

<u>No:</u>	BH2018/01926	<u>Ward:</u>	Regency Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Unit 4 The Savoy Centre 10 Pool Valley Brighton BN1 1NJ		
<u>Proposal:</u>	Change of use of ground floor and mezzanine above from nightclub (Sui Generis) to casino (Sui Generis).		
<u>Officer:</u>	Luke Austin, tel: 294495	<u>Valid Date:</u>	13.06.2018
<u>Con Area:</u>		<u>Expiry Date:</u>	08.08.2018
<u>Listed Building Grade:</u>		<u>EOT:</u>	
Agent:	Barton Willmore Road Cambridge CB4 1WB	Barton Willmore St Andrews House	St Andrews House St Andrews
Applicant:	Grosvenor Casinos Limited Cambridge CB 1WB	C/o Barton Willmore	St Andrew House

1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to be **MINDED TO GRANT** planning permission subject to a s106 agreement and the following Conditions and Informatives:

S106 Heads of Terms

- An agreement securing that the Casino use at Unit 4, The Savoy Centre, 10 Pool Valley, as proposed under application BH2018/01926 shall not commence until the live music venue/nightclub/public house at Unit 1, 75 – 70 East Street is fit out and made available for use in addition to an agreement securing that the live music venue/nightclub/public house at Unit 1, 75 – 70 East Street, as proposed under application BH2018/03932 shall not commence until the existing live music venue/nightclub at Unit 4, The Savoy Centre, 10 Pool Valley has ceased to operate.

Conditions:

1. The development hereby permitted shall be carried out in accordance with the approved drawings listed below.
Reason: For the avoidance of doubt and in the interests of proper planning.

Plan Type	Reference	Version	Date Received
Location and block plan	001 A		13 June 2018
Floor Plans Proposed	101 D		13 June 2018

2. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The application site relates to a two storey unit located within the Savoy Centre to the west of Pool Valley and the North of Grand Junction Road. The site is currently used as a night/club music venue and is located adjacent to the Grosvenor Casino. The Savoy centre includes a number of commercial units. The unit in question is known as Unit 4. The interior of the site is set over two levels with a stage and bar area and is accessed from Pool Valley. The site falls within the Old Town Conservation Area on the border with the Valley Gardens Conservation Area. There is a Grade II Listed Building adjacent to the site.
- 2.2. The application seeks consent for the change of use of the venue from a nightclub to a casino in order to facilitate and extension to the adjacent casino. This would involve the creation of a ground floor link through the two sites in addition to internal cosmetic changes. No external alterations are proposed.
- 2.3. The supporting documents indicate that the existing occupier of the venue is to be relocated from Unit 4 to an adjacent unit (Unit 3) within the building; however this application does not seek permission for such a conversion. This application seeks permission for the conversion of Unit 4 only. Since the submission of the original application however, the developer has submitted a second application for the conversion of Unit 1 within the building from a restaurant to a live music venue/entertainment venue/nightclub. It is the intension of the developer that the use operating with the site is in question within this application is to be relocated to Unit 1 and shall be secured as such via a S106 agreement.

3. RELEVANT HISTORY

Unit 4, 10 Pool Valley

- 3.1. **BH2017/04226** - Change of use of ground floor and mezzanine above from nightclub (Sui Generis) to casino (Sui Generis). Refused 18.05.2018 for the following reason:

The proposed development would result in the loss of a use including a live music venue. City Plan Part One Policy CP5 resists the loss of arts and performance venues including live music venues unless certain tests are met. The application has not addressed these tests and the proposed development would harm the City's culture and tourism offer, contrary to Policy CP5. The limited merits of the proposal to enlarge an existing casino do not outweigh the harm and the application is therefore refused.

- 3.2. **BH2007/00253** - Variation of condition 4 of planning approval BH1999/01370/FP for 10 Pool Valley only to extend business closing hours from 0200 hrs to 0430 hrs. Approved 15.03.2007.

