

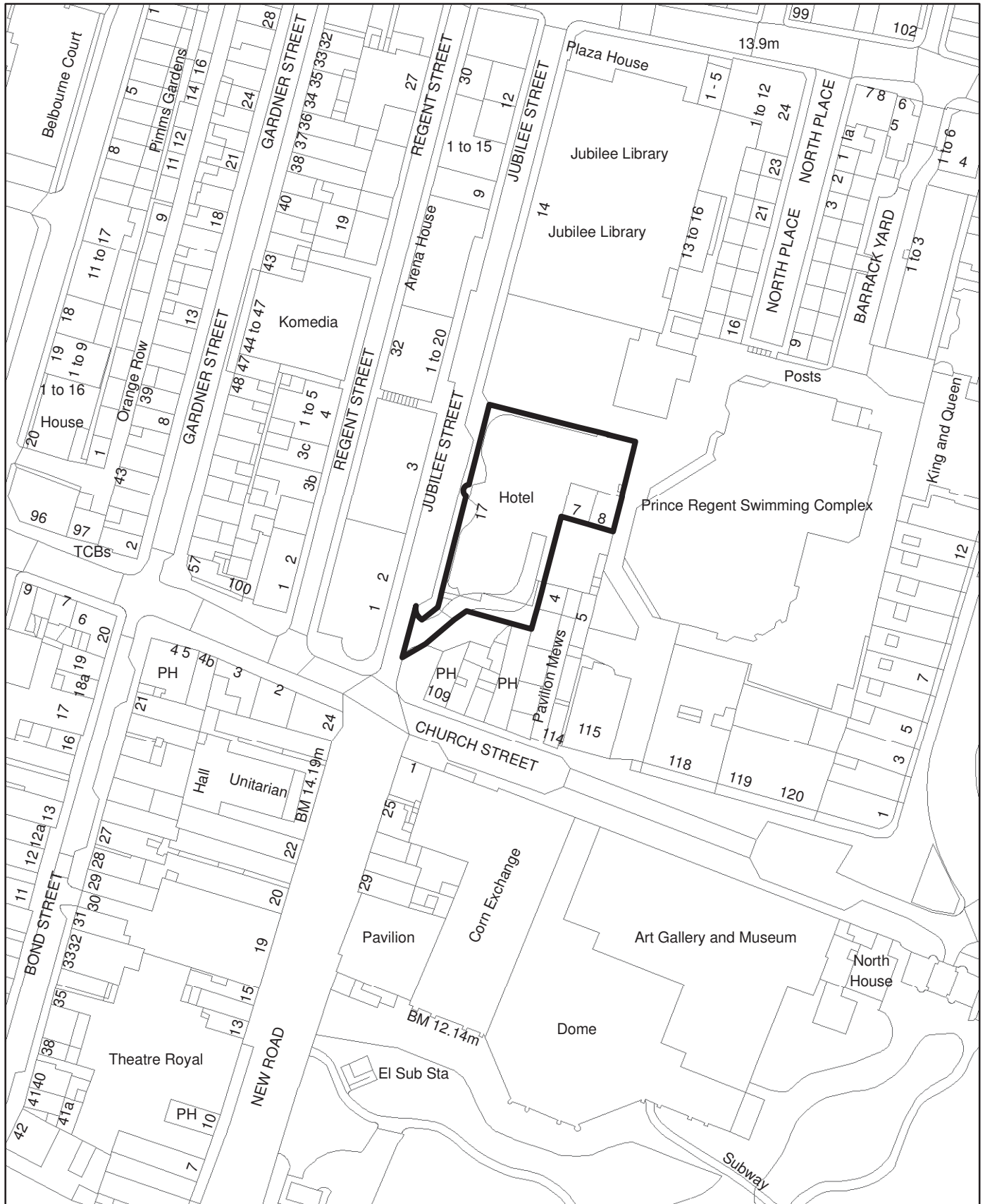
ITEM J

**East House 7 & West House 8 Pavilion Mews
& 17 Jubilee Street, Brighton**

**BH2013/01034
Full Planning**

28 AUGUST 2013

BH2013/01034 East House 7 & West House 8 Pavilion Mews & 17 Jubilee Street, Brighton



**Brighton & Hove
City Council**



Scale : 1:1,250

<u>No:</u>	BH2013/01034	<u>Ward:</u>	ST. PETER'S & NORTH LAINE
<u>App Type:</u>	Full Planning		
<u>Address:</u>	East House 7 & West House 8 Pavilion Mews & 17 Jubilee Street Brighton		
<u>Proposal:</u>	Extensions and alterations to the existing building to provide an additional 14no new hotel guest suites, enlargement of one of the ground floor commercial units, refurbishment of basement car park into a multi-purpose music venue, the formation of a 3no bedroom penthouse flat, associated landscaping and alterations.		
<u>Officer:</u>	Anthony Foster Tel 294495	<u>Valid Date:</u>	12/07/2013
<u>Con Area:</u>	North Laine CA	<u>Expiry Date:</u>	06 September 2013
<u>Listed Building Grade:</u>	n/a		
<u>Agent:</u>	Chalk Architecture Ltd, The Chalk Store, 102a Gloucester Road, North Laine, Brighton, BN1 4AP		
<u>Applicant:</u>	Mr Steph Thrasyvoulou, 17 Jubilee Street, Brighton, BN1 1GE		

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 **REFUSE** planning permission for the reason(s) set out in section 11.

