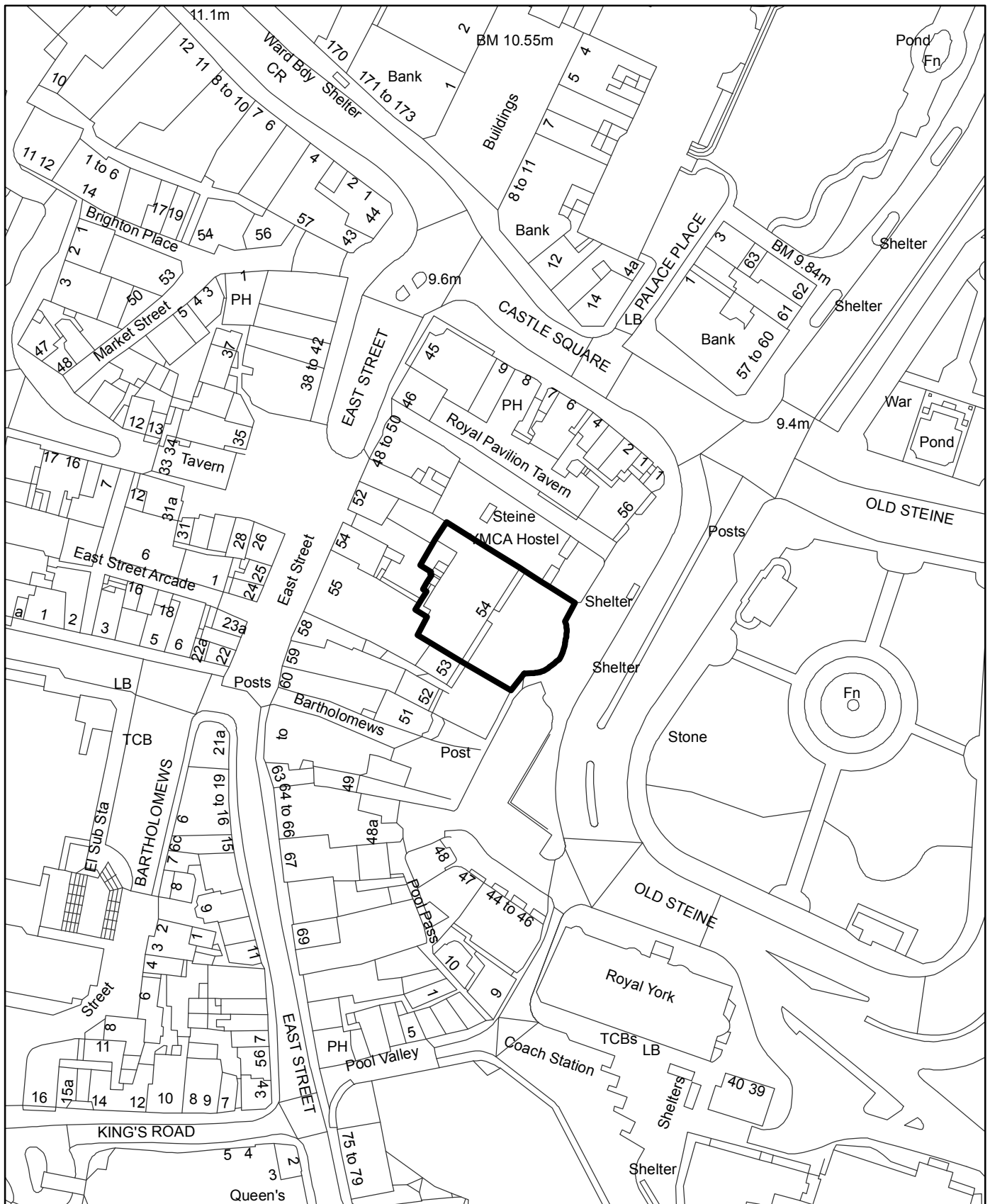


ITEM B

Marlborough House, 54 Old Steine, Brighton

**BH2014/01031
Full planning**

15 JULY 2015



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2014/01031	<u>Ward:</u>	REGENCY
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Marlborough House 54 Old Steine Brighton		
<u>Proposal:</u>	Change of use from offices (B1) to single dwelling house (C3) with associated alterations including infill of some rear windows, replacement of rooflights and insertion of rear dormer.		
<u>Officer:</u>	Christopher Wright, tel: 292097	<u>Valid Date:</u>	10 April 2014
<u>Con Area:</u>	Valley Gardens	<u>Expiry Date:</u>	05 June 2014
<u>Listed Building Grade:</u>	Grade I Listed		
<u>Agent:</u>	Agora Chartered Architects, Victoria House, 125 Queens Road, Brighton BN1 3WB		
<u>Applicant:</u>	Eurofile Pension Fund, C/O Agora Chartered Architects, Victoria House, 125 Queens Road, Brighton BN1 3WB		

1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 and resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in section 11.

