

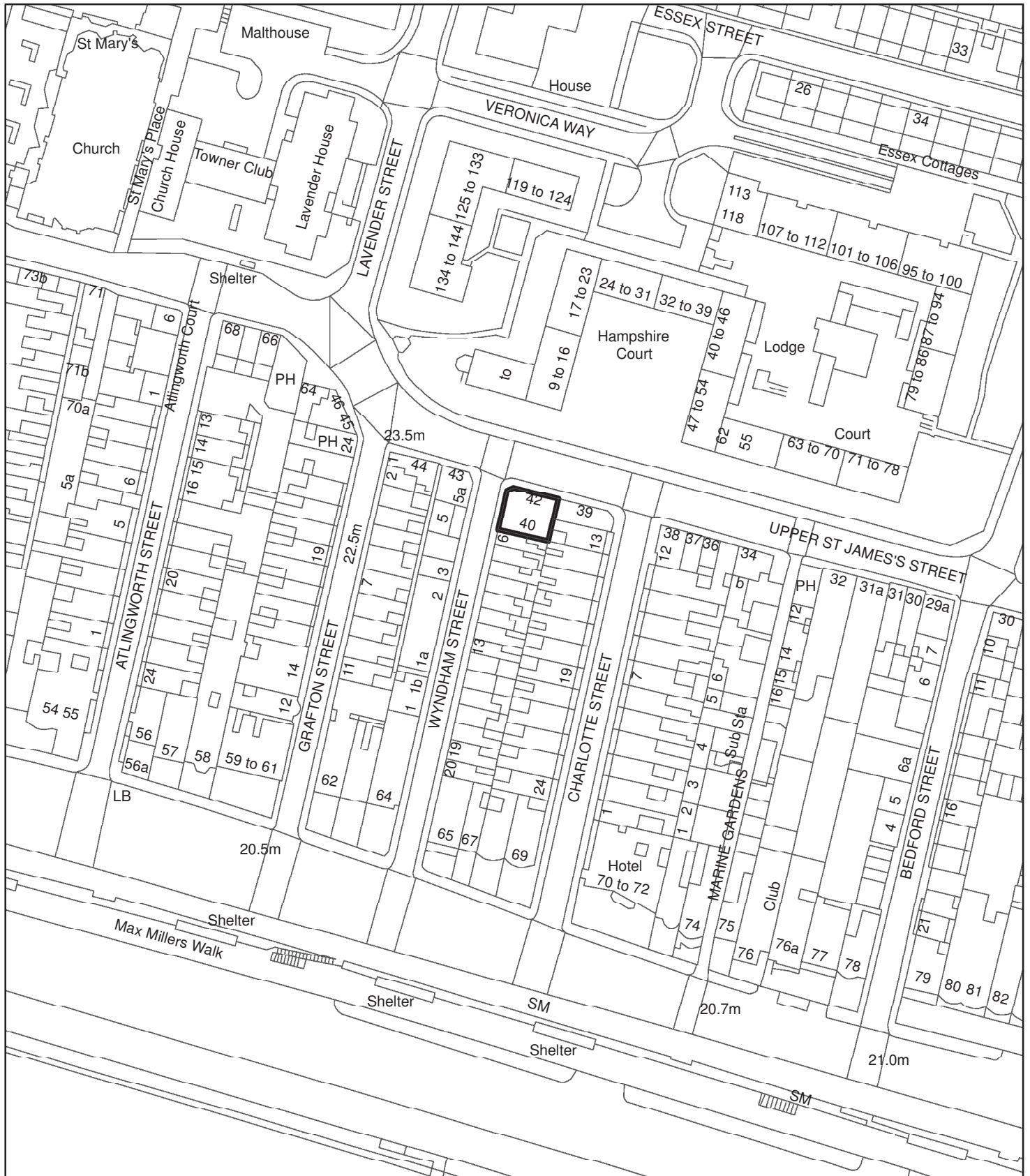
**PLANS LIST
ITEM E**

40-42 Upper St James's Street, Brighton

**BH2013/01106
Full planning**

26 JUNE 2013

BH2013/01106 40-42 Upper St James's Street, Brighton



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2013/01106	<u>Ward:</u>	QUEEN'S PARK
<u>App Type:</u>	Full Planning		
<u>Address:</u>	40-42 Upper St James Street Brighton		
<u>Proposal:</u>	Erection of a two storey extension creating additional second and third floors. Creation of 2no flats at second and third floor levels.		
<u>Officer:</u>	Chris Swain Tel 292178	<u>Valid Date:</u>	15/04/2013
<u>Con Area:</u>	East Cliff	<u>Expiry Date:</u>	10 June 2013
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	David F. Smith, 3 Northgate Cottage, The Green, Rottingdean, Brighton, BN2 7DT		
<u>Applicant:</u>	Nordstar Property Co Ltd, Mr David Bean, 24 Roedean Crescent, Brighton, BN2 5RH		

1 RECOMMENDATION

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

2 SITE LOCATION & DESCRIPTION

- 2.2 The site is located on the corner of Upper St James Street and Wyndham Street. The property is a two-storey end of terrace building, currently used as a restaurant on the ground floor, and a 3-bedroom self-contained flat on the first floor. The site is located within the East Cliff Conservation Area. Nos. 7-19 (inclusive) in Wyndham Street form part of a terrace of Grade II listed buildings. The site is located within a mixed residential/commercial area.

3 RELEVANT HISTORY

BH2012/02395 - Erection of a two storey extension creating additional second and third floors. Conversion of existing first floor flat into 2no flats and creation of 3no flats at second and third floor levels. Withdrawn 5 November 2012.

BH2012/01414 - Erection of two storey extension creating additional second and third floors. Conversion of existing first floor flat into 2no flats and creation of 3no flats at second and third floor levels. Withdrawn 20 July 2012.

BH2004/01699/FP - Addition of two storeys forming 5 no. flats (1 flat existing, 4 new flats). Approved 12 August 2004.

