

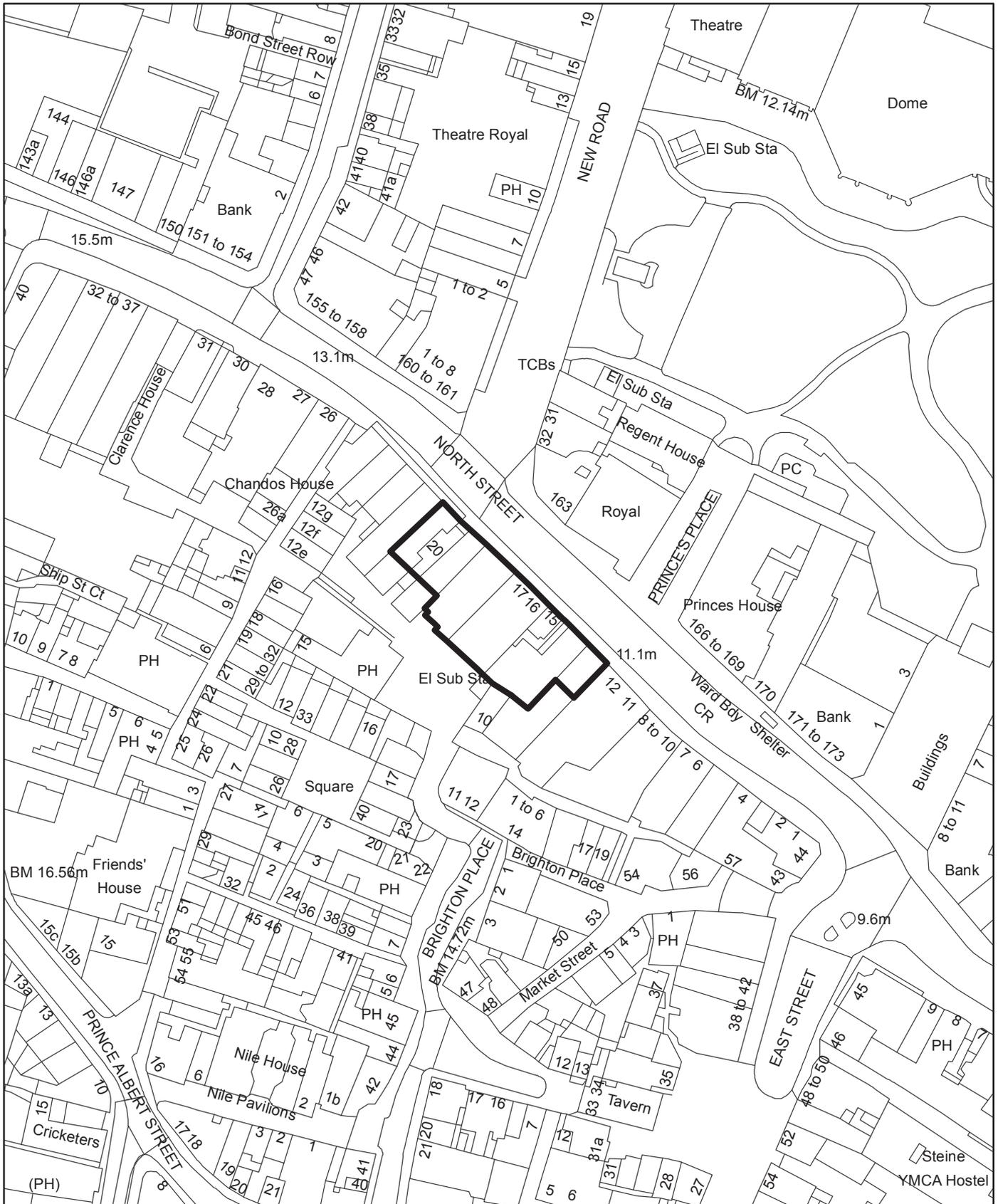
ITEM B

**13, 14, 15, 16-17, 18, 19, 20, 20-24, 21 22 and
Pugets Cottage North Street, Brighton**

**BH2015/00575
Full planning**

22 APRIL 2015

BH2015/00575 13, 14, 15, 16-17, 18, 19, 20, 20-24, 21, 22 and Pugets Cottage North Street, Brighton



Scale: 1:1,250

<u>No:</u>	BH2015/00575	<u>Ward:</u>	REGENCY
<u>App Type:</u>	Full Planning		
<u>Address:</u>	13 14 15 16-17 18 19 20 20-24 21 22 and Pugets Cottage North Street Brighton		
<u>Proposal:</u>	Demolition of building at 15 North Street and store to west of Puget's Cottage and creation of a new link lane, 'Puget's Lane', linking North Street to the previously consented 'Hannington's Lane'. Erection of new building at 15 North Street to provide 1no ground floor retail unit (A1) and 1no residential unit (C3) over including over part of 14 North Street. Alterations to rear of 16-17 North Street to provide 2no additional ground floor retail units (A1) and 3no residential units (C3) above accessed from the new lane. Restoration of Puget's Cottage, extension to existing historic paving through new lane, alterations to shop fronts along North Street elevation and other associated works.		
<u>Officer:</u>	Jason Hawkes Tel 292153	<u>Valid Date:</u>	23 February 2015
<u>Con Area:</u>	Old Town	<u>Expiry Date:</u>	20 April 2015
<u>Listed Building Grade:</u>	15 North Street and Puget's Cottage are Grade II Listed		
<u>Agent:</u>	Morgan Carn Partnership, Blakers House, 79 Stanford Avenue, Brighton, BN1 6FA		
<u>Applicant:</u>	West Register (Property Investments) Ltd, Mr Joss Brushfield, 280 Bishopsgate, London, EC2M 4RB		

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 set out in section 11.

2 SITE LOCATION & DESCRIPTION

- 2.1 The application site mainly relates to two separate buildings at 15 North Street and Puget's Cottage, which is to the rear of 15 North Street. The first building at 15 North Street is located on the south side of North Street directly opposite the Chapel Royal Church on North Street, a Grade II* listed building. 15 North Street includes three floors and a basement level. The building is used as a Class A1 retail unit by Timpsons and includes a modern shopfront and fascia. Two original timber windows are above the shopfront. The immediate adjacent buildings at 14 and 16 North Street are significantly taller than no.15. No.14 is two-storeys taller and no.16 is one-storey taller than no.15. No.15 is separated from 14 North Street by a small twitten. The building is currently in need of substantial repairs. It was noted on site that the roof is currently being supported internally to stop it from collapsing.

