

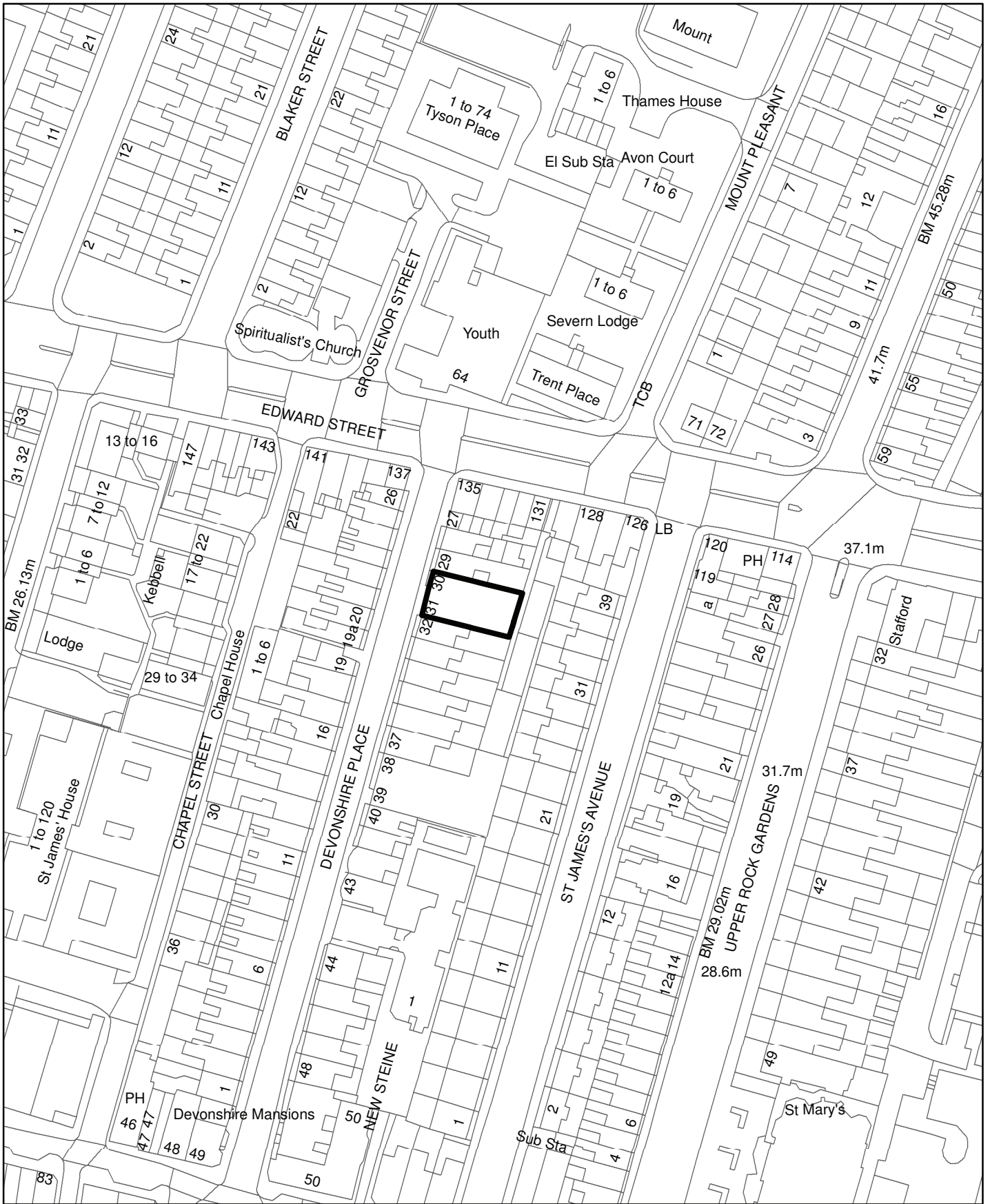
**PLANS LIST
ITEM D**

30-31 Devonshire Place, Brighton

**BH2011/02469
Conservation Area consent**

29 AUGUST 2012

BH2011/02469 30 - 31 Devonshire Place, Brighton.