2 SITE LOCATION & DESCRIPTION

- 2.1 The application site is a Grade I Listed Building on the western side of the Old Steine, within the Valley Gardens Conservation Area. It is described in the Pevsner Guide to Brighton and Hove as “the finest late c18 house, or rather villa, in Brighton” and is one of the most architecturally and historically significant buildings in the city. It was built c1765 for Samuel Shergold, proprietor of the Castle Inn, for lettings to visitors. The Third Duke of Marlborough bought the house in 1771 but its present appearance follows its sale in 1786 to William Hamilton MP, who commissioned its enlargement and remodelling in Neoclassical style by Robert Adam. The Prince of Wales stayed at the house in 1789 and 1795 but Hamilton died in 1796 and the house was sold.
- 2.2 The building evidence indicates that Adam kept the external shell, extending the house to the south. The rear parts have floor levels of the 1760s whilst at the front more generous storey heights were provided. The façade to Old Steine was made fashionable as a well balanced front with a delicately detailed doorway with Tuscan columns. The façade is of five bays and two storeys, stuccoed, with pediments at each end over projecting sections, creating pavilions. The ground floor windows are the Adam variation of a Venetian window with bottle balustrades. It is in effect a Palladian great house in miniature. The front façade was well restored in the first decade of

the 21st century.

- 2.3 To the front of the property is a semi-circular carriage drive with a bottle-balustrade and rendered boundary wall. These provide a fine setting for the building but may have been somewhat altered from their original form.
- 2.4 The interior is equally fine, particularly the main suite of ground floor rooms in the typical restrained style of Adam's later career, and is largely well preserved. The entrance hall, dining room, drawing room and octagonal hall have delicate plasterwork (attributed to Joseph Rose) to the ceilings and walls and fine joinery. Regrettably the Adam fireplaces have been lost but drawn and photographic records of them exist. The staircase hall is squeezed in the to the east of the study and has an open-well stair with Vitruvian scroll to the tread ends and newels in the form of columns. The staircase arrangement at first floor level is complex, to address the level changes that result from Adam's higher ground floor ceilings. The first floor rooms are much plainer but nevertheless have good surviving features. A secondary stair serves the attic storey. Here, original and historic dormers have been removed and replaced with inappropriate modern rooflights. The rear of the building is much more altered. A late 19th century stable block, in red brick, is in the north-west corner (quite altered) and there is a flat-roofed 20th century extension. The 19th century rear porch has been removed.
- 2.5 In 1870 a new owner (John Beal) leased the building to the Brighton School Board for use as offices and the Board purchased the building in 1891. It was used as education offices until 1974 and subsequently as a tourist information centre and offices until its closure in the mid 1990s. It has been vacant since then and is considered to be 'at risk'. Enforcement notices have recently been upheld and the wording varied, on 9 June 2015.
- 2.6 **Buildings at Risk Register:**
The building is on the English Heritage (now Historic England) "at risk register", 2014. The condition is described as fair and the building vacant/not in use.
- 2.7 The site is on the local buildings at risk register, 2013. The condition is described as fair, and vacant.

3 RELEVANT HISTORY

Enforcement

APP/Q1445/F/14/2216670 – An appeal in relation to a Listed Building enforcement notice relating to unauthorised internal and external works was **upheld** by decision dated 9 June 2015.

The current application will ensure the requirements of the enforcement notice are undertaken and that the necessary permission will be obtained prior to further works and alterations not constituting unauthorised works at the

present time.

BH2003/02586/AD – Display of externally illuminated mesh banner sign. Refused 26 September 2003.

BH2002/01245/LB – Removal of existing timber windows (casement) and replacement with new timber sash windows to front façade. Removal of existing forecourt surfaces and replacement with new including exposing bottom front entrance step, removal of front area stair, widening of opening replacement with new stone tread stair, alteration of front area railings to suit, reinstatement of flint pebbles to basement of façade, raising the cill to basement windows, alterations to front door, repainting new stucco and windows, reinstatement of portico ornamentation. Approved 9 October 2002.

BH2002/01244/LB – Temporary removal of the timber portico, doors and fanlight of entrance on the front façade in order to carry out repairs and then reinstate and redecorate. Removal of existing lead rainwater goods from front façade, replace with new to match. Removal of existing roof coverings and replacement with natural slate. Removal of existing stucco and replacement with new to be painted. Temporary removal of fireplaces for repair. Reinstatement of furniture stored in the basement. Approved 9 October 2002.