2 SITE LOCATION & DESCRIPTION

- 2.1 The site comprises an existing 4 storey hotel, with ground floor restaurant and basement parking area, which forms part of the Jubilee Square development. Also forming part of the application site are 2 no. two storey dwellings, 7 and 8 Pavilion Mews, which adjoin the hotel to the rear.
- 2.2 The site forms part of the recent Jubilee Street redevelopment, which involved the reinstatement of this street, a square, library building and surrounding mixed use development. The development was subject to a detailed planning brief, masterplan and visual impact analysis. This ensured that the whole development has a strong design unity and cohesion in terms of building masses, heights, forms, designs, materials and colours, which are sympathetic to the character of the conservation area.
- 2.3 The northern façade of the building forms the southern boundary of Jubilee Square, and the existing ground floor restaurant opens out onto the square, and includes a 'Winter Garden' comprising of an outdoor seating area for the restaurant, sectioned off from the main square by a number of pots with trees and other planting.

- 2.4 The main entrance to the hotel is from Jubilee Street, which opens into the main reception. The upper floors are utilised for bedroom accommodation as part of the hotel. The third (top) floor is set back from the main frontage.
- 2.5 The two storey dwellings to the rear were built as part of the Pavilion Mews development, accessed from Church Street. Pavilion Mews is a gated residential development, with an open car park area to the front of the two application dwellings.
- 2.6 The applicant has submitted amended drawings removing some aspects from the scheme which were originally included in the application following discussions with the case officer.

3 RELEVANT HISTORY

BH2013/01035: Demolition of East House, 7 and West House, 8 Pavilion Mews, Brighton. Under consideration

BH2008/02283: Extension of ground floor restaurant, new mid floor terrace seating with glass balustrade and change of use for pair of adjoining mews houses to a hotel. Refused 30/09/2008

BH2005/00119: Construction of 80 bedroom hotel with basement car parking for not more than 30 cars, separate restaurant, A1/A3 units and meeting rooms in sub-basement. Approved 18.07.05.

BH2004/01869: Construction of 96 bed hotel with basement parking for 38 cars (including 8 for residential development on Church Street), restaurant and three retail/restaurant units. (MAJOR AMENDMENT to scheme approved under BH2001/00843). Approved 21.09.04.

BH2001/00843: Mixed development comprising: central library and square, residential (including affordable housing provision), hotel, business and retail use, restaurants/bars/café bars (with outside seating), theatre use and doctor's surgery, new road (Jubilee Street, pedestrian and cycle links, servicing, disabled parking and cycle parking) together with hard and soft landscaping on land at Church Street, Regent Street, Jubilee Street, North Road and Barrack Yard, Brighton. Approved 05.11.01.

Pavilion Mews

BH2003/00987/FP - Conversion and extension of existing funeral directors to form 4 no. residential units and 2 no. live/work units. Retention of 2 no. ground floor retail (A1) units fronting Church Street – Approved 06.11.2003.

BH2005/01057/FP - Conversion of storage building to form 2 no. dwellings. Alterations to previously approved parking layout BH2003/00987/FP – Refused on 24.05.2005. Subsequent appeal APP/Q1445/A/05/1184467 allowed on 13.10.2005.

4 THE APPLICATION

- 4.1 Planning permission is sought for extensions and alterations to the existing building to provide an additional 14no new hotel guest suites, enlargement of the one of the ground floor commercial units, refurbishment of basement car

park into multi-purpose music venue, the formation of a 3no bedroom penthouse flat, associated landscaping and alterations.

- 4.2 The proposals can be separated into distinct parts. At basement level the existing car park, which currently provides parking for 19 cars, is proposed to be converted into a music venue. The existing ramped access from street level would be removed and a dedicated entrance provided at ground floor level to the south of the building contained within a three storey extension, to the existing southern elevation.
- 4.3 The proposed 3 storey extension to the south west corner of the building would provide additional commercial floorspace to the ground floor area, and 4no additional hotel rooms at first and second floor level. This extension is to be finished with a flat roof and contrasts with the existing building through its use of painted flint panels. Also to the south, at third floor level an additional 2no hotel rooms are proposed. This part of the extension would be finished to match the existing elevational treatment of the hotel.
- 4.4 To the western elevation railings are proposed to either side of the existing main entrance to the hotel to provide an additional seating area for the existing A3 use and a smoking area. As is a large banner located centrally above the existing entrance.
- 4.5 To the eastern elevation, the existing 2 mews properties no 7 and 8 Pavilion Mews are proposed to be demolished and replaced by a 4 storey extension to provide additional A3 space at ground floor level and 8no hotel rooms at 1st, 2nd and 3rd floor levels. This extension has been designed as a continuation of the existing hotel and part of the existing flint wall between the site and the Prince Regent Swimming pool would be rebuilt with a high level window providing light to the ground floor element.
- 4.6 A penthouse is proposed to the existing roofspace which would provide a 3no bed flat. The penthouse would be set back circa 5m from the north, east and west elevations of the existing building.
- 4.7 The application also proposes extensive biodiverse roofs to the extensions and existing parts of the hotel roof and also a living wall located in the north east corner of the building which is the south east corner of Jubilee Square.

