

Mr Simon Bareham
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Date: 02/12/2024
Our Ref: PRE2024/00191
Your Ref:
Phone: (01273) 291380

By email only to:
Simon.bareham@lewisplanning.co.uk

e-mail: Steven.dover@brighton-hove.gov.uk

Dear Simon

Reference: PRE2024/00191

Address: 76 - 82 Blatchington Road

Proposal: 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).

Thank you for your pre-application advice request.

This letter is the response to your request which was validated on the 26/09/2024 and further to our meeting and site visit on the 12th November 2024 seeking pre-application advice on the proposal to redevelop the existing first floor and create a new second floor to provide 17 new separate dwellings (Use Class C3) at the above site. This would partially involve the conversion of existing floorspace which was last in use as storage for the Co-op retail unit and as a gym.

It is based on the following plans and the covering letter you provided as part of the application:

SK10 – Site Layout Plan
SK11 – Proposed Ground Floor and First Floor Plans
SK12 – Proposed First Floor Plan
SK13A – Proposed Second Floor Plan
SK14 – Proposed North and South Elevations
SK15 – Proposed East Elevation and Section
SK16 – Proposed Section

Key Constraints

The key constraints relevant to this scheme are that the site forms part of the primary frontage of Hove Town Centre and it is subject to an Article 4 Direction removing Class MA permitted development rights, which allow conversion of commercial floorspace (Use Class E) to residential dwellings (Use Class C3). The current use of the property, the prevailing character and appearance of the area, and proximity of neighbouring properties, are also key constraints.

Assessment

The following sets out the main issues are considered relevant to this scheme, and whether they are likely to be acceptable in planning terms, may need attention to become acceptable, or definitely need attention/are unacceptable.

Where necessary, further details are set out below the table.

Please also see the attached comments from internal consultees, as requested, which are from the Urban Design Officer and Policy Officer.

Acceptable

The principle of development encompassing residential units to the upper floors along the Blatchington Road, Haddington Street, and Malvern Street frontage, as well as the reduction in first floor commercial floorspace, is considered acceptable in principle.

Needs Attention

Loss of retail floorspace

This site forms part of the Prime Retail frontage, protected by policies CP4 and DM12 as well as being within the wider Primary Shopping Area (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.

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.

Subject to justification that the first floor retail storage is no longer needed, and that the loss of circa 50m² at ground level would not compromise the operation of the existing retail unit, then the principle of a new use could be supported.

Full comments from the Council's Policy Officer are included with this response.

Loss of sports facility floorspace

Indoor Sports Facilities are protected by policy CP17. The policy requires that the application demonstrates that this building is redundant for sports use. Information will need to be included in the application to clarify whether the gym has completely ceased trading or relocated to another location and when this occurred.

It is noted that the floorspace was not purpose built for this use and is currently vacant. It previously formed part the now redundant ancillary first floor storage area, and therefore bringing the floorspace back into use is a material consideration and is beneficial in principle. It is also noted that there is a gym opposite the site.

Subject to justification that the space is redundant for sports use, then the proposed use could be supported in principle.

Full comments from the Council's Policy Officer are included with this response.

Housing delivery

The proposed new residential units (17) would make a useful contribution towards the housing need as set out in Policy CP1 of City Plan Part One. This would be given increased weight in considering proposals due to the current shortfall in the five -year housing supply for the city, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).

Character and Appearance

The principle of redeveloping the existing external frontages and elevation of the site is acceptable as the current elevations are not considered to add significant interest or to contribute positively to the streetscene, especially to the (east) Haddington Road and (south) Malvern Street frontages. Opportunity exists to significantly improve the character and appearance of the streetscene from any redevelopment, as well as the existing property, and this should be included as part of any application.

In very general terms, the scale and mass of the proposed development is acceptable; however, the current proposal requires significant further work to be undertaken to ensure that the development responds appropriately to the context of the site, and seizes opportunities to improve the current townscape.

