

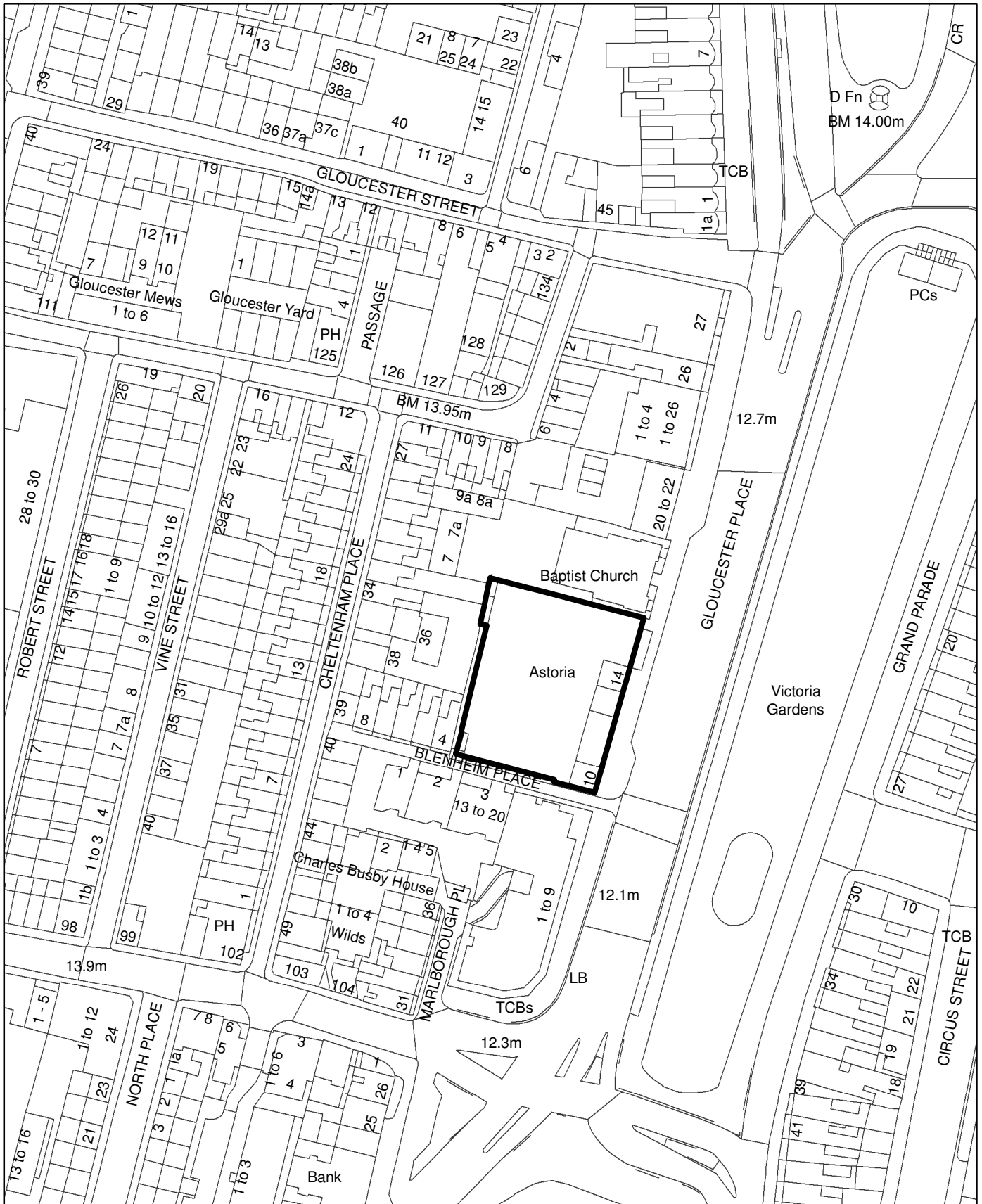
ITEM D

**The Astoria, 10-14 Gloucester Place,
Brighton**

**BH2013/03927
Listed Building consent**

06 AUGUST 2014

BH2013/03927 The Astoria, 10-14 Gloucester Place, Brighton.