5 PUBLICITY & CONSULTATIONS

External:

- 5.1 **Neighbours: Thirteen (13) letters of representation have been received from 2, 3 (x2), 4(x2), 5, 6, 6a Pavilion Mews, 15 Arena House (x2), Regent Street, 11 Atrium House, Regent Street, Pavilion Mews Management Company, and LCE Architects objecting to the application for the following reasons:**
 - Loss of two residential units is contrary to policy
 - Noise and disturbance from the music venue
 - The penthouse would destroy the roofscape
 - Overlooking of surrounding terraces

- Interlocking of rooms and loss of privacy
 - The proposed rear extension would dwarf the adjoining mews and appear incongruous
 - Increased pressure upon the sewerage network within the area
 - Noise and disturbance during construction
 - Parking and access to the mews would be compromised
 - The masterplan heights were set as part of the original planning brief, there is no good reason to alter these now
 - The additional storey may have an impact upon the thermal performance of the library
 - The ground floor extension would take over part of the public square
 - Increased loss of light
- 5.2 **Two (2)** letters of representation have been received from **Flat 4 71 Montpelier Road, 74 Marine Parade**, supporting the application for the following reasons:
- This will offer local businesses the opportunity to expand and grow
 - The provision of a high quality music venue is welcomed
 - The living wall would provide much needed greenery to that area
 - The proposal has been designed with careful consideration to the existing scheme and will enhance the building and surrounding area
- 5.3 **Sixty-three (63)** standard letters of general support have been received, the address details are appended to this report (Appendix A)
- 5.4 **Sussex Police: Comment.** Any extension to the main building should incorporate doors and windows to the same standard as existing build so that any new products introduced do not compromise the overall security of the development. I have concerns over the introduction of a multi purpose music venue. I would ask that in respect to the proposed A3 element, any consent for A3 usage is conditioned so that “alcohol” is ancillary to food which is prepared on the premises and served at a table by waitresses
- 5.5 **CAG: Object.** With particular reference to the future stability of the flint wall and the desire to retain properties of this scale within the area. The developers should consider reconfiguring the development concept to retain the properties.

Internal:

5.6 **Heritage: Object**

The Proposal and Potential Impacts

The design and capacity of the MyHotel site were carefully considered as part of the original masterplan and planning application. The design and height of the hotel building and its relationship to the square and the library was considered of crucial importance by CABE. The parapet line of the hotel at this level and the set back of the top floor are critical to the design success of the building and its relationship to the wider development and the square. They ensure that the scale of the building is well related to that of the smaller historic buildings to the south of it and to the library to the north. It is considered that the site was designed to its maximum capacity at the time, and it is therefore unlikely extension will be appropriate in principle.

- 5.7 The penthouse additional floor relates poorly to the design of the building. It will be visible from the library and the square, and also likely glimpsed in views from surrounding streets. The building already has one set-back floor; a further floor is considered excessive to the scale and massing of the building. The materials, design and roof-form of the extension are also out-of-keeping with the remainder of the building.
- 5.8 The extension to the south side is executed in contrasting materials to the remainder of the building. Due to constraints on the site (topography and size of plot), the horizontal emphasis in the design of the west façade does not follow through in the extension, such that it relates poorly to the main building.
- 5.9 The extension and addition at 3rd floor level risks harmfully encroaching on the neighbouring 2 storey buildings which characterize the conservation area. The existing design appropriately steps down in this area to allow for a successful transition between the 2 storey buildings and the Jubilee Street development.
- 5.10 It would be difficult – given the constraints on this site – to achieve a meaningful extension in this location that achieves a good transition between the existing building and neighbouring buildings and is acceptable in design terms. The loss of the access to the car parking (and conversion of the basement) is however considered acceptable and creates the potential opportunity to improve the streetscape in this location.
- 5.11 The extension to the east requires the demolition of two mews properties. Although the buildings have been much altered, they form part of a relatively complete mews. The mews forms a quiet and secluded street within the conservation area, which acts as a reminder of the former character of this area of the city and is a rare survival of this form in the conservation area. The flint gable end and traditional first floor and roof form are also visible from the passageway beside the swimming pool, and form some of the last historic survivals in this area. Although hotel use of these spaces would likely be acceptable in heritage terms, the external historic form of the properties should be retained.
- 5.12 The extension to the north intrudes into the square. The canopy design (with cables, planted roof and glazing/planters under) introduces visual clutter to the façade and disrupts its proportions and the overall unity of its design and layout. The proposal would result in enclosure of a part of the square, and therefore the conversion of public space to private. It could prejudice the implementation of the original planting scheme and care is required to ensure access by emergency vehicles to the swimming pool is not restricted.
- 5.13 The canopy and large sign to the west elevation similarly disrupts the proportions, unity and design of the façade. The railings and cables in particular will add clutter to the façade.
- 5.14 Mitigations and Conditions
The design and capacity of the MyHotel site were carefully considered as part of the original masterplan and planning application. It is considered that the site

