

## PRE APP Comment for Development Management

<b>Consultee: Who are you commenting on behalf of:</b>	Clare Flowers  Planning Policy
<b>Date of Reply:</b>	19 November 2024
<b>Your Deadline:</b>	N/A
<b>Application Number:</b>	PRE2024/00191
<b>Address:</b>	76 – 82 Blatchington Road BN3 3YH
<b>Description:</b>	Conversion of the first floor, and the addition of a new second storey, to create a total of 17 flats (8 on the converted first floor, and 9 on the new second floor).
<b>Case Officer:</b>	Steven Dover

### Key Policies Applicable or your Strategy document:

**NPPF** paragraph 8 - Sustainable Development

**City Plan Part 1:** SA6 Sustainable Neighbourhoods; CP1 Housing Delivery; CP4 Retail Provision; CP7 Infrastructure and Developer Contributions; CP8 Sustainable Buildings; CP9 Sustainable Transport; CP10 Biodiversity; CP12 Urban Design; CP13 Public Streets and Spaces; CP14 Housing Density; CP17 Sports Provision; CP19 Housing Mix; CP20 Affordable Housing.

**City Plan Part 2:** DM1 Housing Quality, Choice and Mix; DM12 Regional, Town, District and Local Shopping Centres; DM18 High Quality Design and Places; DM19 Maximising Development Potential; DM21 Extensions and alterations; DM22 Landscape Design and Trees; DM33 Safe, Sustainable and Active Travel; DM36 Parking and Servicing; DM37 Green Infrastructure and Nature Conservation; DM42 Protection of the Water Environment; DM43 Sustainable Drainage; DM44 Energy Efficiency and Renewables

### **East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013; revised October 2024)**

RM0 Sustainable Use of Aggregates

### **Adopted Planning Guidance and Planning Advice**

SPD11 Biodiversity and Nature Conservation

SPD14 Parking Standards

SPD16 Sustainable Drainage

SPD17 Urban Design Framework

### **Background Evidence**

*Main Comment:*

**Background**

The site concerns the first floor area above a large ground floor food retail unit fronting Blatchington Road, Haddington Street and Malvern Street. The first floor area is not currently in use but its last use was retail storage floorspace (814 sqm) and a gym (184 sqm). The total area that is proposed for this change of use at first floor level is 998 sqm GIA. A change of use of 57 sqm to residential from the overall 1267 sqm of retail floorspace would be required at ground floor level to facilitate the residential use.

**Principle of Development**

**Loss of Indoor Sports Facility floorspace**

Indoor Sports Facilities are protected by policy CPP1 CP17. The policy seeks a demonstration that this building is redundant for sports use, which would need to be addressed in a planning application. A planning application should clarify whether the gym has completely ceased trading or relocated to another location and when this occurred. It would be helpful to confirm whether other nearby facilities with a similar offer have capacity. The significance of losing an indoor sports facility will depend on factors such as its size and catchment area, impacts caused by loss of provision and associated impacts in terms of participation and inactivity levels and whether there is capacity elsewhere with a similar offer.

It is noted that the gym floorspace was not purpose built; rather it was an approved change of use away from ancillary office space in 2008 (BH2008/00695). The planning consent BH2008/00695 includes conditions restricting the gym's offer to 'exercise circuit training with light-weight exercise machines' and for no other purpose; and restrict hours of use to between 8.00 and 20.00 Monday to Saturday and 9.00 to 14.00 Sunday and Bank Holiday. It is also noted that there is a 1,480 sqm gym facility operating out of the ground and first floor of 84-88 Blatchington Road immediately adjacent the site with 24 hour opening hours. At planning application stage these factors would be a consideration in the significance of the loss of this facility. Furthermore it is a small area within a larger vacant first floor ancillary storage area which is no longer required by the retail ground floor use. Converting this unused storage area to housing would be supported in principle (DM12.3), with the benefits of bringing unused floorspace back into use also being a material consideration. The first floor area does not have significant access to natural light in its current form.

