

<u>No:</u>	BH2019/02865	<u>Ward:</u>	Regency Ward
<u>App Type:</u>	Listed Building Consent		
<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 Limited C/o Ethos Property BN1 1AD	8A Ship Street	Brighton

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 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-029A		16 October 2019

Proposed Drawing	1855-P-030A		16 October 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
Proposed Drawing	1855-P-027A		25 September 2019
Location Plan	1855-P-001A		25 September 2019
Proposed Drawing	1855-P-028A		25 September 2019
Block Plan	1855-P-003A		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 listed building consent 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.
- 3.2. 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.
- 3.3. **BH2019/02764** - Planning permission 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.
- 3.4. **BH1997/01495/FP** - Installation of 1 metre diameter satellite antenna on a flat roof mount. Approved.

4. REPRESENTATIONS

- 4.1. **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 05/11/2019: 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.

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

CP8	Sustainable Buildings
CP9	Sustainable Transport
CP12	Urban design
CP15	Heritage

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

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

Old Town Conservation Area Character Statement.

7. CONSIDERATIONS & ASSESSMENT

7.1. The main considerations in the determination of this application relate to the heritage impact on the grade II listed building and the setting of the conservation area.

Heritage

7.2. 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.

7.3. In considering whether to grant planning permission which affects a listed building or its 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".

7.4. This application follows on from pre-application advice for a roof top extension to the centre and western end of the building.

7.5. As part of the application a contextual analysis of the site and the heritage assessment have been submitted which are considered to be helpful. The key viewpoints appear have been identified as agreed at pre-application stage.

7.6. The proposal would not have any significant impact 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. Parapets are a strong feature. 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.

- 7.7. 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 in the submitted plans 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. 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.
- 7.8. 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.
- 7.9. 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.
- 7.10. Overall it is considered that the proposed development would 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. 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 16 Prince Albert Street, but this in itself would not outweigh the identified harm.
- 7.11. Therefore in light of the above, overall 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.

Other Considerations

- 7.12. It is acknowledged that 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, the Heritage Officer has raised concerns 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.

7.13. 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."

7.14. Whilst this harm is less than substantial it appears that, in addition to the limited heritage benefit of the reinstatement of the chimney stack to number 16 Prince Albert Street, the public benefits arising from this proposal would relate to the additional office space that would be provided within a key business location.

7.15. As set out earlier when considering whether to grant Listed Building consent 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 a listed building, its setting and the setting of a conservation area. This must be given considerable importance and weight. The proposed additional storey, although acceptable in principle, the resulting appearance would cause harm to the

7.16. 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.