- 2.2 In September 2013, 15 North Street was listed by English Heritage as Grade II. The listing stated that the principal reasons for the designation are for the following reasons:
- Architectural interest. This is a small circa 1770 property constructed to local materials with original openings to the upper floors.
 - Interiors. The building retains the original staircase from first to second floor, panelling of various patterns, room partitions, doors and door architraves, cupboards and fireplace with cast iron range.
 - Plan form. The original plan of one large and one smaller room on each floor with rear staircase survives, modified only by the addition of a rear mid 19th century staircase extension.
 - Historic interest and rarity. Documented in commercial use by 1700, early and rare both nationally and locally.
 - Subsidiary features: The 1830s or earlier brick paving and gully in the enclosed yard or twitten is a rear pre-1840 example of street furniture.
 - Group value. Groups with two listed properties on the other side of North Street and with Puget's Cottage.
 - Degree of survival. Substantially intact externally, the original plan form is readable and many interior fittings survive.
- 2.3 The listing of the building includes brick paving to the alleyway and to the rear circa 1830.
- 2.4 Puget's Cottage is directly to the rear of 15 North Street. The building is called Puget's Cottage due to its close proximity to the former Puget's School to the rear (now demolished). The building is completely enclosed to all sides and can only be accessed via 14 North Street. The building is two-storeys with a gambrel roof. Due to its location, Puget's Cottage cannot be seen in its entirety from any public location. Internally, the ground floor plan form of the cottage has been completely lost. The former ground floor wall of the cottage has been removed. The former ground floor of Puget's Cottage now forms part of the shop floor for 14 North Street. At first floor level, the internal arrangement of the former cottage remains. The upper floor is in use as a flat. The north west facing elevation, part of north east elevation and part of south east elevation of the Cottage remain intact and can be seen from adjacent properties. These elevations include inappropriate ducts, piping and vents. The most prominent elevation facing north west includes window openings and has a mix of brick flint finish.
- 2.5 Puget's Cottage was also listed by English Heritage in September 2013. The listing stated that the principal reasons for the designation are for the following reasons:
- Architectural interest. Contains a significant proportion of late C17 or early C18 fabric heightened and extended in the later C18 and with some later C18 or early C19 sash windows. The two phases of the building show the transition of the ancient town into the fashionable seaside resort.
 - Interior features: late C17 or early C18 good quality first floor cornices and joinery.

PLANNING COMMITTEE LIST- 22 APRIL 2015

- Plan form: readable externally and to some extent internally.
 - Historic interest and rarity: a very rare survival of an old town building which pre-dates the mid C18 and later development of Brighton as a seaside resort. The curved external wall of the property is a rare survival of the local strip field system, which was superseded by later grid development;
 - Group Value: group value with 15 North Street and the paved yard.
- 2.6 This application also includes the properties at 13, 14, 16-17, 18, 19, 20, 20-24, 21 and 22 North Street. These buildings all include retail units with shopfronts onto North Street. None of these buildings are listed. A number of the buildings include residential properties to the upper floors.
- 2.7 All of the buildings are within the Old Town Conservation Area and are part of the Regional Shopping Centre (prime frontage). The site is also within an Archaeological Notification Area.

3 RELEVANT HISTORY

BH2015/00521: 13 - 22 North Street 12D Meeting House Lane and 11-14 Brighton Place. Application for approval of details reserved by conditions 19 and 20 of application BH2013/00710. Under consideration.

BH2014/03736: 13 - 22 North Street 12D Meeting House Lane and 11-14 Brighton Place. Application for Approval of Details Reserved by Conditions 34 and 35 of application BH2013/00710. Approved 20/03/2015.

BH2014/00920: 13 - 22 North Street 12D Meeting House Lane and 11-14 Brighton Place. Application for Approval of Details Reserved by Condition 9 of application BH2013/00710. Under consideration.

BH2014/00918: 13 - 22 North Street 12D Meeting House Lane and 11-14 Brighton Place. Application for Approval of Details Reserved by Conditions 11, 13 and 15 of Application BH2013/00710. Approved 20/03/2015.

BH2014/01118: 21-23 and 37-40 Brighton Square. Demolition of existing buildings at 21, 22, 23 and 37 Brighton Square. Conversion and extension of existing dwellings at 38, 39 and 40 Brighton Square to create additional 8no residential units (C3) and 2no restaurant units (A3) with associated works. Erection of four storey building fronting Brighton Place comprising 1no retail unit (A1) and offices (B1) above, with revised access from Brighton Place to existing underground car park. Under consideration.

BH2014/01117: 11-16 Brighton Square. Erection of single storey rear extensions to units at 11-16 Brighton Square with infill of rear access way. Replacement of existing external access stair to rear of 16 Brighton Square. Under consideration.

BH2014/00966: 13 - 22 North Street 12D Meeting House Lane and 11-14 Brighton Place. Application for Approval of Details Reserved by Conditions 10, 14, 16, 17, 18, 21, 22, 24 & 25 of application BH2013/00710. Approved 27/03/2015.

BH2014/00919: Pugets Cottage Rear of 15 North Street. Application for Approval of Details Reserved by Conditions 3 and 4 of application BH2013/03589. Split decision 12/05/2014.

BH2013/03589: Puget's Cottage Rear of 15 North Street. Alterations incorporating reinstatement of South facing gable wall and blocking up of first floor doorway. Approved 10/03/2014.

BH2013/00715: 17-19 21-23 and 37-40 Brighton Square. Demolition of existing buildings at 21, 22 and 23 Brighton Square and demolition of existing two storey apartments at 37, 38, 39 and 40 Brighton Square. Conversion of existing A1 and A3 units to create new A3 units at ground floor level to East of Brighton Square with new car park access. Construction of a 26no room boutique hotel above new A3 units with entrance at ground floor level and bedroom accommodation to 3no floors above. Erection of new 4no storey building on site of 22 Brighton Square providing A1 retail at ground floor level and 3no flats above. Reconfiguration works to lane connecting Brighton Place to Brighton Square and other associated works. Approved 25/03/2014.

BH2013/00712: 7-10 13-16 26-28 and 33-36 Brighton Square. Removal of existing roof structures to 7no two storey maisonettes within Brighton Square and creation of additional floors to each dwelling to create 7no three storey town houses. Formation of new entrance stair and lift and escape stair access connecting basement to first floor level. Remodelling works to residential façade, installation of new shop fronts to existing retail A1 and A3 units at ground floor level and remodelling and renovation works to square. Approved 25/03/2014.

BH2013/00711: 13 - 22 North Street 12D Meeting House Lane and 11-14 Brighton Place. Demolition of existing building at 11 Brighton Place and demolition of existing stores and first floor structures to rear of North Street shops. Approved 10/03/2014.

BH2013/00710: 13 - 22 North Street 12D Meeting House Lane and 11-14 Brighton Place. Creation of new shopping lane extending from Meeting House Lane to Brighton Place. Demolition of existing ground floor stores and first floor structures at rear of North Street shops. Adaptation and extension of existing shops on North Street to create 8 shop units to north side of new lane, reconfiguration of North Street shops. Construction of 7 new 2 storey flats over shops around a courtyard. Construction of 6 new shops to south side of new lane with 2 floors of offices over. Adaptation of 12D Meeting House Lane to provide additional shop front onto lane. Blocking up of openings in end wall of Puget's Cottage following demolition of adjoining structures (Amended description). Approved 10/03/2014.

BH2013/00716: 17-19 21-23 and 37-40 Brighton Square. Demolition of existing buildings at 21, 22, 23, 37, 38, 39 and 40 Brighton Square. Approved 25/03/2014.