Unit 1, 75 - 79 East Street

- 3.3. **BH2018/03932** - Change of use from restaurant (A3) to public house/dancing/entertainment/live music venue (Sui Generis). Under Consideration.

4. REPRESENTATIONS

- 4.1. **Two (2)** letters have been received, objecting to the proposed development for the following reasons:

- The existing venue plays a vital part of the local music industry
- There are no suitable replacement venues within the city
- How will the operations of the business be protected from residential complaints?
- Without the Haunt there would be little on offer between grass-root venues and other larger venues within the city

- 4.2. A further letter has been received with **Sixteen (16)** signatures, objecting to the proposed development for the following reasons:

- The proposed move will have a detrimental effect on the Haunt and the Wider community of Brighton & Hove.
- The proposed venue is not a suitable space for live music
- The relocation will be exceptionally costly and risky
- The new venue is close to noise sensitive properties
- The existing venue is paramount to the survival of the live music industry in Brighton
- No true 'net gain' of a music venue
- The relocated venue would ultimately fail and lead to a loss of the venue
- The existing venue is unique
- The venue is a vital cog in preserving the viability of all music venues within the city
- The proposed development fails to accord with Policy CP5

- 4.3. **Councillor Miller** objects to the proposed development. A copy of the objection letter is attached.

5. CONSULTATIONS

- 5.1. **Sustainable Transport:** No objection

The change of use is unlikely to result in additional impact on the surrounding highway and transport network.

- 5.2. **Sussex Police:** Comment

Consideration should be given to any potential internal CCTV within the new part of the premises including covering the Pool Valley access doors and also the fire doors leading into Brills Lane, ensuring that the lighting is commensurate with the CCTV equipment.

Any fire doors should be devoid of external door furniture and be fitted with an alarm with remote access to enable staff to be alerted that the door has been opened. Warning signage should be displayed close to the doors regarding any penalty for misuse.

The applicant and their partners are strongly advised to take note of the Brighton & Hove City Council Statement of Licensing Policy in relation to licensed premises in the Cumulative Impact Area, and to consult directly with Police Licensing at Sussex Police before making plans for changes to licensed premises serving alcohol or conducting other licensable activities at this site.

5.3. **Planning Policy: Initial Comment - Objection**

Policy CP5 Culture and Tourism seeks at part 4) to protect the city's existing cultural infrastructure in order to maintain the potential for a wide variety of arts and cultural uses in the city.

The policy protects existing venues for their existing use or potential for such use. The tests need to be met in order for a change of use proposal to be permitted.

With respect to criteria CP5.4a) the applicant suggests in paragraph 5.6 of the Planning Statement that there are other live music venues available in the in city giving a large choice for residents and tourists however it is considered that live venue numbers have increased in recent years.

With respect to criterion CP5.4.b it is understood that the site is operational with live music events and club nights scheduled for the foreseeable future and therefore cannot be considered to be no longer viable.

It is acknowledged that the applicant intends to relocate the existing venue to another unit within the building, however there is no linked planning application to provide sufficient certainty that the existing nightclub and live music venue will be adequately and appropriately replaced through relocation within the Savoy Centre Estate and therefore it is considered on the basis of the information provided the proposal would be contrary to Policy CP5 Culture and Tourism.

Second Comment:

A concurrent application (BH2018/03932) has been submitted for a change of use of Unit 1 within the building from restaurant (A3) to public house/dancing/entertainment/ live music venue. It is proposed that the two applications are to be linked by way of a Section 106 agreement to ensure there would be no loss of a live music venue.

This mechanism would allow for the relocation of the existing venue and is not objected to, provided the proposed venue is acceptable in all other respects.

6. MATERIAL CONSIDERATIONS

- 6.1. 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
- 6.2. The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016);
 - Brighton & Hove Local Plan 2005 (retained policies March 2016);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
- 6.3. 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.

7. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP2	Sustainable economic development
CP3	Employment land
CP5	Culture and tourism
CP8	Sustainable buildings
CP9	Sustainable transport
CP15	Heritage
CP18	Healthy city

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

TR7	Safe Development
TR14	Cycle access and parking
SU9	Pollution and nuisance control
SU10	Noise Nuisance
QD27	Protection of amenity
HE1	Listed buildings
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Documents:

SPD14	Parking Standards
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8. CONSIDERATIONS & ASSESSMENT

- 8.1. The main considerations in the determination of this application relate to the principal of the conversion, the loss of the music venue and the associated impacts of the proposed casino on the sustainable transport network and neighbouring amenity.

Principle of Development:

8.2. The Proposed Use:

The application site is forms a part (Unit 4) of a building known as The Savoy Centre which houses a number of commercial units. One of the larger units within the site is currently occupied by the Grosvenor Casino.

- 8.3. Permission is sought for the conversion of part of the building from a nightclub / music venue to a casino in order to facilitate an extension to the adjacent casino. The existing use of the site is an established local music venue which caters for a range of artistic events including gigs, performances and club nights to generate additional income.
- 8.4. The existing site is adjacent to the Grosvenor Casino located within Unit 0. The application seeks permission for the extension of the casino into Unit 4 in order to facilitate additional space within the casino to cater for addition electric area and poker room. The works would involve the removal of an internal wall and staircase at ground floor level in order to create a link through. No external alterations are proposed and the existing entrance on Grand Junction road will be retained. The licence for the existing venue is operational for 24hrs a day, and it is proposed that the extension will fall under this same regime.
- 8.5. The proposed casino extension would operate as part of the established use within the adjacent site and the level of impact is likely to be relatively low key given the nature of the use. The planning statement give a detailed explanation of operating conditions and codes of practice in order to promote responsible gambling and to prevent crime and disorder. The proposed casino is therefore considered acceptable, subject to the considerations set out below.
- 8.6. Loss of the Existing Use:
Brighton & Hove City Plan Part One Policy CP5 - Culture and Tourism, seeks to enhance the cultural offer of the city by creating modern and exciting visitor destinations whilst retaining the existing stock of arts and performance venues. CP5 section 4 states that:
- 8.7. 'Existing arts and performance venues including; museums, art galleries, cinemas, live music venues, theatres and exhibition space will be protected and enhanced to maintain the city's cultural infrastructure. Proposals for change of use would need to demonstrate:
- a) availability of adequate provision elsewhere in the city; and

- b) that the existing use was no longer viable or could no longer be sustained on a long-term basis; or
- c) that change of use was the only practicable means of preserving a listed building.'

8.8. The policy protects existing venues for their existing use or potential for such use. The tests need to be met in order for a change of use proposal to be permitted. The purpose of protecting existing venues is in recognition of the role existing arts and performance venues play in the cultural infrastructure of the city and the local economy; the recognition that the often purpose built buildings/ premises are well-suited to that use and are in appropriate locations but that such venues can be under commercial and regulatory pressures.

8.9. The Brighton & Hove Live Music Venue Partnership Report published in March 2018 highlights the importance of the live music scene to the local economy and notes that there has been a trend of declining numbers of live music venues in Brighton Hove. It is understood that venues of the size of the Haunt are important for local bands/ musicians as they provide an important stepping stone to larger sized venues in the city.

8.10. The current application follows a previous application for the same conversion which was refused for the following reason:

The proposed development would result in the loss of a use including a live music venue. City Plan Part One Policy CP5 resists the loss of arts and performance venues including live music venues unless certain tests are met. The application has not addressed these tests and the proposed development would harm the City's culture and tourism offer, contrary to Policy CP5. The limited merits of the proposal to enlarge an existing casino do not outweigh the harm and the application is therefore refused.