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2013/03927	<u>Ward:</u>	ST. PETER'S & NORTH LAINE
<u>App Type:</u>	Listed Building Consent		
<u>Address:</u>	The Astoria 10-14 Gloucester Place Brighton		
<u>Proposal:</u>	Demolition of existing Grade II Listed Building.		
<u>Officer:</u>	Adrian Smith, tel: 290478	<u>Valid Date:</u>	06 December 2013
<u>Con Area:</u>	Within Valley Gardens and adjacent to North Laine.	<u>Expiry Date:</u>	31 January 2014
<u>Listed Building Grade:</u>	Grade II		
<u>Agent:</u>	Lewis and Co Planning SE Ltd, 2 Port Hall Road, Brighton BN1 5PD		
<u>Applicant:</u>	H30 Media Ltd, Mike Holland, The British Engineerium, The Droveaway, Hove BN3 7QA		

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** Listed Building Consent subject to the Conditions and Informatives set out in section 11.

2 SITE LOCATION & DESCRIPTION

- 2.1 The Astoria site lies within the Valley Gardens Conservation Area and abuts the North Laine Conservation Area. The Valley Gardens Conservation Area is characterised by mostly grand Regency and Victorian terraces fronting onto public gardens. Gloucester Place has been much more significantly redeveloped in the 20th century than other frontages in the area, with buildings of generally larger scale. The North Laine Conservation Area is characterised by contrastingly smaller scale, mixed-use buildings on a tight urban grain of mainly north-south streets.
- 2.2 The building is currently vacant and has been since circa 1996/97 when the previous use as a Bingo Hall (D2) vacated. Prior to operating as a Bingo Hall the building operated as a cinema between 1933 and 1977.
- 2.3 The property is set out over three storeys and the accommodation includes vacant commercial units on the ground floor, the previous tea room above at first floor level and the manager's flat at second storey level. The auditorium takes up some 55% of the internal space. The property is Grade II Listed and has been since 2000.
- 2.4 The surrounding area is contained within a Controlled Parking Zone (CPZ), Gloucester Place is a three lane one way road heading north. To the front of the building is an existing layby containing pay and display, disabled and taxi spaces. Blenheim Place is a narrow no through road with double yellow lines to either side.

3 RELEVANT HISTORY

BH2013/03926- Concurrent planning application- Demolition of existing Grade II listed building and construction of new building consisting of 3no storeys in height at rear and 6no storeys in height at front (including basement) incorporating café/restaurant (A3) on the ground floor fronting Gloucester Place and community rooms (D1) on the ground floor fronting Blenheim Place with offices (B1) above and to the rear, together with 6no residential units (C3) on the fifth floor. Awaiting determination

BH2010/03759- Demolition of existing Grade II listed building and construction of new office block consisting of 2no storeys at rear and 6no storeys at front incorporating café and community rooms on ground floor at front of development. Approved 14/05/2012.

BH2010/03760- Listed Building Consent for demolition of existing Grade II listed building and construction of new office block consisting of 2no storeys at rear and 6no storeys at front incorporating café and community rooms on ground floor at front of development. Approved 15/05/2012.

BH1997/02007/FP- Change of use from bingo hall (class D2) to music/dance venue and public house (class A3) including internal alterations. Approved 13/03/1998.

BN75.2505- Change of use from Cinema to Cinema Class XVII and for indoor games including bingo and ancillary social club. Approved 16th December 1975.

4 THE APPLICATION

- 4.1 Listed Building Consent is sought for the demolition of the existing listed building.

5 PUBLICITY AND CONSULTATIONS

External:

5.1 Neighbours:

One (1) letter has been received from **1 Village Barn, Church Hill**, objecting to the proposed development on the following grounds:

- The building is a 1930's Grade II listed Art Deco building with significant historical importance to the city
- The plans are not sympathetic to the conservation area
- The council should consider purchasing the building for use as a public building such as an art gallery which would benefit the city culturally

5.2 Ancient Monuments Society: Comment.

The Society wishes to defer to the Twentieth Century Society.

