (UK) Restaurants Ltd

Registered in England: 08504201
Registered address: [26-28 Conway Street, London W1T 6BQ](#)

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Thank you in anticipation of your co-operation.

You can visit our website at <http://www.brighton-hove.gov.uk>

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Appendix 2: BH2010/00703 Plans



**Brighton & Hove
City Council**

Development Control
Environment
City Planning
Hove Town Hall, Norton Road
Hove BN3 3BQ

Application No: BH2010/00703

Matthew Brint
Box Of Frogs Ltd
49 Humberstone Road
Cambridge
CB4 1JD

BRIGHTON AND HOVE CITY COUNCIL

Planning (Listed Buildings and Conservation Areas) Act 1990

LISTED BUILDING CONSENT

IN PURSUANCE of their powers under the above-mentioned Act, the Council hereby notify you that they grant LISTED BUILDING CONSENT for the following works:

Situation: 51 Ship Street Brighton

Description: Listed Building Consent for display of signage and internal and external alterations to layout to form new Retail Unit (A1) (Retrospective).

In accordance with the application and plans (as modified by any undermentioned conditions) submitted to the Council on 12 March 2010 and SUBJECT to compliance with any condition(s) specified hereunder:

- 1 Glazing to the fanlights above the two entrance doors shall be clear glazed and not obscured with any films or blanked out by any boarding.
Reason: To ensure the satisfactory preservation of this listed building and to comply with policies HE1 & HE4 of the Brighton and Hove Local Plan.
- 2 The drip bar on the bottom of the west entrance door shall extend across the full width of the door and both side screens. This work shall be carried out and completed within 28 days of the date of this consent.
Reason: To ensure a satisfactory preservation of this listed building and to comply with policies HE1 & HE4 of the Brighton and Hove Local Plan.

Informatives:

1. This decision is based on drawing nos. 10.1223 - 00D, 01-1, 01-2F, 02-1D, 02-2C, 03-1D, 03-2C, 04-1D, 04-2E, 04-3D, 04-4E, 05-1D, 05-2C, 06-1D, 06-2C, 07D, D2-1, D2-2, D3, D8-1A, D8-2B, D9A, D10A, D11-1A, D11-2A, D12B, D13-1A, D13-2B, D15B, E1A, E2A,

air conditioning specifications, elevational survey, proposed HVAC layout, proposed HVAC layout first floor, lobby details submitted on 12 April 2010.

2. This decision to grant listed building consent has been taken:

(i) having regard to the policies and proposals in the Brighton and Hove Local Plan set out below:

Brighton and Hove Local Plan:

HE1 Listed buildings

HE4 Reinstatement of original features on listed buildings

and

(ii) for the following reasons:-

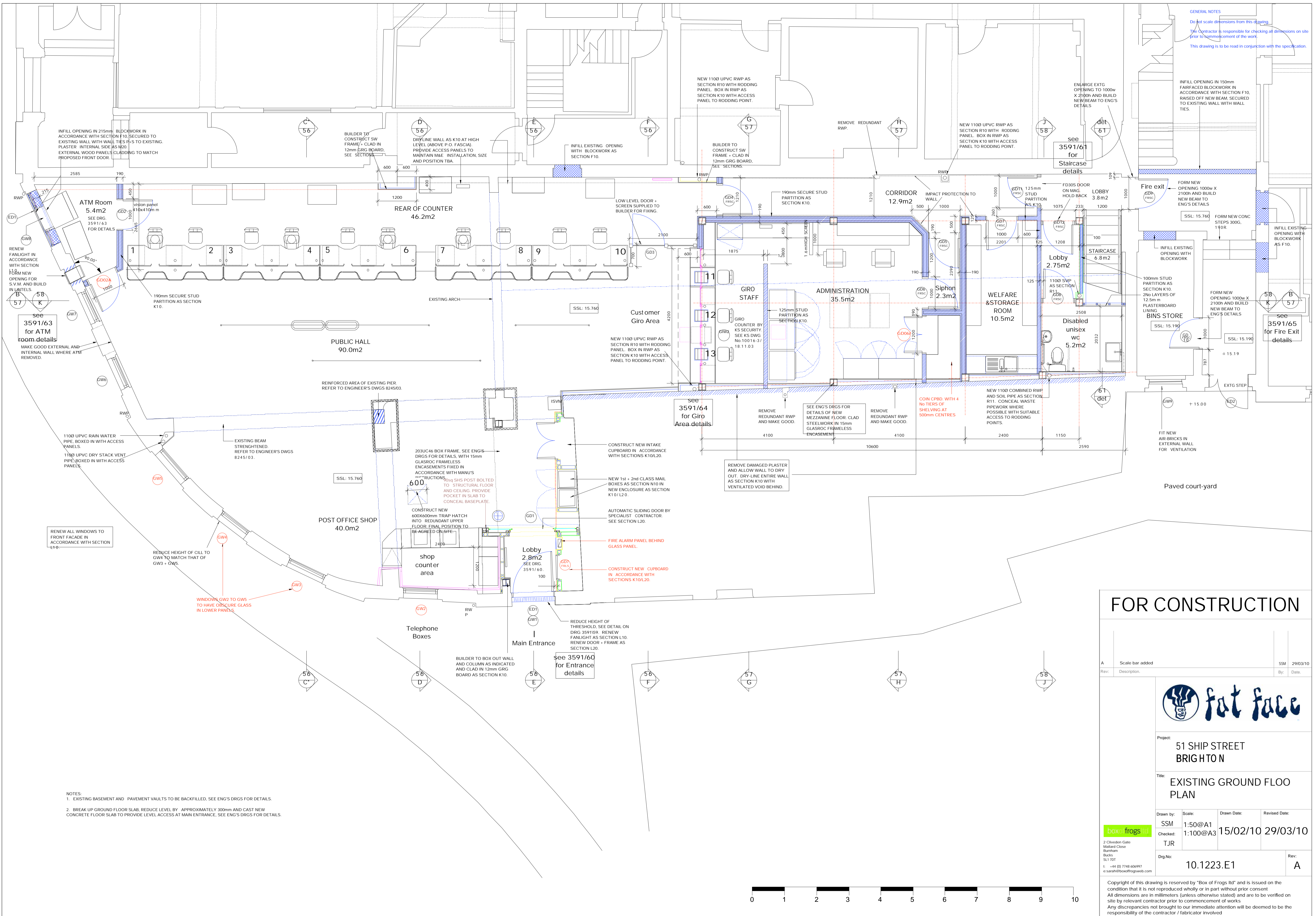
The alterations respect the character and appearance of this grade II listed building and preserves its historic fabric.

Dated this 10 June 2010



Jenny Rowlands
Director - Environment

NOTE: This decision does not give approval of plans for the purposes of the Building Regulations 1991. If an application for such approval has been made a decision has or will be given separately.



GENERAL NOTES
 Do not scale dimensions from this drawing.
 The Contractor is responsible for checking all dimensions on site prior to commencement of work.
 This drawing is to be read in conjunction with the specification.

FOR CONSTRUCTION

A	Scale bar added	SSM	29/03/10
Rev:	Description	By:	Date



Project: **51 SHIP STREET BRIGHTON**

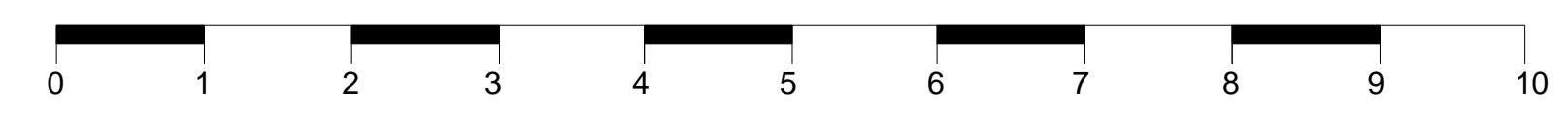
Title: **EXISTING GROUND FLOOR PLAN**

Drawn by:	Scale:	Drawn Date:	Revised Date:
SSM	1:50@A1	15/02/10	29/03/10
Checked:	1:100@A3		
TJR			