8.11. The application was originally submitted with a statement which made the case that there would be no net loss of a music venue as a result of the proposed conversion, as the current occupier is to be relocated within another vacant unit (Unit 3) within the Savoy Centre. At the time however, this evidence alone was not considered sufficient as there was no mechanism in place in order to ensure that music venue would be relocated, and it was not considered that the proposed relocation site was a comparable offer to the existing venue at Unit 4. Furthermore there was no planning permission in place for the relocation site.

8.12. The application has progressed significantly since the position set out above, and a subsequent application (BH2018/03932) has been submitted for the conversion of another site within the building at 75-79 East Street (Unit 1) to be converted to a live music venue/nightclub which is currently under consideration. The proposed relocation site has a larger capacity of c.900 people and will be an improvement in comparison to the existing use in terms of the facility on offer. The additional space allows scope to create an improved stage with better site lines for the audience and allows equipment to be moved in and out of the venue more freely.

8.13. The approach of relocating the music venue is considered acceptable in order to overcome the policy objection associated with the loss of the existing premises and it is acknowledged that there would be several benefits associated with the move in terms of operation and management of the facility. On this basis, the acceptability of this application is subject to the implementation of the music venue proposed under the concurrent application.

8.14. The applicant has agreed to commit to a legal agreement in order to ensure that the proposed Casino use shall not commence until the proposed live music venue/nightclub is fit out and made available for use. The use of such a mechanism is considered appropriate and would ensure the implementation of the music venue through this development. The legal agreement will also ensure that the current venue must cease to operate before the proposed use commences in order to avoid the possible scenario of two venues of this type operating simultaneously within close proximity to each other.

8.15. The loss of the existing music venue is therefore considered acceptable on the basis that the use is to be relocated to an improved venue within close proximity to the application site.

8.16. Design and Appearance:

No external alterations are proposed. It is not considered that the proposed development would impact on the conservation area or adjacent grade II Listed Building.

8.17. Impact on Amenity:

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

8.18. The site is located within a central area with a number of late night premises nearby including the application site itself. The proposed use would retain the existing unit in order to use the space to extend the adjacent casino. It is proposed that the casino would be open 24hrs in accordance with the existing casino. Whilst the proposed use would be open for longer hours than the existing use, it would likely reduce the impact to neighbouring residents in terms of noise associated with the existing from amplified music and queuing / exiting customers which would be concentrated around specific times. Furthermore customers would enter and exit the site via the existing casino entrance on Grand Junction Road, rather than the entrance to the application site. No objections are raised in terms of impact to neighbouring amenity in this regard.

8.19. Sustainable Transport:

There is not expected to be a substantial difference deliveries and servicing or the number of trips generated to and from the site as a result of the proposed conversion as the proposed use is an extension to an existing casino. Accordingly no objections are raised on sustainable transport grounds. The concurrent application (**BH2018/03932**) for the new venue within Unit 1 has

been submitted with a detailed Transport Assessment which indicates that the trip generation associated with the new venue would be less than that associated with the existing use at Unit 1.

8.20. Sustainability:

City Plan policy CP8 seeks all development to include sustainability measures in all development including conversions and changes of use. CP8 states that all non-major development (236m² - 1000m²) should achieve a BREEAM rating of 'Very Good'. As the building relates to an existing building which has been in situ for some time, it would be unreasonable to secure these standards within this permission.

9. CONCLUSION

- 9.1. The loss of an established venue is regrettable, however as identified above it is proposed that the existing operator is to be relocated to another unit within the building and is to be secured via a legal agreement. It is also recognized that there would be a number of benefits associated with the proposed relocation site including an improvement of the facility on offer and improved management / operation of the site. The proposed extension of the Casino is acceptable in terms of neighbouring amenity and the impact on the local highway network would also be less than the existing use. The proposed development is therefore recommended for approval, subject to the appropriate conditions and legal agreement set out in the report.

10. EQUALITIES

None identified

