

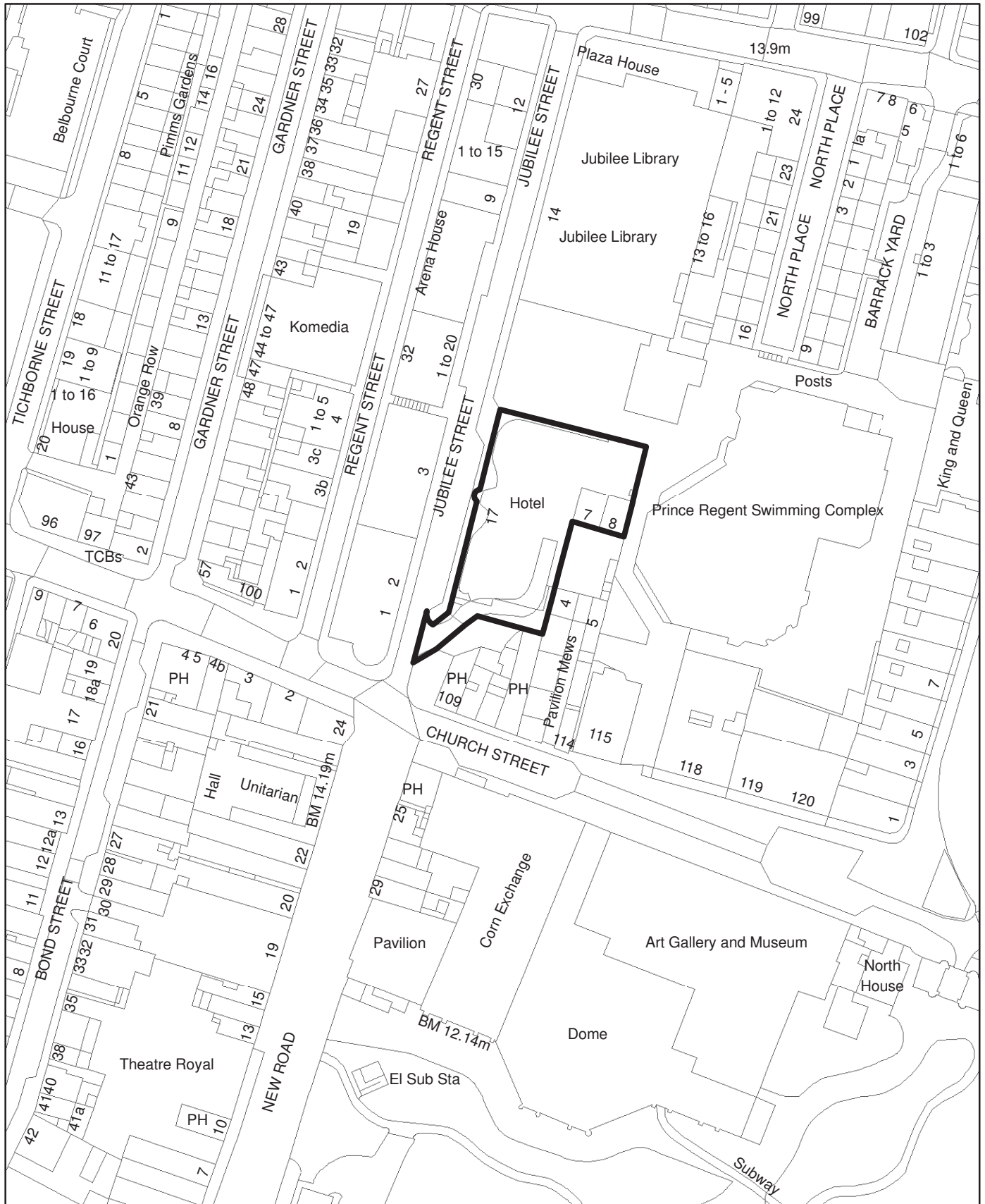
# **ITEM K**

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

**BH2013/01035  
Conservation Area**

**28 AUGUST 2013**

# BH2013/01035 East House 7 & West House 8 Pavilion Mews & 17 Jubilee Street, Brighton



**Brighton & Hove  
City Council**



Scale : 1:1,250

<b><u>No:</u></b>	<b>BH2013/01035</b>	<b><u>Ward:</u></b>	<b>ST. PETER'S &amp; NORTH LAINE</b>
<b><u>App Type:</u></b>	<b>Conservation Area Consent</b>		
<b><u>Address:</u></b>	<b>East House 7 &amp; West House 8 Pavilion Mews &amp; 17 Jubilee Street Brighton</b>		
<b><u>Proposal:</u></b>	<b>Demolition of East House, 7 and West House, 8 Pavilion Mews, Brighton.</b>		
<b><u>Officer:</u></b>	Anthony Foster Tel 294495	<b><u>Valid Date:</u></b>	12/07/2013
<b><u>Con Area:</u></b>	Constraints	<b><u>Expiry Date:</u></b>	06 September 2013
<b><u>Listed Building Grade:</u></b>			
<b><u>Agent:</u></b>	Chalk Architecture Ltd, The Chalk Store, 102a Gloucester Road, North Laine, Brighton, BN1 4AP		
<b><u>Applicant:</u></b>	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** Conservation Area Consent 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 It is the two dwellings to the north end of Pavilion Mews which form part of this application for conservation area consent

## **3 RELEVANT HISTORY**

**BH2013/01034:** 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 a multi-purpose music venue, the formation of a 3no bedroom penthouse flat, associated landscaping and alterations. 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 Conservation Area Consent is sought for the demolition of the existing 2no two-storey mews properties to the northern end of Pavilion Mews adjacent to the existing MyHotel site.

## **5 PUBLICITY & CONSULTATIONS**

### **External:**

- 5.1 **Neighbours: One (1)** letter of representation has been received from **Pavilion Mews Management Company** objecting to the application for the following reasons:
- Loss of two residential units is contrary to policy
  - The proposed rear extension would dwarf the adjoining mews and appear incongruous
  - 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
- 5.2 **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:**

- 5.3 **Heritage: Object.** 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.

**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

HE8 Demolition in Conservation Areas

Brighton & Hove City Plan Part One (submission document)