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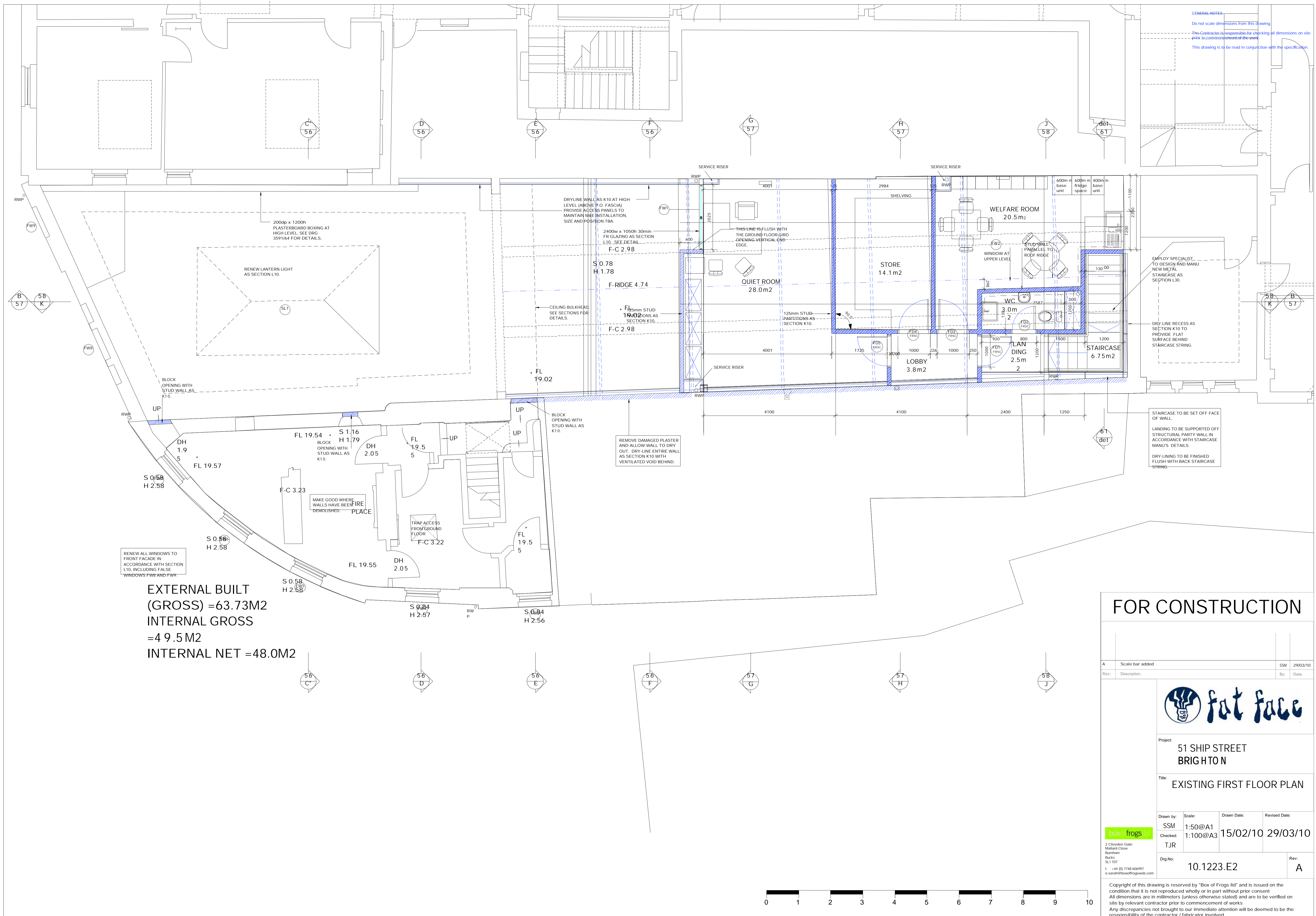
Dwg No:	10.1223.E1	Rev:	A
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- NOTES**
- EXISTING BASEMENT AND PAVEMENT VAULTS TO BE BACKFILLED. SEE ENG'S DRGS FOR DETAILS.
 - BREAK UP GROUND FLOOR SLAB, REDUCE LEVEL BY APPROXIMATELY 300mm AND CAST NEW CONCRETE FLOOR SLAB TO PROVIDE LEVEL ACCESS AT MAIN ENTRANCE. SEE ENG'S DRGS FOR DETAILS.

GENERAL NOTES:
 Do not scale dimensions from this drawing.
 The Contractor is responsible for checking all dimensions on site prior to construction of the work.
 This drawing is to be read in conjunction with the specification.



RENEW ALL WINDOWS TO FRONT FACADE IN ACCORDANCE WITH SECTION L10, INCLUDING FALSE WINDOWS FW9 AND FW9.

EXTERNAL BUILT (GROSS) = 63.73M²
INTERNAL GROSS = 49.5 M²
INTERNAL NET = 48.0M²

FOR CONSTRUCTION

A	Scale bar added	SSM	29/03/10
Rev:	Description	By:	Date



Project: **51 SHIP STREET BRIGHTON**
 Title: **EXISTING FIRST FLOOR PLAN**

Drawn by:	Scale:	Drawn Date:	Revised Date:
SSM	1:50@A1	15/02/10	29/03/10
Checked:	1:100@A3		
TJR			

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Dwg No: **10.1223.E2** Rev: **A**

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NOTES:

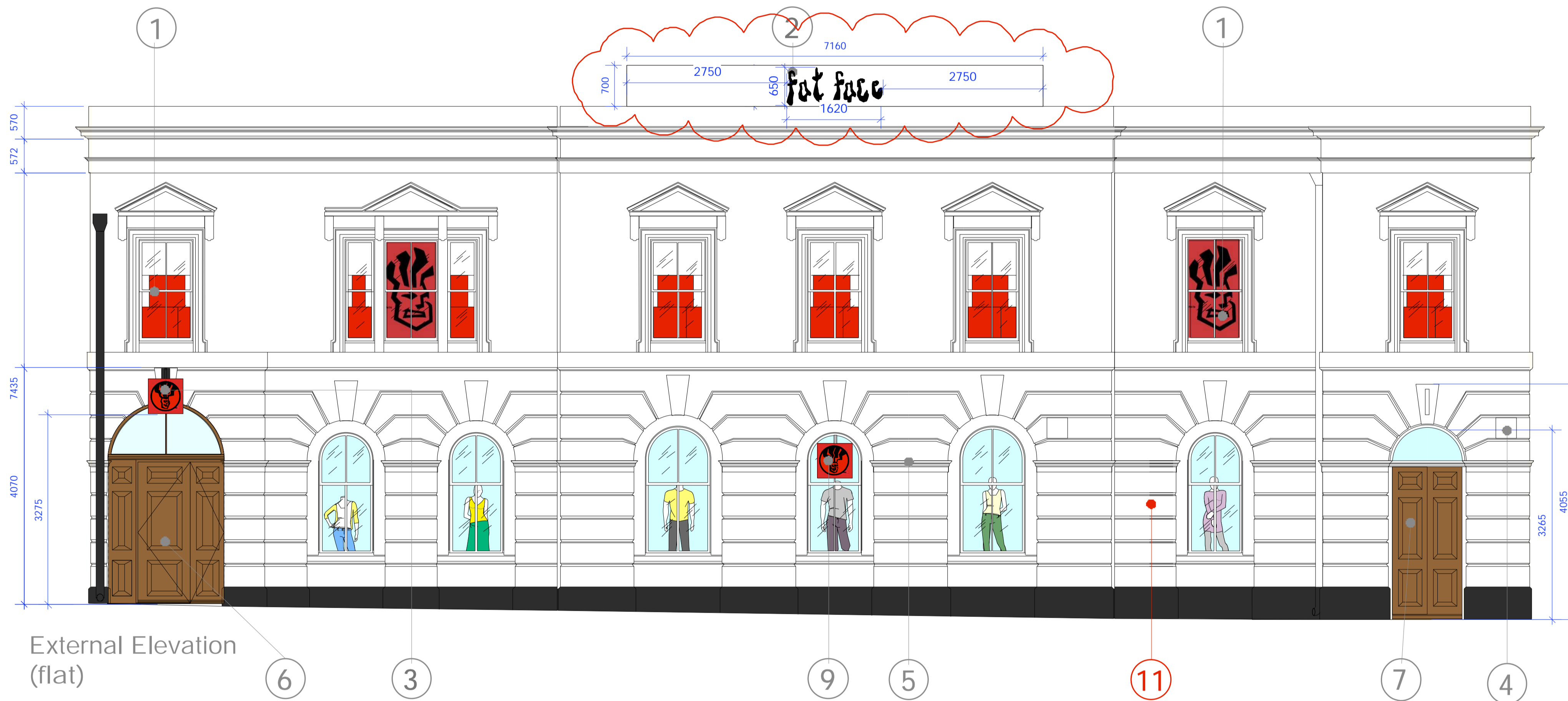
- ① **Light boxes:** 9no. internally illuminated graphic light boxes supplied by Signage supplier. Refer to drawing no: 10.1223.D1
- ② **High level Parapet Sign:** retain existing masonry parapet: make good & thoroughly prepare for decoration: external grade BS00E55 Signage to be individual built up metal letters on 30mm clear spacers powdercoated finish black. Refer to drawing no: 10.1223.D1

- ③ **Projecting sign:** Retain existing projecting sign bracket - overhaul & decorate matt black. Cube box with graphic applied to 3 faces. Sign internally illuminated. Refer to drawing no: 10.1223.D1
- ④ **Intruder Alarm:** box supplied and installed by Fire Alarm Engineer - finished white

