

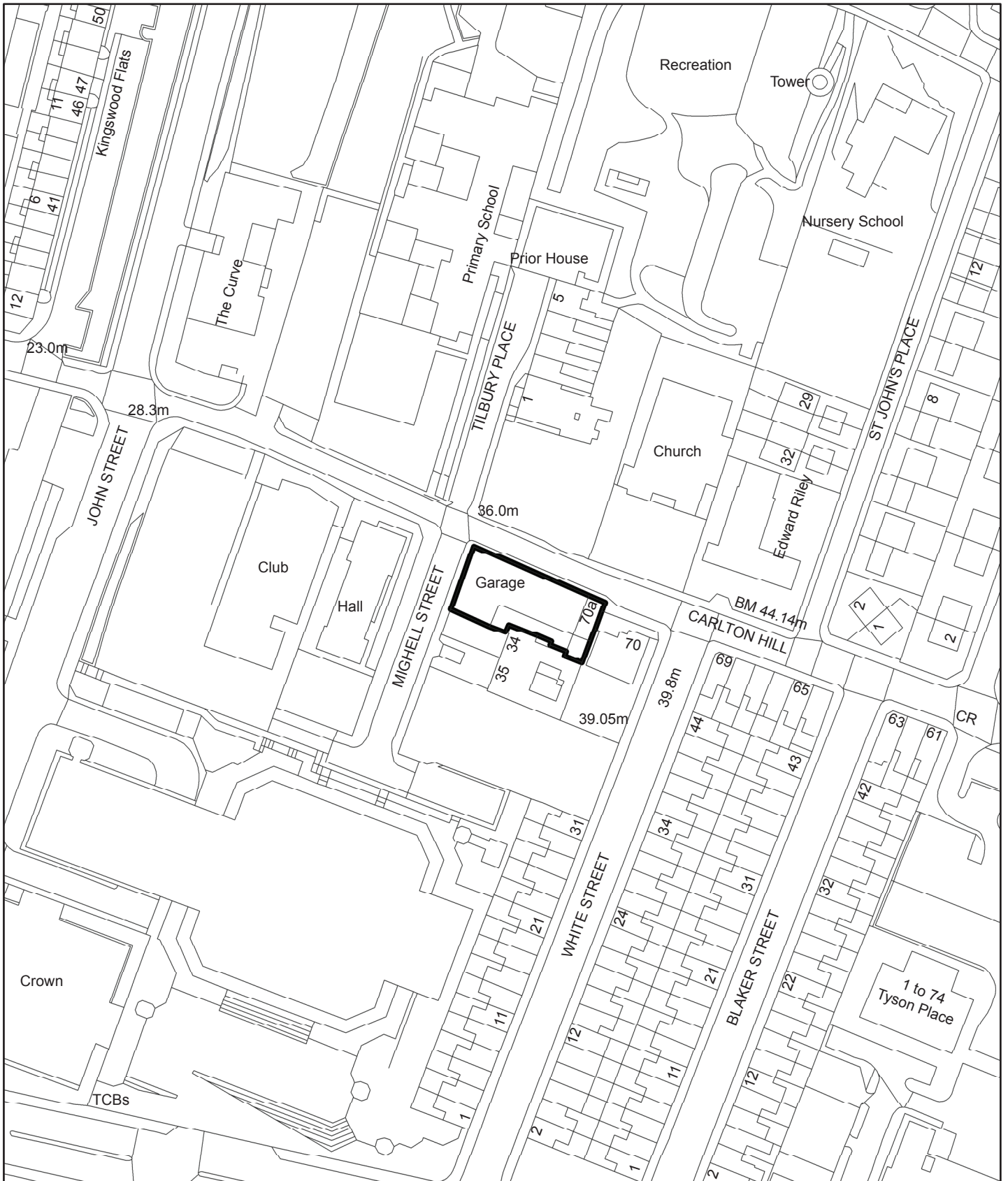
**PLANS LIST
ITEM E**

33 Mighell Street & 70a Carlton Hill, Brighton

**BH2012/04087
Conservation area consent**

15 MAY 2013

BH2012/04087 33 Mighell Street & 70a Carlton Hill, Brighton.