was designed to its maximum capacity at the time, and extension is therefore inappropriate in principle.

- 5.15 **Environmental Health: Comment**. The application proposes many changes to the premises, one of which is that change of the basement from a car park to a live music venue. This proposal has the potential to negatively impact the business above and local residents on Jubilee Street.
- 5.16 Given the fact that the live music is proposed to take place in the basement, which was originally a car park, it is unlikely that it will affect local residents. This due to the fact the car park is likely composed of thick concrete which will provide good sound proofing.
- 5.17 It is also noted that the entrance to the live music venue does not exit directly onto Jubilee Street, and therefore there is unlikely to be an issue with regards to smokers.
- 5.18 However, the applicant should be aware that there is the potential for the transmission of noise and vibration through the building, from the basement. This could ultimately lead to current operations being adversely affected, and it is therefore recommended that acoustic advice if sought, if not done so already.

5.19 **Sustainable Transport: Comment**

Trip Generation

The proposals are for:

- 14 additional hotel rooms
- 1 new penthouse residential unit
- Extensions to the existing A3 units by 135m² and 40m²
- A new bar and live music venue approximately 650m²

While two residential units are to be lost.

- 5.20 In light of the proposed increase in existing floor space there is considered to be an increase in trip generation to and from the site as a result of these proposals.

5.21 Car Parking

The applicant is not proposing any on-site car parking spaces. There are currently 19 car parking spaces at basement level. The applicant is proposing to convert the existing car parking spaces to a live music venue.

- 5.22 SPG04 states that the maximum car parking standard for the proposed uses in a CPZ are as follows:

- A3 Restaurants/Cafes – 1 car space per 5m² of public area plus 1 car space per 4 full time staff;
- C1 Hotels – 1 space per 2 bedrooms for non-operational car parking;
- C3 Dwellings – 1 car space per dwelling plus 1 space per 5 dwellings for visitors;
- Sui Generis Music Venue – No maximum standards quoted within SPG04.

- 5.23 Therefore the proposed provision of no on-site car parking spaces is in line with these standards and given the central and sustainable location of the site the proposed level of car parking is deemed to be acceptable.
- 5.24 In order meet policy H07 and TR1 of the Brighton & Hove Local Plan and the Highway Authority would look for the residential element of the development to be made car free. The development site lies within CPZ Z and benefits from being in a central sustainable location close to public transport routes including Brighton railway station and local services.
- 5.25 Therefore on this basis as the site is in close proximity to a range of public transport and local facilities the Highway Authority would look for the standard car free condition to be included on any planning permission granted, to ensure that sustainable transport trips are promoted from this sustainable location.
- 5.26 Cycle Parking
SPG04 states that the minimum cycle parking standards for the proposed land uses is as follows:
- A3 Restaurants/Cafes – 1 cycle parking space and an additional space per 300m²;
 - C1 Hotels – 1 space per 10 staff;
 - C3 Dwellings – 1 space per dwelling plus 1 space per 3 dwellings for visitors;
 - Sui Generis Music Venue – No maximum standards quoted within SPG04.
- 5.27 In order to be in line with Policy TR14 of the Brighton & Hove Local Plan 2005 cycle parking must be secure, convenient, well lit, well signed and wherever practical, sheltered. The Highway Authority's preference is for the use of Sheffield stands and that they are designed in accordance with the guidance in the Manual for Streets section 8.2.22.
- 5.28 Therefore the applicant should provide cycle parking in line with these minimum standards. The applicant has not provided any information in relation to cycle parking and the logical location to provide on-site cycle parking (the basement) is proposed to be converted.
- 5.29 From the submitted plans it is not evident where policy compliant cycle parking can be provided on-site and therefore the Highway Authority cannot recommend that this aspect is conditioned. In lieu of providing on-site cycle parking the Highway Authority would look for a contribution towards on-street cycle parking provision as is detailed in Policy TR14 of the Local Plan. In addition to the S106 contribution the Highway Authority would look for a contribution of £2000 for 8 cycle parking spaces.
- 5.30 Vehicular Access
There is an existing vehicular access from Jubilee Street which provides access to the existing basement car park. In Figure 2 (Ground Floor Plan) in the Design & Access Statement the applicant states that the existing dropped kerb will be retained for access. Normally the Highway Authority would look for

redundant dropped kerbs to be reinstated to footway so they are not to the detriment of pedestrians.