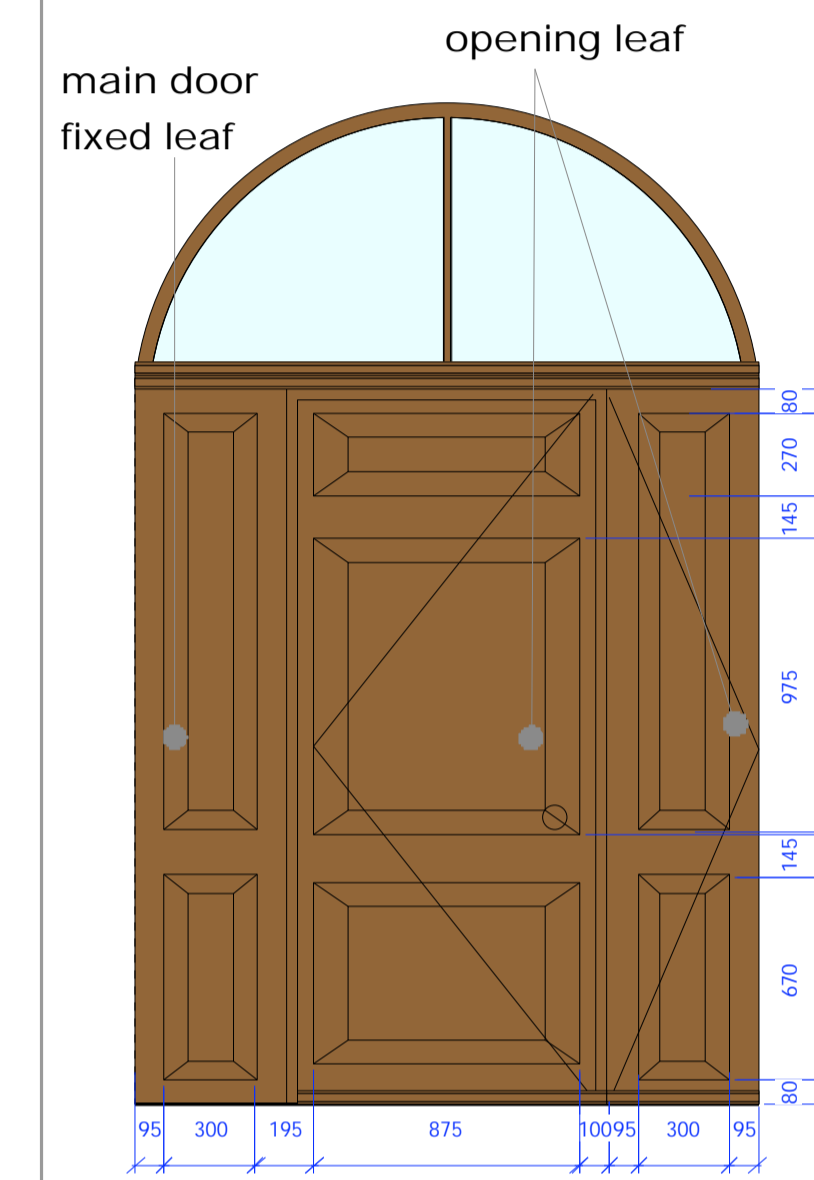
- ⑤ **Shopfront:** Make good & thoroughly prepare all surfaces for decoration ref: external grade BS00E55
- ⑥ **Entrance door:** Entrance door to Listed Building requirements. Replace existing door with new pair of doors to open inwards as per Detail A. Main door to be kept open during trading hours
- ⑦ **DDA access door:** retain existing door and rehang. Overhaul and make good where necessary
- ⑧ **Omit**

- ⑨ **Internal sign:** internally illuminated cube sign
- ⑩ **internal window lights:** LED lighting to window reveals
- ⑪ **External Facade:** BS00E55 masonry white

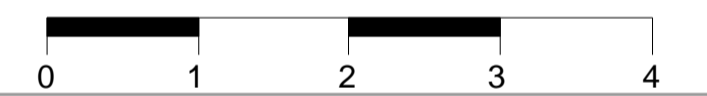
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Detail A - entrance door
 1:25 @A1/ 1:50 @A3



New timber door decorated to match existing, with 1no fixed leaf and 2no opening leaves and no external door furniture. To be lockable from inside only with 5 lever chubb lock with "T" bar handle and stay finished matt black



FOR CONSTRUCTION

D	Detail A amended Note 11 added Note 2 amended and elevation amended accordingly	SSM	09/03/10
C	Detail A amended Note 11 added	SSM	22/02/10
B	proposed entrance door amended Lightboxes to first floor amended signage details located on new drawing no: 10.1223.D1 DDA access door rehang	SMR	15/02/10
A	spec: to parapet sign added door detail amended 1no projecting sign omitted	SMR	27/01/10
Rev:	Description	By:	Date



Project:
**51 SHIP STREET
 BRIGHTON**

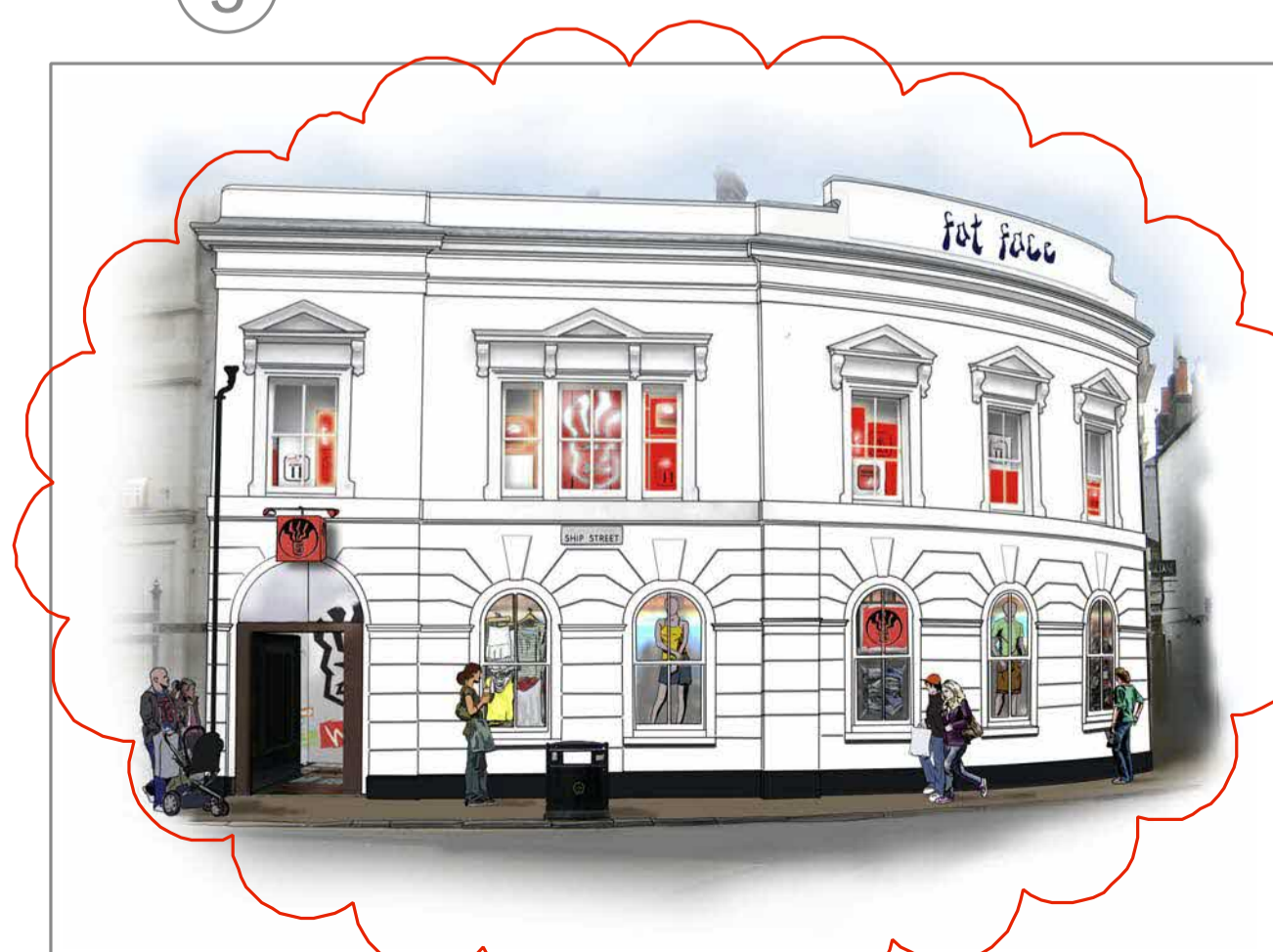
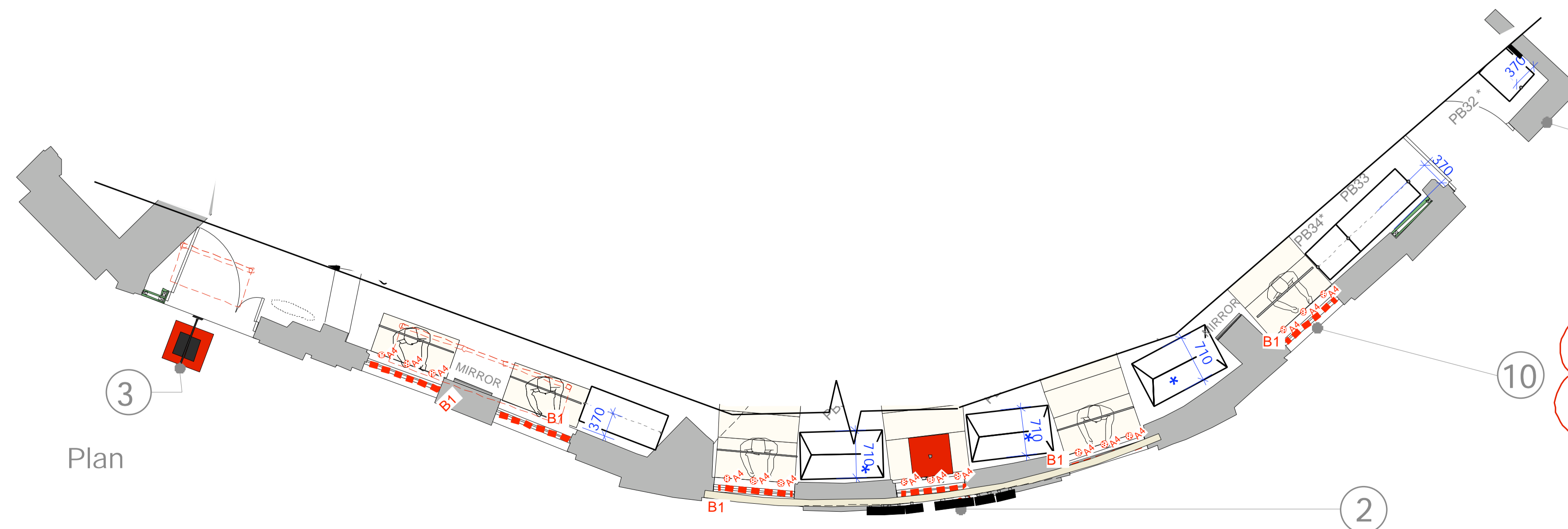
Title:
**PROPOSED EXTERNAL
 ELEVATION**

