

KL/CG/P21-1573/L001

2 September 2021

City Development and Regeneration
Brighton and Hove City Council
Hove Town Hall
Hove
BN3 3BQ

Dear Sir/Madam,

Town and Country Planning Act 1990 (as amended)
Planning (Listed Buildings and Conservation Areas) Regulations 1990 (as amended)
51 Ship Street, Brighton, BN1 1AF
Planning Portal References: PP-10134403 (Full Planning Permission and Advert) and PP-10134647 (LBC)

Pegasus Group have been instructed on behalf of Troia (UK) Restaurants Ltd ('the Applicant') to submit full planning permission, advertisement consent and listed building consent for the following proposed development relating to 51 Ship Street, Brighton ('the Application Site'):

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

Accordingly, the following documentation has been submitted via the Planning Portal:

1. Planning Application form, including the relevant Ownership Certificates;
2. A copy of the following architectural drawings:
 - a. Site Location Block Plan (drawing no. 6690 – 476);
 - b. Existing GA Plan – Ground Floor (drawing no. 6990 – 101);
 - c. Existing GA Plan – First Floor (drawing no. 6990 – 102);
 - d. Existing GA Plan – Basement (drawing no. 6990 – 103-A);
 - e. Existing GA Plan – Basement (drawing no. 6990 – 103.1);
 - f. Existing GA – Roof Plan (drawing no. 6990 – 104);
 - g. Existing Internal Elevations (drawing no. 6990 – 120);
 - h. Existing Internal Elevations (drawing no. 6990 – 121);
 - i. Existing Internal Elevations (drawing no. 6990 – 122);
 - j. Existing External Elevations (drawing no. 6990 – 130);
 - k. Existing Reflective Ceiling Plan – Ground Floor (drawing no. 6990 – 132);
 - l. Existing Reflective Ceiling Plan – First Floor (drawing no. 6990 – 133);
 - m. Proposed GA Plan – Basement (drawing no. 6990 – 201);
 - n. Proposed GA Plan – Basement (drawing no. 6990 – 201.1);
 - o. Proposed GA – Ground Floor Plan (drawing no. 6990 – 202);
 - p. Proposed GA – First Floor Plan (drawing no. 6990 – 203A);
 - q. Proposed Internal Elevations (drawing no. 6990 – 220);
 - r. Proposed Internal Elevations (drawing no. 6990 – 221);
 - s. Proposed Internal Elevations – Lobby (drawing no. 6990 – 222);
 - t. Proposed Internal Elevations – Lobby (drawing no. 6990 – 223);
 - u. Proposed Internal Elevations (drawing no. 6990 – 225);
 - v. Proposed External Elevations (drawing no. 6990 – 230 – B);
 - w. Proposed External Details (drawing no. 6990 – 231);
 - x. Proposed Reflective Ceiling Plan – Basement (drawing no. 6990 – 301);
 - y. Proposed Reflective Ceiling Plan – Ground Floor (drawing no. 6990 – 302);

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- z. Proposed Reflective Ceiling Plan – First Floor (drawing no. 6990 – 303);
 - aa. Proposed Fire Strategy Plan – Basement (drawing no. 6990 – 401);
 - bb. Proposed Fire Strategy Plan – Ground Floor (drawing no. 6990 – 402);
 - cc. Proposed Fire Strategy Plan – First Floor (drawing no. 6990 – 403);
 - dd. Proposed Floor Finishes Plan – Basement (drawing no. 6990 – 601);
 - ee. Proposed Floor Finishes Plan – Ground Floor (drawing no. 6990 – 602);
 - ff. Proposed Floor Finishes Plan – First Floor (drawing no. 6990 – 603);
 - gg. Details Plan – Proposed Bar (drawing no. 6990 – 901);
 - hh. Details Plan – Proposed Bar (drawing no. 6690 – 902);
 - ii. Details Plan – Proposed Bar – Back Bar (drawing no. 6690 – 904);
 - jj. Details Plan – Proposed Bar – Front Bar (drawing no. 6690 – 905);
 - kk. Details Plan – Wall Panelling Ground Floor (drawing no. 6990 – 906 – A);
 - ll. Details Plan – Sushi Bar (drawing no. 6990 – 907);
 - mm. Details Plan – Wall Panelling First Floor (drawing no. 6990 – 908);
 - nn. Ivy Asia Brighton Equipment Locations Plan;
 - oo. Ivy Asia Brighton ES Schedule;
 - pp. Ventilation Scheme Plan (drawing no. 6990 – 155); and
 - qq. Ventilation Scheme Plan (drawing no 6990 – 156).
3. Planning, Design and Access Assessment (within this covering letter);
 4. Heritage Assessment prepared by Pegasus Group; and
 5. Noise Assessment prepared by ACA Acoustics.