4 THE APPLICATION

- 4.1 Planning permission is sought for the demolition of 15 North Street (a Grade II listed building). Demolition is required to facilitate the creation of a new link lane. This will link North Street to the previously consented Hannington's Lane. 15 North Street would be replaced with a three-storey feature building. The scheme includes the restoration of Puget's Cottage and an extension to the historic paving through the new lane. The restoration works include the demolition of a store attached to the north west elevation of the cottage. The

proposed works to Puget's Cottage are external only and involve replacement and new windows, roof repairs, removal of inappropriate pipework and vents.

- 4.2 The new lane would include 4 additional retail units. One of the units would be in the ground floor of the new feature entrance building onto North Street. The other two would be formed utilising the existing space to the rear of 16-17 North Street. Due to differences in ground levels, Puget's Lane would include stairs. The proposed first floor and second floors of the feature entrance building would form a two bedroom maisonette. The proposed maisonette would utilise part of the existing floor area of the first and second flats above 14 North Street.
- 4.3 The scheme would also include a maisonette and two flats above the retail units fronting the new lane to the rear of 16-17 North Street. The lane requires a two-storey addition to the rear of 16-17 North Street. These flats would be accessed via the new lane and would benefit from a communal outside amenity at first floor level.
- 4.4 The proposal includes alterations to the facades of 13, 14, 16-17, 18, 19, 20, 20-24, 21 & 22 North Street. The alterations include new shopfronts and fascias to nos. 13, 16-17 and 21 North Street. The proposal also includes replacement windows to the front elevations of nos.13 and 16-20 North Street.

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours: Three (3)** letters of representation have been received from **93 Mackie Avenue, Threeways, Ovingdean Road & Montpelier Hall, Montpelier Terrace** objecting to the application for the following reasons:
- Both properties were listed for a reason as they form part of old Brighton which form an important listed 'micro site'. To demolish one or more parts of this listed structure would abrogate the whole reason for protecting this micro site.
 - The fenestration and door proposed to Puget's Cottage are inappropriate in their design.
 - The passageway from North Street dates from 1832 and should remain untouched.
 - An alternative route should be planned via 16 North Street.
- 5.2 **Seventy two (72)** letters of representation have been received from **Gars Chinese Restaurant, 19 Prince Albert Street, Centurion Group, 11 Prince Albert Street, Baron Homes Corporation Ltd, 10 Prince Albert Street, John A Tuffin & Co LLP, 12-13 Ship Street, Flat 3, St Nicholas Lodge, 6 Hangleton Way, 27 Bramble Rise (x2), Rugby Court, Seafield Cottage, Seafield Road, 15 Railway Street, 63 Sandringham Drive, 48 & 94 Hanover Street, 35 Langridge Drive, 6 Croft Road, The Coach House, Stanford Avenue, Hassocks, 27 Cawthorne House, Dyke Road, 36 Edburton Avenue, 139 Preston Drove, 47 John Street, 37 Chesham Road, 37 Devonshire Place, 19 Meeting House Lane, 11 Prince Albert Street, 7 The Meadows, Ditchling Common, 48 Hanover Street, 34 Roundhouse Crescent, 6 Clermont Terrace (x2), 20 Withdean Crescent, 27 Camelford Street, 209 Osbourne Road (x2), Flat 2, 48 Dyke Road, 1 The Chambers,**

Ship Street Gardens, 91 Upper North Street, 109 Hangleton Way, 24 Islingword Place, 5 Applesham Avenue, 63 Overhill Drive, 78A The Drove Way, 154 Ladysmith Road, 38 Osborne Road, 6 Gloucester Street, 8 Mortimer Road, 25 & 45 Cranleigh Road, 9 The Cedars, Bromley Road, 33 St George's Road, Little Tanyard, Tanyard Lane, Chelwood Gate, 79 Wichelo Place, Flat 34, Napier House, Wellington Road, 26 North Road, 35 Fourth Avenue, 16 Steine Gardens, 5 Visage, 54 Palmeira Avenue, 38 Barcombe Road, 33 St Georges Road, 6 Cuthbert Road, 51 Colliers Way, Reading, 7 Stratford Way, Reading, 2 Hilltop, 31 St James Avenue, 8 Heene Terrace, Flat 42 Belbourne Court, Bread Street, 14 Tremola Avenue, 101 Islingword Road, 25 Foundry Street, Flude Commercial, 19 New Road, 2/3 Pavilion Buildings and Crickmay Surveyors 339 Kingsway supporting the application for the following reasons:

- The proposed link lane is the final part of the masterplan for this important regeneration scheme. This is the only viable location for the link lane.
- The application provides an elegant and aesthetically pleasing solution to the streetscape and a gateway entrance into the Brighton Square and Hannington's Lane regeneration scheme.
- The scheme would provide substantial public benefits in accordance with the requirements of the NPPF such as the formation of a new permeability for footfall, an improved and enhanced vista for the Grade II* Listed Building at the Chapel Royal, increased retail capacity, an unfettered vista and accessibility of Grade II Listed Building Puget's Cottage, synergy with the consented North Street improvement works and improved capacity to the prospective gateway entrance to the Royal Pavillion and Dome Estate.
- The listing of the building was a mistake and it is neither of historic or architectural interest. It also stands in the way of a proposal to reveal a much more interesting building at Puget's Cottage.
- The scheme would encourage tourism to the area and increase shopping footfall.

5.3 **Brighton & Hove Archaeological Society:** Object. The proposed development will be affecting one of the oldest known buildings in Brighton and this development also lies in the centre of Old Brighton. The Society opposes the application on the grounds that 15 North Street has only recently been listed by English Heritage. Much of the building is original and together with Puget's Cottage forms a microsite of great importance.

5.4 **Brighton & Hove Economic Partnership:** Support. The application for the demolition of 15 North Street and the creation of a link lane is supported. The restoration of Puget's Cottage is particularly supported. The scheme would enhance the permeability of the Lanes and ensure this area continues to be a thriving commercial area.

5.5 **Brighton & Hove Heritage Commission:** Object.

5.6 **Conservation Advisory Group:** Object. The Group recommend refusal of the application due to the proposed demolition of 15 North Street, which is part of a

Grade II Listed 'microsite' and is of significant historical interest. The Group feel the proposed column with black tiles is inappropriate to the area and suggest that the link lane could be created at nos.16, 17 or 18 North Street at ground floor level.

- 5.7 **Councillor Jason Kitcat:** Support (email attached).
- 5.8 **East Sussex County Council Archaeologist:** No objection. Although it is likely that major development of this area in the 20th Century has destroyed much of the archaeological remains relating to this site, there is potential for some areas of survival, especially in relation to more deeply buried stratigraphy. A condition is therefore recommended requiring the submission of a programme of archaeological work, in accordance with a Written Scheme of Archaeological Investigation has been submitted to and approved in writing by the Local Planning Authority.
- 5.9 **Hove Civic Society:** Support. If demolition is approved the Society believe it should be a condition that Puget's Cottage is restored as proposed in the application and the condition of 15 North Street is fully recorded before demolition. The Society is convinced that the proposed route will substantially enhance the viability of the Hannington's Lane development and that the new building proposed to replace 15 North Street is well designed.
- 5.10 **Regency Society:** Support. The Society is mindful of the fact that the building in North Street has recently been listed. However, it is believed that the benefits for the proposal outweigh the loss of the listed building. If demolition is allowed, it should be on condition that Puget's Cottage is restored as proposed. The creation of an opening will also contribute to the commercial viability of the new Hannington's Lane. The new building to North Street is well designed.