Drawn by:	Scale:	Drawn Date:	Revised Date:
SSM	1:50@A1	25/01/10	09/03/10
Checked:	1:100@A3		
TJR			

Dig No: **10.1223.01-2** Rev: **D**

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NOTES:

- 1 Entrance mat: PVC backed Coir entrance mat throughout lobby with junction strip at abutment with main floor. Ref: Jaymart - 17mm brown BRUSHWELL Natural Colours
- 2 Entrance lobby: Recessed lights fitted into flooring - refer to floor lighting key below for more details
- 3 Glazed partition: Frameless glazed screen with 25mmH finished gun metal grey 'U' channel at head & base. Graphics supplied by others. Refer to drawing no. 10.1223.04-4 for more details
- 4 Perimeter fixtures: wall mounted Alu perimeter system, and associated products.
- 5 Roller table: roller table supplied by Conveyors direct (free issue from Fat Face)
- 6 Billboard & Gantry: high level billboard with interchangeable graphics and gantry. Supplied by TriWonder Signs Ltd (free issue from Fat Face)
- 7 Existing sky light: To be retained & cleaned
- 8 Container feature: Refer to 10.1223.D2-1/2
- 9 Cash desk 2 till: cash & wrap with 2no tills - refer to 10.1223.D8-1/2

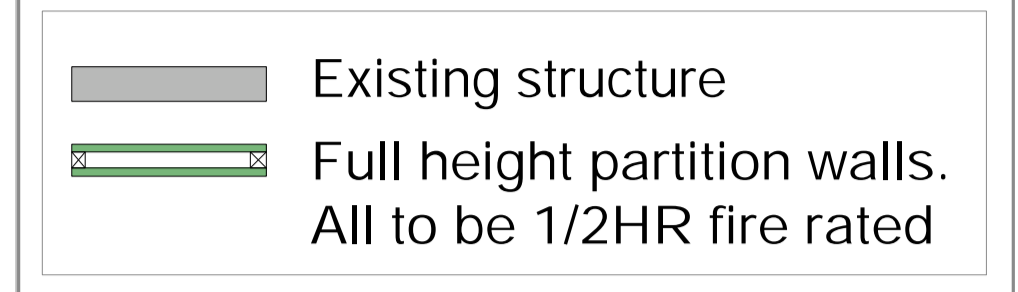
- 10 Existing structure: to be retained and finished as per finishes schedule drawing no. 10.1223.06-1
- 11 Existing Bulkhead: to be retained and finished as per finishes drawing no. 10.1223.06-1
- 12 Container gallery walkthrough: Refer to drawing 10.1223.D3 for more details
- 13 Gallery sculpture: Refer to drawing 10.1223.D5
- 14 Omit
- 15 Gallery seat: Refer to drawing 10.1223.D10
- 16 Shoe storage: Supply & fix white melamine shelves on adjustable spurs to back of house side of MDF stud partition wall
- 17 Door to back of house: new Fire Exit door. Refer to drawing door schedule 10.1223.06-1 finished to match surrounding walls
- 18 Existing DDA WC: to be retained & made good to Fat Face standards
- 19 Mirror: 1no. 2000mmW x 2000mmH to be wall mounted in position shown
- 20 Changing room: Refer to drawing 10.1223.D6-1
- 21 Changing room: Refer to drawing 10.1223.D6-2

- 22 Changing room: Refer to drawing 10.1223.D6-3
- 23 DDA Changing room: Refer to drawing 10.1223.D7
- 24 Ceiling level line: line indicating ceiling height changes
- 25 Mirror: 1no. 1200mmW x 2000mmH to be wall mounted in position shown
- 26 Existing electrical cupboard: To be retained - finished high Satin Crown Sail White
- 27 OMIT
- 28 Shoe seat: refer to drawing 10.1223.D10
- 29 Existing electrics: Cut back as required
- 30 Window plinths with steps: refer to drawing 10.1223.D11-1
- 31 High level track: Allow for timber grounds for ALU system to Alu detail
- 32 Cash desk 1 till: cash & wrap with 1no tills - refer to 10.1223.D8-3

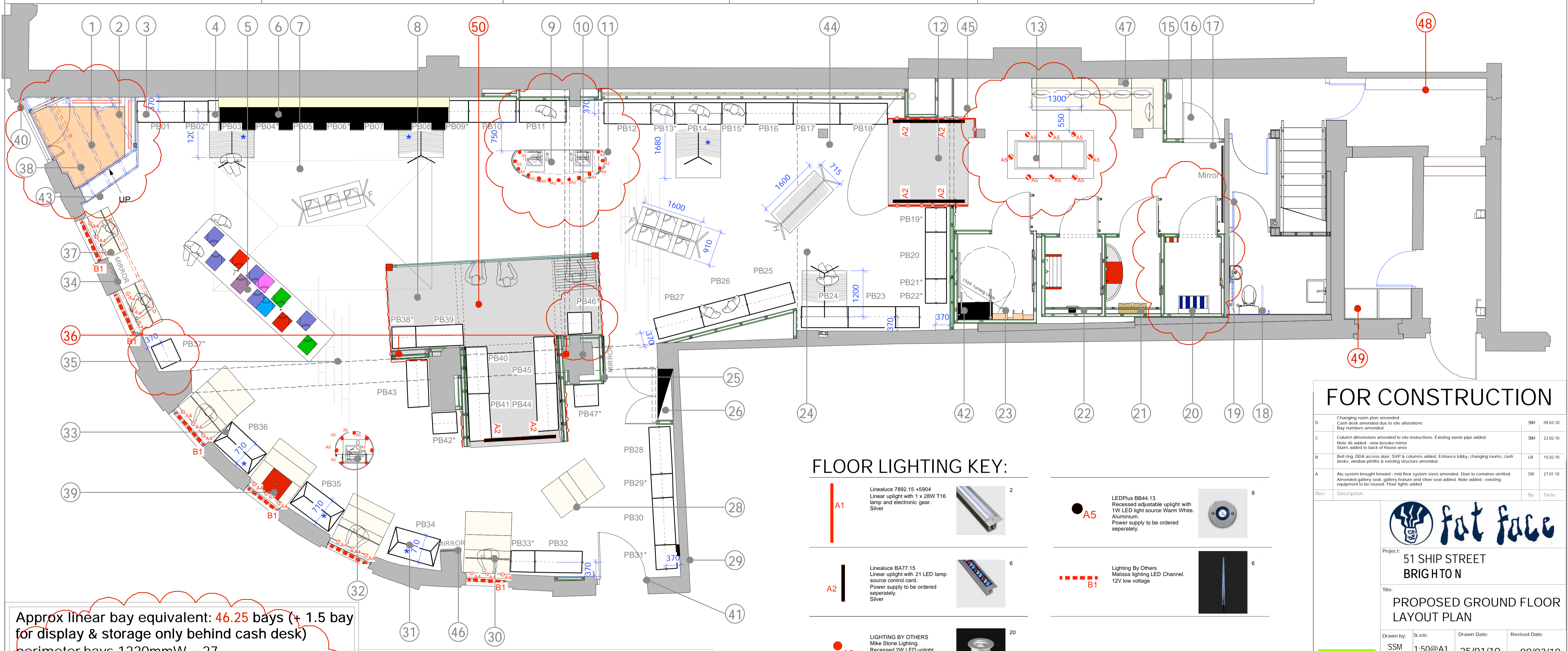
- 33 Graphics rails: Rails to match Alu system for hanging graphics to windows by grounds contractor
- 34 Mirror: 1no. 600mmW x 2000mmH to be wall mounted in position shown
- 35 Timber floor finish: Supply & install 200mmW dark oak stained floorboards to approved sample
- 36 Container feature: Refer to 10.1223.D2-1/2 Partition walls: Box out to 2700mmH to these 2 faces
- 37 Light box platform: dotted lines indicates MDF platform with guard rails suitable for access for display at first floor level. Refer to drawing 10.1223.D1 for light box details
- 38 Tagging system: Spec TBC by Fat Face
- 39 Internal sign: 600mm x 600mm refer to drawing no. 10.1223.D1 for more details
- 40 Door bell: For DDA assistance
- 41 DDA access door: retain existing door and rehang. Overhaul and make good where necessary. For finish refer to drawing np.10.1223.06-1
- 42 Partition walls: Supply and fix MF stud partition comprising 70mm thick metal stud frame work clad both sides with 12.5mm plasterboard. Fire line external

- 43 Newly formed steps: Refer to finishes schedule drawing no. 10.1223.06-1
- 44 Newly exposed columns: stripped to core structure, painted with intumescent paint colour to match RAL 9003 Signal White
- 45 Clothes return rail: Enclosure finished Crown Sail White with chrome hanging rails at 2100mmHFFL & 1100mmHFFL on suitable fixings
- 46 Mirror: custom made 1no. 500mmW x 2000mmH to be wall mounted in position shown
- 47 Existing waste pipe: encased in plasterboard and skim decorated to match wall finish. rear of seating adapted to suit refer to drawing no. 10.1223.D10
- 48 Shoe rack: New 6x 300mm full width white melamine shelving on adjustable spurs
- 49 Wheelie bins: 2x wheelie bins. Freemasonry supplied by General Contractor
- 50 Container ceiling: Plasterboard smooth paint finish BS00E55

