

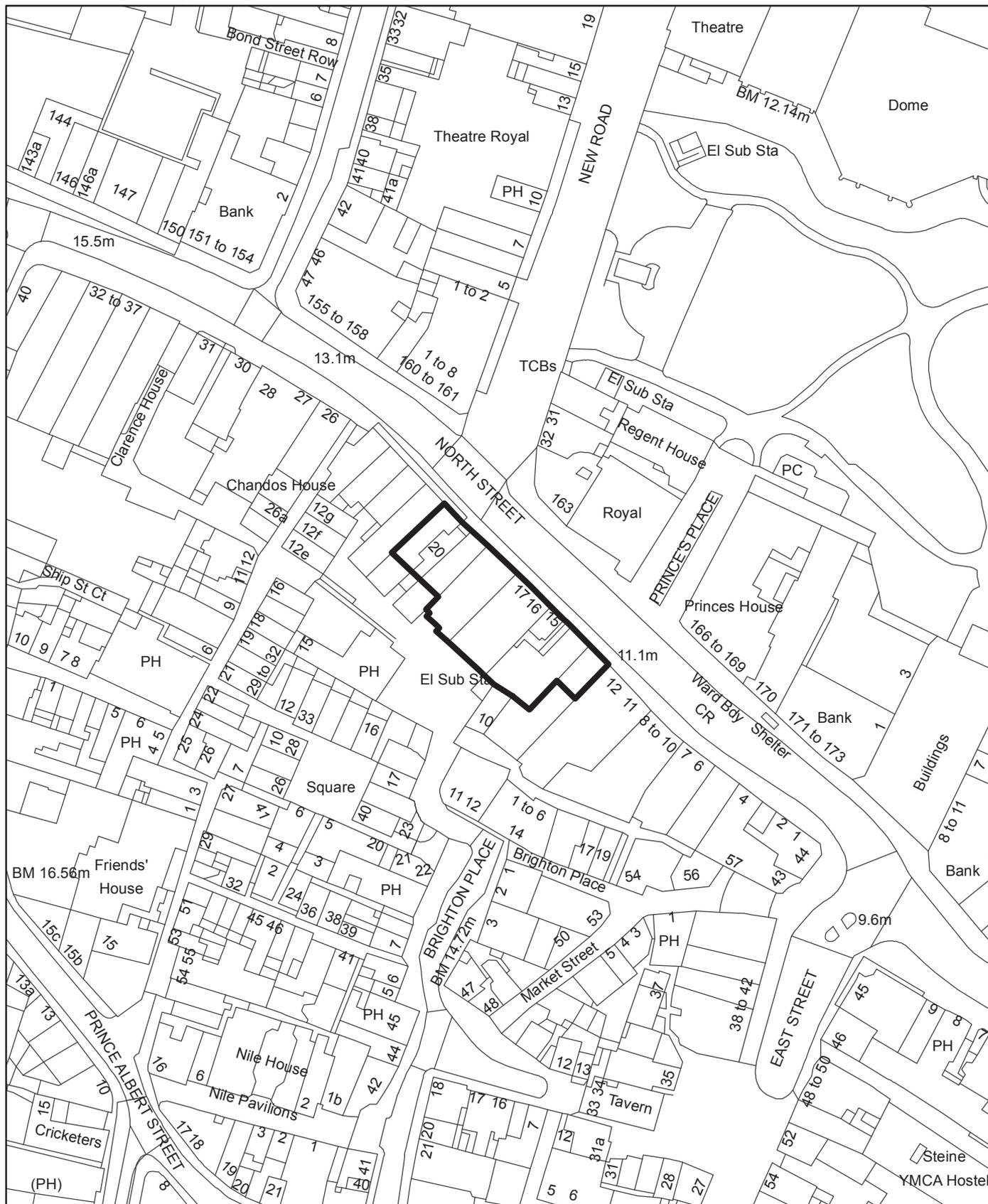
ITEM C

**15 and Pugets Cottage North Street,
Brighton**

**BH2015/00576
Listed building consent**

22 APRIL 2015

15 and Pugets Cottage North Street, Brighton



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2015/00576	<u>Ward:</u>	REGENCY
<u>App Type:</u>	Listed Building Consent		
<u>Address:</u>	15 and Pugets Cottage North Street Brighton		
<u>Proposal:</u>	Demolition of building at 15 North Street, exterior restoration of Puget's Cottage and retention and extension of existing historic paving.		
<u>Officer:</u>	Jason Hawkes Tel 292153	<u>Valid Date:</u>	23 February 2015
<u>Con Area:</u>	Old Town	<u>Expiry Date:</u>	20 April 2015
<u>Listed Building Grade:</u>	Grade II		
<u>Agent:</u>	Morgan Carn Partnership, Blakers House, 79 Stanford Avenue, Brighton, BN1 6FA		
<u>Applicant:</u>	West Register (Property Investments) Ltd, Mr Josh Brushfield, 280 Bishopsgate, London, EC2M4RB		

1 RECOMMENDATION

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

2 SITE LOCATION & DESCRIPTION

- 2.1 The application site mainly relates to two separate buildings at 15 North Street and Puget's Cottage, which is to the rear of 15 North Street. The first building at 15 North Street is located on the south side of North Street directly opposite the Chapel Royal Church on North Street, a Grade II* listed building. 15 North Street includes three floors and a basement level. The building is used as a Class A1 retail unit by Timpsons and includes a modern shopfront and fascia. Two original timber windows are above the shopfront. The immediate adjacent buildings at 14 and 16 North Street are significantly taller than no.15. No.14 is two-storeys taller and no.16 is one-storey taller than no.15. No.15 is separated from 14 North Street by a small twitten. The building is currently in need of substantial repairs. It was noted on site that the roof is currently being supported internally to stop it from collapsing.
- 2.2 In September 2013, 15 North Street was listed by English Heritage as Grade II. The listing stated that the principal reasons for the designation are for the following reasons:
- Architectural interest. This is a small circa 1770 property constructed to local materials with original openings to the upper floors.
 - Interiors. The building retains the original staircase from first to second floor, panelling of various patterns, room partitions, doors and door architraves, cupboards and fireplace with cast iron range.
 - Plan form. The original plan of one large and one smaller room on each floor with rear staircase survives, modified only by the addition of a rear mid 19th century staircase extension.

