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PLANNING & HERITAGE STATEMENT

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Listed Building Consent Application: Removal of external fire escape, and retrospective consent for the installation of sprinkler system

87A St James' St, Kemptown, Brighton BN2 1TP



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1.0 INTRODUCTION

Application Summary

- 1.1 SHW Partnership LLP has been instructed to submit a Retrospective Listed Building application for 87A St James's St, Kemptown, Brighton BN2 1TP.

Planning Statement

- 1.2 This planning and heritage statement will detail the proposal and address relevant policy issues as identified in national and local policy guidance. Along with this statement, the application is supported by the following information:
- Planning Application Form.
 - Community Infrastructure Levy Forms.
 - Site Location Plan.
 - Photomontage
 - Existing and Proposal Plans, Elevations and Sections.
 - Planning & Heritage Statement by SHW
- 1.3 All information necessary to determine the application should be found within these documents. This report has been prepared in accordance with the Royal Town Planning Institute Code of Conduct.

2.0 SITE DESCRIPTION

- 2.1 87 and 87a St James Street are located within the heart of Kemp Town, just east of Brighton city centre. Much of Kemptown is designated under the East Cliff Conservation Area, with the addition of the site being a Grade II Listed Building. The ground floor is occupied by a Thai Restaurant with upper floors in residential use.
- 2.2 The building itself is bound to the west by a similar four-storey building with retail use at ground floor level and residential on the upper floors. To the south along Margaret Street, the building adjoins terraced two-storey houses.
- 2.3 St James Street has a mixture of retail and residential units, more commonly with a higher prevalence of sole residential quarters on the side streets leading off St James Street towards Marine Parade. Several main bus routes operate regularly within close proximity to the site which serve routes to Whitehawk, Brighton Marina and Eastbourne. Old Steine, approximately 8 mins walk from the site, offers an even greater range of bus routes providing citywide connections.
- 2.4 In addition, due to the central location of the site, many local amenities are accessible on foot. Shops, doctors surgeries, childcare facilities and Brighton Station are all within 15 minutes' walk.

3.0 THE PROPOSED DEVELOPMENT

- 3.1 The application relates to the internal and external alterations to the Grade II Listed Building within the East Cliff Conservation area.

- 3.2 It is proposed to remove the dilapidated external fire escape to the rear of the building. The ladder has been significantly weathered, and as a result, rusted to a point where it is unsafe to use. The ladder is still attached to the building and pending Listed Building Consent to begin the removal.
- 3.3 To mitigate the removal of the fire escape on fire safety of the building, a sprinkler system has been installed. The sprinkler system was completed in 2018, thus this part of the Listed building application is retrospective.

4.0 PLANNING HISTORY

- 4.1 The site has been subject to the following relevant decisions:

BH2018/00268 | Change of Use from 4-bedroom flat (C3) to a 4-bedroom HMO (C4) (retrospective). | Flat 3 87A St James's Street Brighton BN2 1TP | **PP Refused on 26 Nov 2018**

BH2017/01672 | Internal alterations to layout incorporating creation of an additional self-contained studio flat on the first floor, along with a one bed flat. (Retrospective) | 87A St James's Street Brighton BN2 1TP | **PP Refused on 12 Jul 2017**

BH2017/01673 | Internal alterations to layout incorporating creation of an additional self-contained studio flat on the first floor; alterations to layout of 1 bed second floor flat to create a 2-bedroom flat; alterations to layout of 2 bed third floor flat to create a 4-bedroom flat. (Retrospective) | 87A St James's Street Brighton BN2 1TP | **LBC Refused on 12 Jul 2017**

BH2017/01474 | Internal alterations to facilitate change of use of part of ground floor from restaurant (A3) to self-contained flat. (C3) | 87 St James's Street Brighton BN2 1TP | **LBC Refused on 03 Apr 2018**

BH2017/01472 | Change of Use of part of ground floor from restaurant (A3) to self-contained flat. (C3) | 87 St James's Street Brighton BN2 1TP | **PP Refused on 31 Oct 2017**

BH2008/01615 | Proposed kitchen extraction flue (resubmission of BH2008/00437). | 87A St James's Street, Brighton, BN2 1TP | **PP Refused on 21 Jul 2008.**