The design, architectural form and detailing should be revisited as follows:

- The existing first floor (Co-op) canopy to the rear and side of the site should be removed or revised to sit more comfortably with the proposed residential units and bring improvements to the streetscene of the Haddington and Malvern frontages.
- The design to all frontages should also be given further consideration, ensuring no stark contrast with any residential development and enliven what are relatively uninteresting elevations currently, to the east and south in particular. The proposed elevations are not considered the optimum design, and would not be supported. The upper floors need to reconcile better with the ground floor and overall improvements need to be made.
- It was discussed in the meeting that given the prominent corner location of the front block, a more interesting corner design could be incorporated, this should be explored further.

- The layout and scale of the proposed dwellings should be reviewed to ensure that they can provide suitable amenity space. In the meeting we discussed the issues with atrium space and that certain units (west centre particularly) would only have single aspects into the atrium and no private amenity space, which would have a detrimental effect for future occupants. Considerable thought needs to be given to resolve this, as currently the units as proposed would likely not provide suitable accommodation. It may be that the optimum solution, that provides additional amenity benefits, is to remove the four (2 per floor) centre western boundary units completely.
- The atrium needs to be developed further in any future application, to show that the proposed space would have sufficient light, and provide a space which has a landscape that could be enjoyed by future residents, and not just an access area to the individual units. Defensible space should be provided to ensure the privacy of future occupants is retained.
- You should explore extending the proposed hoist/lift should to all the proposed floors to ensure ease of access for all users of the residential development, particularly those with limited vision or mobility issues.
- Once the form and scale of the proposed development is agreed, further work is needed to ensure the appearance of the materials and finishes enhances the development.
- Opportunity exists for considerable improvement to the wider public realm, partly addressed by comments above regarding the elevations of the proposed, and the existing Co-op canopies and frontages. In addition, pedestrian and street improvements would be sought to those abutting the site, to promote safe use of the current pedestrian and cycling routes. The opportunity to remove the steps/ramp fronting Malvern Street to the south should be taken if these are no longer required, and to open up that part of the pavement.
- Particular thought needs to be given to the interaction and potential conflicts with future occupants and the Co-op delivery areas to the south of the site. A clear separation between the uses needs to be explored, and clear definition and prominence (possibly including canopies/signage) of all the main pedestrian entrances to the scheme.

Full comments from the Council's Urban Design Officer are included with this response, which expand on those above.

Impact on Neighbouring Amenity

As an alternative use, the introduction of residential units is considered an appropriate use for the site and is not objected to in principle. The area is predominantly a mix of commercial at ground floor to the north, with residential uses above. To the west, east and south is residential, commercial and school uses. The urban grain is dense in this area.

The submitted plans do not clearly identify neighbouring properties and therefore it is difficult to assess the full impact of the proposals on neighbouring amenity. At application stage contextual drawings (including sections), showing neighbouring uses where possible would be required in order to fully assess the impact of the proposals.

There would be a significant increase in window openings to all sides of the site, and private amenity terraces. It is acknowledged that there would be a good level of separation between the proposed buildings and neighbouring properties to the east, north and south, however it should still be demonstrated that there would be no harmful overlooking or loss of privacy as a result of the development.

The increase in bulk and massing to the western side of the site, needs further assessment as it appeared from the site visit that some areas to the west are currently used as outdoor amenity space/roof terraces. Therefore overbearing effects or loss of light may occur to these existing users, depending on the final design.

Standard of Accommodation

Policy DM1 of the City Plan Part 2, requires that all residential development should meet national described space standards, be accessible and provide external amenity space. The units as currently shown would all appear to meet the minimum floor space standards required by Policy DM1 for the size and numbers of bedrooms, but this would be revisited at the point of any application.

Most of the flats appear to be provided with sufficient light, but as discussed onsite for the rooms which only have an aspect onto the internal atrium, daylight and sunlight assessments are needed to confirm this.

