

<u>No:</u>	BH2017/04113	<u>Ward:</u>	Queen's Park Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	64 St James's Street Brighton BN2 1PJ		
<u>Proposal:</u>	Part demolition of existing building. Erection of three storey extension to front elevation and creation of additional storey to rear elevation to facilitate enlargement of studio apartment to two bedroom apartment and associated works.		
<u>Officer:</u>	Sonia Gillam, tel: 292265	<u>Valid Date:</u>	16.01.2018
<u>Con Area:</u>	East Cliff	<u>Expiry Date:</u>	13.03.2018
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Mr Ian Boyd Flat 3 32 Sussex Square Brighton BN2 5AB		
<u>Applicant:</u>	Miss Laura Lockwood 7 Howick Place London SW1P 1BB		

1. RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **GRANT** planning permission subject to the following Conditions and Informatives:

Conditions:

1. 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 Plan	064_01		13 December 2017
Block Plan	064_02		13 December 2017
Existing Floor Plans	064_03		16 January 2018
Existing Elevations	064_04		16 January 2018
Floor Plans Proposed	064_05	C	23 April 2018
Elevations Proposed	064_06	C	23 April 2018

2. 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 Planning Authority retains the right to review unimplemented permissions.
3. The extended Class A2 use hereby permitted shall not be open to customers except between the hours of 08:00 and 21:00.
Reason: To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan

4. No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any elevation facing a highway.
Reason: To safeguard the appearance of the building and the visual amenities of the locality and to comply with policy QD14 and HE6 of the Brighton & Hove Local Plan and CP12 and CP15 of the Brighton & Hove City Plan Part One.
5. No development above ground floor slab level of any part of the development hereby permitted shall take place until samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):
- a) samples of all brick, render 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 all hard surfacing materials
 - d) samples of the proposed window, door and balcony treatments
 - e) samples of all other materials to be used externally
- Development shall be carried out in accordance with the approved details.
Reason: To ensure a satisfactory appearance to the development and to comply with policies QD14 and HE6 of the Brighton & Hove Local Plan and CP12 and CP15 of the Brighton & Hove City Plan Part One.
6. No development above ground floor slab shall take place until full details of the proposed external windows and doors including 1:20 scale elevational drawings and sections and 1:1 scale joinery sections, to include sections through openings indicating reveal depth and cill profiles, 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 shall be retained as such thereafter.
Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.
7. No development above ground floor slab shall take place until full details of the proposed elevations and sections of the proposed glazing system/shopfront at a scale of 1:20 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 shall be retained as such thereafter.
Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.
8. No development above ground floor slab shall take place until full details of the proposed railings including 1:20 scale elevational drawings and 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 shall be retained as such thereafter.

Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

Informatives:

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

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1 The site comprises a two-storey infill structure which is located between a three storey public house to the west and a single storey building occupied by a hair and beauty salon to the east. The building fronts onto the south side of St James Street, opposite the junction with Lavender Street, and is located in St Georges Road local shopping centre, and the East Cliff conservation area.
- 2.2 Planning permission was granted in 2009 for use of the property as an A2 Estate Agents. This appears to be the last known use of the property up until August 2016. The property is currently vacant. There is a residential unit at first floor level with a roof terrace.
- 2.3 Planning permission is sought for part demolition of existing building. Erection of three storey extension to front elevation and creation of additional storey to rear elevation to facilitate enlargement of studio apartment to two bedroom apartment, enlargement of A2 unit at basement level and associated works. The A2 use would be retained at ground floor and (enlarged) basement level. A similar scheme was approved in 2012 (BH2011/036310).
- 2.4 Amendments have been received during the life of the application in response to Heritage concerns:
 - Lower overall height
 - Deletion of roof terrace
 - Copper Roof: concave shape and stronger eaves and fascia
 - Visible pitched roof
 - Deletion uPVC material windows and doors.
- 2.5 As there was a decrease in height, and no increase in massing or footprint, no further public consultation was undertaken as the amendments were not considered to be prejudicial to the determination of the application.

3. RELEVANT HISTORY

PRE2017/00194 pre-application advice on proposal to demolish the existing building (A2) and development of a single dwelling house.

BH2012/02364 Application for Approval of Details Reserved by Condition 5 of application BH2011/03631. Approved 23.07.2013.

BH2011/03631 Erection of three storey extension to create new front facade and shopfront, rear extension to create second floor above existing two storey building and installation of new windows to side of first floor studio flat. Approved 03.07.2012.

BH2009/00720 Change of use from A1 Retail to A2 Professional Office (Retrospective) - approved 21/05/2009.

BH2008/03057 Demolition of facade and infill between pub (A4) and beauticians (SG08). Forming of maisonette and A1 unit - refused 22/01/2009.

BH2008/01839 Demolition of façade and new infill between existing pub and beautician. Formation of maisonette and change of use from A1 (retail) to A2 (estate agent) - withdrawn 29.09.08.

BH2005/02398/FP Remodelling of shop front and upper parts (resubmission) - approved 25.11.05.

BH2005/00218/FP Demolition of existing shop and studio and redevelopment forming shop with maisonette over - withdrawn 07.03.05.

BH2001/02725/FP Change of use from storage to greengrocers (use class A1) - approved 10.01.02.

4. REPRESENTATIONS

4.1 Five (5) letters has been received, including one from the Regency Society, objecting to the proposed development. The main grounds for objection are as follows:

- Overdevelopment
- Poor utilitarian design
- Excessive size
- Roof terrace will cause harm to appearance
- Overshadowing
- Will obscure signage
- Impact on drains
- Loss of privacy
- Inaccuracy in plans
- Potential noise complaints due to proximity of pub
- Security impact
- Disruption from build

5. CONSULTATIONS

5.2 Heritage: No objection subject to conditions with regard to detailaing.

5.3 Sustainable Transport: No objection

- 5.4 Conservation Advisory Group: Objection** This part of the street retains its late Victorian quirkiness of styles and roof levels which presently added to the character of the CA. The proposed windows are not traditional in design, pvc not suitable and the roof terrace is not suitable in this location in the CA.