BH2008/01617 | Proposed kitchen extraction flue. (Resubmission of BH2008/00436.) | 87A St James's Street, Brighton, BN2 1TP | **LBC Approved on 21 Jul 2008**

BH2008/00437 | Installation of new kitchen extract duct. | SAWADEE THAI RESTAURANT, 87 St James's Street, Brighton, BN2 1TP (Sawadee Thai Restaurant 87 St James Street Brighton) | **PP Refused on 07 Apr 2008.**

5.0 PLANNING POLICY FRAMEWORK

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states any determination should be made in accordance with the Development Plan unless material considerations indicate otherwise. The proposal has been considered within the context of National, Regional and Local Planning Policy, and the key policies are summarised below.
- 5.2 Other material considerations are the National Planning Policy Framework (NPPF), National Planning Policy Guidance (NPPG), and a number of Supplementary Planning Policy Guidance and Documents prepared by the Council, as well as emerging policy documents.

National Planning Policy Framework

- 5.3 The NPPF (2021) sets out the Government's planning policies for England and how they should be applied and is an important material consideration. It should be taken account of in the preparation of the development plan and in making decisions on planning applications.
- 5.4 Paragraph 8 outlines that there are three overarching objectives to achieving sustainable development. They are interdependent and need to be pursued in mutually supportive ways so that opportunities can be taken to secure net gains across each of the different objectives. The three objectives are economic, social and environmental. Economically, the objective is to build a strong, responsive and competitive economy.
- 5.5 These objectives are:
- Economic – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
 - Social – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
 - Environmental – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
- 5.6 The NPPF states that “so that sustainable development is pursued in a positive way, at the heart of the framework is a presumption in favour of sustainable development” (Paragraph 10). Paragraph 11 identifies that in making decisions this means:
- Approving development proposals that accord with an up-to-date development plan without delay; or
 - Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 1. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 2. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 5.7 Paragraph 10 confirms that the common theme running through National Planning Policy is a presumption in favour of sustainable development.

Achieving well-designed places

- 5.8 In terms of design paragraph 126 identifies that the creation of high-quality buildings and places is fundamental to what the planning system should achieve. It is also a key aspect of sustainable development and creates better places in which to live and work. Developments should (inter alia)

be visually attractive, with good architecture, layout and landscaping, and be sympathetic to the local character (paragraph 130)

Conserving and enhancing the historic environment

- 5.9 Features of the historic environment should be conserved and enhanced, as they are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 197 advises that when determining applications local planning authorities should take account of the desirability of sustaining and enhancing the significance of the heritage asset, the positive contribution that it can make and the desirability of new development to make a positive contribution to local character and distinctiveness. Great weight should be given to the asset's conservation, and the more important the asset, the greater the weight should be and any harm should require clear and convincing justification (paragraph 200). Any harm should be exceptional or wholly exceptional. If there is substantial harm then consent should be refused unless it can be demonstrated that there are substantial public benefits to outweigh the harm.

Local Planning Policy

Brighton & Hove City Plan Part One

- 5.10 The Brighton & Hove City Plan Part One was adopted in March 2016 and sets out the current planning strategy for the city.
- 5.11 Policy CP12 indicates how a city-wide Urban Design Framework is to identify areas in the city which should largely be conserved, areas suitable for localised enhancement and areas where pro-active measures are required to secure major enhancement.
- 5.12 All new development is expected to:
- Raise the standard of architecture and design in the city.
 - Establish a strong sense of place by respecting the diverse character and urban grain of the city's identified neighbourhoods.
 - Achieve excellence in sustainable building design and construction.
 - Conserve or enhance the city's built and archaeological heritage.
 - Be inclusive, adaptable and accessible.
- 5.13 Policy CP15 aims to ensure the historic environment plays an integral part in the wider social, cultural, economic and environmental future of the city through the following aims:

The city's historic environment will be conserved and enhanced in accordance with its identified significance, giving the greatest weight to designated heritage assets and their settings and prioritising positive action for those assets at risk through, neglect, decay, vacancy or other threats. The council will further ensure that the city's built heritage guides local distinctiveness for new development in historic areas and heritage settings;

Where proposals are promoted for their contribution to mitigating climate change, the public benefit of this will be weighed against any harm which may be caused to the significance of the heritage asset or its setting.