43-43a Upper St James Street (opposite the site)

BH2000/02980/FP - Construction of 2 flats at first and second floor level. Approved 2 August 2001.

4 THE APPLICATION

- 4.1 Planning permission is sought for the erection of a two storey extension creating additional second and third floors and the creation of an additional flat at both the second and third floor levels.

5 PUBLICITY & CONSULTATIONS

5.1 **External**

Neighbours: Nine (9) letters of representation have been received from **Nos. 5, 6(x2), 18 and 19 Wyndham Street, Nos.11, 13 and 15 Hampshire Court** and **one unsolicited letter objecting** to the application for the following reasons:

- Detrimental impact upon the setting of the adjacent listed terrace at Wyndham Street to the south,
- Out of character with the surrounding area,
- Detrimental impact to the East Cliff Conservation Area,
- Harmful impact on the adjoining properties in regard to overshadowing/loss of light/ loss of outlook and a loss of privacy,
- Disruption to the existing restaurant at ground floor level,
- Increased parking pressure,
- Overdevelopment of the site,
- Increased noise and disturbance from the future occupants of the additional units,
- Noise and disturbance during construction,
- Safety concerns for adjoining properties during construction.

Internal:

5.2 **Conservation Advisory Group (CAG):**

In reconsidering this application the group agreed this application should be refused due to its overbearing nature and the adverse impact it would have on the Windham Street properties.

5.3 **Environmental Health:** No objection on grounds of air quality and therefore recommend approval.

5.4 **Heritage:** This application involves a significant increase in height for this building which fronts Upper St James Street on one elevation, with buildings of far grander scale than on its other elevation fronting Wyndham Street. This causes difficulties (as is common with corner buildings) as there is a resulting contrast with the height of the terrace in Wyndham Street, however it is considered that the transition is acceptable.

