

**SUBSTANTIAL OR CONTROVERSIAL DEVELOPMENT OR DEPARTURES
FROM POLICY**

<u>No:</u>	BH2008/03121	<u>Ward:</u>	Queen's Park
<u>App Type</u>	Full Planning		
<u>Address:</u>	25-28 St. James Street, Brighton		
<u>Proposal:</u>	Redevelopment of first floor and airspace above to form residential development of 34 flats including 13 affordable flats over 4 floors above existing retail. .		
<u>Officer:</u>	David Alabi Tel: 290486	<u>Received Date:</u>	29 September 2008
<u>Con Area:</u>	East Cliff	<u>Expiry Date:</u>	03 February 2009

<u>Agent:</u>	Emma Petrykow, Alan Phillips Architects Studio 7 Level 5 North, New England House, New England Street, Brighton BN1 4GH
<u>Applicant:</u>	Dicotest LDA C/O Alan Phillips Architects

1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 8 of this report and resolves that it is **Minded to Grant** planning permission, subject to the completion of a Section 106 legal agreement to secure the following:

- 38.2% affordable housing
- £44,945 toward primary and secondary education
- £22,700 towards sustainable transport
- £25,000 for public art works
- £57,521.52 towards outdoor recreation space

Conditions:

1. BH01.01 Full Planning.
2. No development shall take place until samples of the materials (including colour of render, paintwork and colour wash) 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. Development shall be carried out in accordance with the approved details.
Reason: To ensure a satisfactory appearance to the development and to comply with policy QD1 of the Brighton and Hove Local Plan.
3. BH02.07 Refuse and recycling storage (facilities).
4. BH04.01 Lifetime Homes.
5. BH05.01 Code for Sustainable Homes – Pre-Commencement (New build residential). Code level 4
6. BH05.02 Code for Sustainable Homes – Pre-Occupation (New build residential). Code level 4
7. Prior to the commencement of development, full details of the proposed rainwater recycling scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in strict

accordance with the approved details prior to the first occupation of the development hereby approved and maintained as such thereafter.

Reason: In the interests of the efficient use of water and in order to comply with policy SU2 of the Brighton & Hove Local Plan.

8. BH06.03 Cycling parking facilities to be implemented
9. No development shall commence until a scheme for soundproofing between the ground floor commercial unit and the first floor residential accommodation has been submitted and approved in writing by the Local Planning Authority. The soundproofing shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such.
Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
10. A detailed assessment of air quality around the site shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of works hereby permitted.
Reason: In the interest of residential amenity and to comply with policy QD27 of the Brighton & Hove Local Plan.
11. Prior to the commencement of development, detailed drawings including levels, sections and constructional details within the proposed building shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in strict accordance with the agreed details.
Reason: In order to ensure the accuracy of the development and to comply with policy QD1, QD2 and QD27 of the Brighton & Hove Local Plan.
12. H05.07 Site Waste Management Plan (5+ housing units or 500sq m + floorspace).
13. Full details of a scheme of Public Art to be fixed along the ground floor wall fronting Dorset Gardens and a time table for implementation shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development hereby permitted. The artwork shall be implemented in accordance with the agreed details and timescale.
Reason: In order to ensure a satisfactory appearance of the building in accordance with policies QD1, QD5 and QD6 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on drawing nos. 1600/08/D.05, 07, 08, 09, 10, 11,12, 13, 14 and 1600/D.15, D21, D25, D26, D27, D28 and 1600/AL.08 Design and Access Statement submitted on 28 October, Planning Statement, Waste Minimisation Statement, Biodiversity Statement submitted on 31 October 2008, Heritage Statement, Sustainability Checklist submitted 29 September 2008 and Code for Sustainability Assessment submitted on 13 January 2009.
2. This decision to has been taken:

- i. having regard to the policies and proposals in the Brighton & Hove Local Plan and supplementary planning guidance set out below:

PLANNING POLICIES

Brighton and Hove Local Plan:

- TR1 – Development and the demand for travel
- TR2 – Public transport accessibility and parking
- TR7 – Safe development
- TR14 – Cycle access and parking
- TR19 – Parking standards
- QD1 – Design
- QD2 – Design – Key principles for neighbourhoods
- QD3 – Design – efficient and effective use of sites
- QD4 – Design – Strategic impact
- QD15 – Landscape design
- QD20 – Urban open space
- QD27 – Protection of amenity
- SU2 – Efficiency of development in the use of energy, water and materials
- SU3 – Water resources and their quality
- SU5 – Surface water and foul sewage disposal infrastructure
- SU9 – Pollution and nuisance control
- HO3 – Dwelling type and size
- HO4 – Dwelling densities
- HO5 – Provision of private amenity space in residential development
- HO13 – Accessible housing and lifetime homes
- SR20 – Protection of public and private outdoor recreation space

Supplementary Planning Guidance:

- SPGBH4 – Parking standards

Supplementary Planning Documents:

- SPD08 – Sustainable Building Design
- SPD03 – Construction and Demolition Waste

- ii. for the following reasons:-

The proposed scheme is a car free development which will provide 34 new flats in a central location which would limit the need for car borne travel therefore it would be beneficial to the environment and as such should be welcome.

In addition the development would provide much needed investment at the site which has been underutilised and in a poor state of repair for a number of years.

The development would not result in any significant adverse effects on residential amenity and would enhance the character of the Conservation Area.

IN04. D1 - Lifetime Homes

IN05. 02 – Code for Sustainable Homes

IN05. 08 – Site Waste Management Plan/ Waste minimisation Statement

2 THE SITE

The application relates to a two storey building in retail use on the ground floor and storage on the first floor. The site is along two frontages the main frontage being St. James Street with the secondary frontage being along Dorset Gardens. The St. James Street frontage is generally commercial with storage and residential uses on the upper floors. Buildings along St James's Street include three and four storeys.

Dorset Gardens is a mainly residential with large three and four storey Victorian terraced houses along the east side of the road. A public park is located to the west side of the road. To the southern end of Dorset Gardens along the western side there is a Methodist church and a two storey block of flats.

The site is identified in the Brighton and Hove Local Plan as part of the St. James's Street district shopping centre with protection being afforded to the retail unit. The whole site lies within the East Cliff Conservation Area.

3 RELEVANT HISTORY

BH2003/03579/FP – Conversion of first floor from storage use to 8 no. 2 bed flats and 1 no. 1 bed flat. External alterations including new windows, rendered elevations and a green roof. – Approved 14/07/2004.

BH2005/01965/FP – Retention of external shopfront shutter. – Refused – 18/08/2005.

BH2008/03120 – Installation of automatic telling machine and access door. Current application to be decided.

BH2008/03122 – Installation of new shopfront. Current application to be decided.

BH2008/3123 - Installation of 2 x internally illuminated fascia box signs and 2 x internally illuminated projecting signs. Current application to be decided.

BH2008/3124 – Installation of 1 x refrigeration condenser and 3 x air-conditioning units at first floor level at 27-28 St. James Street and minor alterations. Currently awaiting confirmation of withdrawal.

4 THE APPLICATION

Full planning permission is sought for the erection of 34 flats above the ground floor retail unit involving 4 floors and including 13 affordable units. The main entrance to the proposed development would be from Dorset Gardens.

No car parking provision can be accommodated at the site but each flat would have access to independent internal cycle storage space with an electric charger. All flats would also have balconies with units at the penthouse level having access to a roof terrace.

The scheme includes communal refuse storage facilities on the ground floor along with a communal room that would be available for use by residents and for community purposes including meetings. This community facility would be situated on the first floor of the building.

The applicant's have confirmed that this community facility would be for the exclusive use of residents and would not be available for any private/commercial use.

The scheme also involves internal alterations to the adjacent property number 24 Dorset Gardens and the erection of an additional floor to that property. This would enable the creation of a one bedroom flat.

