

<u>No:</u>	BH2020/00962	<u>Ward:</u>	Regency Ward
<u>App Type:</u>	Listed Building Consent		
<u>Address:</u>	Nile House Nile Street Brighton BN1 1HW		
<u>Proposal:</u>	Formation of additional level to create office space (B1) incorporating replacement roof plant, reinstatement of chimney, balustrade terrace to West elevation, installation of solar panels and associated works.		
<u>Officer:</u>	Joanne Doyle, tel: 292198	<u>Valid Date:</u>	31.03.2020
<u>Con Area:</u>	Old Town	<u>Expiry Date:</u>	26.05.2020
<u>Listed Building Grade:</u>	Grade II		
<u>Agent:</u>	Morgan Carn Partnership	Blakers House	79 Stanford Avenue Brighton BN1 6FA
<u>Applicant:</u>	Ethos Property 8A SHip Street Brighton BN1 1AD		

1. RECOMMENDATION

GRANT Listed Building Consent, subject to the following Conditions and

Informatives:

- 1 The works hereby permitted shall be commenced before the expiration of three years from the date of this consent.
Reason: To comply with Sections 18 (as amended) and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 2 The development hereby permitted shall not be commenced until samples of the following materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority:
 - a) samples of roofing and tiling (including details of the colour of render/paintwork to be used)
 - b) samples of all cladding to be used, including details of their treatment to protect against weathering
 - c) samples of the chimney
 - d) samples of all hard surfacing materials
 - e) details of windows and doors
 Development shall be carried out in strict accordance with the approved details.
Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 and HE3 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

- 3 The works hereby permitted shall not take place until full details of the proposed chimney stack including 1:20 scale elevations have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

Informatives:

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

Plan Type	Reference	Version	Date Received
Block Plan	1855-P-003B		
Proposed Drawing	1855-P-018	A	
Proposed Drawing	1855-P-019	A	
Proposed Drawing	1855-P-020	B	
Proposed Drawing	1855-P-021	B	
Proposed Drawing	1855-P-022	B	
Proposed Drawing	1855-P-023	B	
Proposed Drawing	1855-P-024	B	
Proposed Drawing	1855-P-025	B	
Proposed Drawing	1855-P-026	B	
Proposed Drawing	1855-P-027	B	
Proposed Drawing	1855-P-028	B	
Location Plan	1855-P-001	A	

2. **SITE LOCATION & APPLICATION DESCRIPTION**

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

- 2.5. This application follows the previously refused applications BH2019/02864 and BH2019/02865 and has sought to address the reason for refusal by amending the design of the roof extension which has resulted in a reduced floor space and terrace area.

3. RELEVANT HISTORY

- 3.1. **BH2020/00961** Formation of additional level to create office space (B1) incorporating replacement roof plant, reinstatement of chimney, balustrade terrace to West elevation, installation of solar panels and associated works. Under consideration.
- 3.2. **BH2019/02864** Planning permission for formation of additional level to create office space (B1) incorporating replacement roof plant, reinstatement of chimney, balustrade terrace to West elevation, installation of solar panels and associated works. Refused on 09.03.2020. The reason for the refusal was as follows:
- The proposed additional storey, by reason of its awkward relationship with the existing traditional roofline of no. 16 Prince Albert Street and the resulting intrusion of the contemporary development above the traditional and historic roof forms of the surrounding properties when viewed from Black Lion Street and Prince Albert Street, would neither preserve nor enhance the character and appearance of the Conservation Area and would harm the appearance and setting of the listed building of no. 16 Prince Albert Street and the setting of Listed Buildings at nos. 15, 15B and 17-18 Prince Albert Street. The proposal therefore fails to comply with policy CP12 and CP15 of the Brighton & Hove City Plan and policies HE1 and HE6 of the Brighton & Hove Local Plan and would result in negative visual impacts sufficient to outweigh any identified public benefits of the scheme.
- 3.3. **BH2019/02865** Formation of additional level to create office space (B1) incorporating replacement roof plant, reinstatement of chimney, balustrade terrace to West elevation, installation of solar panels and associated works. Refused on 09.03.2020. The reason for the refusal was as follows:
- The proposed additional storey, by reason of its awkward relationship with the existing traditional roofline of no. 16 Prince Albert Street and the resulting intrusion of the contemporary development above the traditional and historic roof forms of the surrounding properties when viewed from Black Lion Street and Prince Albert Street, would neither preserve nor enhance the character and appearance of the Conservation Area and would harm the appearance and setting of the listed building of no. 16 Prince Albert Street and the setting of Listed Buildings at nos. 15, 15B and 17-18 Prince Albert Street. The proposal therefore fails to comply with policy CP15 of the Brighton & Hove City Plan and policies HE1 and HE6 of the Brighton & Hove Local Plan and would result in negative visual impacts sufficient to outweigh any identified public benefits of the scheme.

- 3.4. **PRE2018/00326** Pre-application for a proposal seeking the erection of roof extension replacing existing roof plant to provide additional commercial space (200sq.m approx) with associated alterations and extensions to circulation cores to connect to new roof level accommodation.
- 3.5. The following response summary was given:
- The proposed additional office floorspace (B1) is supported.
 - Concerns have been raised with regards to the roof extension and roof terrace in design terms and amendments to the scheme are required (see details below in the report).
 - The proposed terrace area should be reduced in size and set back with potential screening to avoid harmful overlooking.
- 3.6. **BH1997/01495/FP** Installation of 1 metre diameter satellite antenna on a flat roof mount. Approved on 27.11.1997.