5.5 Details are proposed to reflect the treatment of the corner building at the other end of the terrace on St James Street and this allows a reduction in height at each end creating a step down to the lower neighbouring buildings.

5.6 The elevations do not show the existing projecting masonry cills on the first floor, which should be retained and matched on the proposed upper floors, along with the slim section joinery details of the existing first floor windows.

5.7 Mitigations and Conditions

Conditions are needed requiring further approval of window and door details, the cornice profile, rainwater downpipes and hoppers (in cast iron).

A condition requiring the use of a wet render to match the existing building in composition (lime based) and texture, without external beads, stops or bell drips.

- 5.8 **Access Officer:** There should be 300mm clear space between the leading edge of all doors and the adjacent wall. (Flats 1 & 2 entrances)
- 5.9 Confirmation should also be obtained re provision of floor zone drainage to accommodate a level entry shower.
- 5.10 **Sustainability:** No comment
- 5.11 **Sustainable Transport:** No objection. Recommended approval as the Highway Authority has no objections to this application subject to the inclusion of the necessary condition on any permission granted.
- 5.12 Trip Generation & S106
The proposals are for an increase in 2 residential units. The proposed change of use is not considered to significantly increase trip generation to and from the site. Due to this and the fact that the development is below the Temporary Recession Measures Threshold the Highway Authority would not recommend securing a S106 contribution in this instance.
- 5.13 Car Parking
SPG04 states that the maximum car parking standard for a residential unit within a CPZ is 1 space per dwelling plus 1 car space per 5 dwellings for visitors. The applicant is not proposing any on-site car parking provision and couldn't provide any due to site constraints. Therefore this level of car parking is deemed acceptable and in line with SPG04. Given that 59% of households in the Queens Park ward do not have access to a car this level of car parking provision is deemed acceptable.
- 5.14 Cycle Parking
SPG04 states that a minimum of 1 cycle parking space is required for every dwelling plus 1 space per 3 dwellings for visitors. For this development of 3 residential units the minimum parking standard is 3 cycle parking spaces for residents and 1 for visitors.
- 5.15 In order to be in line with Policy TR14 of the Brighton & Hove Local Plan 2005 cycle parking must be secure, convenient, well lit, well signed and wherever practical, sheltered. The Highway Authority's preference is for the use of Sheffield type stands spaced in line with the guidance contained within the Manual for Streets section 8.2.22.
- 5.16 The applicant has proposed 4 cycle parking spaces in a store at ground floor level. It does appear tight and it is not apparent how some of the bikes would be easily accessible. There would however be space for 3 bikes to be stored and easily accessible. This level of provision would be deemed acceptable by the Highway Authority given the site constraints. Further details as to the nature of the cycle parking should be secured via condition. The Highway Authority would advise the applicant to consider providing Sheffield stands in line with the guidance in the Manual for Streets or wall mounted bars which a frame of a bike can be locked to. The latter should ensure 3 bikes can be stored and also be easily accessible.

6 MATERIAL CONSIDERATIONS

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

7 RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle access and parking
SU2	Efficiency of development in the use of energy, water and materials
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD14	Extensions and alterations
QD27	Protection of Amenity

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HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO6	Provision of outdoor recreation space in housing schemes
HO7	Car free housing
HO13	Accessible housing and lifetime homes
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Guidance:

SPGBH1 Roof Alterations & Extensions

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste

SPD08 Sustainable Building Design

SPD09 Architectural Features

Brighton & Hove City Plan Part One (submission document)

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application are the impact of the development upon the character and appearance of the site and wider conservation area, the amenity of adjacent residential occupiers, traffic issues and sustainability.

Design:

The proposal is for two additional storeys above the existing two storey building. The proposed second floor would contain a three bedroom residential unit with a two bedroom unit on the top floor. The restaurant at ground floor level and the flat at first floor level would be retained as existing.