5.3 Twentieth Century Society: Object.

The Society does not believe that clear and convincing justification has been made for the loss of this designated heritage asset. The marketing report has not been updated to reflect the current economic climate, whilst the PH Warr costings report does not provide financial details for alternative uses for the site. There are many examples of the successful reclamation and reuse of redundant cinema and theatre buildings that have fallen into disrepair, as pointed out by the Theatres Trust.

5.4 The Theatres Trust: Object.

The Trust remain opposed to the total demolition of the Grade II listed Astoria Theatre, and has never accepted the case for demolition as previously granted. The Trust consider it important to find a long term use that retains the Astoria. It is clear that the building does not need to be used for theatrical or cinematic uses or that these uses are even viable. There are many examples of the successful reclamation and reuse of redundant cinema and theatre buildings that have fallen into disrepair and there is no reason why the Astoria cannot be retained and contribute to the rejuvenation of this part of Brighton. The Trust would expect that at the very least key features of the existing building be incorporated into any redevelopment of the site.

5.5 It is disappointing that the application has not made any attempt to reconfirm that there are no current alternative community uses available or to provide updated marketing reports that reflect the improved economic climate.

5.6 The application's justification for demolition remains questionable. It appears contradictory to argue that the Astoria is 'at odds with its conservation area setting' and is 'very bulky' and out of scale when the proposed replacement building is much taller across the entire width of the site, dominating Gloucester Place, the adjacent Baptist Church and other low rise buildings in the area. The dilapidation report and costings are focussed on restoring the building as a cinema rather than considering alternative uses.

5.7 The Cinema Theatre Association (CTA): Object.

The Cinema Theatre Association is not satisfied that the criteria for demolition have been met and the historic report is not convincing in its authority regarding the development and context of the building type of the cinema or its (lack) of historic merit. We therefore strongly object to this application.

5.8 The building has not been altered since it was listed. The historic features described are all still in situ, albeit some concealed by the accretion of later surfaces. The building possibly would have been afforded a higher listing had more original fabric survived.

5.9 Any deterioration has been the cause of prolonged neglect. The deterioration of a building is the direct effect of a lack of maintenance by the owner. Failure to maintain a building is therefore effectively neglect by the owner.

5.10 It appears that the owner has ambitious expectations regarding the value of the site and its location in terms of its redevelopment potential rather than considering the historic building that occupies it.

5.11 There is no reason why the shop units could not have been in business, contributing to the income of the site for the past ten years. Their closure for the past ten years attests to the lack of interest of the owner to actually use the building. It was never intended for any use and had been purchased as a redevelopment site.

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- 5.12 It is clear from several other cinemas that have stood empty and have now been successfully returned to entertainment use that the Astoria is not beyond repair and could under the right ownership be brought back to life.
- 5.13 It has not been proven that the building is surplus to cultural, community and tourism requirements.
- 5.14 Several documents that have been submitted as part of this application are dated 2010 and must therefore be considered outdated. This is particularly relevant regarding the Marketing Report. Many factual inaccuracies of the Heritage Report were pointed out in our last correspondence for the previous application. This new application again relies on the faulty information.
- 5.15 **English Heritage: No objection.**
English Heritage carefully scrutinised the justification put forward by the applicant in 2011/12 and there are no substantial changes to either the policy framework or the nature of the circumstances here that would lead to a different conclusion. English Heritage does not therefore object to the current application for listed building consent to demolish the Astoria.
- 5.16 **CAG: No objection.**
- 5.17 **District Valuation Office: No objection.**
According to the District Valuer's records the building was built in 1910 as a theatre and subsequently adapted for use as a cinema. Its last use was as a Bingo Hall which ceased in June 1997. It is understood that the property has remained vacant. The property is configured as a traditional theatre with a raked auditorium and circle seating. The current planning use is Class D2 and initially market value for occupations with this class have been considered.
- 5.18 **Bingo Hall:** In recent years the number of Bingo Halls has declined owing to the introduction of the smoking ban, restrictions from the Gambling Act 2005, shrinking customer bases, and increased online gambling sites. In response to this the main chain operators, Mecca, Gala, Walkers and Top Ten reduced their estates. Some 54 Bingo Halls in the UK were closed in 2009. Only the strong performing locations remain with the majority situated in Shopping Centres or close to residential estates.
- 5.19 Converted cinemas have high operating costs and achieve lower profitability than modern types. Therefore the remaining converted cinema Bingo Halls are mainly found within local primary retail areas and where there is an absence of any competition for some distance. This property is not located close to a residential area and in my opinion there would be no demand for an occupation as a Bingo Hall. The comments made by Mr. Edward Flude BSc FRICS in paragraph 6.3 of his valuation report are therefore agreed with.
- 5.20 **Cinema:** Cinemas are valued by reference to the reasonable expectation of trading potential. The trading performances of single screen cinemas in Brighton and elsewhere have been examined and analysed. The DV's estimate of the reasonable expectation of gross trading receipts was deduced from

