

<b><u>No:</u></b>	<b>BH2021/01270</b>	<b><u>Ward:</u></b>	<b>Queen's Park Ward</b>
<b><u>App Type:</u></b>	<b>Listed Building Consent</b>		
<b><u>Address:</u></b>	<b>9 - 10 St James's Street Brighton BN2 1RE</b>		
<b><u>Proposal:</u></b>	<b>Internal alterations to ground floor including new shop fit-out to replace existing, repainting of external shopfront &amp; installation of signage.</b>		
<b><u>Officer:</u></b>	Joanne Doyle, tel: 292198	<b><u>Valid Date:</u></b>	08.04.2021
<b><u>Con Area:</u></b>	East Cliff	<b><u>Expiry Date:</u></b>	03.06.2021
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	Planning Potential Ltd. Magdalen House 148 Tooley Street London SE1 2TU		
<b><u>Applicant:</u></b>	Merkur Slots UK Ltd C/o Planning Potential Ltd. Magdalen House 148 Tooley Street London SE1 2TU		

## 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** Listed Building Consent, 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.

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan	-	-	8 April 2021
Proposed Drawing	SJS/BGN/05	A	8 April 2021
Proposed Drawing	SJS/BGN/07	A	8 April 2021

2. 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.

### 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**

- 2.1. This application for Listed Building Consent relates to a ground floor commercial unit, located on the northern side of St James's Street. The upper floors are in residential use, accessed from a separate door adjacent to the shopfront. To the south of the unit is a supermarket, while to the north is a commercial unit at ground floor with residential above.
- 2.2. The application site lies within the 'primary frontage' of the St James's Street District Centre, as identified in the Local Plan and City Plan Part 1.
- 2.3. The site is located within the East Cliff Conservation Area. Number 9 St James's Street is a Grade II listed building.

## **3. RELEVANT HISTORY**

- 3.1. BH2021/01278- Display of 2no externally illuminated fascia signs and 1no externally illuminated hanging sign. Under Consideration.
- 3.2. BH2021/01276- Change of use of ground floor from betting shop (Sui Generis) to adult gaming centre (Sui Generis) and associated shopfront alterations. Under Consideration.
- 3.3. BH2013/01203- Installation of 3no air conditioning condenser units, 2no satellite dishes and associated timber screen to flat roof to rear elevation. Approved 18.09.2013.
- 3.4. BH2013/01202- Installation of 3no air conditioning condenser units, 2no satellite dishes and associated timber screen to flat roof to rear elevation. Approved 18.09.2013.
- 3.5. BH2013/00985- Display of non-illuminated fascia sign to No 9 St James's Street. Approved 08.07.2013.
- 3.6. BH2013/00984- Installation of new shopfront to No 10 St James's Street. Approved 08.07.2013.
- 3.7. BH2013/00983- Display of 2no non-illuminated fascia signs and 1no externally illuminated projecting sign. Approved 08.07.2013.
- 3.8. BH2013/00764- Internal alterations to layout to facilitate change of use from dental surgery (D1) to licensed betting office (A2) at ground floor level. Approved 29.05.2013.
- 3.9. BH2013/00763- Change of use from dental surgery (D1) to licensed betting office (A2) at ground floor level. Approved 29.05.2013.

- 3.10. BH2012/01365- Internal and external alterations incorporating shop fitting works, alterations to existing shopfront and replacement and upgrading of existing air conditioning units and extraction ducting. Approved 06.08.2012.
- 3.11. BH2012/01364- Display of 2no externally illuminated fascia signs. Approved 13.07.2012.
- 3.12. BH2012/01363- Internal and external alterations incorporating shop fitting works, alterations to existing shopfront, replacement and upgrading of existing air conditioning units and extraction ducting and display of 2no externally illuminated fascia signs. Approved 06.08.2012.
- 3.13. BH2012/00980- Change of use from dental surgery (D1) to retail (A1) and associated alterations. Approved 06.08.2012.

#### **4. APPLICATION DESCRIPTION**

- 4.1. Listed Building Consent is sought for internal alterations to the ground floor, including a new shop fit-out to replace the existing, the repainting of the external shopfront, and the installation of signage (also being considered under a separate application for advertising consent).
- 4.2. This application is solely for Listed Building Consent, and is accompanied by a separate application for full planning permission for the change of use of the site to an Adult Gaming Centre (ref. BH2021/01276), also being considered at this Committee meeting.

#### **5. REPRESENTATIONS**

None

#### **6. CONSULTATIONS**

- 6.1. **Heritage:** No objection  
Scheme is satisfactory.

#### **7. MATERIAL CONSIDERATIONS**

- 7.1. 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
- 7.2. 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 JAAP (adopted October 2019).

7.3. 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.

## 8. POLICIES

### The National Planning Policy Framework (NPPF)

#### 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

#### Brighton & Hove City Plan Part Two (Proposed Submission October 2020):

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. The weight given to the relevant CPP2 policies considered in determining this application is set out in the Considerations and Assessment section below where applicable.

DM26 Conservation Areas  
DM27 Listed Buildings  
DM29 The Setting of Heritage Assets

#### Supplementary Planning Guidance:

SPGBH11 Listed Building Interiors

#### Supplementary Planning Documents:

SPD09 Architectural Features

## 9. CONSIDERATIONS & ASSESSMENT

9.1. 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.

- 9.2. The internal alterations to the modern shop unit would have a neutral impact on the significance of the listed building. The repair and redecoration of the shop front is welcomed and the proposed black finish is appropriate. The proposed signage is well proportioned in relation to the shop front and fascia and the hanging sign is suitably sited on the non-listed building and away from the corbel.
- 9.3. The proposed works would therefore not harm the historic character or appearance of the Grade II listed building or wider conservation area, in accordance with policies HE1, HE4 & HE6 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One and policies DM26, DM27 and DM29 of CPP2 (of which can be given significant weight).

**10. EQUALITIES**  
None identified