Internal:

- 5.11 **Access Consultant:** Comment. The scheme requires amendments in order to fully meet Lifetime Homes requirements.
- 5.12 **Heritage:** Object. The proposal to demolish 15 North Street and to lose the brick twitten must be regarded as causing substantial harm in accordance with paragraph 133 of the NPPF. The applicant must either demonstrate that the four tests under paragraph 133 have been met or that the substantial harm is necessary to achieve substantial public benefits that outweigh that harm. The applicant has chosen to argue the latter case and this is considered to be the appropriate approach given that the building is in use. The applicant has also argued that the condition of the building is a factor in seeking its demolition but this is not strictly relevant to the public benefits test.
- 5.13 Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that the local planning authority shall have special regard to the desirability of preserving a listed building or its setting when considering an application for Listed Building Consent. 'Preserving' has been held by the courts to mean doing no harm. There is therefore a statutory presumption, and a strong one, against granting consent for any works which would cause harm to

a listed building or its setting. This presumption can be outweighed but only by material considerations powerful enough to do so. Section 66 of that Act imposes a similar duty when considering applications for planning permission whilst section 72 imposes an equivalent duty in respect of conservation areas and their setting.

- 5.14 Turning to the case made by the applicant in respect of substantial harm vs substantial public benefits, that case rests partly on a belief that 15 North Street is less significant and less important than Puget's Cottage and that it does not justify its grade II listing. However, this is factually and legally incorrect. Both buildings are grade II listed and both lie adjacent within the Old Town conservation area. They were both listed at the same time and the listings are very recent (September 2013). Therefore they are of equal significance in policy terms and the assessment of significance is up-to-date. The applicant further asserts, in the Heritage Statement, that the value (significance) of 15 North Street lies mainly in its historical or evidential value. However, the list entry makes clear that the building has architectural and historic interest, in respect of its exterior, its materials, its plan form, its internal features, the brick twitten and yard and its documented early commercial use. The list entry also makes clear that it has rarity value in a national as well as local context. In addition, it has group value with Puget's Cottage.
- 5.15 The main claimed public benefit of the scheme is the creation of the new pedestrian lane, which would link North Street to the previously-approved Hannington Lane, and linked to this the opening up of the north and west elevations of Puget's Cottage to public view where the building would front onto the new lane. These elevations would be repaired and restored, inserting timber sash windows and a timber panelled door into historic openings and removing the clutter of modern pipework and flues. There do not appear to be any specific proposals for internal restoration works and the future usage of the building is unclear, so its long term future is not resolved by the proposals.
- 5.16 The formation of a new lane with flanking retail units and the creation of greater permeability through The Lanes would certainly be a public benefit here, although that is tempered by the fact that the new lane would require a flight of several steps at its end, thereby limiting its accessibility. Steps are not a feature of the historic lanes of Old Town. There would be some regeneration benefits to this lower part of North Street arising from the formation of a new entrances to The Lanes, but this benefit would be modest given that this is already prime commercial frontage and likely to be in commercial demand. The previously-approved Hannington Lane scheme would make Puget's Cottage more visible and whilst this proposal would open it up much more to public view, the historic evidence suggests that this building was always tucked away behind the North Street frontage, so opening it up in this manner would not better reveal its true significance. Restoration of the building could and should be carried out anyway, in conjunction with bringing the vacant parts of the building back into use.
- 5.17 The proposed new building is undoubtedly of high quality and in its design and materials would be a fitting addition to the street scene. On North Street the

application also proposes new matching oriel windows to the first floor level on 13 North Street; a new traditional shop front to number 13; a new shop fascia across numbers 13-14; new sash windows to blind openings at second floor level at 16-19 North Street and a new shop front at number 16/17. The proposed new sash windows in the second floor blind openings to 16-19 North Street would not in fact be practicable or appropriate as there is no floorspace behind the elevation where the blind windows are. An elevation drawing (numbered 1139-P-227C) has been submitted showing a roof extension to this building but there are no floor plans or sections providing any further detail. The new windows to 16-19 must therefore be disregarded as a public benefit. The other works would certainly collectively enhance the North Street frontage but these heritage and townscape benefits are not in themselves dependent upon the demolition of 15 North Street.

- 5.18 It has also been argued that the creation of the new lane would open up a new vista of the Chapel Royal tower from the south and would therefore enhance the setting of the Chapel Royal. However, such a vista has not historically existed and the Chapel Royal was not designed with such a view in mind. Therefore this could not be demonstrated to enhance the particular significance of the Chapel Royal's setting.
- 5.19 In conclusion, it is considered that whilst there are some public benefits (of those put forward) that would directly arise from the demolition of 15 North Street, these are not substantial public benefits and therefore they cannot outweigh the substantial harm resulting from the complete loss of the heritage asset. Nor can these benefits be regarded as powerful enough to set aside the statutory presumption in favour of the preservation of the listed building, 15 North Street and Puget's Cottage are both partly listed for group value in relation to each other. It therefore follows that the demolition of 15 North Street would cause harm to the significance and setting of Puget's Cottage. In addition, 15 North Street is a listed building that contributes positively to the character and appearance of the Old Town conservation area and its demolition would therefore fail to preserve the architectural and historic interest of the conservation area.
- 5.20 **Sustainable Transport:** No objection. The proposal is acceptable on highway and transport grounds subject to the inclusion of appropriate cycle storage for the new units and requiring the development to be car free.

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:

TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU13	Minimisation and re-use of construction industry waste
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD10	Shopfronts
QD14	Extensions and alterations
QD15	Landscape design
QD27	Protection of Amenity
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO7	Car free housing
HO13	Accessible housing and lifetime homes
HE1	Listed Building Consent
HE2	Demolition of a listed building
HE3	Development affecting the setting of a listed building
HE4	Reinstatement of original features on listed buildings

- HE6 Development within or affecting the setting of conservation areas
- HE12 Scheduled ancient monuments and other important archaeological sites

Supplementary Planning Guidance:

- SPGBH04 Parking Standards
- SPGBH11 Listed Building Interiors
- SPGBH13 Listed Building – General Advice

Supplementary Planning Documents:

- SPD02 Shop Front Design
- SPD03 Construction & Demolition Waste
- SPD08 Sustainable Building Design
- SPD09 Architectural Features

Brighton & Hove City Plan Part One (submission document)

- SS1 Presumption in Favour of Sustainable Development
- CP15 Heritage

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to whether the principal of the uses is acceptable, whether the demolition of the Grade II Listed Building at 15 North Street is appropriate and thoroughly justified, whether the proposed alterations to Puget's Cottage are appropriate in the context of the character, architectural setting and historic significance of the Grade II Listed Building, whether the other alterations proposed including the alterations to the North Street frontages preserve or enhance the character and appearance of the Conservation Area and whether the proposal is appropriate in respect of residential amenity, highway and transport considerations, standard of accommodation and sustainability.