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comparable trading information and after making adjustments for location, competition and the establishment of the business. The market value of the property retained as a Cinema would be £500,000 (Five Hundred Thousand Pounds) for the Freehold vacant possession interest.

5.21 Casino: A casino occupation is not a viable consideration.

5.22 Other Occupations: No evidence for demand for other uses within Class D2 has been found:

1. Theatres: The trading performance of Theatres in Brighton & Hove and East Sussex have been examined. In the DV's opinion there would be no demand for occupation as a Theatre as provincial theatre struggle to achieve a profit or rely on grants to continue operating
2. Licensed Night Club: The location of the property is isolated from the main trading centre and difficulties with the location are evidenced by the closures of the nearby Gloucester Club.
3. Church or Religious Meeting Halls: A number of converted cinemas (like Finsbury Park in London) have been occupied as meeting halls. Demand for this use is incidental and therefore cannot be assessed.
4. Other uses, like Health and Fitness Clubs, has also been briefly considered but in the Valuer's experience the Leisure market avoids auditorium layouts as they are considered to be inefficient and difficult to manage and operate.

5.23 Conclusion: It is considered that the market value of the property retained as a Cinema is £500,000 for the Freehold vacant possession interest. It is understood that the opinion of value prepared by Mr. Edward Flude BSc FRICS represents the best, or optimistic, consideration to demonstrate the negative residual value. The District Valuer does not consider there to be a conflict between the opinions of value.

Internal:

5.24 Heritage: No objection

This proposal is in effect a variation to the applications approved under BH2010/03759 and BH2010/03760. The principle of demolition of the building and redevelopment of the site was accepted under those approvals. In terms of the loss of the listed building, the main change in policy considerations since then has been the replacement of PPS5 by the National Planning Policy Framework (NPPF), though the PPS5 Planning Practice Guide has not yet been superseded. The loss of the listed building represents substantial harm to the heritage asset under paragraph 133 of the NPPF. The criteria that must be met to justify this substantial harm are effectively unchanged from policy HE9.2 of PPS5 and therefore no additional justification is required to meet national policy. Since the previous approvals the South East Plan has been abolished and the council's City Plan (part 1) has progressed but remains an emerging policy document. Policy CP15 of that Plan is relevant to the application for demolition but does not conflict with the NPPF and does not require any additional justification to be provided beyond that to satisfy paragraph 133 of the NPPF. Consequently the loss of this building is accepted provided that the proposed redevelopment is acceptable and would produce the same heritage and other public benefits as the approved scheme.

