

<u>No:</u>	BH2019/02864	<u>Ward:</u>	Regency Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Nile House Nile Street Brighton BN1 1HW		
<u>Proposal:</u>	Formation of additional level to create office space (B1) incorporating replacement roof plant, reinstatement of chimney, balustrade terrace to West elevation, installation of solar panels and associated works.		
<u>Officer:</u>	Jonathan Martin, tel:	<u>Valid Date:</u>	25.09.2019
<u>Con Area:</u>		<u>Expiry Date:</u>	20.11.2019
<u>Listed Building Grade:</u>	<u>EOT:</u>		
<u>Agent:</u>	Morgan Carn Partnership Brighton BN1 6FA	Blakers House	79 Stanford Avenue
<u>Applicant:</u>	Dawn View Ltd C/o Ethos Property 8A Ship Street Brighton BN1 1AD		

1. RECOMMENDATION

1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **REFUSE** planning permission for the following reasons:

1. The proposed additional storey, by reason of its awkward relationship with the existing traditional roofline of no. 16 Prince Albert Street and the resulting intrusion of the contemporary development above the traditional and historic roof forms of the surrounding properties when viewed from Black Lion Street and Prince Albert Street, would neither preserve nor enhance the character and appearance of the Conservation Area and would harm the appearance and setting of the listed building of no. 16 Prince Albert Street and the setting of Listed Buildings at nos. 15, 15B and 17-18 Prince Albert Street. The proposal therefore fails to comply with policy CP12 and CP15 of the Brighton & Hove City Plan and policies HE1 and HE6 of the Brighton & Hove Local Plan and would result in negative visual impacts sufficient to outweigh any identified public benefits of the scheme.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. This decision is based on the drawings received listed below:

Plan Type	Reference	Version	Date Received
Proposed Drawing	1855-P-027A		25 September 2019
Proposed Drawing	1855-P-028A		25 September 2019

Proposed Drawing	1855-P-029A		16 October 2019
Proposed Drawing	1855-P-030A		16 October 2019
Proposed Drawing	1855-P-018A		25 September 2019
Proposed Drawing	1855-P-019A		25 September 2019
Proposed Drawing	1855-P-020A		25 September 2019
Proposed Drawing	1855-P-021A		25 September 2019
Proposed Drawing	1855-P-022A		25 September 2019
Proposed Drawing	1855-P-023A		25 September 2019
Proposed Drawing	1855-P-024A		25 September 2019
Proposed Drawing	1855-P-025A		25 September 2019
Proposed Drawing	1855-P-026A		25 September 2019
Block Plan	1855-P-003A		25 September 2019
Location Plan	1855-P-001A		25 September 2019

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The application site lies within the Old Town Conservation Area and incorporates number 16 Prince Albert Street which is a grade II listed building. Nile House is a large four storey over basement mixed use building in the heart of the Lanes in central Brighton. The building occupies the length of Nile Street, presenting elevations to Prince Albert Street and Market Street. The majority of the building is a post-modern design built in 1989. The late 1980's Nile House development integrated no. 16 Prince Albert Street into its floorplate. 16 Prince Albert Street is the elegant curved, red-brick corner building, which is Grade II listed.
- 2.2. Nile House is an important commercial building in central Brighton, providing approximately 2,300m² of commercial floor space. At ground floor there is a collection of shops and cafes along Nile Street and onto Market Street and Prince Albert Street. The upper three floors provide (B1) office space. There is an underground car park and store rooms at basement level.
- 2.3. The site is located within the regional shopping centre (SR4), outside the prime retail frontage (SR4, SR5 and CP4), the hotel core zone (CP6) and Central Brighton (SA2).
- 2.4. This application seeks planning permission for the formation of additional level to create office space (B1) incorporating replacement roof plant, reinstatement of chimney, balustrade terrace to West elevation, installation of solar panels and associated works.

3. RELEVANT HISTORY

- 3.1. **PRE2018/00326** Pre-application for a proposal seeking the erection of roof extension replacing existing roof plant to provide additional commercial space (200sq.m approx) with associated alterations and extensions to circulation cores to connect to new roof level accommodation.

The following response summary was given:

- The proposed additional office floorspace (B1) is supported.

- Concerns have been raised with regards to the roof extension and roof terrace in design terms and amendments to the scheme are required (see details below in the report).
 - The proposed terrace area should be reduced in size and set back with potential screening to avoid harmful overlooking.
- 3.2. **BH2019/02765** - Listed Building Application for formation of additional level to create office space (B1) incorporating replacement roof plant, reinstatement of chimney, balustrade terrace to West elevation, installation of solar panels and associated works.. Pending Consideration.
- 3.3. **BH1997/01495/FP** - Installation of 1 metre diameter satellite antenna on a flat roof mount. Approved.