Context of 15 North Street and Puget's Cottage:

- 8.2 No. 15 North Street, together with the attached brick paving to the yard or twitten, and Puget's Cottage are both grade II listed buildings and the whole application site lies within the Old Town Conservation Area.
- 8.3 15 North Street is a small single bay building with a shop at ground floor and flat above. It was probably built in the 1770s and may have been built on part of the garden of an earlier property situated to the south-west. It may have been built as a residence originally but it was already in commercial use by 1799 and continued to be in use by genteel trades associated with Brighton's growing expansion and prosperity as a resort. The ceiling of the ground floor was raised for a commercial use. It was originally three storeys, with one large front room and a smaller rear room to each floor, and a mansard roof of two parallel ranges. Circa 1820 the mansard roof was removed from the front range and probably in the 1850s the ground to first floor flight of the staircase was re-sited at the rear in a purpose built addition to provide more ground-floor accommodation for trading.

- 8.4 The front wall is constructed of timber but hung with mathematical tiles, c1820, which have been painted. The other walls are rendered, probably over bungaroosh. The front elevation has a parapet with brick modillion cornice, reduced in depth by the later hanging of mathematical tiles. The second floor has a mid 19th century sash with vertical glazing bars in a c1830 surround. The first floor has a 20th century window in an earlier surround. The ground floor has a late 19th or early 20th century shop front with a heightened fascia. The rear elevation has a flat-roofed dormer in the mansard roof and the projecting flat-roofed staircase extension has a 4 pane mid 19th century sash window and a plain entrance below. The narrow passage attached on the south-east and south-west sides has c1830 or earlier brick paving and gully.
- 8.5 The list entry gives the reasons for listing as:
- Architectural interest: a small circa 1770 property constructed of local materials with original window openings to the upper floors;
 - Interiors: retains the original staircase from first to second floor and re-sited original staircase between ground and first floor, panelling of various patterns, room partitions, doors and door architraves, cupboards and fireplace with cast iron range;
 - Plan form: the original plan of one large and one smaller room on each floor with rear staircase survives, modified only by the addition of a rear mid C19 staircase extension;
 - Historic interest and rarity: documented in commercial use by 1799, early and rare both nationally and locally;
 - Subsidiary features: the 1830s or earlier brick paving and gully in the enclosed yard or twitten is a rare pre-1840 example of street furniture;
 - Group value: groups with two listed properties on the other side of North street and with Puget's Cottage;
 - Degree of survival: substantially intact externally, the original plan form is readable and many interior fittings survive.
- 8.6 Puget's Cottage pre-dates 15 North Street, dating to the late 17th or early 18th century. It is an unusual and characterful building with a gambrel roof, which has again seen much change, particularly at ground floor level where it is now wholly open to the adjoining retail premises. It was probably originally a detached property built to the south-west and at right angles to North Street but some time before 1876 had become attached to an 1830s adjoining building, 14 North Street. The north-west part is late 17th or early 18th century, heightened in the later 18th century when it was also doubled in size by being extended to the south-west.
- 8.7 The unusual kink or curve in the external wall where it was extended reflects the shape of a strip field known locally as a 'paul piece', which pre-dated the development of Brighton as a seaside resort and so the shape shows the earlier origin of the property. The ground and first floor of the north-east side, the two lower floors of the northern half of the south-west side and the lower part of the northern half of the south-west side are constructed of large cobbles,

incorporating some pieces of ironstone, with brick quoins, including some reused 16th century bricks, set in lime mortar. The upper parts of these walls and the remaining sides of the building are in brick laid in English garden wall bond. The mansard roof is tiled with end brick stacks, the southern one rendered.

8.8 The list entry gives the reasons for listing as:

- Architectural interest: contains a significant proportion of late C17 or early C18 fabric heightened and extended in the later C18 and with some later C18 or early C19 sash windows. The two phases of the building show the transition of the ancient town into the fashionable seaside resort;
- Interior features: late C17 or early C18 good quality first floor cornices and joinery;
- Plan form: readable externally and to some extent internally;
- Historic interest and rarity: a very rare survival of an old town building which pre-dates the mid C18 and later development of Brighton as a seaside resort. The curved external wall of the property is a rare survival of the local strip field system, which was superseded by later grid development;
- Group Value: group value with 15 North Street and the paved yard.

8.9 The Old Town Conservation Area represents the original extent of Brighton as the fishing village of Brighthelmstone and is an area of generally small scale buildings set in a tight knit urban grain, with a mix of architecture, predominantly late 18th and 19th century, and mix of town centre uses. North Street was built on the line of an older drovers road between Brighthelmstone and Steyning and formed the northern limit of the town. Much of North Street was incrementally redeveloped on a larger scale during the 19th century and into the 20th century. Both of the listed buildings described above are rare survivals of vernacular buildings that pre-date the rapid expansion of Brighton as a seaside resort. Both properties contribute positively to the special architectural and historic interest of the conservation area.

8.10 There are a number of other listed buildings in the vicinity of the site, but most notably the grade II* listed Chapel Royal of 1793-95 (extensively remodelled 1876-1896); the grade II listed 163 North Street (offices of 1904); and the grade II listed 166-169 North Street, offices of 1935-36 by Goodhart-Rendel. These three buildings all lie on the north side of North Street and fall within the Valley Gardens Conservation Area.

Background & Proposal:

8.11 In March 2014, planning permission was granted for several permissions (including planning permission and conservation area consent) for the creation of a new lane, called Hannington's Lane in the former Hannington's service yard to the rear of North Street. Permission was also granted for the regeneration of Brighton Square with a link from the Hannington's Lane to Brighton Square.

- 8.12 The original scheme included a link lane between North Street and Hannington's Lane. The link lane was omitted from the original proposal following the spot listing of 15 North Street and Puget's Cottage in September 2013. The scheme was then granted with 2014 with the link lane removed from the proposal.
- 8.13 The applicants are now seeking consent for the link lane which they feel is an important element of the Hannington's Lane scheme. The proposal would require the demolition of the listed building at 15 North Street and the construction of a feature entrance building. The new building would be three storeys tall and would include a curved corner with feature tiles. The new lane proposed would include three additional retail units and three residential units above accessed from the new lane. Due to differences in ground levels and the limited size of the proposed lane, Puget's Lane would have to include steps leading to the new Hannington's Lane.
- 8.14 To justify the demolition of the listed building, the applicant has put forward a number of measures which they consider offer substantial public benefits. The application also includes options which were considered and dismissed. The options put forward by the applicant are as follows:
- Option 1: Retention of 15 North Street with no access from North Street to the new Hannington's Lane. The applicant has commented that this is not feasible as it leaves Hannington's Lane disconnected from North Street with no guarantee of improved footfall. The applicant has stated that without the link lane there is diminished incentive to regenerate North Street.
 - Option 2: Removal of the ground floor accommodation of 15 North Street to create a walk through undercroft retaining the upper floors of the existing building. The applicant has commented that this is not a feasible option as it involves the removal of a third of the listed building, removes the retail element of the building, severely compromise the structural integrity of the building, due to the major works required this option is not viable and the proposal would encourage anti-social behaviour.
 - Option 3: Retention of 15 North Street and the partial demolition of 14 North Street and existing single-storey storeroom on the western side of Puget's Cottage. The applicant has commented that this option is not feasible as it would require major demolition and renovation, loss of existing retail use, loss of access to Puget's Cottage, loss of residential access, creates a blind alley with 'dead space', compromises the structure of Puget's Cottage and unbalances the existing pair at 13 and 14 North Street.
 - Option 4: Demolition of end bay of 16 North Street and single-store to west of Puget's Cottage. The applicant has commented that this option is not feasible as it would result in 15 North Street falling down (the two buildings are currently attached), the loss of retail use, creates 'dead space', loss of residential use, result in the need to gate the alleyway and would create a blank wall to the retained side of no.16.
 - Option 5: Demolition of 15 North Street and the single story storeroom on the western side of Puget's Cottage and construction of feature entrance