BH2002/01243/FP – Removal of existing timber windows (casement) and replacement with new timber sash windows to front façade. Removal of existing forecourt surfaces and replacement with new including exposing bottom front entrance step, removal of front area stair, widening of opening replacement with new stone tread stair, alteration of front area railings to suit, reinstatement of flint pebbles to basement of façade, raising the cill to basement windows, alterations to front door, repainting new stucco and windows, reinstatement of portico ornamentation. Approved 21 August 2002.

BH1997/00693/TB – Installation of two telephone kiosks. Prior approval required 28 July 1997.

BH1997/00162/LB – Part change of use from office to A3 restaurant and bar (basement and ground floor levels), retention of office use at first floor (for Fuller Smith Turner PLC) with Manager's Flat (second floor) and internal and external alterations to facilitate the part change of use. Refused 30 January 1998. *Appeal Dismissed 15 March 1999.*

BH1997/00161/FP – Part change of use from office to A3 restaurant and bar (basement and ground floor levels), retention of office use at first floor (for Fuller Smith Turner PLC) with Manager's Flat (second floor) and internal and external alterations to facilitate the part change of use. Refused 28 January 1998. *Appeal Dismissed 15 March 1999.*

BN86/137LBC – Erection of bureau de change kiosk inside Tourist Information Centre, non-illuminated sign in front window and erection of 2 non-illuminated sign boards fronting Old Steine. Approved 26 August 1986.

BN86/136AO – Erection of 2 non-illuminated sign boards fronting Old Steine. Approved 26 August 1986.

BN78/LBC750 – Painting façade of building, signage and erecting flagpole and flag over main entrance and erection of 2 Tourist Information signs fronting Old Steine. Approved 5 December 1978.

66/1510 – Change of use from caretaker's house to office. Approved 6

September 1966.

4 THE APPLICATION

Planning permission is sought for change of use of the building from offices (B1) to a single dwelling house (C3) with associated external alterations including the infilling of some rear windows, replacement of rooflights and insertion of a rear dormer.

An application for Listed Building Consent for the works, which also includes internal alterations, has also been submitted, **ref. BH2014/01032**.

5 PUBLICITY & CONSULTATIONS

External:

5.1 **Neighbours:** None received.

5.2 **English Heritage:**

28 May 2015

No formal objection is raised.

5.3 Some concerns were raised regarding the level of detail contained within the application submission, in particular in relation to the basement. A number of conditions that should be applied to any consent were also identified. English Heritage is content that these issues have now been addressed and the recommended conditions are appropriate.

5.4 13 August 2014

Insofar as the application would see the building used appropriately and put into a good state of repair, English Heritage supports in principle the proposals. It seems however that an opportunity is being missed to see the building returned to its former glory, and indeed there is insufficient information provided that would give us confidence that this could be achieved here. Notwithstanding this, the proposals in the main comprise a relatively light touch to the building and would not, if appropriately controlled by planning conditions, be very harmful to its significance. Under the terms of the NPPF therefore, the significance would be conserved if not substantially enhanced and would likely meet the requirements of paragraphs 132 and 134 by securing the optimum viable use for the building and hopefully seeing its removal from the Heritage At Risk Register.

5.5 The most substantial changes are proposed at basement level and while more of the plan form of this part of the building is to be retained, some aspects will require further information such as:

- Detailed drawings of the proposed lift showing how impacts to the well will be mitigated;
- Assurances that new environmental conditions arising from the sauna/Jacuzzi use would not cause long term damage to the building;

- Appropriate servicing strategy to include details of any external vents, pipes and flues;
 - Greater detail on floor finishes (where historic finishes remain it would be desirable to keep them and if absolutely necessary cover them with a reversible suspended timber floor);
 - Specification for lime mortar finishes;
 - Original doors where they exist should be retained and repaired.
- 5.6 The suite of rooms at ground floor is exquisite and while all the fireplaces are now sadly lost, the plasterwork and joinery is very fine and survives relatively intact. Photographs and drawings of the interiors prior to the loss of the fireplaces are known to exist and it would be highly desirable to see such features faithfully reproduced, whilst accepting that earlier or later phases of the building's development ought not to be erased entirely. Details of replacement fireplaces would be expected by and required by planning condition and for this detail to be informed by photographic evidence in line with English Heritage *Conservation Principles* guidance.
- 5.7 No information has been provided about the intended decorative finishes throughout the house, but particularly within the ground floor rooms. Robert Adam is famous for his elegant, classically inspired interiors, as can be seen at the recently restored Kenwood House. There is apparently no intention within the current applications to reinstate decorative schemes. While this is regrettable, it is acknowledged that it cannot be reasonably required as part of the current application, and should a future owner wish to explore this further, English Heritage would be pleased to advise.
- 5.8 There remain some discrepancies in the plans which have been identified by the Council's Heritage Team, that ought to be rectified prior to the granting of consent and in addition the following information should be sought either up front or by condition:
- Proposed location for Board of Schools safe (within the building);
 - Internal/External joinery details;
 - Servicing strategy throughout the building to include vents, pipes, flues, rainwater goods;
 - Detailed drawings of reinstated dormer windows;
 - Protection of architectural features during works;
 - External landscaping/lighting.
- 5.9 English Heritage would wish to be informed of any decision taken.
- 5.10 **Conservation Advisory Group: Objection**
17 February 2015
The group was re-consulted on the amended plans and maintained its objection.
- 5.11 13 May 2014
Whilst the group supports the change of use to a single dwelling in principle