4. REPRESENTATIONS

- 4.1. **One (1)** letter has been received objecting the proposed development relating to noise and overshadowing.
- 4.2. **One (1)** letter has been received supporting the proposed development which outlines how the current demand for office space outweighs the current availability and that the refurbishment of Nile House and the additional floor space is a much needed addition to the Brighton office market.
- 4.3. **Councillor Tom Druitt** supports the proposal, a copy of the letter is attached to the report.

5. CONSULTATIONS

- 5.1. **Heritage: 22/10/2019 Refuse:**
This application follows on from pre-application advice. It is for a roof top extension to the centre and western end of the building. The contextual analysis of the site and the heritage assessment are considered to be helpful and the design approach has responded carefully to this analysis and has clearly sought to minimise the visual impact of the proposed roof extension on the surrounding townscape of the Old Town conservation area. The key viewpoints appear have been identified as agreed at pre-application stage.
- 5.2. Despite the design evolution of the scheme and the bid to address the pre-application concerns, the intrusion of the new contemporary development above the traditional roofs in the views from Black Lion Street and Prince Albert Street would detract from the clean lines of the historic roof forms. The reinstatement of the chimney stack to 16 Prince Albert Street is welcome and would provide some mitigation to the harmful impact, but it would provide little actual screening.
- 5.3. The proposed development would therefore cause some harm to the appearance of the conservation area, some harm to the appearance and setting of the listed building on the site and some harm to the settings of the listed buildings at 15, 15B and 17-18 Prince Albert Street. This would be

contrary to policies HE3 and HE6. In each case the harm is less than substantial under the terms of the NPPF but must nevertheless be given great weight in decision taking. The only heritage benefit would be the reinstatement of the chimney stack to but this in itself would not outweigh the identified harm.

- 5.4. **Heritage Comment 14.11.2019** Comments remain unchanged - Refuse
Further documents/artists impressions were submitted as part of the application. Previous comments remain generally unchanged. The submitted artist's impressions only serve to illustrate how visible the roof extension would be above the roofline of the listed buildings and how harmfully overbearing this impact would be on the traditional roofscape of the conservation area.
- 5.5. **CAG: Approve:** Provided the following comments;
- The application was well planned with the additional floor set back thus not interfering with the views north up Black Lion Street nor east along Prince Albert Street
 - Support the reinstatement of the chimney to the westerly listed section with a terracotta pot added. This item is advised to be not short, to be in keeping with those originals elsewhere in the CA. A reclaimed item would be preferable.
- 5.6. **Transport: Comment:** Approve subject to condition
In terms of cycle parking, in the application form, it is planned to provide 5 cycle parking spaces with the Design and Access Statement stating that new changing and shower facilities will also be provided. SPD14 guidance requires 1 space plus 1 space per 100m² for a B1 Office. The additional office space proposed is 309m². This therefore means that 4 cycle parking spaces should be provided. The detailed designs of these cycle parking spaces and the changing and shower facilities are also not in the plans.
- 5.7. Therefore require further plans that show the location and detailed plans of the cycle parking and changing and shower facilities. Cycle parking and related facilities should be provided in accordance with the quantity and quality standards in retained Local Plan policy TR14 and SPD14. It is required that a minimum of 25% of cycle parking provision be provided through Sheffield stands.
- 5.8. When considering the need for sustainable transport contribution, the Highway Authority considers the number of person trips together with the need for any off-site developments to serve the proposed development. The Highway Authority recommends the following contribution which adheres to Brighton & Hove City Council Development Contribution Technical Guidance:
- 5.9. Total number of person trips for the proposed 309m² office space: = 54
 $54 \times £200.00 \times 0.5 = £5,400$

- 5.10. In this case the contribution would be allocated towards pedestrian footway and crossing improvements on routes serving the development site including, but not limited to Prince Albert Street and Ship Street.
- 5.11. **Economic Development:** No Objection and welcomes the additional employment floorspace within the city
- 5.12. **Environmental Health:** Approve subject to condition
- 5.13. The assessment has made detailed reference to applicable standards and guidelines.
- 5.14. Background noise levels at representative locations have been measured to establish maximum sound pressure levels for external plant to be installed. The methodology used and calculations made in the assessment are recognised techniques in predicting noise levels and the impact of them.
- 5.15. The findings and recommendations found within the assessment can be secured by attaching by condition if overall the proposal is acceptable.