The application fee of £594 will be submitted to the Council under a separate cover.

Site Description

The application '51 Ship Street' is located within the administrative area of Brighton and Hove Council. No 51 Ship Street is a Grade II listed building and was formerly used as a post office.

The original Post Office Building is currently occupied by The Ivy Brasserie on the ground and first floors.

The annexe was previously occupied by Fat Face clothing shop however this unit has been vacant since May 2021. The annexe comprises 3 floors: basement, ground floor and first floor. This application seeks to bring this part of the building back into active use as a restaurant, which will operate as Ivy Asia.

The rear building of 51 Ship Street is used by Sumo Digital, which is digital design studio. The basement of this unit is currently vacant.

The site is located within the Old Town Conservation Area, which was first designated in 1973 and further extended in 1977. The site was designated in 1991 as a statutory Grade II listed building.

Planning History

The site has an extensive planning history for the entire site however we note the most relevant applications to this part of the site below:

BH2010/00701 - Display of 1no non-illuminated fascia sign and 1no internally illuminated hanging sign (Retrospective) – Approved 10th June 2010.

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.
BH2010/00702 - Alterations to front entrance door and installation of air conditioning units to roof (Retrospective) – Approved 10th June 2010.
BH2009/01998 - Listed building consent for display of external signage (approval BH2009/00983) and for internal alterations – Approved 23rd November 2009.
BH2009/00983 - Display of 1x non-illuminated lettering sign at parapet level, 2 x non-illuminated lettering and logo signs at ground floor level, 2 x externally illuminated projecting signs above the doors – Approved 9th July 2009.

Proposed Development

This application seeks Full Planning Permission, Advertisement Consent and Listed Building Consent. The annexe to this building is currently used for retail purposes by the retailer 'Fat Face'. This annexe part of the building has been vacant since May 2021 and Troia (UK) Restaurants Ltd are seeking to bring this vacant unit back into active use.

This application seeks permission for internal and external alterations to the annexe building to allow the building to operate as a restaurant. Both of the uses are within the same use Class E and therefore a change of use would not be required. The proposed restaurant will however employing a further 120-130 new full time staff from the local area, making a positive impact upon the local economy. In addition to this, by bringing this currently vacant unit back into active use, it will enhance the vitality and viability of the Brighton City Centre and encourage additional footfall to the local area.

The majority of the works proposed as part of this application relate to the annexe building which previously was utilised by Fat Face, however some minor alterations are also sought to the main part of the former Post Office building which is currently operating as the Ivy Brasserie. These relate to the staff changing facilities which will be located within the Ivy Brasserie basement. The staff changing facilities will be shared facilities with the Ivy Brasserie and will utilise the existing rooms within the main post office building, which are not currently in use.

Troia (UK) Restaurants are looking to provide additional openings between the two units to allow both the Ivy Brasserie and Ivy Asia to share some of the back of space areas, as there is no need to duplicate these facilities and both restaurants are able to utilise the same facilities.

The application proposes to utilise the basement space, within the rear building of 51 Ship Street to locate some of the proposed plant equipment.

We detail below the alterations which are proposed as part of this application.

Internal and External Alterations

The proposed development seeks for minor external alterations to the shopfront including the painting of the entrance doors and window frames, and the installation of brass uplighters along the frontage.

The full description of internal alterations is outlined within the Heritage statement submitted in support of this application.

Proposed Plant Equipment

To bring the unit into active use for a restaurant, the installation of plant equipment is required. It is proposed to install plant equipment both internally and externally. It must be noted that the three air

conditioning condensers which are proposed on the roof were approved under application BH2010/00702. As these have broken, they will be replaced and will provide a similar specification.

A full equipment schedule has been submitted within the application documents.

Advertisements

This proposal seeks advertisement consent for the installation and display of signage. These works will facilitate the occupation of the site by our client and the subsequent operation of the site as a restaurant.

The proposed signage scheme will comprise:

- Installation of 1 no. non-illuminated fascia signs of gold lettering 'Ivy Asia';
- Installation of 2 no. hanging signs 'Ivy Asia'
- Installation of 1 no. barrel awnings with gold lettering 'Ivy Asia'; and
- Installation of 1no. internally illuminated brass menu case.

Planning Policy

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. In regard to this application, the Development Plan comprises the Brighton and Hove City Plan Part One (March 2016) and the Brighton and Hove Local Plan (2005) (retained policies since March 2016).