- 5.31 By developing the basement out the vehicular crossover is redundant and to ensure it is not to the detriment of pedestrians the Highway Authority would look for it to be reinstated back to footway. The Highway Authority therefore recommends a condition that requires the applicant to reinstate the redundant crossover back to footway. The reinstatement of footway will ensure the development will be in accordance with policy TR8 (Pedestrian Routes) and TR7 (Safe Development) of the Brighton & Hove Local Plan, by providing short, safe, attractive and direct routes for walking.

5.32 Loading/Un-loading

The loading/un-loading related to the existing land uses is likely to remain as existing. Although some of the existing uses do currently utilise the basement car park area. There is a loading bay on Jubilee Street, directly outside the development.

- 5.33 While servicing of development ideally should occur on-site the Highway Authority would not wish to see deliveries parking in the area between the development site and the adjacent building (Waggon and Horses pub). If loading/un-loading was undertaken from here it would mean delivery vehicles would be reversing out onto a carriageway with a contra flow cycle lane and heavy pedestrian movements. It is also likely that vehicles could overhang the carriageway and block the footway for pedestrians.

- 5.34 Instead of loading and un-loading from this location safe and legal loading could take place from the loading bay directly outside of the development site on Jubilee Street. Therefore the Highway Authority is of the view that safe and legal loading could occur from the existing loading bays on Jubilee Street. Due to the nature of the land uses and that the commercial units operate delivery services the Highway Authority would recommend that a condition is included to secure the need to produce a Delivery & Service Management Plan for the development.

5.35 Developer Contribution

In order to comply with the Brighton & Hove Local Plan 2005 policies TR1 and QD28 and the Council Interim Guidance on Developer Contributions approved by Cabinet on the 17th February 2011 the applicant is expected to make a financial contribution of £24,000 towards sustainable transport improvements. This is calculated below:

Total Contribution = £86, 744

- 5.36 Given the central location of the site it is likely that some of these trips will be linked with other destinations within the city centre. Therefore the Highway Authority would look for a contribution of £24,000 which includes the additional £2000 for cycle parking. The S106 contribution will go towards the following improvements:

Pedestrian improvements in the North Laine area including tactile paving and dropped kerbs. Roads where improvements will be made include but are not limited to Spring Gardens, Church Street, Portland Street and Tichborne Street; On-street cycle parking provision in the local area. This could include a Pedal Cycle Parking Place (PCCP) in North Place or additional on-street cycle parking in the local vicinity.

- 5.37 **Access Officer:** These comments are for the penthouse only. Need confirmation of the Lifetime Homes issues not obvious on plan (reinforced partitions for grab rails, floor drainage for future level entry shower).

6 MATERIAL CONSIDERATIONS

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that “If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”
- 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:

QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD5	Design – street frontages
QD14	Extensions and alterations
QD27	Protection of amenity
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste
TR1	Development and the demand for travel
TR7	Safe development
TR8	Pedestrian routes
HO8	Retaining housing
EM9	Mixed uses and key mixed use sites
EM15	Jubilee Street site – mixed uses
HE6	Development within or affecting the setting of conservation areas
SR14	New hotel and guest accommodation

Supplementary Planning Guidance:

SPGBH4 Parking Standards

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD08	Sustainable Building Design
SPD09	Architectural Features

Brighton & Hove City Plan Part One (submission document)

8 CONSIDERATIONS & ASSESSMENT

8.1 The main considerations in the determination of this application relate to the principle of the loss of residential units, the principle of a music venue, the impact of the proposed alterations upon the character of the existing building, street scene and conservation area, impact on amenity and highways issues.

Principle of the loss of residential floorspace:

- 8.2 Policy HO8 relates to the retention of housing. It confirms that planning permission will not be granted for proposals involving a net loss of units of residential accommodation unless one or more of the following exceptional circumstances applies:
- The residential accommodation is classified as unfit for human habitation and it can be demonstrated that it cannot be made fit for habitation;
 - A separate access to the residential accommodation is impracticable;
 - Where it can be demonstrated that the change of use is the only practicable way of preserving the existence or special architectural or

historic character of a listed building or other building of architectural or historic interest;

- d. Where the proposal would result in a net gain in units of affordable housing; or
 - e. Where previous use of a building would be a material consideration.
- 8.3 The application seeks the demolition of 2no existing residential dwellings and their replacement with a four storey extension to provide additional commercial floorspace. The application does propose a single residential unit as a penthouse addition to the existing hotel. However there is an in principle objection to an additional storey proposed which is discussed below.
- 8.4 The change of use does not conform to any of the exception criteria (a-e) as defined in Policy HO8, it is therefore considered that the proposal would result in the net loss of a single residential unit contrary to policy.