The Conservation Strategy will be taken forward and reviewed as a framework for future conservation area management proposals; to provide criteria for future Conservation Area management proposals; to provide criteria for future Conservation Area designations and other

local designations, controls and priorities; and set out the council's approach to dealing with heritage at risk.

Brighton & Hove Local Plan

- 5.14 The Brighton & Hove Local Plan was adopted in July 2005. Many of its policies were continued to be saved by the Secretary of State in July 2008. Following the adoption of the City Plan Part One, a number of the Local Plan policies were retained.
- 5.15 Policy QD14 takes into account whether to grant planning permission for extensions and alterations to residential and commercial properties. Planning permission will only be granted when the proposed development is well designed, and uses materials sympathetic to the parent building.
- 5.16 Policy HE3 states that development will not be permitted where it would have an adverse impact on the setting of a Listed Building, through factors such as its siting, height, bulk, scale, materials, layout, design or use.

Listed buildings should not be considered in isolation. They invariably contribute to a wider landscape or street scene and are often designed in the context of a larger estate or to be viewed from particular street views. Preserving the skyline above historic buildings may also be important and proposals for development, which may affect near or distant views to and from Listed Buildings, will be critically examined.

- 5.17 Policy HE6 relates to proposals within Conservation Areas and how they should preserve and enhance the character or appearance of the area and show:
- A consistently high standard of design and detailing reflecting the scale and character or appearance of the area, including the layout of the streets, development patterns, building lines and building forms.
 - The use of building materials and finishes which are sympathetic to the area.
 - No harmful impact on the townscape and roofscape of the Conservation Area.
 - Where appropriate, the removal of unsightly and inappropriate features or details.

Emerging Development Plans

City Plan Part 2

- 5.18 The council formally submitted the Proposed Submission City Plan Part 2, together with the supporting documents, to the Secretary of State for examination on 13 May.
- 5.19 Policy DM26 states that development proposals within conservation areas, including alterations, change of use, demolition and new buildings, will be permitted where they preserve or enhance the distinctive character and appearance of that conservation area, taking full account of the appraisal set out in the relevant character statement.
- 5.20 DM27 states that a listed building should be retained in viable use and good repair. Proposals involving the alteration, extension, or change of use of a listed building will be permitted where they would not harm the special architectural or historic interest of the building

6.0 PLANNING POLICY CONSIDERATIONS

- 6.1 This section reviews National and Local Planning Policies that are most relevant to the proposal and addresses how the proposed development complies with these policies with particular regard to the following planning matters. It is structured around considerations that are material to the development.

Principle of the development

- 6.2 The application relates to the internal and external alterations to the Grade II Listed Building within the East Cliff Conservation Area.
- 6.3 The fire escape ladder is in a poor state of disrepair, and entire sections of the frame have corroded and fallen away. To ensure that safety measures are not impeded by the removal of the fire escape, the applicant has installed an internal sprinkler system that aims to preserve the building and its longevity in the event of a fire.
- 6.4 In the council's guidance SPGBH19 (Fire Precaution Works to Historic Buildings), Planning applications that remove redundant fire escapes are welcomed, *"provided that this has been fully and jointly agreed by Building Control and Private Sector Housing officers."* The removal of the fire escape was initially suggested by the council's Building Control Team (Khaleq Karami) and email evidence of this can be provided upon request. It is proposed to ensure that all redundant fixings are removed, and all brickwork and render are made good in matching materials.
- 6.5 Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires LPAs to have special regard to the desirability of preserving a listed building or its setting when considering an application for Listed Building Consent. 'Preserving' means doing no harm. There is therefore a presumption for granting consent for any works which would cause no harm to a listed building or its setting, and rather advocate proposals that protect its longevity.
- 6.6 The proposed works seek to remove a later addition to the building which has fallen into disrepair and install a fire sprinkler system which seeks to ensure the safety and longevity of the building. It is therefore considered that the principle of the proposed works accord with the aims of the NPPF and Brighton Local Plan and City Plan Part 1 Policies.