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority 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.

National Planning Policy Framework (NPPF) (2021)

The NPPF was revised in July 2021 and sets out the government's planning policies for England and how these are expected to be applied. This revised Framework replaces the previous National Planning Policy Framework published in March 2012, revised in July 2018 and updated in February 2019.

Chapter 6 seeks to build a strong and competitive economy. Paragraph 81 states that planning decisions should help create the conditions in which businesses can invest, expand and adapt.

Chapter 16 Conserving and Enhancing the Historic Environment seeks to protect, enhance and conserve the historic environment. Paragraph 197 states that in determining 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
- c. the desirability of new development making a positive contribution to local character and distinctiveness.

Development Plan

The Development Plan for Brighton and Hove comprises the City Plan (2016), the Brighton and Hove Local Plan (2005) and the adopted Policies Map. The application site is within the 'Outside Prime Retail Frontage' shopping area in the city centre and is within the Old Town Conservation Area and Archaeological Notification Area.

In terms of the emerging Local Plan, the Brighton and Hove City Plan Part Two is at the draft stage and was submitted to the Secretary of State on 13th May 2021. An Inspector was appointed in June 2021 although formal dates for an examination has not yet been set. As such, in light of this, the draft City Plan Part 2 has some weight in the determination of applications, albeit the adopted Part 1 plan and the Local Plan (2005) would be given more weight at this stage.

Brighton and Hove City Plan Part 1 (2016)

The policies of relevance to this proposal are as follows:

Policy SS1 Presumption in Favour of Sustainable Development states that the Council will take a positive approach when considering development proposals. It will always work proactively with applicants jointly to find solutions which proposals can be approved wherever possible and secure development that improves the economic, social and environmental conditions in the area.

Policy CP2 Planning for Sustainable Economic Development outlines that the Council will positively and proactively encourage sustainable economic growth and continue to work with partners in the city and the region to promote and secure inward investment opportunities; retain existing businesses and support the diversification of the city's economy to ensure its resilience and versatility.

Policy CP12 Urban Design states that all new development will be expected to raise the standard of architecture and design in the city and conserve or enhance the city's built and archaeological heritage and its settings.

Policy CP13 Public Streets and Spaces requires development to have a positive impact on the city's public urban realm by:

- Positively contributing to the network of public streets and spaces in the city;
- Enhancing the local distinctiveness of the city's neighbourhoods;
- Conserving or enhancing the setting of the city's built heritage;
- Utilising high quality, robust and sustainable materials for all elements of the street scene;
- Reducing the clutter of street furniture and signage.

CP15 Heritage states that 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.

Brighton and Hove Local Plan (2005)

Policy QD5 Design – Street Frontages requires all new development to present an interesting and attractive frontage, particularly at street level for pedestrians.

Policy QD10 Shopfronts sets out that replacement shopfronts and alterations to existing shopfronts will be permitted provided that the proposed shopfronts and fascia:

- respect the style, proportions, detailing, colour and materials of the parent building and surrounding shopfronts / buildings;
- retain a visible means of support to the buildings above and do not interrupt any architectural details;
- are part of an overall design strategy which covers all elements of the shopfront, including shop shutters, blinds, advertisements and signs; and
- allow access for everyone including wheelchair users, and other people with disabilities.

Policy QD12 Advertisements and Signs states that sensitively designed and located advertisements, which contribute to the visual amenity of the area and do not prejudice public safety, will be permitted.

Policy QD27 Protection of Amenity states that planning permission will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and / or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.

SR9 Brighton Post Office, 51 Ship Street states that in the event of the Post Office relocating to another site in central Brighton planning permission will be granted for a mixed use scheme comprising Class A1 retail use on the whole of the ground floor with residential accommodation above, retaining the existing listed building.

Policy HE1 Listed Building Consent states that proposals involving the alteration, extension or change of use of a listed building will only be permitted where 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 the proposals respects the scale, design, materials and finishes of the existing building.

Policy HE6 Development Within or Affecting the Setting of Conservation Areas sets out that proposals within or affecting the setting of a conservation area should preserve or enhance the character or appearance of the area.

Supplementary Planning Documents

Other material considerations include (but are not limited to), supplementary planning documents and planning guidance. We note the relevant SPD's below.

Shop Front Design (2005) SPD

This SPD provides guidance on shopfront design. This includes that contemporary designs will be welcomed where the overall scale and proportions would be sympathetic to the building and area and it is demonstrated that the design, detailing and materials are of a high standard.