Principle of Music venue:

- 8.5 The loss of the existing parking spaces within the basement is accepted by the Sustainable Transport officer. The applicant has indicated that the music venue would form part of the existing hotel and be run by the current owners. The Environmental Health officer raises no objection to the use of the basement as a music venue, in terms of the impact on amenity to residents within the area. As such it is considered acceptable in principle.

Design:

- 8.6 Local Plan Policies QD1, QD2, and QD14 confirm that development must be high quality, both in design terms and materials used, be of an appropriate height, scale and bulk and particularly extensions must be well sited, designed and detailed in relation to the host property and use materials sympathetic to the parent building.
- 8.7 Policy HE6 relates to development within or affecting the setting of a conservation area, and confirms that proposals should preserve or enhance the character or appearance of the area.
- 8.8 The development was subject to a detailed planning brief, masterplan and visual impact analysis. This ensured that the whole development has a strong design unity and cohesion in terms of building masses, heights, forms, designs, materials and colours, which are sympathetic to the character of the conservation area.
- 8.9 There are a number of distinct elements to the alterations which impact on the host building; these are the extensions to the southern elevation, alterations to the western elevation at ground floor level, and the alterations to eastern elevation.

8.10 Southern extension

This extension is proposed to the southern elevation of the hotel. The extension proposed is 13.5m long x 4.0m wide x 8.8m high. The extension would result in the removal of the existing vehicular entrance to the basement car park.

- 8.11 The extension itself is to be finished with painted flintwork panels and significant levels of glazing to the western elevation. The extension therefore would be of a modern design, however due to the choice of materials and slightly awkward relationship to the existing hotel in terms of floor levels, it is considered that it would significantly alter the visual appearance of the southern elevation, which includes clean vertical and horizontal lines defining the window proportions of the building, both at ground floor and upper levels. This unity is present along the Jubilee Street frontage and is visible in longer views from the south along New Road. The proposed southern extension therefore is considered to have an unacceptable impact on the host building, the street scene and the surrounding conservation area.
- 8.12 The proposed third floor extension would result in an infill extension designed to replicate the floors below and finished in like materials. Whilst this may be acceptable in appearance in relation to the existing building, this part of the proposal is considered acceptable in design terms, the existing building appropriately steps down in this area to allow for a successful transition between the 2 storey buildings to the south and the Jubilee Street development.
- 8.13 Eastern extension
The extension to the east requires the demolition of two mews properties, and would be formed as a four storey extension finished replicating the existing building in design terms. Although the mews buildings have been much altered, they form part of a quiet and secluded street within the conservation area, which acts as a reminder of the former character of this area of the city and is a rare survival of this form in the conservation area. The flint gable end and traditional first floor and roof form are also visible from the passageway beside the swimming pool, and form some of the last historic survivals in this area. It is therefore considered that this extension would have a harmful impact upon the appearance of the conservation area and the mews properties to south.
- 8.14 Roof extension
The penthouse extension would provide an additional residential dwelling. The design and capacity of the MyHotel site were carefully considered as part of the original masterplan and planning application.
- 8.15 The parapet line of the hotel at this level and the set back of the top floor are critical to the design success of the building and its relationship to the wider development and the square. They ensure that the scale of the building is well related to that of the smaller historic buildings to the south of it and to the library to the north.
- 8.16 The proposed materials, design and roof-form of the extension are out-of-keeping with the remainder of the building. It would be visible from the library and the square, and also likely glimpsed in views from surrounding streets. The building already has one set-back floor; a further floor is considered excessive to the scale and massing of the building. It is therefore considered

that the penthouse extension would be to the detriment of the existing building, street scene and surrounding conservation area.

8.17 Western elevation alterations

The application proposes railings to either side of the existing main entrance to the hotel to provide an additional seating area for the existing A3 use and a smoking area and a large banner above the existing hotel entrance. It is considered that the banner disrupts the proportions, unity and design of the existing façade, and the railings would result in additional clutter to the façade, to the detriment of the existing building and street scene.

8.18 Given the above it is considered that the proposed extensions by virtue of their design, scale, height, bulk and massing would result in unsympathetic extensions to the existing property to the detriment of the character of the street scene, and surrounding conservation area.

Impact on Amenity:

8.19 Policy QD27 seeks to protect amenity issues and confirms that permission will not be granted for development where it would cause material nuisance and loss of amenity to proposed, existing and/or adjacent occupiers and residents.

8.20 Policies SU9 and SU10 relate to noise nuisance and confirms that new development will be required to minimise the impact of noise on the occupiers of proposed buildings, neighbouring properties and the surrounding environment.

8.21 Neighbouring occupiers

The proposed change of use of the basement is not considered to cause any great harm in terms of noise nuisance or amenity issues than existing, due to the proposed location within the existing basement area, and given the city centre location of the development.