PLANNING COMMITTEE LIST- 22 APRIL 2015

- Historic interest and rarity. Documented in commercial use by 1700, early and rare both nationally and locally.
 - Subsidiary features: The 1830s or earlier brick paving and gully in the enclosed yard or twitten is a rear pre-1840 example of street furniture.
 - Group value. Groups with two listed properties on the other side of North Street and with Puget's Cottage.
 - Degree of survival. Substantially intact externally, the original plan form is readable and many interior fittings survive.
- 2.3 The listing of the building includes brick paving to the alleyway and to the rear circa 1830.
- 2.4 Puget's Cottage is directly to the rear of 15 North Street. The building is called Puget's Cottage due to its close proximity to the former Puget's School to the rear (now demolished). The building is completely enclosed to all sides and can only be accessed via 14 North Street. The building is two-storeys with a gambrel roof. Due to its location, Puget's Cottage cannot be seen in its entirety from any public location. Internally, the ground floor plan form of the cottage has been completely lost. The former ground floor wall of the cottage has been removed. The former ground floor of Puget's Cottage now forms part of the shop floor for 14 North Street. At first floor level, the internal arrangement of the former cottage remains. The upper floor is in use as a flat. The north west facing elevation, part of north east elevation and part of south east elevation of the Cottage remain intact and can be seen from adjacent properties. These elevations include inappropriate ducts, piping and vents. The most prominent elevation facing north west includes window openings and has a mix of brick flint finish.
- 2.5 Puget's Cottage was also listed by English Heritage in September 2013. The listing stated that the principal reasons for the designation are for the following reasons:
- Architectural interest. Contains a significant proportion of late C17 or early C18 fabric heightened and extended in the later C18 and with some later C18 or early C19 sash windows. The two phases of the building show the transition of the ancient town into the fashionable seaside resort.
 - Interior features: late C17 or early C18 good quality first floor cornices and joinery.
 - Plan form: readable externally and to some extent internally.
 - Historic interest and rarity: a very rare survival of an old town building which pre-dates the mid C18 and later development of Brighton as a seaside resort. The curved external wall of the property is a rare survival of the local strip field system, which was superseded by later grid development;
 - Group Value: group value with 15 North Street and the paved yard.
- 2.6 All of the buildings are within the Old Town Conservation Area and are part of the Regional Shopping Centre (prime frontage). The site is also within an Archaeological Notification Area.

3 RELEVANT HISTORY

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

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

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

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

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

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

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

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

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

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

BH2013/00712: 7-10 13-16 26-28 and 33-36 Brighton Square. Removal of existing roof structures to 7no two storey maisonettes within Brighton Square and creation of additional floors to each dwelling to create 7no three storey town houses. Formation of new entrance stair and lift and escape stair access connecting basement to first floor level. Remodelling works to residential

façade, installation of new shop fronts to existing retail A1 and A3 units at ground floor level and remodelling and renovation works to square. Approved 25/03/2014.

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

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

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

4 THE APPLICATION

- 4.1 Listed building consent is sought for the demolition of 15 North Street. The demolition is required to facilitate the creation of a new link lane. This will link North Street to the previously consented Hannington's Lane. 15 North Street would be replaced with a three-storey feature building. The scheme includes the restoration of Puget's Cottage and an extension to the historic paving through the new lane. The restoration works include the demolition of a store attached to the north west elevation of the cottage. The proposed works to Puget's Cottage are external only and involve replacement and new windows, roof repairs, removal of inappropriate pipework and vents.

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours: Two (2)** letters of representation have been received from **Threeways, Ovingdean Road and Montpelier Hall, Montpelier Terrace** objecting to the application for the following reasons:

- Both properties were listed for a reason as they form part of old Brighton which form an important listed 'micro site'. To demolish one or more parts of this listed structure would abrogate the whole reason for protecting this micro site.
- The fenestration and door proposed to Puget's Cottage are inappropriate in their design.
- The passageway from North Street dates from 1832 and should remain untouched.
- An alternative route should be planned via 16 North Street.

Fifty Five (55) letters of representation have been received from **Centurion Group, 11 Prince Albert Street, Baron Homes Corporation Ltd, 10 Prince Albert Street, The Coach House, Stanford Avenue, Hassocks, 19 West Drive, 5 Applesham Avenue, 24 Islingword Place, 109 Hangleton Way, 91 Upper North Street, 1 The Chambers, Ship Street Gardens, Flat 2, 48 Dyke Road, 209 Osbourne Road (x2), 278 Camelford Street, 20 Withdean Crescent, Seafield Cottage, Seafield Road, 6 Clermont Terrace (x2), 34 Roundhouse Crescent, 48 Hanover Street, 7 The Meadows, 11 Prince Albert Street, 19 Meeting House Lane, 37 Devonshire Place, 16 Steine Gardens, 7 Stratford Way, Reading, 51 Colliers Way, Reading, 6 Cuthbert Road, 45 Cranleigh Road, 33 St Georges Road, 38 Barcombe Road, 5 Visage, 54 Palmeira Avenue, 16 Steine Gardens, 35 Fourth Avenue, 26 North Road, Flat 34, Napier House, Wellington Road, 79 Wichelo Place, Little Tanyard, Tanyard Lane, Chelwood Gate, 33 St George's Road, 9 The Cedars, Bromley Road, 24 Islingword Place, 45 Cranleigh Road, 94 Hanover Street, 8 Mortimer Road, 6 Gloucester Street, 38 Osborne Road, 154 Ladysmith Road, 78A The Droveway, 63 Overhill Drive, 25 Foundry Street, 101 Islingword Road, 14 Tremola Avenue, F42 Belbourne Court, Bread Street, 8 Heene Terrace, 31 St James Avenue and 2 Hilltop** in support of the application for the following reasons:

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

5.2 Ancient Monuments Society: Comment. This is considered a difficult case. The listing of no.15 has made the applicants go through the exercise of examining in some depth 5 options on how to create the breach in North Street. The Society considers Options 2 and 5 as serious candidates. Option 2 is the removal of the ground floor of 15 North Street to create a walkthrough undercroft while retaining the upper floor. Option 5 is the demolition of 15 North Street and the construction of a feature entrance building. In purely visual terms, Options 5 is satisfactory. The combination of the circular tower, partly subsumed in walling with Regency echoes borrowed from its neighbours. However, Option 2 also brings advantages in purely historic building terms. Option 2 would create a rather oppressive new approach into the Lanes and the

upper floors would appear to 'float' over a blank space. The Society does not oppose either Option 2 or 5.

- 5.3 **Brighton and Hove Archaeological Society:** Object. The building was only recently listed and is by far the oldest in North Street with its origins in the 18th century. Much of the building is original and together with Puget's Cottage and the side passageway forms a grade II listed microsite of great importance to the history of Brighton.
- 5.4 **Brighton and Hove Heritage Commission:** Object.
- 5.5 **Brighton Society:** Comment. It is highly likely that a substantial part of the building fabric of 15 North Street dates back to the 18th century, when Brighthelmstone was beginning to expand northwards from the fishing community. The front elevation includes mathematical tiles, a process popular in the 19th century to give the appearance of a brick building. A thorough investigation of the building would bring forth valuable information on the age and construction history. The building will require strengthening if it is retained or it may be demolished if the Planning Committee agrees to the applicant's latest proposals. Whichever decision is made, there will be a unique opportunity to carry out a detailed archaeological survey of the fabric of the building.
- 5.6 **Conservation Advisory Group:** Object. The Group recommend refusal of the application due to the proposed demolition of 15 North Street, which is part of a Grade II Listed 'microsite' and is of significant historical interest. The Group feel the proposed column with black tiles is inappropriate to the area and suggest that the link lane could be created at nos.16, 17 or 18 North Street at ground floor level.
- 5.7 **Councillor Jason Kitcat:** Support (email attached)
- 5.8 **Council for British Archaeology:** Object. The CBA strongly objects to the proposal for the demolition of 15 North Street.
- 15 North Street is Grade II listed; in the CBA's view, the proposal does not provide a clear and convincing justification for its demolition, as required by National Planning Policy Framework (NPPF, 2012) paragraph 132.
 - NNPPF paragraph 133 states that substantial public benefits are necessary in the case of total loss of a listed building; the CBA does not consider that the proposal demonstrates this requirement and therefore the proposal should be refused.
- 5.9 15 North Street was built in the late eighteenth century, as a shop with accommodation above. It is recorded as in commercial use by 1799 and therefore constitutes a rare survival both locally and nationally. Its significance lies in its substantially intact exterior, readable plan form and survival of many interior fittings. Puget's Cottage is a late seventeenth-century house, which was substantially altered in the late eighteenth century. It constitutes a very rare survival and is one of the oldest houses in Brighton, an Old Town building

predating the mid-eighteenth century development of Brighton as a seaside resort. Both properties have significance in their contribution towards the survival of the legibility of the historic street layout in the area, preserving the early, narrow plot width which has largely been lost in the North Street area and, moreover, both are rare survivals of once-common building types.

- 5.10 NPPF Paragraph 133 states that where a proposal will lead to total loss of significance of a designated heritage asset, it should be demonstrated that this loss is necessary to achieve substantial public benefits which outweigh the harm or loss. In the CBA's view, the proposal does not successfully demonstrate sufficient public benefit to justify the loss of a nationally important Grade II listed building. The proposal for a new access to The Lanes area is not considered to be of substantial public benefit to justify the loss. Contrary to the assertion made in the proposal documents that the proposal will improve North Street and the Old Town Conservation Area, the CBA considers that the loss of 15 North Street will in fact cause substantial harm to North Street and to the character of the Old Town Conservation Area.
- 5.11 The CBA considers that the applicant underplays the significance of 15 North Street, which with a Grade II listing, meets national assessment criteria. The listing highlights its exterior, which is substantially intact, the retention of its readable plan form, and the survival of many interior features, as well as constituting a rare survival of an early commercial building, both locally in Brighton, and nationally. The CBA disagrees with the applicant's suggestion that loss is justified as the building is not a fine building; its significance lies in its character as a traditional commercial unit and its survival within the local context of loss of traditional street layout. Furthermore, the CBA do not consider that the building detracts from the appearance of the area; it contributes to the mixed character, representing an earlier phase of development. This evidential value is of great significance and of increasing rarity and should be protected.
- 5.12 The CBA considers that proposals for the external refurbishment of Puget's Cottage are beneficial for the Grade II listed building; however the CBA does not support the assertion that its significance is greater than 15 North Street, justifying the demolition of number 15 to allow increased visibility. The two buildings are listed at Grade II and are therefore of equal significance. Moreover, their current positioning and relationship is reflective of the traditional and piecemeal development in the area, and preserves the early, narrow plot width and layout.
- 5.13 Overall, the CBA finds the application for listed building consent for the demolition of 15 North Street wholly unacceptable and contrary to the NPPF. The applicant does not demonstrate the public benefit required to justify the total loss of the building, and fails to recognise or respond to the national significance of the Grade II listed building. We recommend its refusal.
- 5.14 **English Heritage:** Object. 15 North Street is a rare survival of a vernacular building that pre-dates the rapid expansion of Brighton as a seaside resort. Although the building is now in poor condition, sufficient of it survives to warrant its designation at grade II. English Heritage is not persuaded that the

PLANNING COMMITTEE LIST- 22 APRIL 2015

requirements set out in NPPF paragraph 133 for total loss of a designated heritage asset have been fulfilled. English Heritage therefore object to the granting of listed building consent.