6. RELEVANT POLICIES & GUIDANCE

- 6.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report
- 6.2. The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016)
 - Brighton & Hove Local Plan 2005 (retained policies March 2016);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017); and
 - Shoreham Harbour Joint Area Action Plan (adopted Oct 2019)
- 6.3. Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP2	Sustainable Economic Development
CP7	Infrastructure and Developer Contributions
CP8	Sustainable Buildings
CP9	Sustainable Transport
CP12	Urban design

CP15 Heritage

Brighton & Hove Local Plan (retained policies March 2016):

TR14	Cycle and Access Parking
QD5	Design
QD27	Protection of amenity
SR4	Regional shopping centres
SR5	Town and district shopping centres
HE1	Listed buildings
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 a conservation area.

Supplementary Planning Document:

SPD09	Architectural Features
SPD12	Design Guide for Extensions and Alterations

7. CONSIDERATIONS & ASSESSMENT

- 7.1. The main considerations in the determination of this application relate to the principle of development, design and appearance, heritage impact on the grade II listed building and the conservation area, impact on amenity, highways and sustainability.

Principle of Development:

- 7.2. The site is located within Central Brighton (SA2), which is the city's prime office location for B1a offices. Policy CP3 of the City Plan Part One states how the Council will support proposals for the upgrade and refurbishment of existing office accommodation so that they meet modern standards required by business; are more resource efficient and improve the environment and townscape of the site or premises.
- 7.3. The proposal is also in accordance with Policy CP2 of the Brighton & Hove City Plan which states that the Council will positively and proactively encourage sustainable economic growth, by supporting business growth and the diversification of the city's economy.
- 7.4. The amount of development has been derived from a response to the surrounding roofscape and character of the area. The proposal measures a net internal area of 309sqm which is made up of 293sqm in the new roof extension and 16sqm through alterations to the second floor mansard area. The amount is considered to be acceptable in this location.
- 7.5. The increase in commercial floorspace will naturally lead to an uplift in job opportunities generated by the Nile House site. OFFPAT Employment Density Guide suggests between 10m² and 13m² of floorspace is required per employee within a (B1) unit. It is therefore reasonable to suppose the development of 309m² of internal (B1) space would provide for 24 - 31 new jobs within central Brighton.

- 7.6. In light of the above, the Council do not object to the principle of development subject to the compliance with other local and national policies.

Design, Appearance and Heritage Impact

- 7.7. In considering whether to grant planning permission which affects a Conservation Area and/or a listed building or thier setting the Council has a statutory duty 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. Case law has held that the desirability of preserving a listed building or its setting or the character or appearance of a conservation area must be given "considerable importance and weight".
- 7.8. Policy CP15 of the Brighton & Hove City Plan Part One states how the Council will ensure that the city's built heritage guides local distinctiveness for new development in historic areas and heritage settings. Policy HE1 of the Local Plan explains how proposals involving the alteration or extensions of a listed building will only be permitted where the proposal would not have any adverse effect on the architectural and historic character or appearance of the interior or exterior of the building or its setting. Policy HE6 of the Local Plan requires proposals within or affecting the setting of a conservation area to preserve or enhance the character or appearance of the area.
- 7.9. Policy CP12 of the Brighton and Hove City Plan Part One expects all new development to raise the standard of architecture and design in the city, establish a strong sense of place by respecting the character of existing neighbourhoods and achieve excellence in sustainable building design and construction.
- 7.10. This application follows on from pre-application advice. The proposal is for a roof top extension to the centre and western end of the building. The existing lift machine room and plant enclosure would be demolished at the current upper floor level to accommodate the proposal and new plant would be moved to the existing roof terrace at first floor level.
- 7.11. The proposal would comprise medium grey roof tiles, semi-transparent glass balustrades, light grey balustrading screening, medium grey aluminium walls, light grey aluminium windows and doors and single ply membrane flat roofing.
- 7.12. As previously mentioned the proposal was subject to a pre-application (PRE2018/00326). Key viewpoints have been identified and these 4 views are from Brighton Place, from Brighton Square, from Black Lion Street and from Prince Albert Street.
- 7.13. The proposal would not have any significant impacts in views from Brighton Place and the view south from Brighton Square is not considered to be a sensitive one. The views from Black Lion Street and Prince Albert Street, however, are considered to be very sensitive. The varied but generally traditional roofscape is very important in these views and comprises the roofs

of several listed buildings around the junction of Black Lion Street, Prince Albert Street and Nile Street.