Scale: 1:1,250

<u>No:</u>	BH2012/04087	<u>Ward:</u>	QUEEN'S PARK
<u>App Type:</u>	Conservation Area Consent		
<u>Address:</u>	33 Mighell Street and 70a Carlton Hill, Brighton		
<u>Proposal:</u>	Demolition of existing building and flint wall.		
<u>Officer:</u>	Sue Dubberley Tel 293817	<u>Valid Date:</u>	24/12/2012
<u>Con Area:</u>	Carlton Hill	<u>Expiry Date:</u>	18/02/2013
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Malcolm Lewis, Brgy Narra, San Manuel, Pangasinan, 2438		
<u>Applicant:</u>	Seinwood Investments Ltd, 51-53 Church Road, Hove		

1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 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 application site is located on the corner of Mighell Street and Carlton Hill. Carlton Hill is narrow and considerably steep and runs parallel with Edward Street. A high flint wall, in poor condition, partly bounds the site along the Carlton Hill elevation, although the wall extends below pavement level as ground levels of the site are considerably lower than the street. The site currently contains a vacant single storey building formerly in use as garage, car parking and a car wash. The site lies within the Carlton Hill Conservation Area in which high flint walls are noted as an important characteristic of the conservation area and the flint wall to this site forms a key grouping with the listed flint walls to number 1 Tilbury Place.
- 2.2 The area characterised by a number of listed buildings of varying styles. Adjacent to the site and to the south is a Grade II listed flint faced building known as the Farmhouse which is subdivided into 2 dwellings; numbers 34 and 35 Mighell Street. No. 34 Mighell Street, closest to the proposal, is further subdivided into 2 flats. To the west, on the other side of Mighell Street and just outside the conservation area, is the recently completed office block for American Express. To the immediate east at 70 Carlton Hill is a 2 storey late Victorian building, now in use as offices, which was originally the vicarage to the listed church opposite and whilst not a listed building, is considered to positively contribute to the conservation area and wider street scene.
- 2.3 On the north side of Carlton Hill opposite the site is Carlton Hill Primary School and Tilbury Place containing a Grade II listed terrace. The Grade II listed Greek Orthodox church is also located immediately to the north east of the site which is also in a prominent position.

3 RELEVANT HISTORY

BH2212/04086: Demolition of existing garage and flint wall. Rebuilding of flint wall and construction of new part five and part four storey building comprising of office space on the lower ground floor and part of ground floor and 9no flats on the ground, first, second and third floors and associated works. (undetermined – a report on this application is also on this agenda).

BH2012/01812: Demolition of existing garage and flint wall and construction of new part five and part four storey building comprising office space on the lower ground floor and part of ground floor and 9no flats on the ground, first, second and third floors and associated works. Withdrawn.

BH2012/01811: Demolition of existing garage and front wall. Withdrawn.

BH2011/03221: Demolition of garage and flint wall and erection of part 5 storey and part 6 storey block of 5no. 1 bedroom flats and 18no 2 bedroom flats and associated works. Withdrawn.

BH2011/03222: Demolition of existing garage and front wall. Withdrawn.

BH2009/03077: Demolition of existing garage and flint wall. Construction of a flint facing building between 4 and 7 storeys to accommodate 87 student units and reinstatement of flint wall. Refused 22/3/10.

BH2009/03078: Demolition of existing garage and front wall. Refused 22/3/10.

BH2007/01443: Demolition of garage and erection of part 5, and part 6 storey building comprising 13 flats and new office space (withdrawn).

BH2006/03567: Demolition of garage and erection of flats and offices (withdrawn).

BH2005/01606: Change of use of garage to car park (withdrawn).

BH2003/00109: Demolition of existing building. Construction of 9 flats and 200sqm of B1 office space (withdrawn).

BH2000/00603: Demolition of existing garage and construction of 3 – 4 storey block of 15 flats with vehicular access to rear via front garden of 34 Mighell Street (refused). Reasons for refusal related to loss of employment floor space, overdevelopment of the site, out of character with adjacent listed building and parking spaces on 34 Mighell Street being detrimental to amenity of occupiers.

4 THE APPLICATION

- 4.1 Conservation Area consent is sought for the demolition of existing building and flint wall.

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours: Sixteen (16)** letters of representation have been received from **5 Stanley Street, 1, 10 St Johns Place, 21 The Curve, 64A, 67, Carlton Hill, 77, 105 Albion Hill, 8, 54 Toronto Terrace, Flat 1 (x2), flat 2, 34 Mighell Street, 31, 40 White Street, 62 Richmond Street, objecting** to the application for the following reasons:

- Not in keeping with the area, too tall and prominent and will overshadow the farmhouse in Mighell Street.
- Poor design.
- Lack of parking in the area and the building should remain as a public car park.