building. The applicant has stated that this is the most feasible option as it retains retail and residential uses at nos.14 & 16, reveals Puget's Cottage, results in the restoration of a Grade II Listed Building at Puget's Cottage, results in a physical link to Chapel Royal vista from Brighton Place and contributes to wider regeneration.

8.15 The public benefits offered by the applicant as part of this proposal are as follows:

- **Puget's Cottage restoration works.** The works are to the external façade of the building. These works include the removal of inappropriate soil pipes, extract vents and redundant ducts, the replacement of inappropriate brickwork with matching brickwork, roof repairs, fascia to be made good, replacement windows and removal of existing store to the side of the building to expose original brick work.
- **North Street road reconfiguration.** The streetscape improvements put forward would improve the environment for pedestrians and upgrade the facilities for bus passengers by widening pavements, relocating and constructing new bus stops and shelters, planting new trees, installing new seating and benches and developing a new pelican crossing. The works to North Street have been approved by the Environment Transport & Sustainability Committee and are currently underway. The works are to the southern part of North Street between East Street and Ship Street and are envisaged to take about 6 months to complete. The works are funded by the Royal Bank of Scotland.
- **North Street south elevation works.** This includes the reinstatement of upper storey windows, new shop frontages and fascia's, the removal of out of keeping signage and clutter. The works would be to North Street are to nos.13 – 21. The proposals would improve the appearance of these buildings and the surrounding area giving them a uniform appearance.
- **Economic benefits.** The creation of the link lane from North Street would significantly improve the Hannington's Lane scheme as well generally improving footfall and be economically beneficial for the overall area.

Design and Loss of Listed Building:

8.16 Section 12 of the National Planning Policy Framework relates to Conserving and Enhancing the Historic Environment. Paragraph 132 is part of this Section and states the following:

8.17 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites,

battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.'

8.18 Paragraph 133 goes on to say the following:

8.19 '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:

- the nature of the heritage asset prevents all reasonable uses of the site; and
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use.'

8.20 The proposal to demolish 15 North Street, and to lose the brick twitten, must be regarded as causing substantial harm in accordance with paragraph 133 of the NPPF. The applicant must either demonstrate that the four tests under paragraph 133 have been met or that the substantial harm is necessary to achieve substantial public benefits that outweigh that harm. The applicant has chosen to argue the latter case and this is considered to be the appropriate approach given that the building is in use. The applicant has also argued that the condition of the building is a factor in seeking its demolition but this is not strictly relevant to the public benefits test.

8.21 Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that the local planning authority shall have special regard to the desirability of preserving a listed building or its setting when considering an application for Listed Building Consent. 'Preserving' has been held by the courts to mean doing no harm. There is therefore a statutory presumption, and a strong one, against granting consent for any works which would cause harm to a listed building or its setting. This presumption can be outweighed but only by material considerations powerful enough to do so. Section 66 of that Act imposes a similar duty when considering applications for planning permission whilst section 72 imposes an equivalent duty in respect of conservation areas and their setting.

8.22 Policy HE2 of the Local Plan sets out the three criteria which must all be met when considering the demolition of a listed building:

- a. clear and convincing evidence has to be 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;

PLANNING COMMITTEE LIST- 22 APRIL 2015

- 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.
- 8.23 This policy is not entirely consistent with paragraph 133 of the NPPF as it in effect combines the two alternative options for making a case that are provided by the NPPF. Given that the NPPF is much more recent policy greater weight should therefore be given to it than policy HE2. Criterion b of HE2 is the equivalent of the 'substantial public benefits' test of the NPPF. The applicant has made no case in respect of criterion a, but it would be difficult to do so given that the building is in use. With regard to criterion c, the applicant has provided a brief report from a structural engineer, which concludes that significant structural works are required to the building and that "if the building is to be brought into safe use, this would necessitate the demolition and reconstruction of it to revise details on structural grounds". However, this brief report has not been written on the basis that saving the building is desirable and consequently options that may retain much historic fabric have not been explored. For example, the report states that "all internal partitions will require removing and replacing with new" but the historically significant timber partitioning on the first floor could simply be dismantled and reassembled.
- 8.24 It should be further noted that paragraph 130 of the NPPF makes clear that where there is evidence of deliberate neglect then the deteriorated state of the heritage asset should not be taken in to account in any decision. In this case the building was first inspected by a structural engineer on 13 August 2012 but no action has been taken since that date to address the issues raised.
- 8.25 Turning to the case made by the applicant in respect of substantial harm vs substantial public benefits, that case rests partly on a belief that 15 North Street is less significant and less important than Puget's Cottage and that it does not justify its grade II listing. However, this is factually and legally incorrect. Both buildings are Grade II listed and both lie adjacent within the Old Town conservation area. They were both listed at the same time and the listings are very recent (September 2013). Therefore they are of equal significance in policy terms and the assessment of significance is up-to-date. The applicant further asserts, in the Heritage Statement, that the value (significance) of 15 North Street lies mainly in its historical or evidential value. However, the list entry makes clear that the building has architectural and historic interest, in respect of its exterior, its materials, its plan form, its internal features, the brick twitten and yard and its documented early commercial use. The list entry also makes clear that it has rarity value in a national as well as local context. In addition, it has group value with Puget's Cottage.
- 8.26 The main claimed public benefit of the scheme is the creation of the new pedestrian lane, which would link North Street to the previously-approved

Hannington Lane, and linked to this the opening up of the north and west elevations of Puget's Cottage to public view where the building would front onto the new lane. These elevations would be repaired and restored, inserting timber sash windows and a timber panelled door into historic openings and removing the clutter of modern pipework and flues. There do not appear to be any specific proposals for internal restoration works and the future usage of the building is unclear, so its long term future is not resolved by the proposals.