8.22 In terms of overlooking the proposed roof extension and extension to the eastern elevation has the potential to increase overlooking and interlooking between existing residential units surrounding the site. The eastern extension would overlook the parking and access area to Pavilion Mews which has the potential to change the character of the mews space as this is not currently overlooked by the development. The proposed roof extension has the potential for interlooking between the proposed development and the residential flats to the north west of the site.

8.23 Whilst this may occur to some extent the nature of the use of the penthouse is different to the existing hotel rooms. It is likely that as the proposed roof extension is for a residential dwelling that the property would be occupied over a more sustained period of time than one would occupy a hotel room. It is therefore considered that there would be an increase in the perceived level of overlooking/interlookng resulting from the proposed roof extension to the detriment of the amenity of adjoining residents.

8.24 In terms of overshadowing and loss of light it is considered that the proposed extensions given their location would not result in significant overshadowing in

relation to neighbouring amenity. The proposed 4 storey extension would introduce significant bulk to the north side of Pavilion Mews. Whilst the mews by its nature is significantly enclosed, the existing mews properties which would be demolished provide relief against the backdrop of the existing 4-storey hotel building. It is therefore considered that the proposed bulk would result in an increased sense of enclosure for the residents of the mews to the detriment of their existing level of amenity.

8.25 Future occupiers

Policy QD27 will not permit development which would cause a material nuisance or loss of amenity to the proposed, existing and/or adjacent users, residents or occupiers where it would be liable to be detrimental to human health. The proposed residential unit appears to provide a reasonable layout and is substantial in respect to internal accommodation.

8.26 Policy HO13 requires residential units to be lifetime homes compliant, new residential dwellings should comply with the standards. The proposal appears to generally accord however further details would be required were the scheme otherwise considered acceptable.

Sustainable Transport

8.27 Policy TR1 of the Local Plan requires development proposals to provide for the demand for travel which they create and maximise the use of public transport, walking and cycling. Policy TR7 will permit developments that would not increase the danger to users of adjacent pavement, cycle routes and roads.

8.28 The application proposes the loss of 19 existing carparking spaces which are currently used for hotel guests. The Sustainable Transport Officer raises no object to the loss of the carparking spaces, given the central and sustainable location of the site and as the standards defined within SPG04 are maximum standards and not minima.

8.29 In terms of cycle parking the applicant has not identified an area which is suitable for the require level of additional cycle parking for the proposed development, and from the plans it is not evident where the required 8 cycle parking spaces could be provided.

8.30 Loading/un-loading related to the existing land uses is likely to remain as existing. There is a loading bay on Jubilee Street, directly outside the development. The Sustainable Transport Officer has raised concern over the retention of the existing dropped curb. If this were retained it would result in delivery vehicles reversing onto a carriageway with a contra flow cycle lane and heavy pedestrian movements. This could be controlled by a suitably worded condition were the scheme otherwise considered acceptable.

8.31 As noted by the Sustainable Transport Officer, the application site is within a sustainable location but there is scope for improvements in local provision for sustainable modes. The Sustainable Transport Officer has calculated that a contribution of £24,000 should be provided towards improving sustainable modes of transport within the vicinity of the development.

Sustainability:

- 8.32 Policy SU2 seeks to ensure that development proposals are efficient in the use of energy, water and materials. Proposals are required to demonstrate that issues such as the use of materials and methods to minimise overall energy use have been incorporated into siting, layout and design.
- 8.33 The applicant has provided a completed sustainability checklist which indicates that the proposed penthouse dwelling would be built to Code Level 4 of the Code for Sustainable Homes, and that the proposed commercial extension would be built to BREEAM 'very good' including 50% reduction in water and energy sections. This is in line with SPD08 and as such is considered acceptable.

Other issues:

Ecology/Biodiversity:

- 8.34 The applicant has submitted a plan which details the location of a proposed living wall and green roofs within the proposed development, also proposed is an apiary to the top floor. The provision of such measures is considered appropriate in a town centre location. However full details of the proposed roofs and wall would be required by condition to ensure that the proposals would be sustained and also retained.

9 CONCLUSION

- 9.1 Cumulatively the proposed extensions would have detrimental impact upon the character and appearance of the existing building, the street scene and the North Laine conservation area, including views of the buildings to the south and Jubilee library and longer views along Jubilee Street and New Road. The application would result in the loss of a single residential unit and have a perceived detrimental impact upon the amenities of the neighbouring residential occupiers.

10 EQUALITIES

- 10.1 The proposed residential component would need to achieve lifetime home standards.

11 REASON FOR REFUSAL / INFORMATIVES

11.1 Reasons for Refusal:

- 1) The proposed penthouse roof extension by reason of its siting, design, scale and increased massing at higher level would increase the visual bulk of the building to the detriment of the character and appearance of the existing building, the street scene and the North Laine conservation area, including views of the buildings to the south and Jubilee library and longer views along Jubilee Street and New Road. As such the proposal is contrary to policies QD1, QD2, QD4, QD14 and HE6 of the Brighton & Hove Local Plan.