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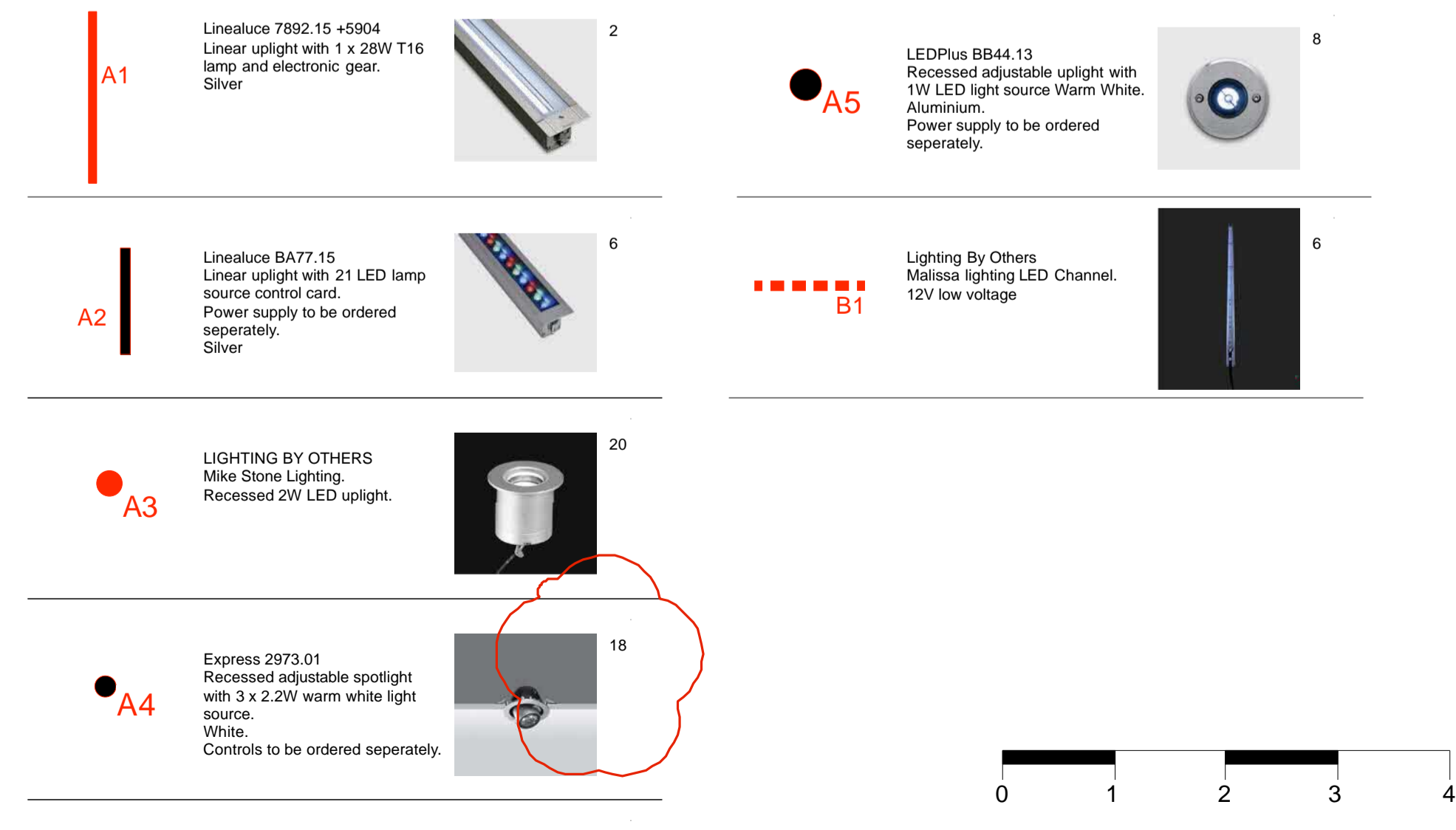
* denotes existing equipment to be reused



Approx linear bay equivalent: 46.25 bays (+ 1.5 bay for display & storage only behind cash desk)
 perimeter bays 1220mmW = 27
 perimeter 610mmW = 17 x 0.5 bays = 8.5
 perimeter hanging = 1 x 4 = 4
 mid floor folded = 1.5 x 2 = 3
 mid floor hanging = 1.75 x 1 = 1.75
 table = 2
 (+ window steps for footwear)

Store areas	SQM	SQft
retail area incl. fitting rooms	250	2690
window & display	5	53
back of house	17	182
Total	272	2925

FLOOR LIGHTING KEY:



FOR CONSTRUCTION

Rev.	Description	By	Date
D	Changing room plan amended. Cash desk amended due to site alterations. Bay numbers amended.	SSM	09/03/10
C	Column dimensions amended to site instructions. Existing waste pipe added. Note 46 added - new bespoke mirror. Stairs added to back of house area.	SSM	22/02/10
B	Bell ring. DDA access door. SVP & columns added. Entrance lobby, changing rooms, cash desks, window plinths & existing structure amended.	LB	15/02/10
A	Alu system brought forward - mid floor system sizes amended. Door to container omitted. Amended gallery seat, gallery feature and shoe seat added. Note added - existing equipment to be reused. Floor lights added.	SSM	27/01/10

fat face

Project: 51 SHIP STREET BRIGHTON

Title: PROPOSED GROUND FLOOR LAYOUT PLAN

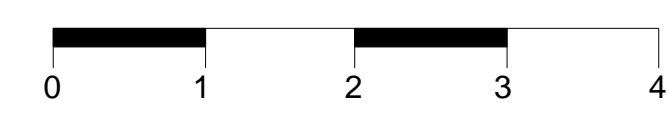
Drawn by: SSM
 Checked: TJR
 Scale: 1:50@A1
 1:100@A3

Drawn Date: 25/01/10
 Revised Date: 09/03/10

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Drg No: 10.1223.02-1
 Rev: D

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NOTES:

- 1 **Bulkhead:** extend existing bulkhead over
- 2 **Existing window:** to shop floor to be infilled and decorated to match adjacent wall finishes
- 3 **Stock Racking:** Action Storage to confirm exact layout and size of bays
- 4 **Omit**
- 5 **General finishes:** Decorations to the BOH to include making good and filling any holes, cracks, etc all walls, ceilings, doors, fire doors, architraves, skirting's and any other area. This to include all agreed rooms, staircase, corridors and interconnecting areas etc.
- 6 **Notice board:** Supply and install 1 x 2.4 x 1.2 sun dealer soft board to managers/HR office
- 7 **Manager's office:** Main Contractor to supply desk and chair. Install supplied workstation, office to have 4 x coat hooks, white board installed, spur shelving system supplied and installed 1m wide 4x shelves to accommodate music/CCTV/DVD systems.

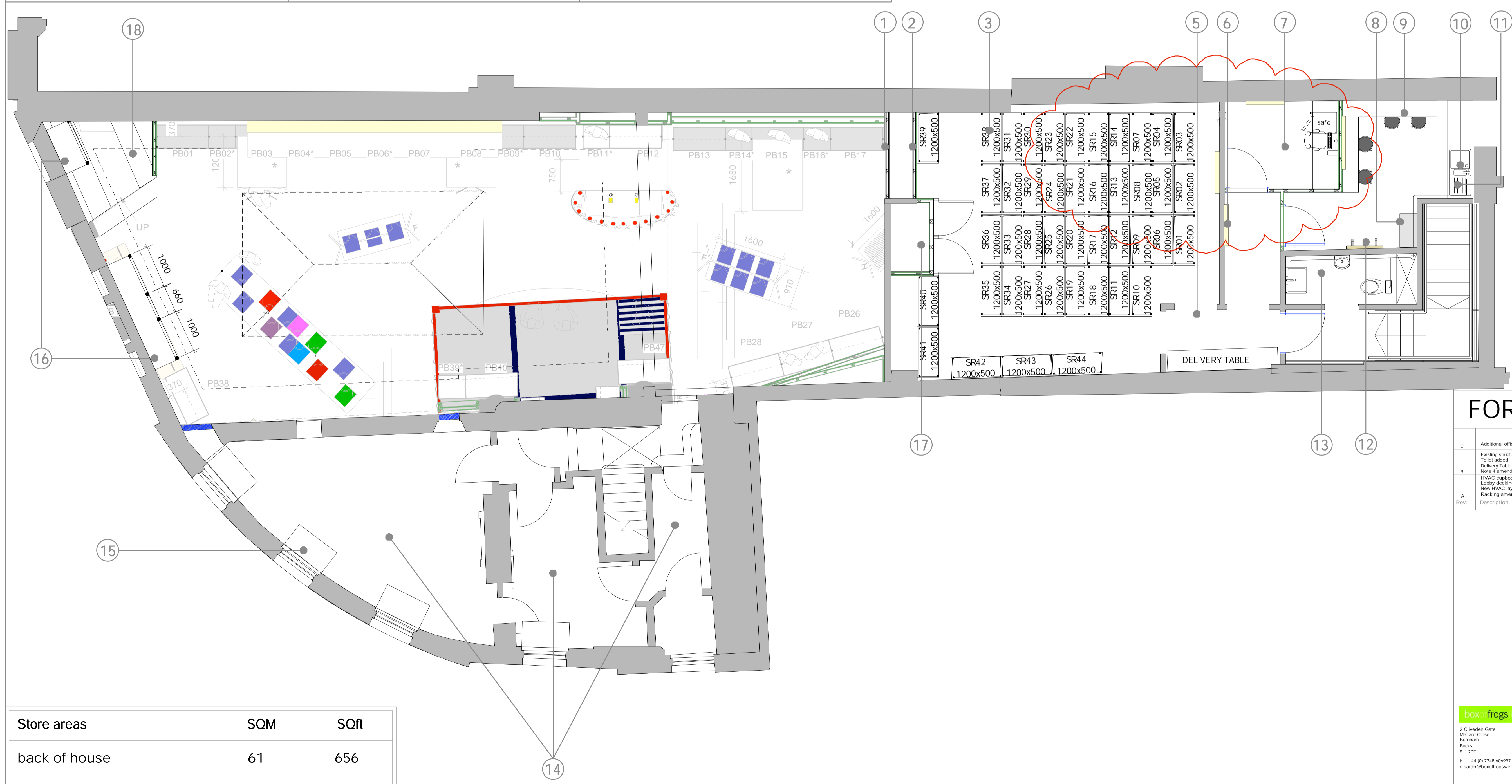
- 8 **Staff lockers:** ref: 2x Bisley lockers. 2x 5no stacked coat pegs wall mounted on split baton.
- 9 **Staff facilities:** Contractor to supply and install 3m breakfast bar fixed to wall & 3x chrome legs. (all to be sourced from Howden's, white contract range)
- 10 **Staff sink:** kitchen/staffroom to have 1x microwave bracket fixed to wall in agreed location. 6x coat hooks
- 11 **Staff facilities:** Contractor to supply and install kitchen to include, Worktop "L" shaped 2230mmW x 2170mmL x 400mmD, 1000 base unit, 2x rows of tiles for splash back.
- 12 **Staff hooks:** kitchen/staffroom to have 1x microwave bracket fixed to wall in agreed location.
- 13 **Existing WC:** overhaul existing WC & make good to Fat Face standards
- 14 **Fallow area:** to be fitted with smoke detection and emergency lighting only - access for maintenance only
- 15 **Light boxes:** MDF platform for light boxes for window display
- 16 **Light box platform:** MDF platform with guard rails suitable for access for display
- 17 **Access cupboard for A/C:** New plasterboarded cupboard & doors for HVAC enclosure