- 5.15 English Heritage previously supported the proposals for a new Lane in this part of Brighton, because of the perceived benefits to the character and appearance of the Conservation Area. English Heritage did not at the time of the original application raise a formal objection to the loss of 15 North Street which was subsequently spot listed in September 2013 along with the building behind it, referred to as Puget's Cottage.
- 5.16 In summary 15 North Street is a small single bay building with a shop at ground floor and flat above it dating from the 18th century but with some later alterations. It is a modest vernacular building, clad in the locally distinctive mathematical tiles. Internally, the original plan form is legible, and while the building is altered, surviving features such as an 18th century stair, panelling and mouldings remain.
- 5.17 Puget's Cottage pre-dates 15 North Street dating to the late 17th or early 18th century. It is an unusual and characterful building with a gambrel roof, which has again seen much change particularly at ground floor level where it is now open to the adjoining 14 North Street. Both buildings are a relative rarity in Brighton where many of the vernacular buildings of old Brighthelmstone have either been lost or heavily altered. For their architectural and historic interest therefore the buildings are deemed worthy of their statutory designation at grade II.
- 5.18 The proposals would result in the complete demolition of 15 North Street and therefore a total loss of its significance. A new twitten would be created (Puget's Lane) from North Street to the already consented Hannington's Lane and this would bring with it an opportunity to repair the fabric and improve the setting of Puget's Cottage. A number of further benefits are identified in the heritage statement including improvements to the setting of Chapel Royal, improved public access to the Old Town and a number of regenerative or commercial benefits.
- 5.19 Under the National Planning Policy Framework (NPPF) it is a core planning principle to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations (Para. 17). When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. No other planning concern is given a greater sense of importance in the NPPF. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to a grade II listed building should be exceptional (Para. 132).

- 5.20 Where a proposed development would lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or that all of the tests in paragraph 133 of the NPPF apply.
- 5.21 The tests in Paragraph 133 of the NPPF have not been met. The Applicant instead justifies the proposed demolition on the basis that significant public benefits would be realised, and because they consider 15 North Street to be of a lower order of significance than is suggested by the grade II listing and to be in poor condition.
- 5.22 English Heritage does not wish to enter here into a discussion about the architectural or historic merits or otherwise of 15 North Street relative to other buildings within Brighton's Old Town Conservation Area. The building was carefully considered by the designation team very recently which concluded that the rarity and intactness of the building was sufficient to justify its statutory designation. NPPF Paragraph 130 states that the deteriorated state of a heritage asset should not be taken into account in any decision about the future of an asset.
- 5.23 The NPPF is clear that total loss of significance of a grade II listed building should be exceptional. We do not dispute that there are public benefits associated with this scheme, including heritage benefits to Puget's Cottage. However in this case, because of the degree of harm that would result to 15 North Street, the Applicant must demonstrate that the proposals cannot be delivered in any way other than that proposed.
- 5.24 The Applicant has planning consent for the new Hannington's Lane which does not require the loss of 15 North Street. We acknowledge that from an urban design (and commercial) perspective, it would be desirable to improve public access to the new Hannington's Lane from North Street. However, it has not been adequately demonstrated that the development would fail without such an access, or that access cannot be provided elsewhere without requiring the loss of 15 North Street. For example could an arcaded walkway be provided through 14 North Street to Hannington Lane? Or any other unlisted building be adapted to create the desired access?
- 5.25 While we acknowledge the benefits associated with the proposal, we are not convinced by the justification for the loss of 15 North Street. The building is likely to be capable of repair and re-use, albeit at a not insignificant cost. The Owner of 15 North Street should be made aware of the possibility of statutory notices being served under the terms of the 1990 Act, should the building fall into dereliction.
- 5.26 English Heritage objects to the application for listed building consent to demolish 15 North Street and recommends that consent is refused. English Heritage would welcome the opportunity to advise on alternative solutions that might provide improved access to the new Hannington's Lane in a less harmful way than that proposed.

- 5.27 **Hove Civic Society:** Support. If demolition is approved the Society believe it should be a condition that Puget's Cottage is restored as proposed in the application and the condition of 15 North Street is fully recorded before demolition. The Society is convinced that the proposed route will substantially enhance the viability of the Hannington's Lane development and that the new building proposed to replace 15 North Street is well designed.
- 5.28 **Regency Society:** Support. The Society is mindful of the fact that the building in North Street has recently been listed. However, it is believed that the benefits for the proposal outweigh the loss of the listed building. If demolition is allowed, it should be on condition that Puget's Cottage is restored as proposed. The creation of an opening will also contribute to the commercial viability of the new Hannington's Lane. The new building to North Street is well designed.
- 5.29 **Society for the Protection of Ancient Buildings:** No objection. It would appear that a careful and thorough process has been followed in order to get to the point of proposing such a radical intervention as demolishing a listed building. It is accepted that 15 North Street is something of an oddity in the overall composition of North Street, and looks a little lost amongst the larger buildings on either side. In itself this is not sufficient justification for the demolition of a heritage asset. However, when the proposal is considered in the context of the wider city and how people will use the surrounding spaces, the Society can see that some public benefit will accrue as a result of the loss of the listed building. The new 'tower' is a suitable method of drawing people down the new route whilst also being part of the evolving architectural language of the city. The demolition also has the advantage of allowing the free flow of pedestrians between North Street and Hannington's Lane. To counter balance the loss of the listed building, it is hoped that a full and detailed survey of the existing building will be undertaken. Any interesting or unusual original features should be retained. It is encouraging to see a sympathetic series of repairs are proposed for Puget's Cottage.
- 5.30 **The Victorian Society:** No comment.