- 8.27 The formation of a new lane with flanking retail units and the creation of greater permeability through The Lanes would certainly be a public benefit here, although that is tempered by the fact that the new lane would require a flight of several steps at its end, thereby limiting its accessibility. Steps are not a feature of the historic lanes of Old Town. There would be some regeneration benefits to this lower part of North Street arising from the formation of a new entrances to The Lanes, but this benefit would be modest given that this is already prime commercial frontage and likely to be in commercial demand. The previously-approved Hannington Lane scheme would make Puget's cottage more visible and whilst this proposal would open it up much more to public view, the historic evidence suggests that this building was always tucked away behind the North Street frontage, so opening it up in this manner would not better reveal its true significance. Restoration of the building could and should be carried out anyway, in conjunction with bringing the vacant parts of the building back into use.
- 8.28 The proposed new feature building is undoubtedly of high quality and in its design and materials would be a fitting addition to the street scene. On North Street the application also proposes new matching oriel windows to the first floor level on 13 North Street; a new traditional shop front to number 13; a new shop fascia across numbers 13-14; new sash windows to blind openings at second floor level at 16-19 North Street and a new shop front at number 16/17. The proposed new sash windows in the second floor blind openings to 16-19 North Street would not in fact be practicable or appropriate as there is no floorspace behind the elevation where the blind windows are. The new windows to 16-19 must therefore be disregarded as a public benefit. The other works would certainly collectively enhance the North Street frontage but these heritage and townscape benefits are not in themselves dependent upon the demolition of 15 North Street.
- 8.29 It has also been argued that the creation of the new lane would open up a new vista of the Chapel Royal tower from the south and would therefore enhance the setting of the Chapel Royal. However, such a vista has not historically existed and the Chapel Royal was not designed with such a view in mind. Therefore this could not be demonstrated to enhance the particular significance of the Chapel Royal's setting.
- 8.30 The public benefits offered include the works to the public highway at North Street. The streetscape improvements put forward would improve the environment for pedestrians and upgrade the facilities for bus passengers by widening pavements and relocating and constructing new bus stops. These works have been approved by the Council and are currently being undertaken. The works would undoubtedly improve the street scene but would not be seen

as substantial public benefit to justify the demolition of 15 North Street. As the works have commenced, they cannot be offered up as a proposed public benefit. Additionally, whilst the works would improve the streetscape, the works would also result in increased footfall which would partly benefit the viability of the existing retail units. The works to the public highway in North Street do not meet the public benefits test in paragraph 133 as they are not dependent upon the demolition of 15 North Street.

- 8.31 The scheme would undoubtedly make the Hannington's Lane scheme more accessible, visible and viable with a clear and prominent access directly from North Street. However, this is not in itself a public benefit, especially given that consent has been given for Hannington's Lane without the proposed lane from North Street. Without the proposed lane, the applicant has not put forward an argument that Hannington's Lane would be unviable.
- 8.32 In addition, 15 North Street is a listed building that contributes positively to the character and appearance of the Old Town conservation area and its demolition would therefore fail to preserve the architectural and historic interest of the Conservation Area.

Principal of Uses:

- 8.33 The site is within the prime frontage of the Regional Town Centre as defined by policy SR4 of the Brighton & Hove Local Plan. The aim of the policy is to retain a clear predominance of Class A1 uses within the centre. 15 North Street is currently used as a retail store (Class A1) by Timpsons. This proposal would replace 15 North Street with a smaller Class A1 retail unit (measuring 19.8m²). The scheme would also include two additional Class A1 retail units within the proposed lane (measuring 57.2m² and 55.9m²). These units would be formed through the use of the shop floor area of 16-17 North Street. The proposal would leave a floor area of 76m² for 16-17 North Street. With the replacement and additional retail units proposed, the scheme is in accordance with the objectives of policy SR4. The proposal would also retain a viable retail unit at 16-17 North Street.

Standard of Accommodation:

- 8.34 The scheme results in the formation of a four residential units in the upper floors of the proposal. The smallest unit would be a maisonette (35m²) to the upper floors of the proposed entrance building to the new lane. This unit would use some of the existing space used by the flats above 14 North Street. These flats are significantly large and can accommodate the loss of space without compromising their floor layout. The other units proposed would be above the retail units within the proposed Puget's Lane. These units would be a 2 bedroom maisonette and two one bedroom flats. The flats would be accessed via a stairway from the lane. These flats would have outlook over the lane and to a communal amenity area to the rear. Overall, the proposal would provide a suitable standard of accommodation with adequate light and outlook for habitable rooms.
- 8.35 The scheme does not include any new refuse facilities for the proposed flats or for the commercial uses. If approved, a condition could be recommended

requiring the submission of details of facilities for refuse and recycling to be submitted for the approval of the Local Planning Authority prior to commencement of works.

- 8.36 Policy HO5 requires the provision of private outdoor amenity space for residential development. The proposed flat fronting North Street would not benefit from an outside amenity space. Due to the restrictions of the site, it has not been possible to provide a private amenity area for this unit. The other residential units proposed would have access to a communal amenity area at first floor level to the rear of North Street. This area has already been approved as part of the application for the new Hanningtons Lane. The communal area would provide an adequate outside amenity space for the proposed flats.
- 8.37 Policy HO13 requires new residential development to be built to a lifetime homes standards. The scheme does not comply with the standards to some respects. The Access Officer has commented that the amendments required are mainly internal. If recommended for approval, a condition could be recommended requiring the residential units to comply with Lifetime Homes through the submission of amended plans to be submitted and approved by the Local Planning Authority in writing.

Impact on Amenity:

- 8.38 Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 8.39 In terms of residential amenity, the scheme is considered acceptable. The proposed uses for residential and commercial (Class A1) uses would not have a significant impact on the amenity of any adjacent properties. Additionally, the external alterations would not significantly affect the amenity of any adjacent properties.
- 8.40 The nearest existing residential properties are in the upper floors of the 14 North Street to the front and rear, including within the upper floors of Puget's Cottage. The scheme would result in proposed flats directly opposite the flat within Puget's Cottage. The side elevation of Puget's Cottage includes small windows at first and second floor level. The scheme would not result in any significant overlooking or loss of privacy of these windows. The Hannington's Lane scheme includes residential units at upper levels which would be in close proximity to the proposed units in this scheme. Given the orientation of the scheme, these units would not significantly affected by this proposal for a new lane.

Highway Considerations:

- 8.41 Brighton & Hove Local Plan policy TR1 requires new development to address the related travel demand, and policy TR7 requires that new development does not compromise highway safety.

- 8.42 The Sustainable Transport Manager has raised no objections to the scheme. The proposal is not considered to be significantly above the demand generated by the existing development.
- 8.43 The scheme does not include any proposed cycle parking. The Sustainable Transport Manager has commented that cycle storage should be included for the new residential and commercial units. If recommended for approval, a condition could be recommended requiring the submission of details of proposed cycle parking for the proposal to be agreed by the Local Planning Authority.
- 8.44 Policy HO7 states that planning permission will be granted for car-free housing in good locations with good access to public transport and local services and where it can be demonstrated that the proposed development will remain genuinely car-free over the long term. This is a good location for public transport and services. Given this, it is appropriate for the proposed flats to be car free. If approved, a condition could be imposed requiring the submission of a scheme to be approved by the Local Planning Authority to ensure the new flat is car free.