- Already a substantial amount of residential development in the area.
 - Existing flint wall should not be demolished as it is a distinctive feature of the area.
 - Loss of the flint wall would be detrimental to the Carlton Hill Conservation Area.
 - Increase in traffic close to a primary school and centre for the deaf.
 - Increased parking pressure in the area.
 - Piecemeal development in the area should not be allowed.
 - Noise and disturbance during construction.
 - Residents have had to live with the construction of the Amex building for three years and the prospect of more building work is adding insult to injury.
 - City needs more affordable housing and not private flats.
 - Overdevelopment of a pleasant residential area.
 - Insufficient amenity space.
 - Loss of property value.
 - Concern that the flats maybe let out to students.
 - Overlooking overshadowing and loss of light to houses around it.
 - Not in keeping with the listed building next door.
 - Adding more flats to an area traditionally dominated by family housing.
 - Wall in front gives the appearance of a fortress should be an open landscaped frontage.
 - No parking provision and loss of a car park.
- 5.2 **CAG: Object:** Recommend refusal on the grounds that the massing of the building would have an unacceptable impact on the neighbouring historic farmhouse. Pitched roof is unsympathetic to the pitched roof of the historic farmhouse and roofscape should be improved and scaled down by a storey. Stucco rather than brick would be more in keeping with the area. Concerned that the design of the wall would have a detrimental visual impact on the area, should be of the same quality as the original.
- 5.3 **The Environment Agency: No comment.**
- 5.4 **The Brighton Society: Object:** The proposed block of flats would completely dominate the adjacent listed Georgian farmhouse, making it look like toytown. The CAG have suggested a pitched roof which is a good idea providing the height is reduced by 2 storeys. The photograph of the proposed flint wall shows an appalling factory made blocks with flint set in concrete
- 5.5 **Head Teacher Carlton Hill Primary School: Object:**
- Would bring noise and general disruption from which the school suffered for nearly two years with the construction of the new AMEX building adjacent to the proposed development.
 - Increase in primary age children and the school is currently full and likely to remain so in the future.
 - Additional traffic adding to an already hazardous street.
 - Would like confirmation that residents of the development will not be entitled to a parking permit.

5.6 **Cllr Bowden:** Object: (see attached email).

5.7 **Cllr Powell:** Object: (see attached email).

Internal:

5.8 **Heritage:** Support: This application has been subject to lengthy pre-application discussions and is considered to have resolved the previous major issues of concern. In particular the setting back of the building from Carlton Hill, with the flint boundary wall rebuilt as a boundary wall, is considered to be a substantial improvement over previous applications.

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:

- Brighton & Hove Local Plan 2005 (saved policies post 2007);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
- East Sussex and Brighton & Hove Minerals Local Plan (November 1999); Saved policies 3,4,32 and 36 – all outside of Brighton & Hove;
- East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only – site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.

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.

6.5 The Brighton & Hove City Plan Part One (submission document) is an emerging development plan. The NPPF advises that weight may be given to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies to the policies in the NPPF.

6.6 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

HE8 Demolition in Conservation Areas

Carlton Hill Conservation Area Character Statement.

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main issue for consideration is whether the loss of the existing building and flint wall on the site would adversely affect the character and appearance of the Carlton Hill Conservation Area.
- 8.2 Policy HE8 of the Brighton & Hove Local Plan states proposals should retain buildings, 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 It is considered that the existing building on the site is not of any importance architecturally or historically, is in a neglected state and does not contribute to the Carlton Hill Conservation Area. It is acknowledged that the existing high flint wall is in poor condition and has been subject to many poor quality repairs and that it could not simply be retained and repaired. On this basis there is no objection to the demolition and rebuilding of the wall.
- 8.5 The demolition of the buildings and flint wall is therefore considered acceptable, subject to the implementation of the approved scheme.

9 CONCLUSION

- 9.1 It is considered that, subject to appropriate redevelopment of the site, the proposed demolition of the building and flint wall would not harm the character or appearance of the Carlton Hill Conservation Area and would be not be contrary to Policy HE8 of the Brighton & Hove Local Plan.

10 EQUALITIES

- 10.1 None identified.