5 CONSULTATIONS

External:

Neighbours: Three letters have been received from owner/occupiers of numbers **3 Cavendish Street, flat 1 Cavendish Court, 24 Dorset Gardens** objecting to the proposal for the following reasons:-

- The development would dominate flats along Cavendish Court and 1 & 3 Cavendish Street
- The building would be too tall when viewed from St. James Street and Dorset Gardens
- The development would destroy the 1790-1820's area
- Increased noise and disturbance would result from rubbish collections and vehicles servicing Tesco on the ground floor
- Loss of privacy
- Overshadowing
- The development would result in increased rubbish and problems with garbage collection
- The development is too long and uniform

Crime Prevention Officer: No objection subject to the incorporation of Secured by Design and other Security measures in the scheme.

Fire Safety Officer: Recommends the installation of sprinkler systems in accordance with Code of Practice BS 9251 & BS EN 12845.

The fire officer adds further that the development should be fully compliant with B5 of the Approved Document B of the Building Regulations 2000 and the applicant should bear the cost for the provision of a Private Hydrant.

Internal:

Conservation and Design: No objection raised as a contemporary building is welcomed on this site subject to co-ordination of the design of the upper floors with the shopfront to the ground floor commercial unit.

Transportation Manager: Raise no objection to the proposal subject to a financial contribution of £22,700 towards sustainable forms of transport.

Policy Manager: No objection raised subject to the ground floor being retained for commercial use, compliance with the Council's affordable housing requirements and other relevant policy requirements relating to sustainability and waste minimisation.

Environmental Health: Have expressed concern over noise between the ground floor commercial unit and the residential premises above. Improved sound insulation is required above that expected as part E of the Building Regulations.

Concern has also been expressed by the Environmental Health officer about air quality as the site lies within an Air Quality Management Area declared by the Council.

Community Safety & Partnership Team: Have recommended that the external service door proposed conforms to LPS1175 SR3 and should have hinge bolts to protect the hinge side.

In addition access control measures will need to be provided to the main access doors off Dorset Gardens and the secondary access off St James's Street.

6 PLANNING POLICIES

Brighton and Hove Local Plan:

TR1 – Development and the demand for travel

TR2 – Public transport accessibility and parking

TR7 – Safe development

TR14 – Cycle access and parking

TR19 – Parking standards

QD1 – Design

QD2 – Design – Key principles for neighbourhoods

QD3 – Design – efficient and effective use of sites

QD4 – Design – Strategic impact

QD15 – Landscape design

QD20 – Urban open space

QD27 – Protection of amenity

SU2 – Efficiency of development in the use of energy, water and materials

SU3 – Water resources and their quality

SU5 – Surface water and foul sewage disposal infrastructure

SU9 – Pollution and nuisance control

HO3 – Dwelling type and size

HO4 – Dwelling densities

HO5 – Provision of private amenity space in residential development

HO13 – Accessible housing and lifetime homes

SR20 – Protection of public and private outdoor recreation space

Supplementary Planning Guidance:

SPGBH4 – Parking standards

Supplementary Planning Documents

SPD03 Construction and Demolition Waste

SPD08 Sustainable Building Design

7 CONSIDERATIONS

Government guidance outlined in PPS1 and PPS3 supports the principle of efficient use of land particularly, in accessible town centre locations. This guidance makes it clear however that efficiency in the use of land should not result in the character of the area being undermined. This is particularly important in this case as the site lies within a conservation area in which the design and appearance of new development has added historical importance.

Relevant considerations in this case relate to design and appearance;

residential amenity; affordable housing provision; transport considerations; energy efficiency and sustainability and compliance with Lifetime Homes requirements.

Design and Appearance

The whole site lies within the East Cliff Conservation Area and as such an assessment of the proposed development must be made partly on the basis of whether the proposal would preserve or enhance the historic character and appearance of the conservation area.

While it is the case that the character of the area is somewhat mixed and varied, the immediate area, (Dorset Gardens and St James Street) are generally characterised by three/four/five storey residential buildings.

An assessment of the design and appearance of the proposal may be divided into two parts involving Dorset Gardens and St James Street as the two roads differ significantly in terms of their street scene elements.

The buildings along Dorset Gardens are traditional and include large bay window features, horizontal banding and are finished in a traditional cream render.