- 8.2 A similar scheme for two additional storeys on the site was approved in August 2004, though was never commenced. Subsequently, two further applications for similar schemes were submitted to the Local Planning Authority in 2012. These were withdrawn by the applicant after concerns were raised regarding the internal room sizes within the proposed flats once Lifetime Homes standards for common ways were adopted.
- 8.3 Whilst the previously approved scheme was determined before the adoption of the current Brighton & Hove Local Plan in 2005, it was assessed against the draft document. It is not considered that the proposal is contrary to the aims of either existing national or local planning policy. There are no significant material differences to the site since the determination of the original application.
- 8.4 The Heritage Team raises no objection to the proposal. It is considered that the principle of the additional two storeys, the massing and the general design approach are appropriate and would preserve the appearance and character of the conservation area. On this corner location it is considered that there is scope in principle to increase the height of properties to a scale higher than that of the remainder of the terrace. This is not uncharacteristic of the locality, and it can be

seen that the proposal would be similar in appearance and height to the adjacent, higher property (no.39 Upper St James's Street) and the higher buildings located to the east on Charlotte Street. It is also noted that on the opposite side of Wyndham Street, no.43 Upper St James Street, two additional storeys were approved in 2001 and have now been built. The proposed design allows a reduction in height at each end of the building, creating a step down to the lower neighbouring buildings and is considered to result in an acceptable transition to the existing adjoining terraces.

- 8.5 It is considered that the proposal would not adversely affect the setting of the listed Wyndham Terrace, which is separated from the building by No.6 Wyndham Street, due to its end of terrace, corner location which has a distinct visual separation from the listed terrace.
- 8.6 Conditions are recommended to require large scale drawings of the proposed new windows to ensure the character and appearance of the East Cliff Conservation Area is preserved.
- 8.7 Overall, subject to the compliance with the relevant conditions the proposal is not considered to detract significantly from the appearance or character of the building, the street scene or the wider East Cliff Conservation Area, and complies with policies QD14 and HE6 of the Brighton & Hove Local Plan.

Amenity for residential occupiers

- 8.8 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.
- 8.9 The policy also requires new residential development to provide a high standard of living accommodation, suitable for future occupiers.
- 8.10 The two additional flats are set out over a floor each. The layouts and room sizes of the residential units are considered to result in a satisfactory standard of living accommodation for future occupiers. Whilst the windows to the rear are set close to the rear outrigger of the adjoining property at No.6 Wyndham Street these serve either kitchen/study or landing and the lack of outlook is not considered to be significantly detrimental to amenity.
- 8.11 Policy HO13 requires residential units to be Lifetime Homes compliant where feasibly possible.
- 8.12 The access officer has stated that there should be 300mm clear space between the leading edge of all doors and the adjacent wall and that confirmation should also be obtained regarding provision of floor zone drainage to accommodate a level entry shower.
- 8.13 Sufficient details, showing the internal bathroom and kitchen layouts have been provided to enable an assessment against Lifetime Homes criteria to be made.

- 8.14 There is sufficient circulation space in the living areas and bedrooms. The concerns raised by the access officer could be overcome with minimal revisions to the design and it is considered that the Lifetimes Homes requirements have been met as far as feasibly possible for this development.
- 8.15 Policy HO5 requires the provision of private useable amenity space in new residential development. The restrictions of the site, which has no potential land at ground floor level suitable for a garden area and the siting of the building, close to a number of public open spaces, are such that the lack of amenity space is considered, on balance acceptable.
- 8.16 It is considered that the units would provide adequate living conditions for future occupiers.
- 8.17 The extended flue to the rear would extend above eaves level and it is not considered that it would result in any significant concerns regarding noise or odour to the adjacent bathroom and kitchen windows. The Environmental Health Team has not objected to the scheme.