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- 5.25 The main part of the new building, fronting Gloucester Place, is to be the same height and design as previously approved but with residential use on the fifth floor. The front (east) elevation at fifth floor level would now be glazed to the northern-most bay in the same manner as the others but would still be set back to the same degree as previously approved. The fenestration at fourth and fifth floors to the main rear (west) elevation has been revised but there are no objections to these changes.
- 5.26 The previously-proposed solar chimneys on each flank elevation would be omitted and there would be other revisions to these elevations, including a more slender tower elevation on the south elevation and a revised roofline and fenestration. Overall and on balance it is considered that these amendments are acceptable and retain the necessary design quality of the development. The ground floor of the south flank elevation has also been revised and incorporates more door openings for fire escapes and stores. The design and appearance of these would need to be carefully considered to avoid a dead appearance.
- 5.27 This proposal differs most significantly from the approved scheme in terms of its footprint at the northern end and in additional floors to the rear wing. The courtyard between the main frontage building and the rear wing would be reduced in size as the front and rear buildings would be linked at the northern end, though there would be a light well above ground floor level. The rear wing would have an additional floor, making it three storeys above ground, but the new link section would rise a further storey to be four storeys in height. A key public heritage benefit of the approved scheme, mitigating the loss of the listed building, was the enhancement to the character and appearance of the North Laine conservation area arising from the substantial reduction in bulk along the rear of the site. The additional storey to the rear wing would mean that it would now be a storey higher than the historic Blenheim Place and Cheltenham Place buildings. Nevertheless it is still considered that in this respect that the development would make an appropriate transition in scale from the Valley Gardens frontage to the small scale of the North Laine.
- 5.28 Concerns were initially raised with regard to the impact of the additional storeys on the key views from Marlborough Place northwards to the historic roofline of Blenheim Place. The enhancement of these key views, and the enhancement of the North Laine conservation area by a careful transition in scale and massing from the Valley Gardens conservation area, were considered to be important public benefits of the redevelopment, contributing significantly to the balance of public benefits that were considered to outweigh the substantial harm caused by the complete demolition of the listed building. Additional and revised details, in the form of long sections and CGIs have satisfactorily demonstrated the very limited extent to which the proposed development would be visible above the historic roofline, and only at some distance southwards. On this basis there is no objection to the additional rear storeys.

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) is a material consideration.
- 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:

HE1	Listed Buildings
HE2	Demolition of a listed building
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of conservation areas
HE8	Demolition in conservation areas

Supplementary Planning Guidance:

SPGBH11	Listed Building Interiors
SPGBH13	Listed Building – General Advice

Brighton & Hove City Plan Part One (submission document)

SS1	Presumption in Favour of Sustainable Development
SA3	Valley Gardens
CP15	Heritage

8 CONSIDERATIONS & ASSESSMENT

- 8.1 Listed Building Consent has previously been granted for the complete demolition of the Astoria under application BH2010/03759. The permission is extant and the deadline for commencement of works expires on 15 May 2015. This application again seeks listed building consent for the complete demolition of the building in association with a revised corresponding planning application for a mixed use commercial and residential scheme (BH2013/03926).
- 8.2 Since listed building consent was previously granted there have been a number of changes to local and national policy. PPS5 'Planning for the Historic Environment' has been superseded by the National Planning Policy Framework and National Planning Practice Guide (NB the PPS5 Planning Practice Guide has not yet been superseded), whilst the South East Plan has been abolished and the council's City Plan Part One has progressed but remains an emerging policy document.
- 8.3 In light of the above policy changes the main consideration is the acceptability of the demolition of the grade II listed Astoria having regard the National Planning Policy Framework (in particular paragraph 133), policy HE2 of the Brighton & Hove Local Plan, and policy CP15 of the emerging City Plan Part One. Also relevant is Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which imposes a statutory duty on local planning authorities when considering whether to grant listed building consent to "have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses".
- 8.4 The demolition of the Grade II listed Astoria represents substantial harm to a heritage asset under paragraph 133 of the NPPF. Paragraph 133 of the NPPF replicates the four key tests previously set out in policy HE9.2 from PPS5 that must be met in order to accept substantial harm to or total loss of a designated heritage asset:
- '133. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:*
- a. the nature of the heritage asset prevents all reasonable uses of the site; and*
 - b. no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
 - c. conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and*
 - d. the harm or loss is outweighed by the benefit of bringing the site back into use.'*
- 8.5 Local Plan policy HE2 is considered compliant with the NPPF and also sets out three criteria that must be met in order to accept the demolition of a listed building. These criteria broadly mirror those in paragraph 133 of the NPPF:

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- a. *clear and convincing evidence has been provided that viable alternative uses cannot be found, through, for example the offer of the unrestricted freehold of the property on the market at a realistic price reflecting its condition and that preservation in some form of charitable or community ownership is not possible;*
 - b. *the redevelopment would produce substantial benefits for the community which would decisively outweigh the resulting loss from demolition or major alteration; and*
 - c. *the physical condition of the building has deteriorated, through no fault of the owner / applicant for which evidence can be submitted, to a point that the cost of retaining the building outweighs its importance and the value derived from its retention. A comprehensive structural report will be required to support this criterion.*
- 8.6 Policy CP15 of the emerging City Plan Part One is relevant to the application for demolition but does not conflict with the NPPF and does not require any additional justification to be provided beyond that to satisfy paragraph 133 of the NPPF.

Principle of demolition:

Heritage Significance

- 8.7 The Heritage Officer notes the significance of the building in summary as follows:
'The period 1920-1940 saw around 4,000 cinemas built in Britain and the large cinemas, usually built as part of chains, emerged in the late 1920s following the arrival of sound. They generally followed a standardised approach, usually incorporating tea rooms and an organ, and with either a classical or moderne style to the external design but with a variety of styles adopted for the interiors. Each chain had distinctive styles and in-house architects and designers. This was an age of mass entertainment and avid film-viewing and the new cinemas displayed an architecture of glamour and escapism that was entirely appropriate. Architectural quality and extent of alteration are key considerations in whether cinemas of this period are listed.'
- 8.8 The Astoria was listed grade II in 2000. The significance of Brighton Astoria lies in its architectural and artistic interest as a 1930s super-cinema with associated tea room, shops and manager's flat, with the surviving architectural design of its exterior reflecting the 'moderne' style and its interior in a French Art Deco style, though the interior was altered in both 1958 and, especially, 1977 when it was converted to a bingo hall.
- 8.9 It can be deduced from the list entry and inspection of the building that its special interest resides in a number of factors:
- i) its survival as an example of the work of E.A. Stone, a noted cinema and theatre designer of the period in London and the South East;
 - ii) the design of its front elevation to Gloucester Place (excluding the later shop fronts);
 - iii) the scale of the auditorium;
 - iv) the historical placing of the cinema as part of a wider chain of Astorias in seaside towns;

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- v) the survival of its internal decorative scheme by the French designers Henri and Laverdet, particularly the proscenium arch; and
- vi) the rareness of the French art deco style of interior decoration.

8.10 These issues are mostly covered by the submitted Heritage Assessment, which provides a history of the building and an assessment of its place in the context of cinema design and development in the south east in the 1930s, as well as information on the career of E.A. Stone. This document does, however, downplay the overall significance of the Astoria, particularly with regard to the interior decoration. Heritage officers remain of the view that the significance of the building is unquestioned and its demolition must be considered on that basis.

Considerations

8.11 Both paragraph 133 of the NPPF and Local Plan Policy HE2 presume against the demolition of a heritage asset unless in exceptional circumstances whereby their respective tests are met. Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a strong presumption against granting consent where a proposal would result in harm to the preservation of a listed building.

8.12 In respect of test (a) within paragraph 133 of the NPPF, the building occupies the whole footprint of the site, with no subsidiary or secondary elements. The most significant element of the building is the auditorium which takes up around 55% of the floor area and sits central to the site. The continued significance of the Astoria as a heritage asset is therefore dependant on retaining the auditorium space in situ. The range of potential uses are therefore limited to those compatible with the auditorium as failure to conserve this element would result in the substantial loss of the Astoria's heritage significance. Given the site coverage and central position of the auditorium it is not reasonably possible for the existing building and its auditorium space to be worked around or incorporated into new development without substantial harm to, or the entire loss of, its significance. As such, any viable use of the building as required by test b) would need to ensure the preservation and restoration of the auditorium space in a form that would enable its special interest to be both conserved and appreciable. This constraint immediately limits the opportunities for viable alternative uses to come forward.