4. REPRESENTATIONS

None received.

5. CONSULTATIONS

5.1. **Heritage:** Approve

It is considered that overall this proposal would preserve the appearance and character of the Old Town conservation area, would preserve the listed building at 16 Prince Albert Street and would preserve the settings of the listed buildings at 15, 15B and 17-18 Prince Albert Street.

5.2. **CAG 05/05/2020:** Approve

The current proposal features a pronounced hip at the west end of the roof structure; this should be met with the equal design at the east end.

6. MATERIAL CONSIDERATIONS

6.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report

6.2. The development plan is:

- Brighton & Hove City Plan Part One (adopted March 2016);
- Brighton & Hove Local Plan 2005 (retained policies March 2016);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
- Shoreham Harbour Joint Area Action Plan (JAAP) 2019.

- 6.3. Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

7. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part Two

Policies in the Proposed Submission City Plan Part 2 do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since 23 April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications but any greater weight to be given to individual policies will need to await the outcome of the Regulation 19 consultation. The council will consider the best time to carry out the consultation after the coronavirus (Covid-19) restrictions are lifted.

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development
CP15 Heritage

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

HE1 Listed Building Consent
HE4 Reinstatement of original features on Listed Buildings
HE6 Development within or affecting the setting of conservation areas

Supplementary Planning Guidance:

SPGBH11 Listed Building Interiors

Supplementary Planning Documents:

SPD09 Architectural Features

Old Town Conservation Area Character Statement.

8. CONSIDERATIONS & ASSESSMENT

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

Heritage:

- 8.2. Policy CP15 of the Brighton & Hove City Plan Part One states how the Council will ensure that the city's built heritage guides local distinctiveness for new development in historic areas and heritage settings. Policy HE1 of the Local Plan explains how proposals involving the alteration or extensions of a listed building will only be permitted where the proposal would not have any adverse effect on the architectural and historic character or appearance of the interior

or exterior of the building or its setting. Policy HE6 of the Local Plan requires proposals within or affecting the setting of a conservation area to preserve or enhance the character or appearance of the area

- 8.3. In considering whether to grant planning permission which affects a listed building or its setting the Council has a statutory duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. In addition, when considering whether to grant planning permission for development which affects a conservation area or its setting the council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area or any features of special architectural or historic interest which it possesses.
- 8.4. Case law has held that the desirability of preserving a listed building or its setting or preserving the character or appearance of a conservation area must be given "considerable importance and weight".
- 8.5. This application follows on from the refusal of applications BH2019/02864 and BH2020/02865 and subsequent informal advice.
- 8.6. The contextual analysis of the site and the heritage assessment are considered to be helpful and the design approach has responded carefully to this analysis and has clearly sought to minimise the visual impact of the proposed roof extension on the surrounding townscape of the Old Town conservation area. The key viewpoints appear to have been correctly identified. The views from Black Lion Street and Prince Albert Street are considered to be very sensitive. The varied but generally traditional roofscape is very important in these views and comprises the roofs of several listed buildings around the junction of Black Lion Street, Prince Albert Street and Nile Street. Parapets are a strong feature. Whilst the roofscape is varied, these are all traditional roof forms and materials, with parapets, ridges and details silhouetted against the sky. This includes the roof to the listed building at 16 Prince Albert Street, which has been incorporated into Nile House and forms part of the application site. This roof itself is not original but generally mimics the appearance of the original roof.
- 8.7. There is no objection in principle to a roof extension on this Post-Modern style building to provide further office space and the overall design approach is considered to be complementary to the distinctive style of the host building echoing its existing broken gable on the main frontage and leaving its eastern dome unaffected. This application has set the footprint of the extension back further at the sensitive western end of the roof and has removed the previous deeply overhanging canopy leaving an appropriately simpler roof form at this end. The roof terrace area has been significantly reduced in size and kept away from the western edge. In addition, the roof to the listed building on the corner would no longer be extended upwards at an angle to create a tall parapet. The cumulative effect of these changes from the refused scheme mean that the roof extension would no longer be visible at all in longer views looking north up Black Lion Street, whilst in shorter views its visibility would be

much reduced and, crucially, it would not visually extend over the traditional roof of the listed building on the corner. In views from Prince Albert Street the roof extension would barely be visible and would not be an intrusive or incongruous feature in the traditional roofscape. Importantly again it would not visually extend over the roof of the listed building at number 16, being confined to the left hand side of the reinstated chimney stack, which would form an appropriate vertical break. This reinstated architectural feature would enhance the traditional roofscape and be a heritage benefit. The proposal would not have any significant impact in views from Brighton Place and the view south from Brighton Square is not considered to be a sensitive one.

- 8.8. It will be important that, where visible, the new roof has a lightweight, recessive appearance and so the roof cladding material will need to be carefully considered. The drawings propose "medium grey roof tiles" and in principle this is acceptable however a sample condition has been attached requiring details of all materials including the cladding and roof tiles.
- 8.9. Subject to the recommended conditions, it is considered that overall this proposal would preserve the appearance and character of the Old Town conservation area, would preserve the listed building at 16 Prince Albert Street and would preserve the settings of the listed buildings at 15, 15B and 17-18 Prince Albert Street, in accordance with policies HE1, HE4 & HE6 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

9. **EQUALITIES:**
None identified.