Advertisements (2007) SPD

This SPD sets out advice for advertisements within the City. Neon tube signs are generally an acceptable form of illumination in commercial areas and main shopping centres. Externally illuminated signs are also likely to be acceptable in commercial or mixed use settings.

When considering proposals for signs within conservation areas, the Council will expect signs to preserve the particular appearance and character of the conservation area in question. Generally,

those conservation areas within the urban, mixed use core of the city which contain significant commercial streets will be able to accommodate a wider range of signage (in terms of design, materials and illumination) than those conservation areas which are largely residential or village in character.

Old Town Conservation Area Appraisal (2017)

This guidance states that special significance in the Conservation Area can be found in the economic, social and civic core of Brighton, throughout its transition from fishing settlement to city and now an attractive tourist destination. The application site is designated as within the character areas known as The Centre and The Lanes due to its dual frontage.

Ship Street is described as retaining the domestic character with three-storey Georgian houses that has a high proportion of listed buildings and few modern intrusions with a modern north end. Union Street is described as a small scale shop and cage street where hanging signs add to the visual diversity of the area.

Vacant buildings contribute to the negative impact on the Conservation Area and efforts should be made to improve the public realm. Additionally, shopfronts should be preserved or sensitively replaced.

Planning Assessment

This application seeks planning permission, advertisement consent and listed building consent.

Design Matters

External Works

The proposal includes minor shopfront alterations including the painting of the entrance doors and the window frames on all elevations to ruby red colour.

These works of painting the exterior of the host building fall under Class C, Part 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and the painting is not for the purpose of advertisement, announcement or direction, therefore does not require planning permission. The proposed painting of the door and windows does however require Listed Building Consent, and the assessment of these works is outlined within the Heritage Assessment submitted in support of this application and the Listed Building Consent.

Uplighters are proposed on the exterior of the building to improve the overall appearance of the exterior of the building. These will be finished in brass to matched the proposed signage and colour scheme proposed.

The proposal also includes the erection of 1no. barrel awning which will be installed above two of the doors of the host building. These awnings form part of the nationwide branding that is synonymous to the Ivy. The awnings have been designed in a way in order to fit comfortably within the existing window frames so as to maintain the character of the host buildings elevations and allow the detailed design to still be visible from street level. These also reflect the awnings on the main post office building of the Ivy Brasserie. The awnings will not project further than the existing sign. The awning will also provide cover to future customers entering and leaving the restaurant during times of poor weather.

Through these alterations, the main shopfront will be retained but enhanced. The alterations will not harm the historical nature of the building nor the character of the shopfront or the area around the Cathedral.

It is concluded that the external works will preserve the historic and architectural interest of the Listed Building and reactive elevations whilst positively enhancing the building with the pain finish to the doors and window frames.

All other external changes proposed are in relation to the signage which are discussed later within this report.

Internal Alterations

Internally, there are a number of alterations proposed in order to facilitate occupation of this unit as a restaurant. The most notable alterations will be; creation of an internal lobby, the installation of fixed cooking equipment; installation of fixed dining booths; the installation of an ancillary bar at ground floor; the installation of waiting stations; and the removal and insertion of modern partition walls.

The internal alterations are considered fully within the Heritage Statement submitted alongside this application.

Proposed Plant Equipment

Externally, the proposal will reinstate the three air conditioning condensers on the roof, which was previously approved under application BH2010/00702 and were utilised by Fat Face clothing store. This equipment was broken and therefore will need to be replaced. The appearance and location of these units were considered to be acceptable by the Council as part of the aforementioned application.

An external flue is proposed along the Ship Street Court elevation and will be moderate in size and scale and will not be located on the main elevation of the building. The flue would not be visible or obtrusive for those passers-by travelling along Ship Street. Two extract fans (one on the roof and one on the ground floor level) are proposed and one air handling unit on the ground floor. Again, the design, scale and location of this equipment has been chosen to ensure that it blends in with the host building and the context/character of the area.

Internally, the location of the plant equipment has been selected to be out of view and access of the public, where possible. The internal plant equipment proposed will be located primarily in the basement of the rear building, where the ground floor is currently occupied by Sumo Digital. On the ground floor, the gas and pressurisation unit and fresh air intake will be located within the electricity store and away from public access and view. Similarly, on the first floor, extractor fan will be located within an area out of view and reach of customers.

Advertisements

The signage proposed largely reflects the same, quality and style of the Ivy Brasserie which is located in main part of No 51 Ship Street.

The fascia sign will simply read 'Ivy Asia'. The lettering will be made out of brass and will be located at the top of the building. This reflects the same gold lettering which has been used for the Ivy Brasserie.