8.13 In respect of test b), the applicants have updated and re-submitted the supporting documentation previously considered to demonstrate the case for demolition as an exception to local and national policy. These documents include a 'Dilapidations Survey' (P H Warr), a 'Market Valuation' report (Flude), a 'Marketing Report' (Graves Jenkins), and a 'Report on the Yes No Productions Ltd Development of the Astoria, Brighton' (Bonnar Keenlyside), which includes an Order of Cost for Refurbishment.

8.14 The main updates are to the PH Warr 'Dilapidations Survey' and Flude Market Valuation Report. The PH Warr 'Dilapidations Survey' includes a Conditions Assessment Survey carried out in September 2013. This survey concludes that the condition of the building has deteriorated since last being surveyed in 2009,

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but without further major defects. The additional repair costs are estimated as being £83,000 which, in combination with uplifts in market rates and contractor preliminaries, results in the estimated restoration costs rising from £3.47m to £3.97m.

- 8.15 The updated 2010 Flude 'Market Valuation Report' re-confirms that the Astoria has no positive present day market value. This conclusion has been reached having regard alternative uses such as a theatre, nightclub or casino. Flude consider that the building's likely maximum market rent of £184,000 as calculated in the 2010 report would remain unchanged in the event the repair works set out in the PH Warr report are completed. This would result in the Astoria continuing to have a negative residual value of more than £2m. Flude consider this value to be of such significance that the retention and restoration of the Astoria would not be viable in the medium term even if offered to the market for sale at nil consideration.
- 8.16 The Graves Jenkins Marketing Report and addendum statement confirms that marketing has continued on the property since permission for the previous scheme was granted. The building has been marketed in the main as a development site with an extant planning permission however the particulars do relay the existing form and use of the building. Interest has been in the main from development companies looking to redevelop the site rather than refurbish. This ties with the feedback received from the previous marketing of the site. Although the marketing is not robust given its focus on being a development site rather than a cinema, taken in conjunction with the PH Warr Dilapidations Survey and Flude Market Valuation Report, and the conclusions of the extant permission, the case remains convincing beyond reasonable doubt that the condition of the building, the nature of its special interest, and broader market conditions render its restoration and conservation as a going concern unviable.
- 8.17 On this basis it is clear that the condition of the building and the market for its potential re-use remains broadly unchanged from previous, and that the site remains unviable for retention either as a cinema or as an alternative community use. The District Valuation Office has assessed the updated reports and remains unchanged in its conclusions, namely that the site is unviable for alternative uses and would have a significant negative residual value if its current use is maintained.
- 8.18 In relation to test (c), as previous the Bonnar Keenleyside report within the applicant's submission sets out the extensive search for funding partners and grant aid that has taken place. The authors have confirmed that its contents and conclusions remain applicable in every respect and, as previous, this report is considered to suitably address this test. The identified negative residual property value of more than £2m would suggest that even a low or zero asking price would be unlikely to attract charitable ownership, whilst the prospect of future public ownership in the medium term would seem unlikely in view of recent and future public spending cuts.
- 8.19 In relation to test (d), the Valley Gardens Conservation Area is an 'at risk' area on the English Heritage register and a specific area policy has been included in

the submission version of the Core Strategy to find solutions to revitalise Gloucester Place and provide a mix of uses. The site has been vacant for some 17 years and given its scale and prominent location along a key route through the City, its continued vacancy and poor condition has undoubtedly caused blight to the area. The redevelopment of the site as justified by tests a)-c) would both bring the site back into active use and bring significant benefits to the area. Such benefits include the provision of an active and attractive street frontage to Gloucester Place, the opportunity to substantially reduce the scale and massing of building to the rear, and the opportunity to introduce improvements to the public realm along Blenheim Place. By association these benefits would serve to both preserve and enhance the character and appearance of both the Valley Gardens Conservation Area and the adjoining North Laine Conservation Area to the wider public benefit.