Conservation and heritage

- 6.7 The proposal site is a Grade II Listed Building and is also within the East Hill Conservation Area. The external staircase located to the rear is not considered to be an architectural feature that adds to the significance of the heritage asset, nor a feature that was part of the original building when built in the early 19th Century. Therefore its removal will not detract the significance of the heritage asset or cause negative impact visually upon the street scene as a result of the scheme.
- 6.8 East Cliff was designated as a conservation area in February 1973 in recognition of it being an area of special architectural and historic interest, due to its clear association with the growth of Brighton as a Regency and Victorian seaside resort. The Conservation Area was confirmed as "outstanding" by the Secretary of State for the Environment in January 1974. It was then extended to the north in January 1977, June 1989 and June 1991. East Cliff covers an area of approximately 60 hectares and contains 589 statutory listed buildings plus 86 buildings on the local list.
- 6.9 Both 87 and 87a St James Street were designated as Grade II Listed Buildings as of 26th August 1999. The building is described as by Historic England as:

'Terraced house. Early C19, with mid to late C19 shop front. Stucco, roof obscured by parapet. 4 storeys over basement, one window-range, 3 window range on return. Round-arched entrance with fan- and sidelights in return elevation which is rusticated. Cast-iron entablature supported on console brackets are all that remain of a shop front set into the St James's Street elevation at the ground floor during the mid to late C19. A segmental bay rises from the shop front cornice through the second floor, another on the return rises from the basement through the second floor. These bays have tripartite windows, those in the second-floor bay of the main elevation have sashes of an early to mid C19 design: 4 x 4 to centre and 2 x 2 to sides, all with margin lights. All windows are flat arched, and all, with the exception of the bay windows, have architraves. Balcony with cast-iron railing to first floor of main elevation. Storey band between first and second floor. Cornice continues on the return. INTERIOR: not inspected'.

- 6.10 The proposed works will include the removal of the rusted fire escape by cutting the ladder joints, leaving the remaining anchor fixings. The anchor fixings will then be removed by render cut out approximately 300mm x 300mm around the anchor. The anchor fixings will then be removed, retaining brickwork where possible and replacing bricks as required. Following this, open patch works using lime render, to closely match the existing, will infill and repair the areas of concern. The existing mixture will be tested to identify the correct mixture before works commence. As a result the listed building will be left with a clean finish, with minimal evidence that repairs were ever undertaken, protecting and enhancing the historic fabric of the building by removing a later unsympathetic addition.
- 6.11 The proposal also seeks retrospective listed building consent for the installation of a fire sprinkler system. Whilst the above description of the listed building designation focuses on the exterior of the building, this does not mean the interior is of any less importance. The council's guidance in SPG BH11 States "*The interior of a listed building is generally of equal importance as the exterior and proposed alterations must consider the building as whole rather than looking to retain or restore the exterior at the expense of the interior.*"
- 6.12 The sprinkler system has therefore been sympathetically installed within the attic, with minor fixings that secure the pipe work to the structure of the roof. As it is only the top floor flat (Flat 3) affected by the loss of the fire escape, there is little pipework required in the floor voids, causing minimum amount of intervention in the historic fabric of the building. The sprinkler system was designed and constructed in an appropriate and compatible manner; and reversible if necessary.
- 6.13 Given that the proposal does not harm the special architectural and historic interest of the building, it is considered in line with paragraphs 131 and 134 of the NPPF, policies CPP1, CP12 and CP15 of the Brighton and Hove City Plan Part One and policies HE3 and HE6 of the Brighton and Hove Local Plan.

7.0 SUMMARY

- 7.1 The proposed works to 87A St James' Street, Kemptown incorporate internal and external alterations to preserve the character and appearance of the Listed Building. The external alterations are limited to the removal of the rusted fire escape ladder following advice from the Council's Building Control Officer. The retrospective internal works seek approval of the sprinkler system, installed so that the building meets fire safety given the removal of the fire escape.
- 7.2 All of the proposed works are sympathetic to the character of the building and where making good is required, matching materials will be used to ensure that the overall appearance is unchanged. The proposal accords with the aims of National and Local Policy and we therefore trust that



Officers will support the proposal and that a timely decision can be issued so that the works can commence as soon as practicably possible.