The main part of the proposed development along the Dorset Gardens elevation involves the partial demolition of the first floor and the erection of a contemporary three/four storey building above the existing ground floor. Although the proposed building will be higher than the adjacent terrace along Dorset Gardens this height is not considered to be out of keeping with the surrounding area. Moreover, the transition between the existing terrace and the proposed development would be eased by a gap of 2 metres between the proposed roof of no. 24 and the main flank wall on the top floor of the proposed main building.

The impact of the increased height will effectively be softened by the top floor being set back from the front wall of the building by some 3 metres adjacent to no. 24 and 1 metre along the main front elevation along Dorset Gardens.

The main entrance to the building is proposed along the ground floor of the Dorset Gardens elevation. This would create a visually interesting frontage that would improve the appearance of this bland ground floor elevation. This bland brick built ground floor elevation would be further enhanced by panels of locally commissioned public art along the length of the wall. Full details of the proposed art work are to be made subject of an appropriate condition.

The proposal also involves the erection of an additional storey and front dormer at no. 24 Dorset Gardens. The additional storey would raise the height of the building to match that of the adjoining building no. 23 Dorset Gardens. This aspect of the proposal would therefore be consistent with the existing terrace and would preserve and enhance the historic character of the conservation area in general.

The application site is situated on a prominent corner location fronting St. James Street. The development would be visible from various vantage points to the east and west of the site along with long range views from Madeira Place located opposite the application site.

The height and scale of the proposed building would be consistent with the adjacent building no. 29 St. James Street.

Residential amenity

Policy QD27 of the Local Plan seeks to safeguard the amenities of neighbouring and prospective occupiers.

The nearest affected residential premises include dwellings fronting Dorset Gardens and to the rear of the application site. These premises have small back gardens in the sub-basements. It is not considered that these premises would be adversely affected by the development.

The orientation of the main windows face south towards St. James Street and Dorset Gardens. No significant overlooking would result from this aspect of the proposal and the applicant's sun path analysis demonstrates that the development would not result in any significant loss of sunlight or daylight.

The adjacent mews development to the east of the application site includes a number of obscure glazed rooflights which serve bathrooms. Being heavily frosted these premises do not draw in significant sources of light and therefore would not be adversely affected by the proposed development.

Concern has been expressed about the development dominating flats along Cavendish Court, particularly numbers 1 and 3. However it is considered that the separation distance of 10 metres between the proposed building and numbers 1 and 3 would be sufficient to avoid an unacceptable degree of dominance particularly in this location where intensive development is the norm.

The internal layout of the development is considered acceptable along with the proposed floor space which range from 51 to 81 square metres. The flats would also be built to Lifetime Homes standards incorporating manoeuvring space within each flat storage and facilities to electrically charge cycles or disability buggies. It is considered that the standard of accommodation for future occupiers would be acceptable.

Policy HO5 requires that all new residential schemes have private usable amenity space appropriate to the scale and character of the development. The applicants have sought to comply with this policy by the use of balconies and a roof garden for the top floor occupiers.

Dorset Gardens, a local park is situated close to the application site and would provide an additional amenity for occupiers of the development.

Concern expressed by the environmental health officer relates specifically to the lower floors of the development fronting St. James Street which would be

particularly vulnerable to poor quality air flows within the flats.

In order to ensure that the issue is fully addressed a condition is attached requiring a detailed assessment of air quality in the area along with a requirement for any mitigating measures that may be necessary to overcome problems related to air quality within the development.

The environmental health officer has also revised the need for sound insulation between the proposed retail unit on the ground floor and the first floor residential occupiers. To address this issue the applicants have agreed to provide an enhanced form of sound insulation to overcome any noise penetration from the ground floor. This can be satisfactorily addressed by an appropriate condition.

Affordable Housing Provision

This is a major development incorporating 34 new flats and as such policy HO3 applies. This policy requires that the Local Planning Authority seeks to negotiate with developers to secure a 40% element of affordable housing.

The proposal would achieve the provision of 38.6% 13 units of affordable housing. The applicant states that 40% affordable housing provision would equate to 13.6 units which is not achievable and that if this were rounded up to 14 units this would equate to 41.6% which would be over the 40% threshold outlined by policy HO2 of the Local Plan.