Impact on Amenity:

- 8.18 It is not considered that the proposal would significantly affect the amenity of adjacent residential occupiers. The residential property to the east, no.39 Upper St James' Street has three windows facing the site at first and second floor levels in close proximity to the proposal. The first floor windows are a secondary bedroom window and a bathroom window, and thus the impact of the proposal is considered acceptable. As the third floor of the proposal would be set back from the eastern boundary of the site the impact to the second floor bedroom window would be acceptable in terms of daylight and outlook. No windows are proposed in the end (east) gable of the proposal so no loss of privacy would result. The adjacent property to the east, 13 Charlotte Street, does not appear to have windows that serve habitable rooms facing the site, and these windows would maintain a satisfactory degree of outlook given their relationship with the proposal.
- 8.19 The building is separated from the property to the south, 6 Wyndham Street by the existing single storey extension. It is noted that an additional storey, containing a bathroom has been added to the rear outrigger of No.6 since the original application was approved in 2004. The existing, higher (two-storey), rear part of the site is set off the common boundary. The rear of No.6 currently experiences a degree of enclosure from existing adjacent buildings to the north and east. The proposed additional storeys would be stepped away from No.6 and the proposal would not significantly worsen this existing situation to the detriment of the amenity of the occupiers of this property. It is not considered that the proposed scheme would result in a relationship between properties that is uncharacteristic in this high density central location, and in addition the proposal is due north of no.6 and would not result in a material loss of sunlight.
- 8.20 The windows to the rear of the proposal would be conditioned to be obscure glazed and fixed with any opening part being at least 1.7m above floor level and this would ensure that there would not be any overlooking issues to adjoining

properties. The proposal is considered to be a sufficient distance from other properties in Wyndham Street so as not to have a significant impact on their amenities. A modest development of two additional flats is unlikely to generate significant noise or disturbance for local residents.

Sustainable Transport:

- 8.21 Policy TR1 requires that development proposals provide for the demand for travel they create and maximise the use of public transport, walking and cycling. Policy HO7 states that planning permission will be granted for car-free housing (i.e. housing with no designated off-street vehicular parking attached to it) in locations with good access to public transport and local services.
- 8.22 The proposed development does not include any off street vehicular parking provision, but secure cycle storage is proposed for 4 cycles internally at ground floor level.
- 8.23 The Sustainable Transport Team has commented that the proposed location for cycle storage would only be sufficient to store three bikes whilst remaining easily assessable and further details should therefore be submitted.
- 8.24 The property is located within controlled parking zone (CPZ) Y, where there is a demand for permits. Policy HO7 states that in such locations with good access to public transport and local services where there are complementary on-street parking controls and where it can be demonstrated that the proposed development will remain genuinely car-free over the long term. This will be secured by condition.
- 8.25 The Sustainable Transport Team has advised that to ensure compliance with policy TR1 a financial contribution towards sustainable transport infrastructure in the vicinity of the site would normally be required. As, stated above, under current short term recession measures such contributions are not however being sought in relation to residential developments which would create less than five new units.
- 8.26 Overall, in the context of current policies and practices, it is considered that the proposed development would adequately provide for the demand in travel which it would create, furthermore no highway safety risk would be caused.

Sustainability:

- 8.27 Policy SU13 and the Supplementary Planning Document on Construction and Demolition Waste seek to reduce construction waste and require a Waste Minimisation Statement demonstrating how elements of sustainable waste management have been incorporated into the scheme in order to reduce the amount of waste being sent to landfill. Information has been submitted with the application to demonstrate how these requirements have been met, in the form of a waste minimisation statement and it is considered that the proposal adheres to policy SU13 and SPD03.
- 8.28 Policy SU2 which seeks to ensure that development proposals are efficient in the use of energy, water and materials. SPD 08 requires all new dwellings should

seek to reduce water consumption and minimise surface water run off. The applicant has submitted a completed Sustainability Checklist which outlines that the proposal could achieve a satisfactory level of sustainability.