the group recommends refusal of the application as it stands on the grounds that a full survey of the historical development of the building should be carried out in accordance with English Heritage guidelines before the plans are considered. Concerns are expressed about elements of the proposal which are seen as unacceptable. If the Officer recommendation is to grant the application the group would like the proposals to be heard at Planning Committee and if approved suggest a condition is imposed that the Adam fireplaces should be reproduced and reinstated using sections of the originals which are stored in the basement, and the rear roof extension should be removed.

5.12 Internal:

Heritage: No objection.

8 January 2015

This property remains on both the Council's and English Heritage's registers of Buildings at Risk and has more recently been subject to squatting and consequent damage and loss. The principle of bringing this long-vacant Grade I Listed Building back into use as a single dwelling (the use for which it was designed) is therefore welcomed. The associated repair and restoration works are also welcomed and it is noted positively that the works would now include for all the requirements of the current Listed Building Enforcement Notice.

5.13 The revised and additional plans and schedules have generally satisfactorily addressed all the various matters of detail raised in the previous consultation comments of 13 August 2014. It is therefore now considered that there is sufficient information and level of detail to be satisfied that the proposals would preserve the special architectural and historic interest of the building, given that there is a major public benefit in bringing the building back into a use that is consistent with its conservation. Nevertheless, any approval would need to be subject to a number of conditions.

5.14 13 August 2014

The amended submission includes a more lengthy historical analysis of the building. This is welcome. It does not go as far in its analysis as would be expected for a building of this significance. However, as the proposal is for the preferred use of the building and because the plan form would be largely unchanged above basement level, it is considered to be adequate in this case.

5.15 The proposed basement plan, which raised particular concerns, has been amended to retain the wine cellar store intact. There would no longer be a plunge pool but a Jacuzzi on a raised platform, so excavation would not be required. The existing door opening to this room has also been retained. But the relationship of the raised platform to the cill height of the windows is unclear as there is no section drawing through the room. The proposed changing room has been revised to a single space, with a glazed screen for the entrance, which would better retain the feel of the original hallway. The

original shelving in rooms B1 and B2 would still be lost for the proposed sauna and this is a matter of concern. The under stair cupboard would be restored but there is no detail on this. The lift would be of a type that would not disturb the existing well but more detail of that would be needed by condition if the scheme was otherwise acceptable.

- 5.16 Whilst the location of services is shown, it is not clear how and where these services would exit the building. There are no revised elevations or roof plan showing vents, pipes or flues. There is no information on how the Jacuzzi and sauna would be ventilated to avoid the creation of an environment that would be harmful to the historic fabric.
- 5.17 An additional plan shows the proposed floor, wall and ceiling finishes for the basement rooms. Wall and ceiling finishes are largely appropriate but the proposal to sand blast the flint wall to the family room/kitchen would damage the original mortar. The flint work would almost certainly not have been exposed; it would either have been directly plastered or have timber battens with a lathe and plaster finish. There is no information on the existing floor finishes, except where the brick floor to the proposed treatment room is to be retained. The proposed new materials are largely inappropriate. Traditionally basements in Brighton and Hove had brick paved or suspended timber floors, though in some cases there were simple earth floors. One of the basement rooms has a brick floor, which is shown to be retained. High status houses sometimes used York stone slabs for the hallway. Any proposals here should draw on the traditional palette of finishes.
- 5.18 The proposed ground floor plan has been amended to retain the proposed cloak room undivided. This is welcome. The central rooflight on the south facing slope of the old stable block has been deleted but the current enforcement notice requires the deletion of the central one on the north facing roof slope. Further consideration will need to be given to the historic safe but this could be left to condition if the proposals are otherwise acceptable.
- 5.19 The proposed first floor plan has been amended to reverse the position of the en-suite bathroom and dressing room at the southern end. There is no objection to this. Existing original openings and doors are shown retained where no longer needed for access and this is welcomed. Two windows to the proposed family bathroom at the rear would be blocked up and this is shown on the previously submitted rear elevation drawing. These are small windows added after 1891 and there is no objection to their removal. But the retained large window is a comparatively modern casement and it should be replaced with a sash window to match the pattern of the window directly above it. The elevation drawing will need to be amended. As with the amended basement plan, the location of services is shown but it is not clear how and where these services would exit the building. This is particularly an issue for the new en-suite bathrooms at the front.
- 5.20 The second floor layout is unchanged. Again the location of services is now

shown but it is not clear how and where these services would exit the building. The roof plan for the former stable block does not show the removal of the central rooflights.