Internal:

- 5.31 **Heritage:** Object. The proposal to demolish 15 North Street and to lose the brick twitten must be regarded as causing substantial harm in accordance with paragraph 133 of the NPPF. The applicant must either demonstrate that the four tests under paragraph 133 have been met or that the substantial harm is necessary to achieve substantial public benefits that outweigh that harm. The applicant has chosen to argue the latter case and this is considered to be the appropriate approach given that the building is in use. The applicant has also argued that the condition of the building is a factor in seeking its demolition but this is not strictly relevant to the public benefits test.
- 5.32 Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that the local planning authority shall have special regard to the desirability of preserving a listed building or its setting when considering an application for Listed Building Consent. 'Preserving' has been held by the courts

to mean doing no harm. There is therefore a statutory presumption, and a strong one, against granting consent for any works which would cause harm to a listed building or its setting. This presumption can be outweighed but only by material considerations powerful enough to do so. Section 66 of that Act imposes a similar duty when considering applications for planning permission whilst section 72 imposes an equivalent duty in respect of conservation areas and their setting.

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

- 5.36 The proposed new building is undoubtedly of high quality and in its design and materials would be a fitting addition to the street scene. On North Street the application also proposes new matching oriel windows to the first floor level on 13 North Street; a new traditional shop front to number 13; a new shop fascia across numbers 13-14; new sash windows to blind openings at second floor level at 16-19 North Street and a new shop front at number 16/17. The proposed new sash windows in the second floor blind openings to 16-19 North Street would not in fact be practicable or appropriate as there is no floorspace behind the elevation where the blind windows are. The new windows to 16-19 must therefore be disregarded as a public benefit. The other works would certainly collectively enhance the North Street frontage but these heritage and townscape benefits are not in themselves dependent upon the demolition of 15 North Street.
- 5.37 It has also been argued that the creation of the new lane would open up a new vista of the Chapel Royal tower from the south and would therefore enhance the setting of the Chapel Royal. However, such a vista has not historically existed and the Chapel Royal was not designed with such a view in mind. Therefore this could not be demonstrated to enhance the particular significance of the Chapel Royal's setting.
- 5.38 In conclusion, it is considered that whilst there are some public benefits (of those put forward) that would directly arise from the demolition of 15 North Street, these are not substantial public benefits and therefore they cannot outweigh the substantial harm resulting from the complete loss of the heritage asset. Nor can these benefits be regarded as powerful enough to set aside the statutory presumption in favour of the preservation of the listed building, 15 North Street and Puget's Cottage are both partly listed for group value in relation to each other. It therefore follows that the demolition of 15 North Street would cause harm to the significance and setting of Puget's Cottage. In addition, 15 North Street is a listed building that contributes positively to the character and appearance of the Old Town conservation area and its demolition would therefore fail to preserve the architectural and historic interest of the conservation area.

6 MATERIAL CONSIDERATIONS

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."
- 6.2 The development plan is:
- Brighton & Hove Local Plan 2005 (saved policies post 2007);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
 - East Sussex and Brighton & Hove Minerals Local Plan (November 1999); Saved policies 3,4,32 and 36 – all outside of Brighton & Hove;

- East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only – site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.
- 6.3 The National Planning Policy Framework (NPPF) is a material consideration.
- 6.4 Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF.
- 6.5 The Brighton & Hove City Plan Part One (submission document) is an emerging development plan. The NPPF advises that weight may be given to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies to the policies in the NPPF.
- 6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

7 RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove Local Plan:

- HE1 Listed Building Consent
- HE2 Demolition of a listed building
- HE3 Development affecting the setting of a listed building
- HE4 Reinstatement of original features on listed buildings

Supplementary Planning Guidance:

- SPGBH11 Listed Building Interiors
- SPGBH13 Listed Building – General Advice

Supplementary Planning Documents:

- SPD09 Architectural Features

Brighton & Hove City Plan Part One (submission document)

- SS1 Presumption in Favour of Sustainable Development
- CP15 Heritage

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to whether the demolition of 15 North Street is appropriate and thoroughly justified and whether the proposed alterations to Puget’s Cottage and the historic paving are appropriate in the context of the character, architectural setting and historic significance of the Grade II Listed Building and paving.

Context of 15 North Street and Puget’s Cottage:

- 8.2 Number 15 North Street, together with the attached brick paving to the yard or twitten, and Puget's Cottage are both grade II listed buildings and the whole application site lies within the Old Town Conservation Area.
- 8.3 15 North Street is a small single bay building with a shop at ground floor and flat above. It was probably built in the 1770s and may have been built on part of the garden of an earlier property situated to the south-west. It may have been built as a residence originally but it was already in commercial use by 1799 and continued to be in use by genteel trades associated with Brighton's growing expansion and prosperity as a resort. The ceiling of the ground floor was raised for a commercial use. It was originally three storeys, with one large front room and a smaller rear room to each floor, and a mansard roof of two parallel ranges. Circa 1820 the mansard roof was removed from the front range and probably in the 1850s the ground to first floor flight of the staircase was re-sited at the rear in a purpose built addition to provide more ground-floor accommodation for trading.
- 8.4 The front wall is constructed of timber but hung with mathematical tiles, c1820, which have been painted. The other walls are rendered, probably over bungaroosh. The front elevation has a parapet with brick modillion cornice, reduced in depth by the later hanging of mathematical tiles. The second floor has a mid 19th century sash with vertical glazing bars in a c1830 surround. The first floor has a 20th century window in an earlier surround. The ground floor has a late 19th or early 20th century shop front with a heightened fascia. The rear elevation has a flat-roofed dormer in the mansard roof and the projecting flat-roofed staircase extension has a 4 pane mid 19th century sash window and a plain entrance below. The narrow passage attached on the south-east and south-west sides has c1830 or earlier brick paving and gully.
- 8.5 The list entry gives the reasons for listing as:
- Architectural interest: a small circa 1770 property constructed of local materials with original window openings to the upper floors;
 - Interiors: retains the original staircase from first to second floor and re-sited original staircase between ground and first floor, panelling of various patterns, room partitions, doors and door architraves, cupboards and fireplace with cast iron range;
 - Plan form: the original plan of one large and one smaller room on each floor with rear staircase survives, modified only by the addition of a rear mid C19 staircase extension;
 - Historic interest and rarity: documented in commercial use by 1799, early and rare both nationally and locally;
 - Subsidiary features: the 1830s or earlier brick paving and gully in the enclosed yard or twitten is a rare pre-1840 example of street furniture;
 - Group value: groups with two listed properties on the other side of North street and with Puget's Cottage;
 - Degree of survival: substantially intact externally, the original plan form is readable and many interior fittings survive.

- 8.6 Puget's Cottage pre-dates 15 North Street, dating to the late 17th or early 18th century. It is an unusual and characterful building with a gambrel roof, which has again seen much change, particularly at ground floor level where it is now wholly open to the adjoining retail premises. It was probably originally a detached property built to the south-west and at right angles to North Street but some time before 1876 had become attached to an 1830s adjoining building, 14 North Street. The north-west part is late 17th or early 18th century, heightened in the later 18th century when it was also doubled in size by being extended to the south-west.
- 8.7 The unusual kink or curve in the external wall where it was extended reflects the shape of a strip field known locally as a 'paul piece', which pre-dated the development of Brighton as a seaside resort and so the shape shows the earlier origin of the property. The ground and first floor of the north-east side, the two lower floors of the northern half of the south-west side and the lower part of the northern half of the south-west side are constructed of large cobbles, incorporating some pieces of ironstone, with brick quoins, including some reused 16th century bricks, set in lime mortar. The upper parts of these walls and the remaining sides of the building are in brick laid in English garden wall bond. The mansard roof is tiled with end brick stacks, the southern one rendered.
- 8.8 The list entry gives the reasons for listing as:
- Architectural interest: contains a significant proportion of late C17 or early C18 fabric heightened and extended in the later C18 and with some later C18 or early C19 sash windows. The two phases of the building show the transition of the ancient town into the fashionable seaside resort;
 - Interior features: late C17 or early C18 good quality first floor cornices and joinery;
 - Plan form: readable externally and to some extent internally;
 - Historic interest and rarity: a very rare survival of an old town building which pre-dates the mid C18 and later development of Brighton as a seaside resort. The curved external wall of the property is a rare survival of the local strip field system, which was superseded by later grid development;
 - Group Value: group value with 15 North Street and the paved yard.
- 8.9 The Old Town Conservation Area represents the original extent of Brighton as the fishing village of Brighthelmstone and is an area of generally small scale buildings set in a tight knit urban grain, with a mix of architecture, predominantly late 18th and 19th century, and mix of town centre uses. North Street was built on the line of an older drovers road between Brighthelmstone and Steyning and formed the northern limit of the town. Much of North Street was incrementally redeveloped on a larger scale during the 19th century and into the 20th century. Both of the listed buildings described above are rare survivals of vernacular buildings that pre-date the rapid expansion of Brighton as a seaside resort. Both

properties contribute positively to the special architectural and historic interest of the conservation area.

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

Background & Proposal:

- 8.11 In March 2014, planning permission was granted for several permissions (including planning permission and conservation area consent) for the creation of a new lane, called Hannington's Lane in the former Hannington's service yard to the rear of North Street. Permission was also granted for the regeneration of Brighton Square with a link from the Hannington's Lane to Brighton Square.
- 8.12 The original scheme included a link lane between North Street and Hannington's Lane. The link lane was omitted from the original proposal following the spot listing of 15 North Street and Puget's Cottage in September 2013. The scheme was then granted with 2014 with the link lane removed from the proposal.
- 8.13 The applicants are now seeking consent for the link lane which they feel is an important element of the Hannington's Lane scheme. The proposal would require the demolition of the listed building at 15 North Street and the construction of a feature entrance building. The new building would be three storeys tall and would include a curved corner with feature tiles. The new lane proposed would include three additional retail units and four residential units above accessed from the new lane. Due to differences in ground levels and the limited size of the proposed lane, Puget's Lane would have to include steps leading to the new Hannington's Lane.
- 8.14 To justify the demolition of the listed building, the applicant has put forward a number of measures which they consider offer substantial public benefits. The application also includes options which were considered and dismissed. The options put forward by the applicant are as follows:
- Option 1: Retention of 15 North Street with no access from North Street to the new Hannington's Lane. The applicant has commented that this is not feasible as it leaves Hannington's Lane disconnected from North Street with no guarantee of improved footfall. The applicant has stated that without the link lane there is diminished incentive to regenerate North Street.
 - Option 2: Removal of the ground floor accommodation of 15 North Street to create a walk through undercroft retaining the upper floors of the existing building. The applicant has commented that this is not a feasible option as it involve the removal of a third of the listed building, remove the retail element of the building, severely compromise the structural integrity of the building, due to the major works required this option is not viable and the proposal would encourage anti-social behaviour.