- 8.29 Conditions will be added to ensure that sustainability measures are implemented.

9 CONCLUSION

- 9.1 The application would result in the provision of two new residential units without causing any significant harm to the character or appearance of the existing building, the street scene or the wider East Cliff Conservation Area. The scheme would result in a satisfactory standard of accommodation for the residential units and would not cause significant harm to amenity. The proposal is also acceptable in terms of highways and sustainability subject to conditions. As such the proposal is considered to be in accordance with development plan policies.

10 EQUALITIES

- 10.1 No issues identified.

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVE

11.1 Regulatory Conditions:

- 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
- 2) All new and replacement rainwater goods, soil and other waste pipes shall be in traditional cast iron and painted to match the existing and maintained as such thereafter.
Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.
- 3) 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 policies QD1 and QD27 of the Brighton & Hove Local Plan
- 4) Unless otherwise agreed in writing by the Local Planning Authority, the new dwelling[*s*] hereby permitted shall be constructed to Lifetime Homes standards prior to their first occupation and shall be retained as such thereafter.
Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.
- 5) The development hereby permitted shall be finished in wet render to match the existing building in composition (lime based) and texture, without external beads, stops or bell drips 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.

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- 6) Cycle parking details to be submitted. The development hereby permitted shall not be commenced until details of secure cycle parking facilities for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.

- 7) The windows shown as serving the bathrooms and kitchens to the rear at second and third floor level, hereby permitted shall be obscure glazed and non-opening, unless the parts of the windows which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and thereafter permanently retained as such.

Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

- 8) 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
Site location plan			4 April 2013
Block plan			4 April 2013
Existing floor plans and elevations	PL01		4 April 2013
Proposed floor plans and elevations	PL02	D	11 June 2013

11.2 Pre-Commencement Conditions:

- 9) No development shall take place until full details of the following have been submitted to and approved by the local planning authority in writing:

- i) 1:20 sample elevations and sections showing the proposed windows and masonry cills and 1:1 joinery details of the windows,
- ii) 1:20 sample elevations and sections showing the proposed corncicing detailing.
- iii) details and samples of materials and colours;

and the works shall be carried out and completed in their entirety fully in accordance with the approved details and maintained as such thereafter.

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

- 10) The development hereby permitted for the second and third floors shall not be commenced until details of sustainability measures have been submitted to and approved in writing by the Local Planning Authority. These details shall demonstrate how the development would be efficient in the use of energy, water and materials in accordance with Supplementary Planning Document

SPD08 Sustainable Building Design. The development shall be carried out in strict accordance with the approved details.

Reason: To ensure that measures to make the development sustainable and efficient in the use of energy, water and materials are included in the development and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.

11.3 Pre-Occupation Conditions:

- 11) The development hereby permitted shall not begin until such time as a scheme has been submitted to and approved in writing by the Local Planning Authority to provide that the residents of the development, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit. **Reason:** To ensure that the development is car-free and to comply with policy HO7 of the Brighton & Hove Local Plan.

11.4 Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. This decision to grant Planning Permission has been taken:
 - (i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including Supplementary Planning Guidance and Supplementary Planning Documents: (Please see section 7 of the report for the full list); and
 - (ii) for the following reasons:-

The application would result in the provision of two new residential units without causing any significant harm to the character or appearance of the existing building, the street scene or the wider East Cliff Conservation Area. The scheme would result in a satisfactory standard of accommodation for the residential units and would not cause significant harm to amenity. The proposal is also acceptable in terms of highways and sustainability subject to conditions. As such the proposal is considered to be in accordance with development plan policies.
3. The applicant is advised that the scheme required to be submitted by Condition 11 should include the registered address of the completed development; on invitation to the Council as Highway Authority (copied to the Council's Parking Team) to amend the Traffic Regulation Order; and details of arrangements to notify potential purchasers, purchasers and occupiers that the development is car free.