18 **Lobby Decking:** To be removable for access

stock racking = First Floor **44no** bays total

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Indicates existing structure
 Full height partition walls. All to be 1/2HR fire rated



Store areas	SQM	SQft
back of house	61	656
Total	61	656

FOR CONSTRUCTION

Rev	Description	By	Date
C	Additional office omitted - stock racking amended to suit	SSM	28/02/10
B	Existing structure added Toilet added Delivery table repositioned Note 4 amended	SSM	22/02/10
A	HVAC cupboard added Lobby decking added New HVAC layout inserted Racking amended to accommodate HVAC cupboard	SSM	15/02/10



Project: 51 SHIP STREET BRIGHTON

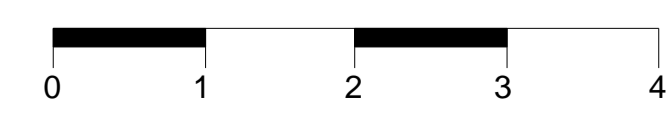
Title: PROPOSED FIRST FLOOR LAYOUT PLAN

Drawn by:	Scale:	Drawn Date:	Revised Date:
SSM	1:50@A1	25/01/10	28/02/10
TJR	1:100@A3		

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Drg No: 10.1223.02-2 Rev: C

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Appendix 3: BH2017/03924 Decision Notice and Officer's Report

Application No: BH2017/03924

Pegasus Group
10 Albemarle Street
London
W1S 4HH

BRIGHTON AND HOVE CITY COUNCIL

Planning (Listed Buildings and Conservation Areas) Act 1990

LISTED BUILDING CONSENT

IN PURSUANCE of its power under the above Act, the Council hereby notifies you that it grants **LISTED BUILDING CONSENT** for the following works:

Address: 51 Ship Street Brighton BN1 1BA

Description: Internal and external alterations to basement and ground floor including installation of plant, ventilation and extraction equipment, shopfront alterations and alterations to internal layout.

In accordance with the application and plans (as modified by any under mentioned conditions) submitted to the Council on 27th November 2017 and SUBJECT to compliance with any condition(s) specified hereunder:

1. The new sections of stonework to the front elevation hereby approved shall be natural stone to match the existing stone in type, colour and finish and shall be laid in lime mortar.
Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

2. The replacement entrance doors hereby approved shall have planted mouldings to the outer face to exactly match the dimensions and profile of the existing mouldings.
Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

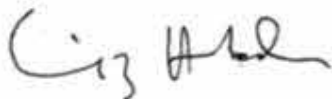
Informatives:

1. This decision is based on the drawings listed below:

Plan Type	Reference	Version	Date Received
Floor Plans Proposed	1640_102C		7 January 2018

Floor Plans Proposed	1640_112C		7 January 2018
Floor Plans Proposed	1640_200E		7 January 2018
Floor Plans Proposed	1640_201C		7 January 2018
Floor Plans Proposed	1640_202F		7 January 2018
Floor Plans Proposed	1640_203A		7 January 2018
Floor Plans Proposed	1640_206C		7 January 2018
Floor Plans Proposed	1640_210E		7 January 2018
Floor Plans Proposed	1640_211C		7 January 2018
Floor Plans Proposed	1640_212F		7 January 2018
Floor Plans Proposed	1640_213A		7 January 2018
Floor Plans Proposed	1640_214D		7 January 2018
Floor Plans Proposed	1640_216C		7 January 2018
Elevations Proposed	1640_300E		7 January 2018
Elevations Proposed	1640_400-1D		7 January 2018
Elevations Proposed	1640_400-2D		7 January 2018
Elevations Proposed	1640_400-3D		7 January 2018
Elevations Proposed	1640_400-4D		7 January 2018
Elevations Proposed	1640_400-5D		7 January 2018
Door details	1640_500-1C		7 January 2018
Door details	1640_500-2C		7 January 2018
Detail	1640_511C		7 January 2018
Elevations Proposed	1640_512B		7 January 2018
Location Plan	P16-0235_01		7 January 2018
Detail	1640_501A		11 January 2018
Floor Plans Proposed	020-035 -01N		19 January 2018
Floor Plans Proposed	020-035 -02O		19 January 2018
Elevations Proposed	020-035 -03G		22 January 2018
Floor Plans Proposed	1640_204F		19 January 2018
Detail	1640_401-1D		19 January 2018
Method Statement	PROVISION OF ELECTRICS		22 January 2018

Dated this 2 February 2018



Liz Hobden
Head of Planning
City Development and Regeneration

NOTE: This decision does not give approval of plans for the purposes of the Building Regulations 1991. If an application for such approval has been made a decision has or will be given separately.

No:	BH2017/03924	Ward:	Regency Ward
App Type:	Listed Building Consent		
Address:	51 Ship Street Brighton BN1 1BA		
Proposal:	Internal and external alterations to basement and ground floor including installation of plant, ventilation and extraction equipment, shopfront alterations and alterations to internal layout.		
Officer:	Wayne Nee, tel: 292132	Valid Date:	27.11.2017
Con Area:		Expiry Date:	22.01.2018
Listed Building Grade:	Listed Building Grade II		
Agent:	Pegasus Group 10 Albemarle Street London W1S 4HH		
Applicant:	Troia (UK) Restaurants Ltd C/O Pegasus Group 10 Albemarle Street London W1S 4HH		

RECOMMENDATION

GRANT Listed Building Consent, subject to the following Conditions and Informatives:

1.The new sections of stonework to the front elevation hereby approved shall be natural stone to match the existing stone in type, colour and finish and shall be laid in lime mortar.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

2.The replacement entrance doors hereby approved shall have planted mouldings to the outer face to exactly match the dimensions and profile of the existing mouldings.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

Informatives:

1.This decision is based on the drawings listed below:

Plan Type	Reference	Version	Date Received
Floor Plans Proposed	1640_102C		7 January 2018
Floor Plans Proposed	1640_112C		7 January 2018
Floor Plans Proposed	1640_200E		7 January 2018
Floor Plans Proposed	1640_201C		7 January 2018
Floor Plans Proposed	1640_202F		7 January 2018
Floor Plans Proposed	1640_203A		7 January 2018
Floor Plans Proposed	1640_206C		7 January 2018
Floor Plans Proposed	1640_210E		7 January 2018

Floor Plans Proposed	1640_211C		7 January 2018
Floor Plans Proposed	1640_212F		7 January 2018
Floor Plans Proposed	1640_213A		7 January 2018
Floor Plans Proposed	1640_214D		7 January 2018
Floor Plans Proposed	1640_216C		7 January 2018
Elevations Proposed	1640_300E		7 January 2018
Elevations Proposed	1640_400-1D		7 January 2018
Elevations Proposed	1640_400-2D		7 January 2018
Elevations Proposed	1640_400-3D		7 January 2018
Elevations Proposed	1640_400-4D		7 January 2018
Elevations Proposed	1640_400-5D		7 January 2018
Door details	1640_500-1C		7 January 2018
Door details	1640_500-2C		7 January 2018
Detail	1640_511C		7 January 2018
Elevations Proposed	1640_512B		7 January 2018
Location Plan	P16-0235_01		7 January 2018
Detail	1640_501A		11 January 2018
Floor Plans Proposed	020-035 - 01N		19 January 2018
Floor Plans Proposed	020-035 - 02O		19 January 2018
Elevations Proposed	020-035 - 03G		22 January 2018
Floor Plans Proposed	1640_204F		19 January 2018
Detail	1640_401-1D		19 January 2018
Method Statement	PROVISION OF ELECTRIC S		22 January 2018

SITE LOCATION & APPLICATION DESCRIPTION

The application relates to a Grade II listed building located within the Old Town conservation area. The original Post Office building is the building to the south, dated 1849 and described in the listing as an annexe which is now occupied by the Fat Face clothing shop. The main building fronting Ship Street is a reconstruction or new building dating between 1898 and 1905 as an extension to the original post office with sorting offices at the rear between the Clarence Hotel and Ship Street Court. Its original façade was of red brick with buff terracotta dressings and the original south gable of the building can be still seen at its southern end above the roof of the original

post office. It was apparently designed by the architect Sir Henry Tanner who worked for the Post Office's Office of Works. This building was re-fronted, apparently in 1925, with a Portland stone classical façade with large steel framed arched headed windows. The rear elevation remains red brick. The interior of the public counter area at ground floor level retains features and fixtures from the 1925 period.