The outlook for the majority of units is acceptable, with designs that ensure the main habitable rooms are either dual aspect or have a single aspect on the external elevations of the development. However as discussed earlier, and onsite, flats No.1,8,9 and 16 on the western elevation are considered to have a poor outlook currently with only single aspects directly facing onto the proposed atrium for all habitable rooms. This needs to be revisited and amended as discussed onsite. Options could include the enhancement of the atrium space, with potential defensive areas to the flats fronting the atrium at ground floor, and revisions to the layouts and amount of units.

The majority of flats (12) would have private terraces and this is welcomed, but ideally all those proposed should have some form of private amenity space. This should be revisited and integrated into the overall design. The atrium space (amenity and access area) currently has an 8m width with two storey development on all sides. This would allow a limited amount of sunlight from the east and west, and feel enclosed and overlooked for future residents. The atrium should be expanded and designed to be an attractive focal point of the development, which encourages interaction and use, while limiting conflict and adverse amenity impacts to residents. Location of sensitive rooms (eg bedrooms) directly adjacent to communal outdoor space should be avoided, for amenity. I appreciate this is an early draft design and we discussed these matters onsite too.

Any existing/relocated plant needs to be appropriately soundproofed so as not to affect the new residents. Timing of supermarket deliveries will also be a consideration with regard to amenity, and these should be set out.

Affordable housing

Policy CP20 of the City Plan Part One requires 40% onsite affordable housing provision on sites of or equivalent financial contribution would be required as over 15 (net) dwellings are proposed.

Transport

It is likely that the proposed dwellings would result in an uplift in trip generation to and from the site as a result of the additional residential units. The Council Local Highway Authority would be consulted as part of the formal application. The site is located within a Controlled Parking Zone that will constrain opportunities for overspill parking. In this very central location, which is near to a variety of public transport links, future residents need not be reliant solely on travel by private motor vehicle.

You may need to explore provision of on-site disabled parking (if this does not comprise the retail use) or state where this may be provided on-street if accessible units are included within the scheme.

The Transport Officer may recommend a contribution/improvements to the highway network and immediate public realm or conditions to mitigate any transport impacts caused by the development at application stage.

The plans submitted as part of this enquiry show the location of the cycle store for the residential units. The acceptability of these facilities would be assessed by the Transport Officer. Should there be concerns identified at application stage, there appears to be suitable opportunity at the site to provide policy compliant storage, and any concerns could be addressed during the application process or by planning condition. The store needs to be easily accessible for residents.

Sustainability

Policies CP8 and DM44 set out the minimum standards for energy efficiency/energy performance and should be addressed with any future planning applications. DM44 part 4 requires a minimum EPC rating B for new-build residential and non-residential uses.

There are opportunities to incorporate sustainable measures eg PVs, re-use of rainwater, ASHPs and living green roofs, especially given a flat roof design is sought, and these should be explored. It is noted that refuse/recycling appears to be via communal on-street bins, which could be appropriate. A Sustainability/Energy Strategy should be submitted with the application.

Unacceptable/Definitely Needs Attention

Mix of Units

Policy DM1 seeks the delivery of a wide choice of high quality homes which will contribute to the creation of mixed, balanced, inclusive and sustainable communities, and seeks a range of dwelling types, tenures and sizes. Policy CP19 requires that sites coming forward as 'windfall' development demonstrate that proposals have had regard to housing mix considerations and have been informed by local assessments of housing demand and need. The supporting text at Paragraph 4.213 indicates that the majority of housing need/demand across the city (both market and affordable homes) is for 2 and 3 bedroom properties (34% and 31% respectively); 24% for 1 bedroom properties and 11% for 4+ bedroom properties. A similar mix has been recommended by the Council's updated Strategic Housing Market Assessment (SHMA) published in August 2023.

In view of the above, the proposed housing mix is not considered acceptable in this location. This is due to the lack of 3 bedroom units, for which the site location is considered suitable. The current mix is almost 50/50 1 bed and 2 beds, and therefore a mix which has lower proportion of 1 bed units and replacement with 3 bed units should be provided, in line with latest SHMA. Studio units could also be explored to increase the overall mix, as a proportion of the 1-bedroom units.