- 8.20 In respect of the tests set out in Local Plan Policy HE2, test a) has been addressed above. In respect of test b), on the basis that the existing building and use has proven to be unviable, the redevelopment of the site with a building that provides active street frontage, viable commercial and community floorspace, and an improved relationship with the buildings to the rear to the benefit of the adjacent Conservation Areas, would produce substantial benefits for the community. In respect of test c), whilst the condition of the building has clearly deteriorated, officers consider that any neglect has occurred over a considerable number of years and under various ownerships despite temporary repairs being carried out. Officers are also satisfied that there is no evidence to suggest that the current owner has deliberately neglected or damaged the building.
- 8.21 On the basis of the above, and in line with extant permission and English Heritage advice, it is considered that the tests under paragraph 133 of the NPPF and those set out in Local Plan policy HE2 have been met and the case for the demolition of the Astoria remains justified.
- 8.22 In reaching this conclusion regard has been had to duty set out in Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The proposed works would result in the total loss of the Grade II listed building and its special interest, and considerable weight has been attached to this harm accordingly. However, the considerable weight attached to the loss of the building is considered to be outweighed by the absence of any viable alternative use that would enable the building to be retained, and by the public interest benefits of the proposal as detailed above. On this basis the approval of listed building consent is recommended, subject conditions to ensure an appropriate level of recording of its fabric and that demolition is followed swiftly by the approved development following completion of contracts.

9 CONCLUSION

- 9.1 It is considered that, on balance, the demolition of this grade II listed building remains justified by the evidence submitted as an exception to national and

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local policy, subject to the imposition of conditions to secure the recording and analysis of the building through a written scheme of investigation and the development of the approved scheme soon after the demolition. The significant public benefits of the proposed development would outweigh the strong statutory presumption against listed building consent being granted where harm to the preservation of a listed building has been identified, to which considerable importance and weight has been attached.

10 EQUALITIES

10.1 None identified.

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

11.1 Regulatory 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) No works to which this consent relates shall commence until an appropriate programme of historic building recording and analysis has been secured and implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. Such a scheme must include a full photographic record of the building.
Reason: To ensure that a suitable record of the building is secured and to accord with policy HE2 of the Brighton & Hove Local Plan.
- 3) 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. This decision is based on the drawings listed below:

Plan Type	Reference	Version	Date Received
Site plan and block plan	P-001	-	18/11/2013
Existing site plan	P-002	A	06/12/2013
Existing elevations and sections	P-003	A	06/12/2013
Existing elevations	P-004	-	18/11/2013
Existing landscaping/tree plan	P-005	-	18/11/2013

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Proposed site plan	P-300	-	18/11/2013
Proposed floor plans	P-400	-	18/11/2013
	P-401	-	18/11/2013
	P-402	-	18/11/2013
	P-403	-	18/11/2013
	P-404	-	18/11/2013
	P-405	A	07/03/2014
	P-406	A	07/03/2014
	P-407	-	18/11/2013
Proposed landscaping/tree plan	P-409	-	18/11/2013
Proposed elevations	P-301	-	18/11/2013
	P-500	-	18/11/2013
	P-501	-	18/11/2013
	P-502	-	18/11/2013
	P-503	A	07/03/2014
	P-504	-	18/11/2013
	P-505	A	06/12/2013
	P-506	A	06/12/2013
Typical bay study	P-601	-	18/11/2013
Proposed sections	P-507	-	18/11/2013
	P-508	-	18/11/2013
	P-509	-	18/11/2013
	P-510	-	18/11/2013
	P-511	-	18/11/2013
Mechanical services	50BG01	P1	18/11/2013
	500001	P2	18/11/2013
	500101	P2	18/11/2013
	500201	P2	18/11/2013
	500301	P2	18/11/2013
	500401	P2	18/11/2013
	500501	P2	18/11/2013
	500601	P2	18/11/2013
	50ZZ01	P1	18/11/2013
	50ZZ02	P1	18/11/2013
	50ZZ03	P1	18/11/2013

2. This decision to grant Listed Building Consent has been taken:

(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, on balance, the demolition of this grade II listed building remains justified by the evidence submitted as an exception to national and local policy, subject to the imposition of conditions to secure the recording and analysis of the building through a written scheme of investigation and the development of the approved scheme soon after the demolition. The significant public benefits of the proposed development

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would outweigh the strong statutory presumption against listed building consent being granted where harm to the preservation of a listed building has been identified, to which considerable importance and weight has been attached.