The Ship Street frontage is very prominent within the conservation area in views from Ship Street and Duke Street. It is one of the key larger scale institutional or commercial buildings in the conservation area. The building was vacated in 2007 when the Post Office moved out and it is on the council's register of Buildings at Risk, though the upper floors have recently been converted to residential use.

Planning permission is sought for the variation of conditions 2, 3, 6, 8 & 9 of BH2014/03269 (Change of use of ground floor and basement from Post Office (A1) to restaurant (A3) with associated plant and alterations) to allow alterations to layout, opening hours, consumption of alcohol and commencement of conditions.

Works have commenced on site.

RELEVANT HISTORY

BH2017/03923 Application for variation of conditions 2, 3, 6, 8 & 9 of BH2014/03269 (Change of use of ground floor and basement from Post Office (A1) to restaurant (A3) with associated plant and alterations) to allow alterations to layout, opening hours, consumption of alcohol and commencement of conditions - Under consideration

BH2017/03786 Approval of Details reserved by Conditions 8 and 9 of application BH2014/03269 - Approved 08/12/2017

BH2017/03699 Application for Approval of Details Reserved by Conditions 3 and 4 of application BH2014/03270 - Approved 08/12/2017

BH2015/01721 Application for variation of condition 6 of application BH2014/03269 (Change of use of ground floor and basement from Post Office (A1) to restaurant (A3) with associated plant and alterations) to state: No intoxicating liquor shall be sold or supplied within the A3 unit hereby approved other than to persons who are seated at tables and taking meals on the premises, or by waiter/waitress service to persons who are seated at the bar area shown on approved drawing no 2405/100/G where food is available. 'Meals' means food that has been cooked or prepared and purchased within the premises. Any bar area shall be ancillary to the approved A3 restaurant use - Refused 23/11/2015

BH2014/03269 Change of use of ground floor and basement from Post Office (A1) to restaurant (A3) with associated plant and alterations - Approved 30/04/2015

BH2014/03207 Conversion of first, second and third floors to create 9no residential units (C3) incorporating formation of ancillary storage in part of basement, separate entrance, revision to fenestration and associated works. (Part retrospective) - Approved 09/03/2015

BH2014/00123 - LBC. Conversion of first, second and third floors to create 9no residential units incorporating formation of ancillary storage in part of basement, separate entrance, revision to fenestration and fire escapes to rear and associated works. Approved 29 May 2014.

BH2014/00122 - FP. Conversion of first, second and third floors to create 9no residential units incorporating formation of ancillary storage in part of basement, separate entrance, revision to fenestration and fire escapes to rear and associated works. Approved 3 July 2014.

BH2013/00463 - FP. Change of use of ground floor and basement from post office (A1) to restaurant (A3) with associated plant and alterations. Approved 28 June 2013.

BH2013/00462 - LBC. Internal and external alterations to facilitate change of use of ground floor and basement from post office (A1) to restaurant (A3) with associated plant. Approved 28 June 2013.

BH2003/00091/FP - Alterations to external elevations and roof, to form new branch post office. (Southern section of existing head post office). Approved 6 June 2003.

BH2003/00090/LB - Alterations and refurbishment for new branch post office, including renewal of roof covering and lantern light, infill basement and reduce ground floor level, minor alterations to elevations, internal structural alteration. Display of new signage. (Southern section of existing head post office). Approved 6 June 2003.

REPRESENTATIONS

None

CONSULTATIONS

Heritage: No objection

Initial comments:

This application follows a pre-application submission and it is considered the proposals satisfactorily reflect and incorporate the comments given at pre-application stage. The level of detail submitted with the application is commended. The principle of bringing back this long-vacant listed building into full use is very much welcomed and the proposals are in effect a variation of a previous approval for a restaurant.

The internal alterations respect the primary significance of the area of the ground floor that comprised the former public hall and service counters. The retention and restoration of surviving historic internal features is welcomed and the proposed internal finishes and materials are considered to be sympathetic to the architectural character of the interior.

The alterations to the courtyard elevations in connection with the ventilation system are similar to the previously-approved scheme and would not cause any significant harm to the listed building; there would be no loss of historic fabric or impact on historic features, the works would not be publicly visible and would be easily reversible. The new delivery access and escape door to the rear elevation is not considered to cause any harm.

Externally to the front elevation the proposed dome-shaped awnings are not strictly in accordance with the policy guidance in SPD02 but it is acknowledged that this building is very much a one-off in terms of its façade design and the awnings would relate well to the arched window openings and would align with the tops of the flanking pilasters. The retention of the existing entrance doors with the insertion of stained glass to the upper panels is considered to be acceptable and the restoration of matching stonework beneath the windows, in place of the plywood, is welcomed. There is no objection to the proposed colour scheme for the windows. SPD07 normally restricts each business frontage to one hanging sign but given the width of this frontage and the modest size of the proposed signs it is considered that two such signs would be acceptable in this case.

Further comments:

The amended drawings and additional details Are considered to be acceptable.

Subject to this amendment approval would be recommended and there would be no need for any pre-commencement conditions. Conditions to control the stone facing restoration and door replacement to the front elevation would be recommended

MATERIAL CONSIDERATIONS

In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report

The development plan is:

Brighton & Hove City Plan Part One (adopted March 2016);

Brighton & Hove Local Plan 2005 (retained policies March 2016);

East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);

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

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

POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development

CP15 Heritage

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

HE1 Listed Building Consent

HE4 Reinstatement of original features on Listed Buildings

HE6 Development within or affecting the setting of conservation areas

Supplementary Planning Guidance:
SPGBH11 Listed Building Interiors

Supplementary Planning Documents:
SPD09 Architectural Features

CONSIDERATIONS & ASSESSMENT

This application follows a pre-application submission and it is considered the proposed alterations to the layout and external alterations reflect and incorporate the comments given at pre-application stage. The proposal to bring back a long-vacant listed building into full use is welcomed.

The proposed courtyard elevations relate to adjustments to the ventilation system previously approved, and would not cause any significant harm to the listed building. This part of the building is not publicly visible and the works could be reversed in the future. The proposed new delivery access and escape door to the rear elevation are considered acceptable alterations.

On the front elevation, the proposed awnings partially obscure the details of the top of the windows; however they would relate well to the arched window openings and would align with the tops of the flanking pilasters. The existing entrance doors are to be retained with the insertion of stained glass to the upper panels which is an acceptable alteration. Given the width of this frontage, the proposed signs would be an acceptable in terms of number, siting and size.

The amendments to the proposed plant equipment include - a small floor mounted AC unit to the meet & greet area; added 2no. electric heater batteries serving the toilet areas; slightly amended ventilation layout in the small plant area and the extract riser is now fire rated. These minor alterations are considered acceptable.

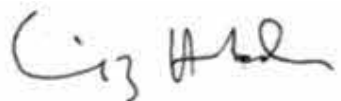
Other alterations are Fire-rating & acoustic specification added throughout ground floor (beyond area of historic significance) to meet fire protection for floor structure above - also fire-rating throughout basement. The proposed audio layout has been amended to avoid fixings to natural building fabric. This is considered acceptable.

Subject to the recommended conditions, the proposed works would not harm the historic character or appearance of the Grade II listed building or wider conservation area, in accordance with policies HE1, HE4 & HE6 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

EQUALITIES

None identified

I have considered and agree with the reasoning in this report and authorise the grant of Listed Building Consent, subject to the Conditions and Informatives set out above.

A handwritten signature in black ink, appearing to read 'Liz Hobden', is positioned above the typed name.