**Brighton & Hove
City Council**



<u>No:</u>	BH2011/02469	<u>Ward:</u>	QUEEN'S PARK
<u>App Type:</u>	Conservation Area Consent		
<u>Address:</u>	30-31 Devonshire Place, Brighton		
<u>Proposal:</u>	Demolition of existing building.		
<u>Officer:</u>	Aidan Thatcher, tel: 292265	<u>Valid Date:</u>	07/09/2011
<u>Con Area:</u>	East Cliff	<u>Expiry Date:</u>	02/11/2011
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	ARCH-angels Architects Ltd, 128 Edward Street, Brighton		
<u>Applicant:</u>	Thirty Devonshire Place Ltd, Mr Tony Wells, 30-31 Devonshire Place, Brighton		

1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and the policies and guidance in section 7 of this report and resolves to **GRANT** Conservation Area Consent, subject to the Conditions and Informatives set out in section 11.

2 SITE LOCATION & DESCRIPTION

- 2.1 The existing building (Nos.30 – 31) was formerly a workshop and appear to be in current use as Class B1 use. The building has three storeys with accommodation also within the basement. There are large bulky extensions to the rear, which appear unsightly.
- 2.2 The front elevation of the building is not characteristic of the design of the majority of the residential buildings within the street. The majority of the buildings within the street are three storeys in height with accommodation also in the basement. A number of buildings also have mansard roofs, however, the majority of these are small and set back considerably from the front. No.25, which is to the north west of the application is site is however four storeys in height.
- 2.3 A modern building, which is in use as design studios, is to the rear. This building is single storey and consists of white rendered walls with large glazed elements. A narrow footpath exists between the rear boundary of the application site and this adjacent building.

3. RELEVANT HISTORY

BH2011/02468: Demolition of existing building and erection of four storey building comprising of offices at basement, ground and part first floors and 6no one bedroom flats at first, second and third floors. Not yet determined.

BH2007/04603: Demolition of existing building and construction of a four storey building plus basement to provide a two bedroom flat within basement, office space at ground and first floors with 2 one bed roomed flats at first, second and third floors. Block up kitchen window in south wall of 29 Devonshire Place and installation of rooflight. Refused 09/06/2008. The first reason for refusal read:

“The basement flat would receive limited natural light to windows on both the front and rear elevations. The flat would have a very poor standard of outlook to the front and rear. In addition the rear patio area would receive limited light and aspect and the quality of outdoor amenity space is therefore considered to be very poor quality. As such, the basement unit would create an unacceptable residential environment for its future residents and would reduce the scheme's efficiency in the use of energy resources. As such the proposal is contrary to policies SU2, QD27 and HO5 of the Brighton & Hove Local Plan.”

BH2007/03096: Demolition of existing building and construction of a four storey building plus basement to provide a two-bed flat within basement, office space at ground and first floors, with 2 one-bed flats at first, second and third floors: Block up kitchen window in south wall of 29 Devonshire Place and installation of roof light. Resubmission and revised scheme following approval of BH2006/02837. Refused 13/11/2007. The first reason for refusal read:

“The basement flat would receive limited natural light to windows on both the front and rear elevations and to the rear patio area, which would be to the detriment of the living conditions of future residents of the scheme and would reduce the scheme's efficiency in the use of resources. As such the proposal is contrary to policies SU2, QD27 and HO5 of the Brighton & Hove Local Plan.”

BH2007/02826: Conservation Area Consent for demolition of existing buildings building to allow for redevelopment of site for office and residential use. Approved 12/11/2007.

BH2007/00219: Conservation Area Consent for demolition of existing buildings building to allow for redevelopment of site for office and residential use. Approved 04/04/2007.

BH2006/02837: Alteration to ground floor to form office accommodation, with light well and first-floor office area. Change of use and extension of first and second floors to form 4 one-bedroom flats and construction of one additional storey to form 2 one-bedroom flats. Block up kitchen window in south wall of 29 Devonshire Place and installation of a roof light. Approved 08/01/2007.

BH2006/03057: Conservation area consent for part demolition of existing building and new ancillary out buildings. Refused 02/11/2006.