- 7.14. Parapets are a strong feature within the area. Whilst the roofscape is varied, these are all traditional roof forms and materials, with parapets, ridges and details silhouetted against the sky. This includes the roof to the listed building at 16 Prince Albert Street, which has been incorporated into Nile House and forms part of the application site. This roof itself is not original but generally mimics the appearance of the original roof. In these views the new extension would be clearly visible as a contemporary addition and would significantly alter the roofline and skyline in these views.
- 7.15. It is considered that the main flat-roofed post-modern element of the building, the central section, could accommodate an additional storey that subsumes the roof-top plant enclosure as shown, and that the interesting design of the roof extension would respect and complement the building. However, where the angled sloping overhang extends over the listed building it would jar with the traditional roofline and would make the fact that the listed building is now simply a façade more obviously apparent.
- 7.16. The presence of a roof terrace, despite being set back behind a planted area, the visual impact of people moving around above the ridgeline/historic roof form would not be appropriate to the historic roofscape. The angled parapet and balustrade would add to the undue 'visual weight' of the existing roof of the listed building, which is very prominent on the corner.
- 7.17. Despite the design evolution of the scheme and the bid to address the pre-application concerns, it is considered that the intrusion of the new contemporary development above the traditional roofs in the views from Black Lion Street and Prince Albert Street would adversely detract from the clean lines of the historic roof forms.
- 7.18. The submitted artist's impressions only serve to illustrate how visible the roof extension would be above the roofline of the listed buildings and how harmfully overbearing this impact would be on the traditional roofscape of the conservation area.
- 7.19. It is acknowledged that the proposal includes the reinstatement of the false chimney stack above 16 Prince Albert Street, as requested at pre-application stage, which would restore a traditional feature and which would act as a vertical focal point to counter the long horizontal ridgeline as well as providing some screening.
- 7.20. Overall it is considered that the proposed development would cause harm to the appearance of the conservation area, harm to the appearance and setting of the listed building on the site and harm to the settings of the listed buildings at 15, 15B and 17-18 Prince Albert Street.
- 7.21. Therefore in light of the above, the proposal is considered to be unacceptable on Heritage grounds and is contrary to policies CP15 of the City Plan Part

One and HE1, HE3 and HE6 of the Local Plan. In accordance with paragraph 196 of the NPPF the less than substantial harm on the heritage assets must be weighted against the public benefits of the proposal, this is set out in more detail below.

Impact on Amenity:

- 7.22. 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.

Roof Terrace

- 7.23. The roof terrace to the western end has been sited and designed to minimise any potential overlooking. As noted, in response to pre-application advice the planting screen has been increased to move users away from the edge of the roof. As such it would predominantly be wider views of the roofscape available from here. The design of the sloping overhang structure will afford closer views to the west over Prince Albert Street and south over Black Lion Street.

- 7.24. The new office space at Nile House will have an acceptable impact on the amenity of nearby occupiers and is compliant with Policy QD27 of the Local Plan.

Impacts on Daylight and Sunlight on Neighbouring Properties

- 7.25. The area around Nile House is predominantly non-residential in character but a few nearby residential properties were identified via Valuation Office Agency records. Of these, the neighbouring properties most likely to be affected by the proposed changes are:

1. 49 Meeting House Lane
2. 2 Nile Street
3. 17 Prince Albert Street
4. 6 Brighton Place

- 7.26. These have been analysed for loss of daylight, and loss of sunlight where relevant and the applicant has submitted a Daylight and Sunlight Assessment.

- 7.27. Although 50 Meeting House Lane is also listed as containing residential accommodation, it would be less affected than 49 due to the presence of other buildings between its windows and Nile House. Residential properties at 18-19, 20 and 23 Market Street would also have little to no view of it due to the presence of other buildings and/or the domed section of Nile House between them and the proposed additional floor.

- 7.28. The windows analysed at these four locations would lose a very small amount of vertical sky component and would be well within the BRE guidelines for loss of daylight in all cases. Windows at 49 Meeting House Lane were also analysed for loss of sunlight as they face within 90° of due

south. The losses would be small and also well within the BRE guidelines in all cases.

- 7.29. Overall, loss of light as a result of the proposed additional floor would be small and within the guidelines in the BRE Report. The formation of an additional level will have an acceptable level of reduction in light levels to neighbouring properties and the proposal is compliant with Policy QD27 of the Local Plan.