There are existing hanging signs which are located above the two doors of this annexe building. These hanging signs will be replaced with new timber signs which will be finished in ruby red colour, gold lettering which will read 'Ivy Asia' and spot lighting. The hanging sign will be double sided with lettering on both sides.

One directional brass menu board will be placed on Ship Street, on the entrance closest to the Ivy Brasserie where customers will access the restaurant and enter into the new lobby area. The menu board will be illuminated however the scale of the menu box is minor in the context of the wider shopfront and therefore the visual impact of this will be limited.

Similar to the Ivy Brasserie, this application proposes 1 fabric awning to be located the two entrances to the building. As per the style of the scheme, these will be coloured in ruby red with gold lettering painted onto the fabric which will read 'Ivy Asia'. The scale and style of the barrel awning reflects the existing adverts on the building and is respects the style of the host building.

The scale of the proposed signage will respect the scale and appearance of the host building and appear appropriate within the context of the street scene.

The proposed materials will use traditional brass materials and simple lettering, which will complement the shopfront and conserve the character of the listed building.

By reason of their siting, scale and discreet illumination, the advertisements will not have a detrimental impact on amenity, highways or public safety. Furthermore, they are considered to comply with the principles within the Advertising Design Guide, and will conserve the character and appearance of the surrounding conservation area and significance of the listed building in accordance with the Council's relevant policy.

Summary

The sensitive and carefully considered design of the proposals will ensure that the proposed development respects and conserves the character and appearance of the host building and wider surrounding area, having due respect to the relevant designated heritage assets as considered in the full Heritage Assessment, which was submitted as part of this application. As such, the proposed development is considered to comply with the local and national planning policies listed above.

Impact on Amenity

Noise from Proposed Restaurant Use

With main building of the former post office, the upper floors of the property have been converted to residential apartments under applications BH2014/03207 and BH2014/03208. As such, a noise assessment has been prepared to ensure that there would be no adverse impact on the closest residential receptors.

There are no residential neighbours above this part of the building and therefore any noise associated with the operation of the restaurant would not impact on these the adjacent residential receptors as any noise created would be contained within the building.

Signage

The proposed signage will be of a relatively modest scale in relation to the existing building and relative to the other signage throughout the local area. Any luminance or lighting proposed will be relatively

discreet in appearance. As such, there will be no adverse impact on amenity in this regard. The hanging signs will be of sufficient height in order that there will be no adverse impacts on visual amenity or pedestrian safety.

Plant

As part of this development, new plant and the reinstatement of plant equipment is proposed. The majority of this will be located internally and therefore it would not obscure any existing views from neighbouring uses. The location of the proposed external plant elements have been chosen carefully to not impact the amenity of any passers-by or the closest residential receptors.

The plant equipment proposed on the roof of the building will not be visible to the passers-by, albeit the equipment will be visible for the closest residential receptors within the upper floors of the main Post Office building. The equipment however which is proposed on the roof of the building, will replicate the plant equipment which was approved as part of application BH2010/00702. An extract fan is also proposed on the roof but this will be modest in size and scale and will not affect the visual amenity of the closest residential receptors.

The only visible plant equipment proposed externally which passers-by will see is the proposed flue (which is located adjacent to the existing fresh air intake), an air handling unit on the ground floor and an extract fan. This equipment is proposed to be located along the Ship Street Court elevation which is not the main elevation of the building and does not attract a lot of passers-by. The equipment is moderate in size and scale would not detract from the external appearance of the building.

A noise assessment has been prepared in support of the application proposals. A survey was carried out within the immediate vicinity of the building to establish background sound levels. The most sensitive receptors would be those residents living in the main Post Office building on the upper floors. To protect the amenity of these receptors, mitigation measures are recommended. With the implementation of noise control treatments, the new plant would measure 12 dBA below the measured background sound level during times of operation. As such, the proposed equipment would not be to the detriment of the nearest residential receptors and therefore would comply with relevant local and national planning policies.

Conclusion

The proposed impacts of the proposals have been carefully considered and appropriately addressed alongside all relevant planning policies and material considerations. The proposal is in accordance with national and local planning policy and as per paragraph 11 of the NPPF, should be approved without delay.

The proposal will result in the continued significant investment into the listed building. The Heritage Assessment submitted in support of the application demonstrates that the proposed external and internal alterations will conserve the character and significance of the listed building in accordance with the national and local planning policy.

I trust that the above and enclosed is sufficient to allow the validation of this application and look forward to receiving confirmation of this in due course, alongside a receipt for the application fee.

If you require any additional information, then please do not hesitate to contact me.

Yours sincerely

A solid black rectangular box used to redact contact information.

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