**Loss of retail floorspace**

This site forms part of the Prime Retail frontage, protected by policies CP4 and DM12 as well as the Primary Shopping Area under policy DM12. DM12.3 states

‘Residential use may be appropriate above or to the rear of units in shopping centres provided the active frontage is not compromised and that satisfactory residential amenity can be achieved’. A planning application should demonstrate that removal of the first floor retail storage floorspace will not compromise the ground floor active retail frontage or residential amenity. In terms of the ground floor retail, a small amount of this existing floorspace will be required to facilitate the residential use, and this should not compromise the active retail frontage.

Around 80% of the first floor site provides retail storage floorspace with 20% gym floorspace. A planning application should clarify the floorspace division between these uses. Both uses fall under Use Class E.

### **Housing delivery**

Residential development on the site would be a windfall development and would make a contribution towards meeting the city’s housing target as set out in CPP1 Policy CP1. The site is a sustainable location, with good access to local services and sustainable transport options, as required by SA6 Sustainable Neighbourhoods. As above, converting the unused storage area to housing would be supported in principle (DM12.3).

### **Density**

CPP1 policy CP14 Housing Density requires a minimum density of 100dph to be achieved within Development Areas. Density should be considered alongside other design considerations such as provision of amenity.

### **Housing Mix**

CPP1 policies SA6 Sustainable Neighbourhoods and CP19 Housing Mix seek delivery of an appropriate mix of housing to help meet the accommodation requirements of specific groups. Paragraph 4.213 of policy CP19 summarises local evidence which identifies the following demand for market housing: 24% 1-bedroomed; 34% 2-bedrooms; 31% 3-bedrooms; 11% 4-bedrooms. The recently published [SHMA \(August 2023\)](#) provides updated information on city-wide dwelling mix requirements and this is: 10 to 15% 1-bedrooms; 45 to 50% 2-bedrooms, 30 to 35% 3-bedrooms and 5 to 10% 4-bedrooms. Policy CP19 requires proposals to have regard to housing mix consideration.

The proposal would provide:

- 8 no 1-bedroom/studio dwellings and
- 9 no 2-bedroomed dwellings

The dwelling mix would be equivalent to a 47% 1 bed and 53% 2 bed mix.

A mix that provides a lower number of studio/ 1-bedroomed dwellings and a greater proportion of 3-bedroomed dwellings should be considered to help better meet local housing need.

**Affordable Housing**

The Pre-application letter does not indicate whether affordable housing will be provided. Policy CP20 Affordable Housing requires onsite affordable housing provision of 40% from all sites providing 15 or more net dwellings.

**Housing Quality**

CPP2 policy DM1 Housing Quality, Choice and Mix requires all residential development to meet nationally described space standards (NDSS), set out in Table 2 of the policy; be accessible and adaptable in accordance with Building Regulations M4(2); and provide private outdoor amenity space. The case officer should assess whether the dwellings would meet the requirements of Policy DM1 and NDSS and whether further clarification is needed with any future planning application. Private amenity space should be confirmed for each unit.

**Design**

The design of the proposals would need to reflect relevant policies, including CPP1 policies CP12 Urban Design and CP13 Public Streets and Spaces; and CPP2 policy DM18 High Quality Design; as well as the Urban Design Framework SPD17.

**Transport and travel**

New residential development should incorporate measures to support sustainable and active forms of transport in accordance with CPP1 policy CP9 Sustainable Transport and CPP2 policy DM33 Safe, Sustainable and Active Travel. Parking provision for cycles and cars should be in accordance with SPD14 Parking Standards for New Development and CPP2 policy DM36 Parking and Servicing.

**Sustainable buildings**

All new development will be expected to improve energy efficiency and achieve greater reductions in CO2 emissions to support Brighton & Hove's ambition to become a carbon neutral city by 2030. New residential development should meet the requirements in Policy CP8 Sustainable Buildings, unless superseded by other policy. The amendments to Part L of the Building Regulations effective from 15 June 2022 have introduced a requirement for new residential development to achieve a 31% reduction in CO2 emissions compared to previous standards, which supersedes the requirements for a minimum 19% reduction in Policy CP8. New residential development should also achieve a water efficiency standard of 110 litres of water per person per day for each dwelling.