- Option 3: Retention of 15 North Street and the partial demolition of 14 North Street and existing single-storey storeroom on the western side of Puget's Cottage. The applicant has commented that this option is not feasible as it would require major demolition and renovation, loss of existing retail use, loss of access to Puget's Cottage, loss of residential access, creates a blind alley with 'dead space', compromises the structure of Puget's Cottage and unbalances the existing pair at 13 and 14 North Street.
- Option 4: Demolition of end bay of 16 North Street and single-store to west of Puget's Cottage. The applicant has commented that this option is not feasible as it would result in 15 North Street falling down (the two buildings are currently attached), the loss of retail use, creates 'dead space', loss of residential use, result in the need to gate the alleyway and would create a blank wall to the retained side of no.16.
- Option 5: Demolition of 15 North Street and the single story storeroom on the western side of Puget's Cottage and construction of feature entrance building. The applicant has stated that this is the most feasible option as it retains retail and residential uses at nos.14 & 16, reveals Puget's Cottage, results in the restoration of a Grade II Listed Building at Puget's Cottage, results in a physical link to Chapel Royal vista from Brighton Place and contributes to wider regeneration.

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

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

Loss of Listed Building and Public Benefits:

- 8.16 Section 12 of the National Planning Policy Framework relates to Conserving and Enhancing the Historic Environment. Paragraph 132 is part of this Section and states the following:
- 8.17 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.'
- 8.18 Paragraph 133 goes on to say the following:
- 8.19 'Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
- the nature of the heritage asset prevents all reasonable uses of the site; and
 - no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
 - conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
 - the harm or loss is outweighed by the benefit of bringing the site back into use.'
- 8.20 The proposal to demolish 15 North Street, and to lose the brick twitten, must be regarded as causing substantial harm in accordance with paragraph 133 of the NPPF. The applicant must either demonstrate that the four tests under paragraph 133 have been met or that the substantial harm is necessary to achieve substantial public benefits that outweigh that harm. The applicant has chosen to argue the latter case and this is considered to be the appropriate approach given that the building is in use. The applicant has also argued that the condition of the building is a factor in seeking its demolition but this is not strictly relevant to the public benefits test.
- 8.21 Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that the local planning authority shall have special regard to the desirability of preserving a listed building or its setting when considering an application for Listed Building Consent. 'Preserving' has been held by the courts

to mean doing no harm. There is therefore a statutory presumption, and a strong one, against granting consent for any works which would cause harm to a listed building or its setting. This presumption can be outweighed but only by material considerations powerful enough to do so. Section 66 of that Act imposes a similar duty when considering applications for planning permission whilst section 72 imposes an equivalent duty in respect of conservation areas and their setting.

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

- a. clear and convincing evidence has to be provided that viable alternative uses cannot be found, through, for example the offer of the unrestricted freehold of the property on the market at a realistic price reflecting its condition and that preservation in some form of charitable or community ownership is not possible;
- b. the redevelopment would produce substantial benefits for the community which would decisively outweigh the resulting loss from demolition or major alteration; and
- c. the physical condition of the building has deteriorated, through no fault of the owner / applicant for which evidence can be submitted, to a point that the cost of retaining the building outweighs its importance and the value derived from its retention. A comprehensive structural report will be required to support this criterion.

8.23 This policy is not entirely consistent with paragraph 133 of the NPPF as it in effect combines the two alternative options for making a case that are provided by the NPPF. Given that the NPPF is much more recent policy greater weight should therefore be given to it than policy HE2. Criterion b of HE2 is the equivalent of the 'substantial public benefits' test of the NPPF. The applicant has made no case in respect of criterion a, but it would be difficult to do so given that the building is in use. With regard to criterion c, the applicant has provided a brief report from a structural engineer, which concludes that significant structural works are required to the building and that "if the building is to be brought into safe use, this would necessitate the demolition and reconstruction of it to revise details on structural grounds". However, this brief report has not been written on the basis that saving the building is desirable and consequently options that may retain much historic fabric have not been explored. For example, the report states that "all internal partitions will require removing and replacing with new" but the historically significant timber partitioning on the first floor could simply be dismantled and reassembled.

8.24 It should be further noted that paragraph 130 of the NPPF makes clear that where there is evidence of deliberate neglect then the deteriorated state of the heritage asset should not be taken in to account in any decision. In this case the building was first inspected by a structural engineer on 13 August 2012 but no action has been taken since that date to address the issues raised.

8.25 Turning to the case made by the applicant in respect of substantial harm vs substantial public benefits, that case rests partly on a belief that 15 North Street

is less significant and less important than Puget's Cottage and that it does not justify its grade II listing. However, this is factually and legally incorrect. Both buildings are Grade II listed and both lie adjacent within the Old Town conservation area. They were both listed at the same time and the listings are very recent (September 2013). Therefore they are of equal significance in policy terms and the assessment of significance is up-to-date. The applicant further asserts, in the Heritage Statement, that the value (significance) of 15 North Street lies mainly in its historical or evidential value. However, the list entry makes clear that the building has architectural and historic interest, in respect of its exterior, its materials, its plan form, its internal features, the brick twitten and yard and its documented early commercial use. The list entry also makes clear that it has rarity value in a national as well as local context. In addition, it has group value with Puget's Cottage.