- 5.21 No amended roof plan has been submitted.
- 5.22 Section A-A has not been amended in respect of the roof to the former stable block. This section drawing also appears inaccurate at higher level to the rear as the room names do not correspond with the plans.
- 5.23 There is no elevation showing the proposed dormers to the inner valley slopes. The southern-most window should be two painted softwood horizontally sliding sashes of equal width, with each sash divided into six panes of glass by slim glazing bars. The cheeks must be fixed glazing in softwood framing and divided vertically by one glazing bar and horizontally by two glazing bars in a pattern to match the proportions of the sliding sashes. The roof must be flat and finished in lead. The other two windows should be painted softwood side-hung casements of equal width, with two horizontal glazing bars to each casement.
- 5.24 The front elevation has not been amended to show the cobbled frontage to the basement.
- 5.25 The rear elevation has some inaccuracies. Some window and door openings have shallow curved heads. The existing porch door opening is wider than shown.
- 5.26 Much more information has been provided on existing and proposed doors and architraves on two drawings and this is welcome. However, it appears that at basement level and second floor level, none of the existing historic doors or architraves are to be retained and all are to be replaced with a single type of architrave and flush doors or modern glazed doors. There is at least one original door at basement level (boarded and ledged) and several historic doors at second floor level, including two panel doors with shallow raised and fielded panels and a four panel door with plain panels. None of these doors are illustrated. Some of these doors retain original rim locks and round handles. It is not only the doors etc. to the high status rooms on the ground and first floors that are of significance.
- 5.27 The proposed external landscape plan is acceptable. More details would be needed by condition if the proposals were otherwise acceptable.
- 5.28 **Planning Policy: Comment**
These comments relate to the principle of change of use from office to residential.
- 5.29 It is not clear from the evidence submitted if the applicant is arguing that the change of use is the only practicable way of preserving a building of

architectural or historic interest. The advice of the Heritage team should be sought.

- 5.30 Insufficient information has been submitted to demonstrate adequate marketing of the premises to conclude redundancy/unsuitability for office B1a use in accordance with the tests set out in policy EM5 of the adopted Brighton & Hove Local Plan.

6 MATERIAL CONSIDERATIONS

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that “If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”
- 6.2 The development plan is:
- Brighton & Hove Local Plan 2005 (saved policies post 2007);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
 - East Sussex and Brighton & Hove Minerals Local Plan (November 1999); Saved policies 3,4,32 and 36 – all outside of Brighton & Hove;
 - East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only – site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.
- 6.3 The National Planning Policy Framework (NPPF) was published on 27 March 2012 and is a material consideration which applies with immediate effect.
- 6.4 Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF.
- 6.5 The Brighton & Hove City Plan Part One (submission document) is an emerging development plan. The NPPF advises that weight may be given to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies to the policies in the NPPF.
- 6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

7 RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove Local Plan:

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
SU4	Surface water run off and flood risk
SU13	Minimisation and re-use of construction industry waste
QD3	Design – efficient and effective use of sites
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
EM5	Release of redundant office floorspace and conversions to other uses
HE1	Listed Building Consent
HE4	Reinstatement of original features on Listed Buildings

Supplementary Planning Guidance:

SPGBH4	Parking Standards
SPGBH11	Listed Building Interiors
SPGBH13	Listed Building – General Advice

Supplementary Planning Documents:

SPD08	Sustainable Building Design
SPD09	Architectural Features

Brighton & Hove City Plan Part One (submission document)

SS1	Presumption in Favour of Sustainable Development
CP3	Employment Land

8 CONSIDERATIONS & ASSESSMENT

8.1 The main considerations in the determination of this application relate to the principle of development; the visual impact on the Listed Building and the wider Conservation Area; impact on amenity; sustainable transport; and sustainable building design.

8.2 Principle of development:

The application site was originally built as a dwelling but its last use was as offices. This was at least 7 to 10 years ago and since then the premises have been vacant. The property has recently been used by squatters. The site also lies outside of the Article 4 area which removes the permitted change of use from offices to residential as set out in Class O of the GPDO.