PLANNING COMMITTEE LIST – 28 AUGUST 2013

- 2) Cumulatively the proposed extension and alteration to the southern and western elevations by reason of its siting, design, scale and increased massing at higher level would increase the visual bulk of the building to the detriment of the character and appearance of the existing building, the street scene and the North Laine conservation area, including views of the buildings to the south and Jubilee library. As such the proposal is contrary to policies QD1, QD2, QD4, QD14 and HE6 of the Brighton & Hove Local Plan.
- 3) The proposal would result in the net loss of a single residential dwelling and the applicant has failed to demonstrate any exceptional circumstances. As such the proposal is contrary to policy HO8 of the Brighton & Hove Local Plan.
- 4) It is considered that the proposed extensions would result in an unacceptable impact upon the amenity of the neighbouring occupiers of Pavillion Mews, Church Street and Arena House, in terms of increased building bulk, a perceived increased sense of enclosure, overlooking and interlooking as such the proposal is contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.
- 5) The proposal fails to meet the travel demands that it creates or help to maximise the use of sustainable transport. The Local Planning Authority would expect the scheme to make an appropriate contribution towards local sustainable transport infrastructure. In the absence of an agreement in this respect, the scheme is contrary to policies TR1, TR TR19, and QD28 of the Brighton & Hove Local Plan and Supplementary Planning Guidance 04 Parking Standards.

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
Site and Block Plan	A.01		25/04/2013
Demolitions Block Plan	A.02		25/04/2013
Photo Survey	A.03		02/04/2013
Photo Survey	A.04		02/04/2013
Photo Survey	A.05		02/04/2013
As Existing Basement Plan	A.06		02/04/2013
As Existing Ground Floor Plan	A.07		02/04/2013
As Existing 1 st Floor Plan	A.08		02/04/2013
As Existing 2 nd Floor Plan	A.09		02/04/2013
As Existing 3 rd Floor Plan	A.10		02/04/2013
As Existing Roof Plan	A.11		02/04/2013
As Existing Elevations	A.15	A	25/04/2013

PLANNING COMMITTEE LIST – 28 AUGUST 2013

As Existing Elevations	A.16	A	25/04/2013
Entrance Landscaping & Canopy Existing	A.17		02/04/2013
As Proposed Basement Plan	D.21		02/04/2013
As Proposed Ground Floor Plan	D.22	A	13/08/2013
As Proposed 1 st Floor Plan	D.23		02/04/2013
As Proposed 2 nd Floor Plan	D.24	A	02/04/2013
As Proposed 3 rd Floor Plan	D.25		02/04/2013
As Proposed Roof Plan	D.26		02/04/2013
As Proposed Upper Roof Plan	D.27		02/04/2013
As Proposed West Elevation	D.31	A	13/08/2013
As Proposed South Elevation	D.32		01/05/2013
As Proposed East Elevation	D.33	A	13/08/2013
As Proposed North Elevation	D.34	A	13/08/2013
As Proposed Sectional East Elevation	D.35		25/04/2013
Landscape & Biodiversity Overview Axonometric	D.40		02/04/2013
Entrance Landscaping Proposed	D.51	A	13/08/2013

Appendix A

List of Supporters

42 Bennett Road	103A High Road, London
44 Rugby Road	9 Friars Mews, London
58 Franklin Road	21 Jupiter Way, London
29 Buckingham Street	123 Ellesmere Road, London
42 Tidy Street	112 Haden Court, London
48a Brunswick Square	Marlborough Place, London
91 Hangleton Way	260 High Street, London
77 Montpelier Road	15 The Atrium Ashford
3 College Gardens	9 Wolstonbury Close, Hurstpierpoint
Flat 5 41 Ventnor Villas	18 Crocker End, Nettlebed
46 Sherbourne Road	8 Lulworth Avenue, Tunbridge Wells
43 St Nicholas Road	1 Argyll Place, Portsmouth
45 St Nicholas Road	81 Cuthbert Road, Portsmouth
97 Braeside Avenue	2 Kennedy Close, Portsmouth
79a St Georges Road	295 Twyford Avenue, Portsmouth
52 Astra House, Kings Road	53 Victoria Gardens Colchester
34a St James Street	72 Parkway, Eastbourne
801A High Road, London	28 Mariners Way Paignton
25 Cardoza Road, London	Flat 9 31 Gratwicke Road, Worthing
18 Russell Square, London	1 Clarendon Mews, Worthing
100 Victoria Mansions, London	The Coppa Dolla Inn, Broadhempston
1 Norgrove Street, London	19 Tolchers, Totnes
19 Stapleton Road, London	1b Station Road Shepperton
85 Warm Lane, London	2 Ledbury Road Crescent, Gloucester
26C Wickham Road, London	35 Barnfield Road, Exeter
25 Cumberland Road, London	7 Hingston Road (x2), Torquay
75 Kitto Road, London	16 Pheonix Drive, Letchworth
78A North End Road, London	2B The Broadway Haywards Heath
59 Marlow Road, London	3 x Undisclosed