Policy CP8.2 also requires consideration of wider sustainability issues, e.g. incorporation of onsite low or zero carbon technologies, in particular renewable energy technologies; climate change mitigation and adaption; regard to use of renewables; water efficiency measures; waste minimisation and facilitates recycling, composting and re-use.

The planning application should be supported by a completed Sustainability Checklist demonstrating how the requirements of CP8.2 have been addressed.

The requirements of CPP2 Policy DM44 will also need to be met, with newbuild residential development required to achieve a minimum Energy Performance Certificate (EPC) rating 'B'.

Policy RM0 of the adopted Waste and Minerals Plan recognises that whilst aggregates are essential for construction, they are also a finite resource which should be used prudently. The NPPF also recognises this in its definition of Sustainable Development (paragraph 8). RM0.1 sets out that the use of recycled and secondary aggregate should be prioritised. RM0.2 requires that applicants demonstrate the sustainable use of aggregates as part of their wider consideration of resources used when designing their developments. These design choices should be documented and presented through Design and Access, Sustainability or Circular Economy statements.

### **Sustainable drainage**

The government flood map indicates there is a low level risk of Surface Water Flooding at this property and along Blatchington Road and Haddington Street (also Brighton and Hove City Council Level 1 and 2 Strategic Flood Risk Assessment October 2018). Policy CP11 Flood Risk and Policy DM43 apply.

### **Nature Conservation –**

The site comprises the first floor of an existing building. The ecological value of the site is unknown, and a Biodiversity Checklist (Annex 5 of Biodiversity and Nature Conservation SPD11) will be required to assess the potential for any protected species on site. If required, any further ecological assessment should be carried out following the guidance set out in SPD11 and submitted with the planning application.

All development should be designed to avoid significant harm to biodiversity. Where present, any nature conservation features of the site should be assessed, identified and conserved as required by CPP1 policy CP10.2a and CP10.2b (Biodiversity) and consideration should be given as to how to provide net gains for biodiversity as required by CP10.2c as well as measurable net gains as required by CPP2 policy DM37 Green Infrastructure and Nature Conservation.

The mandatory requirement to provide 10% Biodiversity Net Gain (BNG) has now been introduced through the Environment Act 2021 and relevant regulations. Certain developments are exempt from providing mandatory BNG including those which impact less than 25sqm of habitat or 5m of linear habitat (the de minimis exemption) which would by default include those that are 100% hard-standing or existing buildings. Should the applicant ascertain that this exemption to provide 10% mandatory BNG applies to the proposals, the applicant should submit a statement which sets out the reasons why the de minimis exemption applies with their planning application. The applicant should still seek to provide measures which enhance the biodiversity on site and provide measurable net gain, as required by policy DM37 and the NPPF.

### **Green Infrastructure and Landscape Design**

Green roofs were discussed at the site visit and would be supported as a good option for highly urban developments. Section 6.6 of the Biodiversity and Nature Conservation SPD11 refers to the preference of providing green roofs that support habitats of local relevance. "Habitat design and species mix should be selected to support diverse habitats of local relevance, such as chalk grassland species, rather than sedum monocultures which have immediate aesthetic appeal but limited value to biodiversity. The use of native species of local provenance is encouraged." Policy DM22 includes the use of green roofs/ walls as part of the landscape design.

### **Waste**

Any future planning application will need to take account of policies in the Waste & Minerals Plan including WMP3d Minimising Waste During Construction, Demolition and Excavation and WMP3e Waste Management in New Development. Policy WMP3d requires applicants to demonstrate how waste arising during construction, demolition and excavation has been minimised and sustainably managed and the durability of the construction maximised. A Site Waste Management Plan would help to meet this policy requirement.

Policy WMP3e requires all new development to facilitate the convenient separation and collection of waste and recyclables, including provision for storage of recyclables.

### **Community Infrastructure Levy (CIL)**

From October 2020, CIL is chargeable on new residential development in accordance with the adopted CIL Charging Schedule, 2020.