8.3 Policy EM5 of the Local Plan requires applicants to submit evidence that the office use is redundant and no longer viable and the Planning Policy team has commented that insufficient evidence has been submitted on this basis. However, an exception can be made where a change of use is the only

practicably way of preserving a building of architectural or historic interest. Policy CP3 of the City Plan Part One Submission Document sets out similar requirements.

- 8.4 In this instance the significance of this historic building and the proposed improvements which the applicant will make to it in order to restore the Listed Building and bring it back into use should be given considerable weight. Particularly as the site is on both the national and local 'buildings at risk' register. The proposed residential use of the building is also considered to be the most appropriate and the restoration of the heritage asset and historic use outweighs the preferred alternative of the site for other employment generating uses or affordable housing, as set out in policy EM5.
- 8.5 In view of the above it is considered the requirements of policy EM5 are met and that the use of the building as a dwellinghouse is acceptable in principle.
- 8.6 Bearing in mind the application site is a significant Grade I Listed Building, the mix and density proposed is considered acceptable and compliant with policies QD3, HO3 and HO4 of the Local Plan.
- 8.7 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 One 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.
- 8.8 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 below.
- 8.9 **Listed Building and Conservation Area impact:**
Policy HE1 states that proposals involving the alterations, extension, or change of use of a listed building will only be permitted where:
 - a) 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; and
 - b) the proposal respects the scale, design, materials and finishes of the existing building(s), and preserves its historic fabric.
- 8.10 Policy HE6 of the Local Plan states that proposals within or affecting the setting of a Conservation Area should preserve or enhance the character or appearance of the area and should show:
 - a. a consistently high standard of design and detailing reflecting the scale

- and character or appearance of the area, including the layout of the streets, development patterns, building lines and building forms;
- b. the use of building materials and finishes which are sympathetic to the area;
 - c. no harmful impact on the townscape and roofscape of the Conservation Area;
 - d. the retention and protection of trees, gardens, spaces between buildings and other open areas which contribute to the character or appearance of the area;
 - e. where appropriate the removal of unsightly and inappropriate features or details; and
 - f. the retention and where appropriate the reinstatement of original features such as chimneys, chimney pots, gates, railings and shopfronts and small scale architectural details such as moulding which individually or cumulatively contribute to the character or appearance of the area.
- 8.11 Proposals that are likely to have an adverse impact on the character or appearance of a Conservation Area will not be permitted.
- 8.12 This is a significant Listed Building historically and in terms of its evolution, character and special architectural features. The building has been vacant for some years and is in a state of deterioration. The building has been occupied by squatters on occasions and it is on both the national and local Listed Buildings at Risk Register.
- 8.13 The proposed change of use would bring the building back into use which is important to its continued preservation and should be given significant weight in determining this application. Should the building not be brought back into use it will continue to deteriorate and its original fabric and features may be compromised.
- 8.14 In this instance the Heritage Team has requested amendments and further details, for example of the rear porch and of the dormer windows. The applicant has submitted amended drawings which have sought to respond to the comments made by English Heritage and the Council's Heritage Team.
- 8.15 The principal façade to the building, which fronts the Old Steine, is to be restored and no significant alterations are proposed. The applicant has undertaken considerable research into the landscaping and setting of the carriage driveway in front of the building, and the existing timber gates are to be removed. This will be an improvement to the setting of the Listed Building. In addition the applicant proposes areas of planting and a reduced area of hardstanding. This would make the driveway and forecourt of the building more in keeping with its former, historic appearance and character and is considered acceptable.
- 8.16 The application seeks to remove five small windows on the rear elevation of

the building. The removal of these rear windows will result in a more uniform and co-ordinated appearance to the fenestration and would facilitate the use of an existing column of the building being used as a lift shaft. Internally, the safe on the ground floor will be removed and re-located. This will facilitate the installation of the lift shaft in its place.

