

Siân Berry MP



HOUSE OF COMMONS
LONDON SW1A 0AA

Dear Nicola, and councillors

BH2024/02110 11 Imperial Arcade Brighton BN1 3EA Prior Approval for the erection of an additional storey above existing Class E unit to provide 3no residential flats (Class C3).

I've been contacted by Alphabet, a brilliant grassroots music venue in my constituency, who have raised concerns about the planning application BH2024/02110 to develop the site at 11 Imperial Arcade Brighton BN1 3EA.

The concerns being raised are due to the proximity of the site to this popular venue and the potential risk of noise complaints this could create. I note that a number of my constituents have also raised concerns along these lines through submissions of their own.

As the MP for Brighton Pavilion, I am very aware of the desperate need for additional housing in the city, however, I do share concerns about the potential risks this development could pose so close to established live music venue without proper conditions and reassurances from the developer, and the local authority, to guarantee robust protection against noise complaints. In recent years our city has lost several cherished venues and I know there is still a lot of local pain about the [closure of the Blind Tiger Club in 2014](#) which was forced to close due to noise complaints from a property above the popular venue.

There is brilliant work being done to protect venues in the city, particularly from the Music Venues Alliance (MVA) and Music Venues Trust but things have never been more difficult. [In January this year, the MVT reported](#) that 16% of UK Grassroots Music Venues were lost in the previous 12 Months – this saw 125 spaces permanently closed to live music. Grassroots music venues in Brighton are facing multiple threats of noise complaints, soaring rents and sky high inflationary pressure, all factors attributed to the loss of lost Sticky Mike's Frog Bar and The Freebutt in recent years.

I support the agent of change principle which is relevant for this application. As Brighton and Hove City Council will be aware, the agent of change has been incorporated into the [National Planning Policy Framework \(NPPF\)](#), which notes that:

"187. Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they

were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed."

Music and live performances are an important part of Brighton & Hove's tourism offer and nighttime economy, and are woven into our city's identity as a haven for creatives and artists to start their artistic journeys here. Grassroots venues, like Alphabet, play a vital role nurturing new local talent which is evident through the city's remarkable and proud export of successful local bands and artists. It is vital that councillors considering this planning application give proper weight to the spirit of the agent of change in any planning decision made to ensure that the future of these venues are not placed at any increased risk as result of new developments.

I am very pleased to see Brighton and Hove City Council working hard to make sure the principles set out in the NPPF are reflected in local decisions and best practice. Recent planning decisions from the council have been highly protective of the viability of music venues, including the refusal of a similar inappropriate development adjacent to Alphabet [BH2023/03406, Norwood House 9 Dyke Road Brighton BN1 3FE](#). The [reasons for refusal](#) included "insufficient information provided to fully demonstrate that future residents would not suffer from unacceptable noise disturbance from the adjoining live music venue" and these also should apply in this case.

[The Noise Survey for BH2024/021103](#) states clearly that music/entertainment noise was registered escaping Alphabet and that "due to the occasional high sound levels, created by the nearby venue, additional measures will be required."

There are also additional issues caused by the location of the development, [in particular Unit C4, a one-bedroom property](#), next to the venue's smoking area (marked flat roof on site plans). On a club night or during a live music event, this is a busy, elevated outdoor space at the back of the venue which would be directly adjacent to the bedroom of Unit C. Whilst there is a yard in between the two, Unit C would also be almost directly above the entrance/ exit where there will be inescapable noise on at weekends and live music events during the week.

The survey recommends several measures to mitigate the noise from the venue and smoking area on busy nights, including Mechanical Ventilation with inlets away from venue to "alleviate the need for trickle vents in the windows", and partially mask the noise from the venue. The Noise Survey also recommends $Rw+Ctr = 25dB$ Glazing for the Lounge and "very high performance" double glazing or secondary glazing system $Rw+Ctr = 37dB$ Glazing for bedrooms of Units B and C.

The very fact that the ventilation system will need to be pointed away from the venue, so as not to let in noise from entertainment and the smoking area, raises clear questions about the suitability of bedrooms so close by.

Despite these additional measures, I'm not convinced that these conditions will be enough to mitigate the noise from Alphabet to a sufficient level for tenants late at night – especially with the extreme proximity of Unit C to the smoking area and taking into account the venues late night license at weekends, where it can remain open as late as 04.00.

I recognise that this application is above a building connected to Imperial Arcade, and that there is significant desire to regenerate this part of the Western Road shopping area. I very much share the desire for Imperial Arcade regeneration. However, it is important the regeneration takes place without compromising already established nearby businesses which play an important role in the local economy and the fabric of Brighton life, like Alphabet.

Councillors must be confident that developers are taking robust enough measures to eliminate the risk of noise complaints, so that the future of our treasured music venues are not threatened by closure if sufficient protections are not in place by the developer at the outset. From the information I have seen to date, I still have question marks about this, particularly in relation to the proposed bedroom by Alphabet's outside area. I encourage councillors to scrutinise the mitigations in place when reaching a decision, and to ensure that the importance of these venues is fully recognised when reaching a decision especially given that, they are such an essential part of the fabric of the city's vibrant music scene.

Given the near certainty of the problems this development will cause for the viability of Alphabet, and the severe uncertainty that any mitigation will be possible, I ask strongly that this application is refused.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Siân Berry', with a long horizontal stroke underneath.

Siân Berry MP – Brighton Pavilion