**8 CONSIDERATIONS & ASSESSMENT**

- 8.1 The issue for consideration is whether the loss of the existing buildings on the site would adversely affect the character and appearance of the North Laine 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 area's 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 Heritage officer considers that the existing properties form part of a relatively complete mews, 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.
- 8.5 The applicant has submitted a full application for the redevelopment of the site however the Council Heritage officer has raised concern over the suitability of the proposals in terms of its impact upon the character of the surrounding North Laine Conservation Area. As such this application ref BH2013/01034 is considered to be unacceptable and has been recommended for refusal.
- 8.6 No appropriate replacement scheme for the site has therefore been submitted or approved to date. In the absence of such a scheme, the proposed demolition would result in an empty site which may become ill kempt and unsightly, to the detriment of the street scene and the North Laine Conservation Area. Refusal is therefore recommended.

**9 CONCLUSION**

9.1 In the absence of an acceptable replacement scheme for the site, the demolition of the existing buildings would result in the creation of a vacant unsightly area of land that would be detrimental to the character and appearance of the North Laine Conservation Area, contrary to policy HE8 of the Brighton & Hove Local Plan.

**10 EQUALITIES**

10.1 None Identified

**11 REASON FOR REFUSAL / INFORMATIVES**

**11.1 Reasons for Refusal:**

1) In the absence of an acceptable replacement scheme for the site, the demolition of the existing buildings would result in the creation of a vacant unsightly area of land that would be detrimental to the character and appearance of the North Laine Conservation Area, contrary to policy HE8 of the Brighton & Hove Local Plan.

**11.2 Informatives:**

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
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 <sup>st</sup> Floor Plan	A.08		02/04/2013
As Existing 2 <sup>nd</sup> Floor Plan	A.09		02/04/2013
As Existing 3 <sup>rd</sup> 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
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 <sup>st</sup> Floor Plan	D.23		02/04/2013
As Proposed 2 <sup>nd</sup> Floor Plan	D.24	A	02/04/2013
As Proposed 3 <sup>rd</sup> 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

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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