- 8.17 Three small dormers are proposed on the rear roof slope of the front part of the building, which forms a valley with the pitched roof of the rear quarters of the building. The dormers would be flat roofed with painted timber casement windows. The dormers would not be visible from the street.
- 8.18 The two rooflights on the rear roof slope of the building will be removed and a single pitched roof dormer constructed in their place. The dormer would have a traditional form with pitched roof, minimal areas of cladding, and a painted softwood casement window. The dormer would align with the windows on the floors below.
- 8.19 The porch enclosure in front of the back entrance is also proposed to be reinstated.
- 8.20 Internal alterations are also proposed and these are subject of the separate application for Listed Building Consent. These alterations include reinstating the fireplaces on the ground floor; amendments to the position of the Jacuzzi in the basement, together with the retention of original cupboards; the reinstatement of internal doors; and details of extraction and ventilation. These alterations are all detailed on the revised drawings submitted.
- 8.21 Subject to various conditions, the proposed external and internal works are considered acceptable. The proposed works would enhance the appearance of the Listed Building and would in turn improve and help restore the historic character of the wider Valley Gardens Conservation Area.
- 8.22 **Impact on amenity:**
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.
- 8.23 The use of the building as a single family dwelling is considered likely to be a less intensive use than the former use of the building as offices. The site is in a busy city centre location with high levels of motorised and pedestrian traffic. The application site backs onto offices and the rear parts of shops in East Street. As such the change of use to a dwellinghouse is not considered likely to have a significant adverse impact on neighbour amenity.
- 8.24 **Sustainable transport:**
Policies TR1 and TR19 of the Local Plan require development to provide for

the transport demand generated in accordance with the minimum cycle parking standards and maximum car parking standards set out in SPGBH4: Parking Standards.

8.25 In this instance the change of use from offices to a single dwellinghouse would result in fewer trips to and from the site. The site is in a city centre location and also benefits from existing off-street parking within the driveway, which forms part of the setting of the Listed Building. This is also sufficient space within the site to accommodate secure, convenient and sheltered cycle parking, and the details of this can be secured by condition.

8.26 The proposal will not have a detrimental impact on the parking or the operations of the highway.

8.27 Sustainable building design:

Policy SU2 of the Local Plan requires development to be efficient in the use of energy, water and materials. For residential changes of use involving existing buildings, SPD08: Sustainable Building Design, requires the submission of a Sustainability Checklist.

8.28 The applicant has submitted a Sustainability Checklist which states that locally sourced materials and recycled materials will be used, and that an upgraded boiler and loft insulation will be installed. These measures are considered acceptable, particular in view of the constraints of the site as a Grade I Listed Building and as the proposals would bring the building back into use and assist in its preservation.

9 CONCLUSION

9.1 The proposed change of use is acceptable in principle and the internal and external alterations to the building would have a positive impact on the historic significance and appearance of the Listed Building or the wider character of the Valley Gardens Conservation Area. The building has been vacant for a long period of time and bringing the building back into use will help to preserve the building as well as removing it from the Buildings at Risk Register. No harmful impact on neighbour amenity or transport is foreseen and the development aims to be sustainable in the use of energy, water and materials.

9.2 Accordingly approval is recommended.

10 EQUALITIES

10.1 In so far as it may be practicable, the development should seek to meet accessible housing and Lifetime Home standards.

11 CONDITIONS / INFORMATIVES

Conditions:

PLANNING COMMITTEE LIST- 15 JULY 2015

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission
Reason: To ensure that the Local Authority retains the right to review unimplemented permissions.
2. The development hereby permitted shall be carried out in accordance with the approved drawings listed below.
Reason: For the avoidance of doubt and in the interests of proper planning.

Plan Type	Reference	Version	Date Received
Location & Block Plans	1660PL001		28 Mar 2014
Basement Plans As Existing	1660PL 002	A	15 Jul 2014
Ground Floor Plans As Existing	1660PL 003	A	15 Jul 2014
First Floor and Mezzanine Plans As Existing	1660PL004		28 Mar 2014
Second Floor Plan As Existing	1660PL005		28 Mar 2014
Roof Plan As Existing	1660PL006		28 Mar 2014
South East Elevation As Existing	1660PL007		28 Mar 2014
North West Elevation As Existing	1660PL008	A	19 Dec 2014
Section A-A As Existing	1660PL009		28 Mar 2014
Basement Plan As Proposed	1660PL010	B	19 Dec 2014
Ground Floor Plan As Proposed	1660PL011	B	19 Dec 2014
First Floor and Mezzanine Plans As Proposed	1660PL012	B	19 Dec 2014
Second Floor Plan As Proposed	1660PL013	B	19 Dec 2014
Roof Plan As Proposed	1660PL014	A	19 Dec 2014
South East Elevation As Proposed	1660PL015	A	19 Dec 2014
North West Elevation As Proposed	1660PL016	A	19 Dec 2014
Section A-A, B-B As Proposed	1660PL017	A	19 Dec 2014
Internal Space Analysis 1	1660PL018		28 Mar 2014
Internal Space Analysis 2	1660PL019		28 Mar 2014
Internal Door Schedule Sheet 1	1660PL021	A	19 Dec 2014
Internal Door Schedule Sheet 2	1660PL022	A	19 Dec 2014
Landscape Study	1660PL023		15 Jul 2014
Basement and Stable Finishes	1660PL024	A	19 Dec 2014