Sustainability:

- 8.45 Policy SU13 and Supplementary Planning Document 03 on Construction and Demolition Waste seek to reduce construction waste and require a Waste Minimisation Statement demonstrating how elements of sustainable waste management have been incorporated into the scheme in order to reduce the amount of waste being sent to landfill. Adequate information has been submitted with the application to demonstrate how these requirements have been met.
- 8.46 Policy SU2 of the Brighton and Hove Local Plan requires new development to demonstrate a high level of efficiency in the use of water, energy and materials. SPD8 also requires development for three or more new residential units to meet Level 4 of the Code for Sustainable Homes. The submitted Sustainability Checklist confirms that this standard would be met. If recommended for approval, a condition could be recommended that certificates are submitted for the four flats to show compliance with this standard at the Design and Post Construction phases of development. A condition could also be recommended requiring details of sustainability measures for the proposed commercial units.
- 8.47 Brighton & Hove Local Plan policy SU13 requires the minimisation and re-use of construction waste. Further detail of the information required to address this policy is set out in SPD03 Construction and Demolition Waste. If approved, a suitable statement could be required by condition to be submitted for the approval of the Local Planning Authority prior to commencement of works.

Provision of Housing:

- 8.48 At present, there is no agreed up-to-date housing provision target for the city against which to assess the five year housing land supply position. Until the City Plan Part 1 is adopted, with an agreed housing provision target, appeal Inspectors are likely to use the city's full objectively assessed need (OAN) for

housing to 2030 (estimated to fall within the range 18,000 – 24,000 units) as the basis for the five year supply position.

- 8.49 The Local Planning Authority is unable to demonstrate a five year supply against such a high requirement. As such, applications for new housing development need to be considered against paragraphs 14 and 49 of the NPPF. These paragraphs set out a general presumption in favour of sustainable development unless any adverse impacts of development would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole. The merits of the proposal are considered above.

Other Considerations:

- 8.50 The scheme would connect North Street to the new Hannington's Lane to the rear of the North Street. If approved, a Section 106 could be required to ensure the development is constructed in conjunction with the development of the Hannington's Lane scheme.
- 8.51 The new lane proposed as part of this application would include steps. This is not ideal and would limit suitable access to the lane from North Street. However, the steps are required due to the differences in ground levels between North Street and the new lane proposed to the rear. Additionally, due to the restraints of the site, it would not be possible to provide an access ramp for the proposed lane without substantial alterations. Furthermore, it should be noted that the new Hannington's Lane includes a level access from Meeting House Lane which would provide suitable access for all users.

9 CONCLUSION

- 9.1 It is considered that whilst there are some public benefits that would directly arise from the demolition of 15 North Street, these are not substantial public benefits and therefore they cannot outweigh the substantial harm resulting from the complete loss of the heritage asset. Nor can these benefits be regarded as powerful enough to set aside the statutory presumption in favour of the preservation of the listed building,
- 9.2 Number 15 North Street and Puget's Cottage are both partly listed for group value in relation to each other. It therefore follows that the demolition of 15 North Street would cause harm to the significance and setting of Puget's Cottage. In addition, 15 North Street is a listed building that contributes positively to the character and appearance of the Old Town Conservation Area and its demolition would therefore fail to preserve the architectural and historic interest of the conservation area.
- 9.3 The development would not cause significant harm to neighbouring amenity by way of loss of light, privacy or outlook, or increased overshadowing, noise or disturbance and is also appropriate in terms of highway safety and sustainability.

- 9.4 The scheme would result in additional residential units. However, the provision of housing does not outweigh the harm resulting from the loss of a substantial heritage asset.

10 EQUALITIES

- 10.1 The new dwellings are required to comply with Part M of the Building regulations and the Council's Lifetime Homes requirements. Steps are proposed within the new lane (see Section 8).

11 REASON FOR REFUSAL / INFORMATIVES

11.1 Reason for Refusal:

- The substantial harm resulting from the complete loss of the listed building at 15 North Street has not been justified through substantial public benefits that are dependent upon that loss. 15 North Street and Puget's Cottage are both partly listed for group value in relation to each other. The demolition of 15 North Street would cause harm to the significance and setting of Puget's Cottage. In addition, 15 North Street is a listed building that contributes positively to the character and appearance of the Old Town Conservation Area and its demolition would therefore fail to preserve the architectural and historic interest of the conservation area. The scheme is therefore contrary to policies HE1, HE2, HE3 and HE6 of the Brighton & Hove Local Plan, CP15 of Brighton & Hove City Plan Part One and paragraph 133 of the National Planning Policy Framework.

11.2 Informatives:

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

Plan Type	Reference	Version	Date Received
Site Location Plan	1139-P-200	B	23 rd February 2015
Block Plan	1139-P-201	B	23 rd February 2015
Existing Basement Plan	1139-P-202	B	23 rd February 2015
Existing Ground Floor Plan	1139-P-203	B	23 rd February 2015
Existing First Floor Plan	1139-P-204	B	25 th March 2015
Existing Second Floor Plan	1139-P-205	B	23 rd February 2015

PLANNING COMMITTEE LIST- 22 APRIL 2015

Existing Roof Plan	1139-P-206	B	23 rd February 2015
Demolition Ground Floor Plan	1139-P-253	C	23 rd February 2015
Demolition First Floor Plan	1139-P-254	C	23 rd February 2015
Demolition Second Floor Plan	1139-P-255	C	23 rd February 2015
Proposed Site Plan	1139-P-210	D	23 rd February 2015
Proposed Basement Plan	1139-P-211	D	23 rd February 2015
Proposed Ground Floor Plan	1139-P-212	D	19 th March 2015
Proposed First Floor Plan	1139-P-213	F	10 th March 2015
Proposed Second Floor Plan	1139-P-214	E	23 rd February 2015
Proposed Roof Plan	1139-P-215	E	23 rd February 2015
Areas Covered by Walkway Agreement	1139-P-217	B	23 rd February 2015
Existing & Proposed Elevation 1	1139-P-220	E	23 rd February 2015
Existing & Proposed Elevation 3	1139-P-222	D	23 rd February 2015
Existing & Proposed Elevation 4	1139-P-223	F	23 rd February 2015
Existing & Proposed Elevation 8	1139-P-227	C	10 th March 2015
Existing & Proposed Elevation 10	1139-P-229	E	23 rd February 2015
Existing & Proposed Elevation 16	1139-P-235	B	23 rd February 2015
Existing & Proposed Ground Plan Overlay	1450-SK-05		25 th March 2015



PLANNING COMMITTEE LIST
22 APRIL 2015

COUNCILLOR REPRESENTATION

From: Jason Kitcat
Sent: 06 March 2015 4:19 PM
To: Jeanette Walsh; Jason Hawkes
Subject: Protect: BH2015/00575 & BH2015/00576 protect

Planning applications BH2015/00575 and BH2015/00576 – Pugents Cottage,
North Street, Brighton

I am writing as Ward Councillor for Regency to register my support for the above
planning applications and request that they be determined at Planning
Committee.

Regards
Jason

Cllr Jason Kitcat
Leader of Brighton & City Council
Green city councillor for Regency Ward