Liz Hobden
Head of Planning
City Development and Regeneration

Reviewing Officer: Jonathan Puplett

Dated: 2 February 2018

Appendix 4: List Entry Description

Name: POST OFFICE

List entry Number: 1380919

Location

POST OFFICE, 51, SHIP STREET

Grade: II

Date first listed: 13-May-1991

Date of most recent amendment: 26-Aug-1999

UID: 481243

Details

BRIGHTON

TQ3104SW SHIP STREET 577-1/40/849 (East side) 13/05/91 No.51 Post Office (Formerly Listed as: SHIP STREET Post Office)

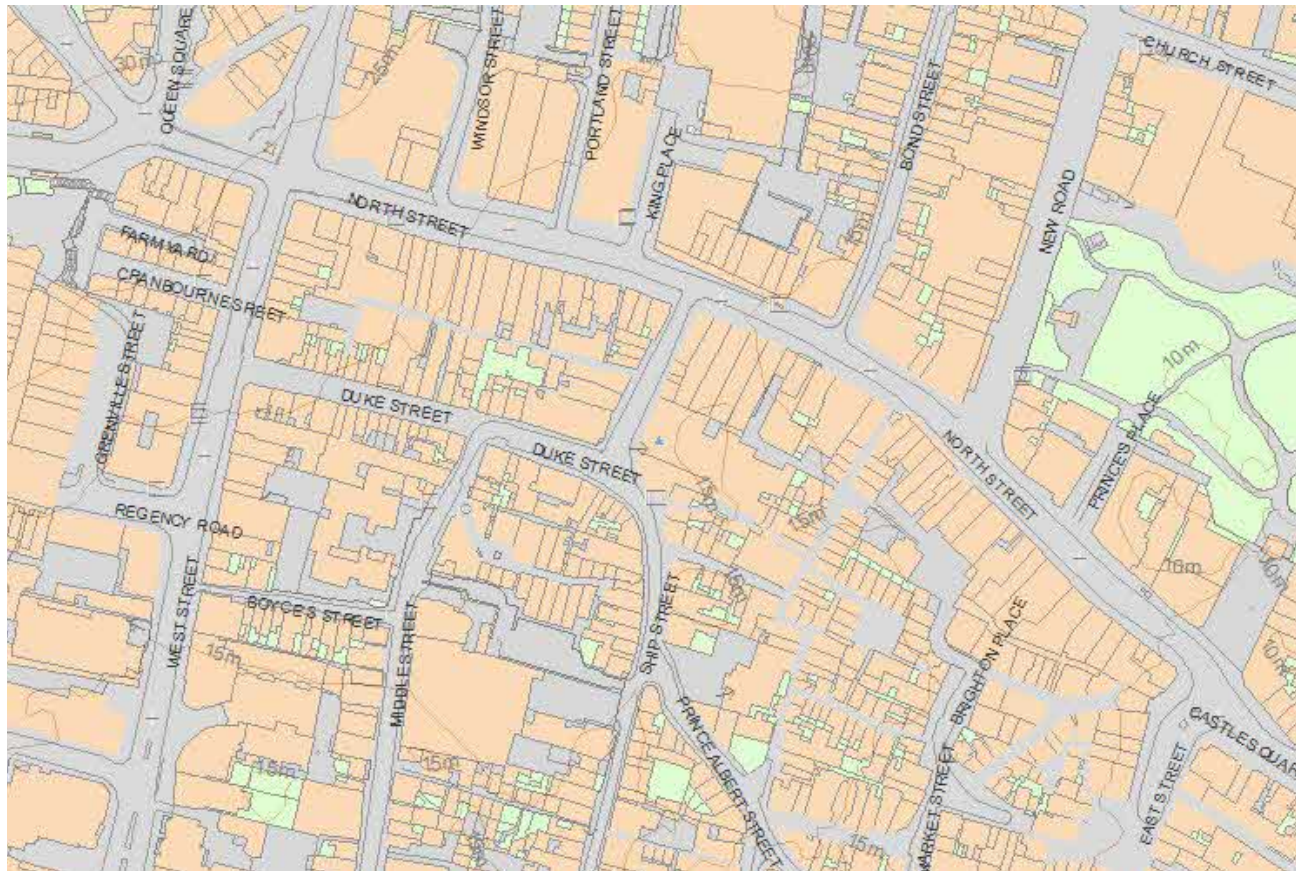
GV II

Post office. The main building of c1925, but incorporating parts of an earlier building of c1895; annexe to the south of 1849. The main building has a Portland stone front, red brick and terracotta to gable ends, roof of tiles. EXTERIOR: 2 storeys, 5-window range. The street front consists of 5 equally- and widely-spaced bays; on the ground floor the archivolt over the round-arched openings are linked by a springing band, and the spaces between the openings are treated as fielded panels; thus the ground floor reads as a widely-spaced arcade. Flat-arched entrances in the outer bays with a bolection-moulded architrave and glazed tympanum; the 3 windows between have metal glazing echoing the round arches, altered in places. Moulded storey band incorporating a panel lettered 'POST OFFICE'. The first-floor windows have a sill band, architrave and cornice on consoles; cornice and balustraded parapet; the south gable end, so far as visible, consists of cornice, lunette (now blocked) and shaped gable flanked by corniced stacks, all in red brick with buff terracotta dressings; the north gable has an external stack and one corniced stack, in the same materials. INTERIOR: panelled vestibules; the main hall has square chamfered columns now clad in wood; dentil details to framing of the ceiling; broad wooden doorcases from the vestibules with pulvinated frieze and segmental pediments; the doorcases behind the counter have panelled pilasters and cornices. Annexe to south: stucco, roof obscured by parapet. 2 storeys, 7- window range, the second and 6th bays from the main building recessed and giving, though of unequal width, the effect of a centrepiece and wings. Ground floor decorated with banded rustication. Ground-floor openings round-arched and set back under a round arch of plain stucco; springing band. Broad

entrance to first bay, and narrow entrance to 7th; sill band; first-floor windows flat-arched with architraves and pediment on consoles, except for tripartite window in second bay which has a cornice on consoles pedimented only over the central window; entablature and blocking course, the latter raised and panelled over the centrepiece.

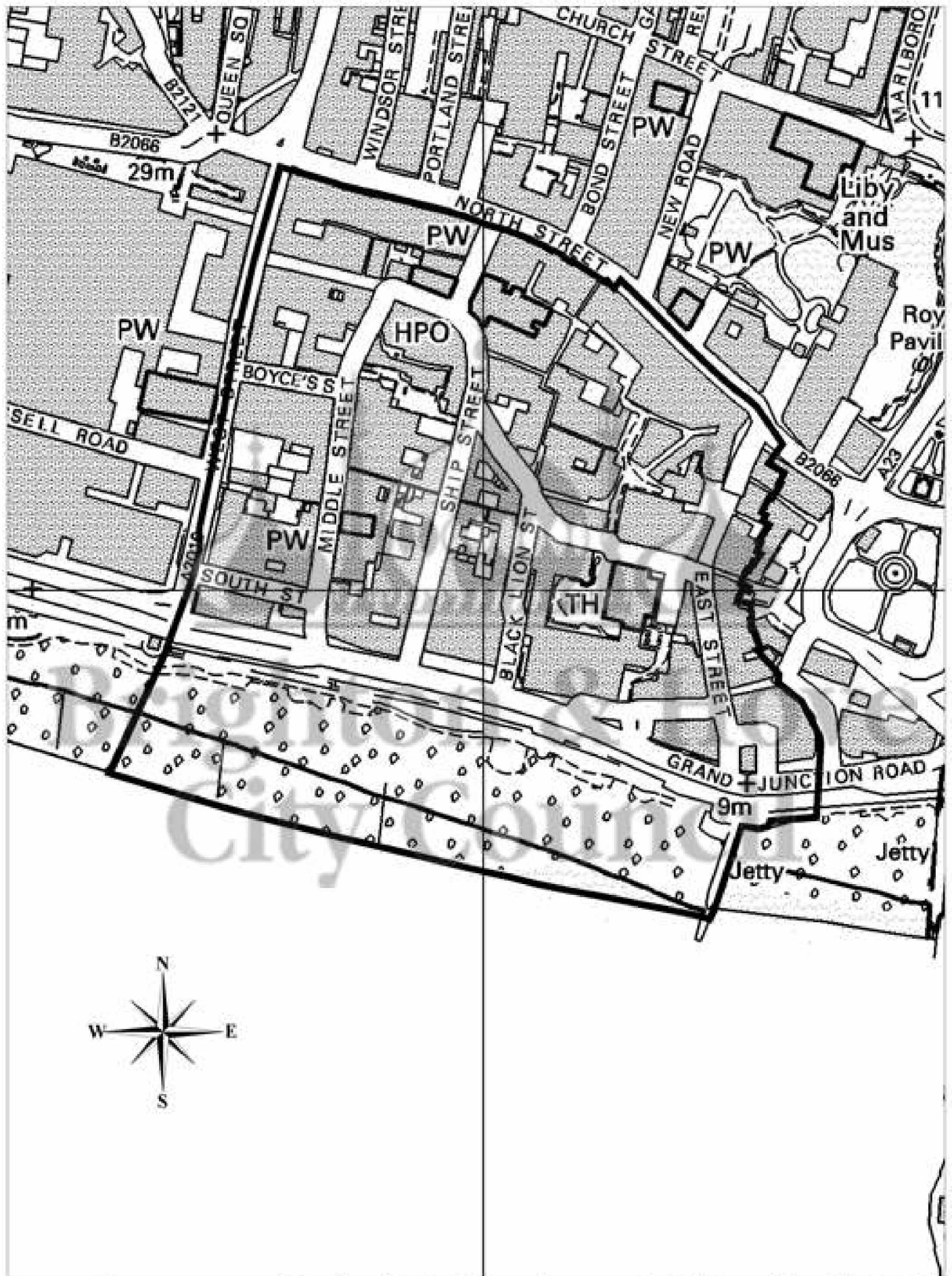
National Grid Reference: TQ 30997 04216

Map



Appendix 5: Old Town Conservation Area Map

Old Town Conservation Area



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Date: 28/04/08

Scale 1:4000



**Brighton & Hove
City Council**



DESIGN



ENVIRONMENT



PLANNING



ECONOMICS



HERITAGE

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