Accessible units: see Policy DM1 of CPP2 – 5% of all units and 10% of affordable units need to be wheelchair accessible. Clarification will be needed regarding the potential for use of the hoist/lift for residents to serve the upper floors or whether an alternative can be incorporated.

Biodiversity Net Gain

Biodiversity Net Gain is now mandatory for major developments. With any future application the applicant will need to consider whether any de minimis exemptions apply with regard to BNG requirements. A BNG Metric may be required.

Policies CP10 and DM37 also requires measurable biodiversity net gain to be sought. This could, for example, be through installing swift bricks, green roofs/walls or other appropriate measures, which may be secured by condition. A Biodiversity Enhancement Strategy could be included within any application to demonstrate what is possible.

Further details can be found in the BNG Supplementary Planning Document which can be viewed here:

[Biodiversity and Nature Conservation SPD11 \(brighton-hove.gov.uk\)](https://www.brighton-hove.gov.uk/biodiversity-and-nature-conservation-spd11)

Further information regarding national BNG requirements, including the statutory biodiversity metrics, can be found online here:

[Biodiversity net gain - GOV.UK \(www.gov.uk\)](https://www.gov.uk/biodiversity-net-gain)

Community Infrastructure Levy

Your site is located in Residential Charging Zone 2.

[Map of Community Infrastructure Levy zones \(brighton-hove.gov.uk\)](https://www.brighton-hove.gov.uk/content/planning/planning-policy/developer-contributions)

Considerations relating to CIL and s106 requirements can be found here:

<https://www.brighton-hove.gov.uk/content/planning/planning-policy/developer-contributions>

Conclusion

The general principle of redeveloping the site for residential, with a change of use in the floorspace would be acceptable, subject to the required justification and evidence as outlined. Subject to a revised appropriate design, the three-storey height is also accepted in principle. The current architectural approach and amenity impacts, as well as the detailing and materiality, would however not be supported as currently portrayed and will need to be revisited in line with the suggestions above if it is to be an acceptable scheme.

It is recommended that you seek 'follow-up' pre-application advice to explore the acceptability of the revisions suggested in this response.

Information to accompany application:

I recommend you submit the following information to assist with a positive determination of your scheme:

- Additional context analysis drawings and/or 3D modelling
- Section and other drawings showing relationship to adjoining properties and wider streetscene
- Materials schedule/samples
- Sunlight/daylight assessment
- Justification/rationale for the proposed loss of commercial floorspace and gym
- Detailed soft and hard landscaping scheme, with management criteria, for the atrium
- Biodiversity/BNG information
- Sustainable/energy strategy

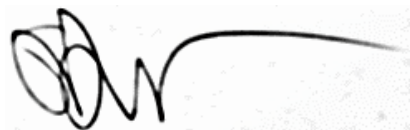
Further Information:

- The Validation List and other details can be found online here: <https://www.brighton-hove.gov.uk/content/planning/local-requirements-planning-application-forms/planning-application-forms-and>
- The Development Plan is available to view on the Council's website: <https://www.brighton-hove.gov.uk/content/planning/planning-policy/development-plans>
- We recommend the scheme is discussed with neighbouring residents, as set out in in our Statement of Community Involvement: <https://www.brighton-hove.gov.uk/content/planning/planning-policy/statement-community-involvement>

I hope that the above is informative and of assistance to you.

Please note: the opinions expressed are informal and given in good faith, but without prejudice to the decision that the Council may make in relation to any future planning application. This reflects the nature of the planning application process which involves consideration of consultation with statutory bodies and local publicity, as well as information that may subsequently come to light as the scheme evolves, and updated government guidance, appeal decisions etc.

Yours sincerely / faithfully

A handwritten signature in black ink, appearing to be 'SD', followed by a long horizontal stroke.

Steven Dover
Planning Officer - Development Management