- 8.26 The main claimed public benefit of the scheme is the creation of the new pedestrian lane, which would link North Street to the previously-approved Hannington Lane, and linked to this the opening up of the north and west elevations of Puget's Cottage to public view where the building would front onto the new lane. These elevations would be repaired and restored, inserting timber sash windows and a timber panelled door into historic openings and removing the clutter of modern pipework and flues. There do not appear to be any specific proposals for internal restoration works and the future usage of the building is unclear, so its long term future is not resolved by the proposals.
- 8.27 The formation of a new lane with flanking retail units and the creation of greater permeability through The Lanes would certainly be a public benefit here, although that is tempered by the fact that the new lane would require a flight of several steps at its end, thereby limiting its accessibility. Steps are not a feature of the historic lanes of Old Town. There would be some regeneration benefits to this lower part of North Street arising from the formation of a new entrances to The Lanes, but this benefit would be modest given that this is already prime commercial frontage and likely to be in commercial demand. The previously-approved Hannington Lane scheme would make Puget's cottage more visible and whilst this proposal would open it up much more to public view, the historic evidence suggests that this building was always tucked away behind the North Street frontage, so opening it up in this manner would not better reveal its true significance. Restoration of the building could and should be carried out anyway, in conjunction with bringing the vacant parts of the building back into use.
- 8.28 The proposed new feature building is undoubtedly of high quality and in its design and materials would be a fitting addition to the street scene. On North Street the application also proposes new matching oriel windows to the first floor level on 13 North Street; a new traditional shop front to number 13; a new shop fascia across numbers 13-14; new sash windows to blind openings at second floor level at 16-19 North Street and a new shop front at number 16/17. The proposed new sash windows in the second floor blind openings to 16-19 North Street would not in fact be practicable or appropriate as there is no floorspace behind the elevation where the blind windows are. The new windows to 16-19 must therefore be disregarded as a public benefit. The other works would certainly collectively enhance the North Street frontage but these heritage

and townscape benefits are not in themselves dependent upon the demolition of 15 North Street.

- 8.29 It has also been argued that the creation of the new lane would open up a new vista of the Chapel Royal tower from the south and would therefore enhance the setting of the Chapel Royal. However, such a vista has not historically existed and the Chapel Royal was not designed with such a view in mind. Therefore this could not be demonstrated to enhance the particular significance of the Chapel Royal's setting.
- 8.30 The public benefits offered include the works to the public highway at North Street. The streetscape improvements put forward would improve the environment for pedestrians and upgrade the facilities for bus passengers by widening pavements and relocating and constructing new bus stops. These works have been approved by the Council and are currently being undertaken. The works would undoubtedly improve the street scene but would not be seen as substantial public benefits which would justify the demolition of 15 North Street. As the works have commenced, they cannot be offered up as a proposed public benefit. Additionally, whilst the works would improve the streetscape, the works would also result in increased footfall which would partly benefit the viability of the existing retail units. The works to the public highway in North Street do not meet the public benefits test in paragraph 133 as they are not dependent upon the demolition of 15 North Street.
- 8.31 The scheme would undoubtedly make the Hannington's Lane scheme more accessible, visible and viable with a clear and prominent access directly from North Street. However, this is not in itself a public benefit, especially given that consent has been given for Hannington's Lane without the proposed lane from North Street. Without the proposed lane, the applicant has not put forward an argument that Hannington's Lane would be unviable.
- 8.32 It is considered that whilst there are some public benefits that would directly arise from the demolition of 15 North Street, these are not substantial public benefits and therefore they cannot outweigh the substantial harm resulting from the complete loss of the heritage asset. Nor can these benefits be regarded as powerful enough to set aside the statutory presumption in favour of the preservation of the listed building.
- 8.33 Number 15 North Street and Puget's Cottage are both partly listed for group value in relation to each other. It therefore follows that the demolition of 15 North Street would cause harm to the significance and setting of Puget's Cottage.

9 CONCLUSION

- 9.1 It is considered that whilst there are some public benefits that would directly arise from the demolition of 15 North Street, these are not substantial public benefits and therefore they cannot outweigh the substantial harm resulting from the complete loss of the heritage asset. Nor can these benefits be regarded as powerful enough to set aside the statutory presumption in favour of the preservation of the listed building,

- 9.2 Number 15 North Street and Puget's Cottage are both partly listed for group value in relation to each other. It therefore follows that the demolition of 15 North Street would cause harm to the significance and setting of Puget's Cottage.

10 EQUALITIES

- 10.1 None identified.

11 REASON FOR REFUSAL / INFORMATIVES

11.1 Reason for Refusal:

- The substantial harm resulting from the complete loss of the listed building at 15 North Street has not been justified through substantial public benefits that are dependent upon that loss. 15 North Street and Puget's Cottage are both partly listed for group value in relation to each other. The demolition of 15 North Street would cause harm to the significance and setting of Puget's Cottage. The scheme is therefore contrary to policies HE1, HE2 and HE3 of the Brighton & Hove Local Plan, CP15 of Brighton & Hove City Plan Part One and paragraph 133 of the National Planning Policy Framework.

11.2 Informatives:

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

Plan Type	Reference	Version	Date Received
Site Location Plan	1139-P-200	B	23 rd February 2015
Block Plan	1139-P-201	B	23 rd February 2015
Existing Basement Plan	1139-P-202	B	23 rd February 2015
Existing Ground Floor Plan	1139-P-203	B	23 rd February 2015
Existing First Floor Plan	1139-P-204	B	25 th March 2015
Existing Second Floor Plan	1139-P-205	B	23 rd February 2015
Existing Roof Plan	1139-P-206	B	23 rd February 2015
Demolition Ground Floor Plan	1139-P-253	C	23 rd February 2015
Demolition First Floor Plan	1139-P-254	C	23 rd February

PLANNING COMMITTEE LIST- 22 APRIL 2015

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



PLANNING COMMITTEE LIST
22 APRIL 2015

COUNCILLOR REPRESENTATION

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

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

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

Regards
Jason

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