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);
- 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 One

- SS1 Presumption in Favour of Sustainable Development
- CP1 Housing delivery
- CP3 Employment land
- CP8 Sustainable buildings
- CP9 Sustainable transport
- CP12 Urban design
- CP14 Housing density
- CP15 Heritage

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

- TR7 Safe Development
- TR14 Cycle access and parking
- SU9 Pollution and nuisance control
- SU10 Noise Nuisance
- QD5 Design - street frontages
- QD10 Shopfronts
- QD14 Extensions and alterations
- QD27 Protection of amenity
- HO5 Provision of private amenity space in residential development
- HO9 Residential conversions and the retention of smaller dwellings
- HO13 Accessible housing and lifetime homes

- SR6 Local centres
- HE6 Development within or affecting the setting of conservation areas

Supplementary Planning Documents:

- SPD02 Shop Front Design
- SPD03 Construction & Demolition Waste
- SPD09 Architectural Features
- SPD12 Design Guide for Extensions and Alterations
- SPD14 Parking Standards

8. CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this planning application are the impact on the building, the impact on the character and appearance of the local centre and the East Cliff Conservation Area, highways, and neighbour amenity impact. Concerns relating to disruption during the build are noted, but this is not a material planning consideration.
- 8.2 The City Plan Part 1 Inspector's Report was received in February 2016. The Inspector's conclusions on housing were to agree the target of 13,200 new homes for the city until 2030 as a minimum requirement. It is against this minimum housing requirement that the City's five year housing land supply position is assessed annually. The most recent land supply position was published in the 2017 SHLAA Update (February 2018) which demonstrates a 5.0 year supply position. The Council can therefore demonstrate an up to date housing supply position in accordance with the NPPF.
- 8.3 Planning Policy:**
The site is located in the St George's Road, Kemp Town local centre. Brighton and Hove Local Plan policy SR6 (Local Centres) seeks to maintain and enhance local centres, primarily by protecting A1 uses at ground floor level. There would be no change to the composition of the local centre, with an A2 unit retained at ground floor level with residential above. Therefore there is no conflict with local plan policy SR6.
- 8.4 Design and Appearance:**
The existing unassuming building occupies a narrow plot and is lower than the terrace to the west, as well as being set back from the general frontage. It is an unusual element of the street scene, and due to the single storey property to the east it is prominent in views from the east and north east, where its long slate roof is a noticeable feature.
- 8.5 The Council's Heritage Officer has no objection to the loss of the undistinguished front façade of this building or to moving the building line forward to form a less abrupt change in line and to mask the extensive side wall of the pub and advertising panel. The curved corner is considered to be a valid approach to softening the change in building lines. Overall, subject to conditions re materials and large scale details, the design is considered to be acceptable, in terms of impact on the streetscene and conservation area.

8.6 Standard of accommodation

Whilst the Council does not yet have a policy requiring compliance with the nationally described space standards, they are a useful point of reference. The two storey, two bedroom (4 persons) standard is 79m². The proposed dwelling would measure 70m² with good levels of lights and circulation space, and with outdoor amenity space in the form of a terrace. Therefore the standard of accommodation is considered acceptable in this instance.

8.7 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.

8.8 The dwelling would be sited above an A2 premises, however this is not likely to be noisy by nature and the hours of use can be controlled by condition. There has been concern voiced by the adjacent public house landlord re potential noise impact from the pub courtyard on the new residents; this is noted, however as there is existing residential accommodation at the site, this concern is not exacerbated beyond the current situation.

8.9 The application proposes to retain an A2 unit at ground floor level, with residential accommodation retained at first floor level with a proposed additional storey of residential accommodation at second floor level. There will be several new windows proposed to the eastern elevation. These windows are not considered to give rise to any undue overlooking or loss of privacy, as they overlook a single storey building situated to the east of the site.

8.10 The first floor rear terrace associated with the existing flat is to remain unchanged and thus there would be no difference in impact from the existing situation. There is a Juliet balcony proposed at second floor level to the rear, above the existing terrace. This would provide some level of overlooking, particularly of the adjacent pub courtyard, however not in such an intensified manner so as to warrant refusal of the application.

8.11 The proposed scheme includes a larger building on the site of the existing by virtue of the forward and upward extensions. These could have implications in terms of overshadowing, loss of light and overbearing impact. However, taken in context with the surrounding buildings, a three storey public house to the west and a single storey retail unit to the east, this ensures that there would be no direct impacts on residential properties. As such the proposal is acceptable in these respects.

8.12 Sustainable Transport:

The proposals may result in a slight uplift in trips; however, it is not considered that this will have a significant impact upon surrounding highway and transportation networks.

- 8.13 No parking is proposed; however, there is an existing dwelling on site and it is not considered that likely levels of additional on-street parking demand arising from the enlargement of the dwelling could be deemed to amount to a severe impact on the highway in this location.
- 8.14 The applicant appears to be proposing no cycle parking. This proposal would require a minimum of 2-3 spaces in accordance with Parking Standards SPD14. However it is unlikely that such parking could be provided due to site constraints. The Council's Highways team has no objection to scheme on this basis.

9. EQUALITIES

- 9.1 The requirement to meet Lifetime Homes has now been superseded by the accessibility and wheelchair housing standards within the national Optional Technical Standards. However step-free access to the (new-build) dwelling is not achievable as it is on the first/ second floor.