Noise Impact

- 7.30. An Acoustic Report (Plant Noise Assessment) has been prepared and submitted by the applicant. The report has been reviewed by the Council's Environmental Health Officer. The methodology used and calculations made in the assessment are recognised techniques in predicting noise levels. The Environmental Health Officer has confirmed that the findings in the noise report are acceptable and that a condition should be added to ensure that noises shall not exceed a level of 5dB(A) below the existing representative L90 background noise level.
- 7.31. In light of the above, the proposal is compliant with policies SU10 and QD27 of the Brighton and Hove Local Plan.

Sustainable Transport:

- 7.32. The existing car parking is located in the basement and it is noted that the planning application does not state that there will be any additional parking proposed. In accordance with SPD14, a site containing B1 floorspace that is located in the central area is not permitted to provide any car parking except disabled parking spaces and therefore there are no objections in this instance.
- 7.33. In terms of cycle parking, in the application form, it is planned to provide 5 cycle parking spaces with the Design and Access Statement stating that new changing and shower facilities will also be provided. SPD14 guidance requires 1 space plus 1 space per 100m² for a B1 Office. The additional office space proposed is 309m². This therefore means that 4 cycle parking spaces should be provided. The detailed designs of these cycle parking spaces and the changing and shower facilities are also not in the plans.
- 7.34. If overall the proposal was considered acceptable a condition could be added requiring further plans that show the location and detailed plans of the cycle parking and changing and shower facilities. Cycle parking and related facilities should be provided in accordance with the quantity and quality standards in retained Local Plan policy TR14 and SPD14. It is required that a minimum of 25% of cycle parking provision be provided through Sheffield stands.
- 7.35. When considering the need for sustainable transport contribution, the Highway Authority considers the number of person trips together with the need for any off-site developments to serve the proposed development. The Highway Authority recommends that a contribution of £5,400 be sought if

overall the proposal is acceptable. In this case the contribution would be allocated towards pedestrian footway and crossing improvements on routes serving the development site including, but not limited to Prince Albert Street and Ship Street This is to provide for the increase in person trips expected to the site and improve access between the development and neighbouring facilities. This is in accordance with Brighton & Hove City Plan Part One policies CP7 and CP9.

Sustainability

- 7.36. Policy CP8 of the Brighton & Hove City Plan Part One requires new development to demonstrate a high level of efficiency in the use of water and energy. As set out by Policy CP8 all non residential schemes that are non-major in size will have to provide a BREEAM rating of Very Good. The applicant has prepared and submitted a SRE BREEAM NC 2018 Pre Assessment which shows how the scheme will achieve a BREEAM rating of Very Good, which could be secured via a condition, if overall the application was recommended for approval.
- 7.37. The proposed development will deliver passive and active energy demand reduction measures along with low and zero carbon technologies in order to reduce energy demand and associated CO2 emissions. The proposal will also implement an all-electric heating strategy which will provide space heating through ASHP technology and hot water through instantaneous hot water heaters to all areas of the extension and existing floors below.

Planning balance and conclusion:

- 7.38. The City needs to retain and attract new B1 office accommodation. Over the past few years the decline in floorspace has been significant and policies that seek to prevent the loss of offices have been upheld successfully at appeal as a result of this decline. The provision of additional office accommodation therefore weighs in favour of the scheme. However, as set out above concerns are raised regarding that the proposal will lead to less than substantial harm to the conservation area, No.16 as a listed building and neighbouring listed buildings. The less than substantial harm on the heritage assets will be weighed against the public benefits of the proposal.
- 7.39. Paragraph 196 states:
"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use."
- 7.40. Whilst this harm is less than substantial it appears that the public benefits arising from this proposal would relate to the additional office space that would be provided within a key business location. The proposal also seeks to reinstate the chimney stack but this is considered to be of limited public benefit.
- 7.41. When considering whether to grant planning permission for development in this situation the council has a statutory duty to pay special attention to the

desirability of preserving or enhancing the character or appearance of the conservation area. This must be given considerable importance and weight.

- 7.42. As previously stated the proposed additional storey, although acceptable in principle, would cause harm to the appearance of the conservation area, harm to the appearance and setting of the listed building on the site and harm to the settings of the listed buildings at 15, 15B and 17-18 Prince Albert Street. Accordingly, it is considered that in this particular instance the provision of additional office floorspace and reinstatement of the chimney stack does not outweigh the harm which will occur to the heritage assets and the proposal is therefore recommended for refusal. The proposal would cause less than substantial harm to the designated heritage assets and in view of Paragraph 196 of the NPPF the harm caused to these assets would not be outweighed by the public benefits the scheme would create.

8. EQUALITIES:

None.