11 CONDITIONS / INFORMATIVES

11.1 Conditions:

1. The works hereby permitted shall be commenced before the expiration of three years from the date of this consent.
Reason: To comply with Sections 18 (as amended) and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
2. The works of demolition hereby permitted shall not be begun until documentary evidence is produced to the Local Planning Authority to show that contracts have been entered into by the developer to ensure that building work on the site the subject of this consent is commenced within a period of 6 months following commencement of demolition in accordance with a scheme for which planning permission has been granted.
Reason: To prevent premature demolition in the interests of the character and appearance of the Conservation Area and to comply with policy HE8 of the Brighton & Hove Local Plan.

11.2 Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) 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. This decision is based on the drawings listed below:

Plan Type	Reference	Version	Date Received
Location plan	No number		24/12/12
Block plan	1201/01		24/12/12
Existing site plan	1201/02		24/12/12
Existing elevations	1201/03		24/12/12
Existing elevations	1201/04		24/12/12
Lower ground floor	1201/05	A	24/12/12
Ground floor plan	1201/06	A	10/02/13
First floor plan	1201/07	A	10/02/13
Second floor plan	1201/08	A	10/02/13
Third floor plan	1201/09	A	10/02/13
Proposed elevations	1201/10	B	27/02/13
Proposed elevations	1201/11		24/12/12
Contextual elevation	1201/12	A	10/02/13
Contextual elevation	1201/13		24/12/12
Proposed elevations street view	1201/14	B	27/02/13
Entrance details	1201/05	A	27/02/13

3. This decision to grant Planning Permission has been taken:

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- (i) having regard to the policies and proposals in the National Planning Policy Framework and the Development 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:-
It is considered that, subject to appropriate redevelopment of the site, the proposed demolition of the building and flint wall would not harm the character or appearance of the Carlton Hill Conservation Area and would be not be contrary to Policy HE8 of the Brighton & Hove Local Plan.



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Brighton & Hove COUNCILLOR REPRESENTATION
City Council

From: Stephanie Powell
Sent: 19 February 2013 19:37
To: Planning Applications; Geoffrey Bowden; Ben Duncan; Planning Comments
Cc: Sue Dubberley
Subject: BH2012/04086 QP

http://www.brighton-hove.gov.uk/index.cfm?request=c1199915&action=showDetail&application_number=BH2012%2F04086

Dear Planning Team,

Please note my objection to the above Planning app, which has been presented in my ward.

I have just spoken with my two ward colleagues, who are equally against this. I expect you will need their separate objections in writing to you (in fact, I've just seen Cllr Bowden's email).

As a collective voice, we are against this app for a number of reasons:

1. This area geographically, has suffered much in the way of noise nuisance and disruption over the past couple of years, due to the erection of the new AMEX building right next door. It is unfair to put residents and those using the area for school, etc through the same misery and disruption all over again. Whilst such disruption may not a planning consideration when assessing the merits of a scheme, continual noise (as has been experienced in this area) should be.

2. The building of office space combined with housing is just not suitable in this tiny area. It is better suited to stay as is for now. If the Edward St plans go ahead, then office/housing space will be offered just around the corner from this spot.

3. Sue Dubberley, Senior Planning Officer has, I'm told, received 19 objections to this application from local residents. They are mainly concerned with the increased pressure on parking, which if allowed through, would present to this area. I totally agree with them.

4. Residents also object (as I do), to the design of the new building.

This very small vicinity of the city is busy. It has its share of residents, plus a primary school, the Sussex Deaf Association, the Greek Orthodox church (and local Greek community who visit this area regularly), and the well used (and very much needed in these economically harsh times) BUCFP - just over the road in Tilbury Place. This area already has/continues to experience, a disrupted/noisy time due to the AMEX build. Allowing this app through NOW will add to that misery.

In short, this Planning app is badly timed, and in my view, should not be considered.

Regards,

Cllr Stephanie Powell
Green Councillor for Queens Park Ward



PLANS LIST – 15 MAY 2013

Brighton & Hove COUNCILLOR REPRESENTATION
City Council

From: geoffrey.bowden@brighton-hove.gov.uk
Sent: 19 February 2013 18:41
To: Planning Comments
Subject: Planning Application BH2012/04086 - comment

Planning Application - BH2012/04086

I object to the Planning Application

Sender's details

Cllr Geoffrey Bowden
King's House, Grand Avenue, Hove
BN3 2LS
01273 291988
geoffrey.bowden@brighton-hove.gov.uk

Comment

As a ward councillor I am concerned that this application constitutes over development of the site. I am particularly concerned that there is no travel plan accompanying the application and that the combination of workspace and residential units will add to local traffic and place further pressure for on street parking in the controlled parking zone area. For these reasons I am objecting to this application.