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Basement Cupboard Details	1660PL025		19 Dec 2014
Roof Inner Valley Proposed Dormer Elevations	1660PL026		19 Dec 2014

3. The rooflights hereby approved shall have steel or cast metal frames fitted flush with the adjoining roof surface and shall not project above the plane of the roof. **Reason:** To ensure the satisfactory preservation of this listed building, in the interests of the visual amenities of the area and to comply with policies HE1 and HE6 of the Brighton & Hove Local Plan.
4. No cables, wires, aerials, pipework (except rainwater downpipes shown on the approved plans) meter boxes, ventilation grilles or flues shall be fixed to or penetrate any external elevation, other than those shown on the approved drawings, without the prior consent in writing of the Local Planning Authority. **Reason:** To ensure the satisfactory preservation of this listed building, in the interests of the visual amenities of the area and to comply with policies HE1 and HE6 of the Brighton & Hove Local Plan.
5. All new and replacement rainwater goods, soil and other waste pipes, shall be in cast iron and shall be painted black and retained as such thereafter. **Reason:** To ensure the satisfactory preservation of this listed building, in the interests of the visual amenities of the area and to comply with policies HE1 and HE6 of the Brighton & Hove Local Plan.
6. No works shall take place until full details of all new sash window(s) and their reveals and cills including 1:20 scale elevational drawings and sections and 1:1 scale joinery sections have been submitted to and approved in writing by the Local Planning Authority. The windows shall be single glazed painted timber vertical sliding sashes with concealed trickle vents. The works shall be carried out and completed fully in accordance with the approved details and retained as such thereafter. **Reason:** As this matter is fundamental to ensure the satisfactory preservation of this listed building, in the interests of the visual amenities of the area and to comply with policies HE1 and HE6 of the Brighton & Hove Local Plan.
7. No works shall take place until full details of the new dormer windows including 1:20 scale elevational drawings and sections and 1:1 scale joinery sections have been submitted to and approved in writing by the Local Planning Authority. The roofs to the dormers must be finished in lead. The works shall be carried out and completed fully in accordance with the approved details and retained as such thereafter. **Reason:** As this matter is fundamental to ensure the satisfactory preservation of this listed building, in the interests of the visual amenities of the area and to comply with policies HE1 and HE6 of the Brighton & Hove Local Plan.
8. No works shall take place until full details of the reinstated rear porch including 1:20 scale elevational drawings and sections and 1:1 scale joinery sections have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details and retained as such

thereafter. **Reason:** As this matter is fundamental to ensure the satisfactory preservation of this Listed Building and to comply with policies HE1 and HE4 of the Brighton & Hove Local Plan.

9. No works shall take place until full details of the new external doors including 1:20 scale elevational drawings and sections and 1:1 scale joinery sections have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and completed in accordance with the approved details and retained as such thereafter. **Reason:** As this matter is fundamental to ensure the satisfactory preservation of this listed building, in the interests of the visual amenities of the area and to comply with policies HE1 and HE6 of the Brighton & Hove Local Plan.
10. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping of the front forecourt area, which shall include hard surfacing, boundary treatments, entrance gates, lighting and planting. **Reason:** As this matter is fundamental to ensure the satisfactory preservation of this Listed Building and its setting, in the interests of the visual amenities of the area and to comply with policies HE1 and HE6 of the Brighton & Hove Local Plan.
11. Prior to first occupation of the development hereby permitted, a scheme for landscaping shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:
 - a. details of all hard surfacing;
 - b. details of all boundary treatments;
 - c. details of all proposed planting, including numbers and species of plant, and details of size and planting method of any trees.All hard landscaping and means of enclosure shall be completed in accordance with the approved scheme prior to first occupation of the development. All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
Reason: In order to enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.
12. The hard surfaces hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property. **Reason:** To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policy SU4 of the

Brighton & Hove Local Plan.

Informatives:

1. 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.
2. This decision to grant Planning Permission has been taken:
 - (i) having regard to the policies and proposals in the National Planning Policy Framework and the Brighton & Hove Local Plan, including Supplementary Planning Guidance and Supplementary Planning Documents:
(Please see section 7 of the report for the full list); and
 - (ii) for the following reasons:-

The proposed change of use is acceptable in principle and the internal and external alterations to the building would have a positive impact on the historic significance and appearance of the Listed Building or the wider character of the Valley Gardens Conservation Area. The building has been vacant for a long period of time and bringing the building back into use will help to preserve the building as well as removing it from the Buildings at Risk Register. No harmful impact on neighbour amenity or transport is foreseen and the development aims to be sustainable in the use of energy, water and materials.
3. The applicant is advised that advice regarding permeable and porous hard surfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens' which can be accessed on the DCLG website (www.communities.gov.uk).