BH2003/02840/FP: Alterations to ground floor workshop to include formation of a courtyard. Formation of a 3 storey infill extension at rear. Change of use of first and second floor from offices to 4no 1 bed roomed flats. Erection of additional storey to create 1 no three bed roomed flat. (Amended scheme following refusal under ref: BH2002/01499/FP). Approved on 04/01/2005.

BH2002/0284/FP: An application similar to that above was refused on 09/10/2002.

94/0985/FP: Change of use from light industrial to 7 no. one bed roomed flats with 5 car parking spaces together with roof extension to provide additional floor. Refused on 12/07/1995.

4 THE APPLICATION

- 4.1 Conservation Area Consent is sought for the demolition of the existing buildings at 30-31 Devonshire Place.
- 4.2 The works are required in association with application BH2011/02468 as detailed above.

5 PUBLICITY & CONSULTATIONS

External:

- 5.1 **Neighbours:** None received.

6 MATERIAL CONSIDERATIONS

- 6.1 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that "In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."
- 6.2 The development plan is:
- The Regional Spatial Strategy, The South East Plan (6 May 2009);
 - East Sussex and Brighton & Hove Minerals Local Plan (November 1999);
 - East Sussex and Brighton & Hove Waste Local Plan (February 2006);
 - Brighton & Hove Local Plan 2005 (saved policies post 2004).
- 6.3 The National Planning Policy Framework (NPPF) was published on 27 March 2012 and is a material consideration which applies with immediate effect.
- 6.4 Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF. At the heart of the NPPF is a presumption in favour of sustainable development.
- 6.5 All material considerations and any policy conflicts are identified in the considerations and assessment section of the report.

7 RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove Local Plan

- HE6 Development within or affecting the setting of conservation areas
- HE8 Demolition in Conservation Areas

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main issue for consideration is whether the loss of the existing building on the site would adversely affect the character and appearance of the East Cliff Conservation Area.
- 8.2 Policy HE8 of the Brighton & Hove Local Plan states proposals should retain building, structures and features that make a positive contribution to the character or appearance of a conservation area. The demolition of a building and its surroundings, which make such a contribution, will only be permitted where all of the following apply:
- a) supporting evidence is submitted with the application which demonstrates that the building is beyond economic repair (through no fault of the owner/applicant);
 - b) viable alternative uses cannot be found; and
 - c) the redevelopment both preserves the areas character and would produce substantial benefits that would outweigh the building's loss.
- 8.3 Demolition will not be considered without acceptable detailed plans for the site's development. Conditions will be imposed in order to ensure a contract exists for the construction of the replacement building(s) and/or the landscaping of the site prior to the commencement of demolition.
- 8.4 The exterior of the commercial building is not considered to enhance the appearance of the conservation area and a suitable redevelopment would be beneficial to the area. The loss of the existing buildings would be acceptable, subject to a suitable redevelopment proposal.
- 8.5 The replacement development is considered to be acceptable as detailed within the report under reference BH2011/02468.
- 8.6 The replacement scheme would preserve the character and appearance of the East Cliff Conservation Area.
- 8.7 Therefore, the loss of the existing buildings is considered to be acceptable.

9 CONCLUSION

- 9.1 The existing buildings that are to be removed are to be replaced with an acceptable mixed use development as being considered concurrently (BH2011/02468) and thus would not cause any harm to the character or appearance of the Conservation Area.

10 EQUALITIES

- 10.1 None.

11 CONDITIONS / INFORMATIVES

11.1 Conditions:

1. BH01.04 Conservation Area Consent.
2. BH12.08 No demolition until contract signed.

11.2 Informatives:

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

Plan Type	Reference	Version	Date Received
Existing floorplans and elevations	E01	-	19.08.11
Proposed floorplans	P01	A	12.04.12
Proposed Elevations	P02	A	12.04.12

2. This decision to grant Conservation Area Consent has been taken:

- (i) having regard to the policies and proposals in the National Planning Policy Framework and the Brighton & Hove Local Plan, including Supplementary Planning Guidance and Supplementary Planning Documents: (Please see section 7 of the report for the full list); and
- (ii) for the following reasons:-
The existing buildings that are to be removed are to be replaced with an acceptable mixed use development as being considered concurrently (BH2011/02468) and thus would not cause any harm to the character or appearance of the Conservation Area.