As the policy requires negotiation with developers to secure a 40% element of affordable housing. The proposed provision of 38.6% is considered acceptable in this instance.

The proposed tenure includes:

Eight rented

1 x 3 bed flat
3 x 2 bed flats
4 x 1 bed flats

Five shared ownership

3 x 1 bed flats
2 x 2 bed flats

The affordable housing units are laid out over the first second and third three floors of the proposed building as follows:-

First Floor

Ten flats located to the rear section of the building

Flats for rent

Shared ownership Flats

4 x1 bed units 3 x 1 bed units

2 x 2 bed units 1 x 2 bed units

Second Floor

Two flats situated to the rear section of the building

Flats for rent

1 x 3 bed unit

1 x 2 bed unit

Third Floor

One flat located to the rear section of the building

Shared ownership Flat

1 x 2 bed unit

Total breakdown of affordable units = 8 for rent 5 for shared ownership total allocation = 13

While the development provides a higher proportion of smaller units than is identified in the Brighton & Hove 2005 Housing Needs Survey. It is not considered that this would represent a justifiable reason to withhold planning permission. The provision of affordable housing in this case is therefore considered acceptable.

Transport issues

Policy TR1 states that development proposals should provide for the demand for travel they create. In this case a car free development is proposed with an alternative to the car being provided by electric cycles with electric charging points located within each flat.

Policy HO7 states that planning permission will be granted for car-free housing car in locations with good access to public transport and local services where there are complementary on-street parking controls.

The application site lies within a highly accessible location which is surrounded by local transport provision as well as the full range of shops and local services. A car free development in this location therefore complies with Council policies and should be welcome as the location suffers from poor air quality and is within a Council designated air quality management area.

Energy efficiency and sustainability

It is expected that all proposals take into account the sustainability policies of the Local Planning Authority and demonstrate a high level of sustainability. New development should seek measures that reduce demand for and consumption of energy, water, materials.

For a major development of the type proposed the Council requires new residential development to achieve an Eco Homes Code for Sustainable Homes level 4 rating. In accordance with this requirement the proposal aims to achieve the required level 4 rating.

The applicant has completed a pre-assessment checklist which demonstrates their commitment to achieving a high standard of energy efficiency and sustainability. The building will be constructed using a cross-laminated timber framed system which is highly insulated factory made and assembled on site. The proposal also incorporates triple glazing to further enhance the insulation values of the building.

In order to offset carbon emission from non renewable sources of energy, solar roofing panels are proposed. The applicant states that these panels will produce a 33.5% reduction in carbon emissions.

While it is the case that most Photovoltaic Solar Panels work best when set at a 33% angle, the proposed panels to be used in this case will form part of the roofing membrane and as such do not need to be set at an angle and will not therefore have any significant visual impact.

In order to ensure the best use of water resources the development will incorporate slim line wall mounted rainwater butts at penthouse level to take some rainwater flows from the flat roof. The applicant states that this system can provide 600 litres of recycled water per day.

Lifetime Homes

The proposal addresses the requirement to achieve Lifetime Homes requirements and includes manoeuvring space for wheelchair bound occupiers incorporating a wheelchair turning circle of 1500mm; clear landings space; appropriately sized entrance widths and internal door widths of at least 900m.

It is considered that the proposal complies with the requirements for Lifetime Homes and policy HO13 and Planning Advice Note PAN 03 Accessible Housing & Lifetime Homes and is therefore acceptable.

8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The proposed scheme is a car free development which will provide 34 new flats in a central location which would limit the need for car borne travel therefore it would be beneficial to the environment and as such should be welcome.

In addition the development would provide much needed investment at the site which has been underutilised and in a poor state of repair for a number of years.

The development would not result in any significant adverse effects on residential amenity and would enhance the character of the Conservation Area.

9 EQUALITIES IMPLICATIONS

If granted the Local Planning Authority would expect that the new dwellings be built to the lifetime homes standards as indicated. The buildings would be required to meet Part M of the Building Regulations.

25-28 St James Street



Date: 06/03/2009 08:36:06

Scale 1:567



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