

<u>No:</u>	BH2021/01750	<u>Ward:</u>	Central Hove Ward
<u>App Type:</u>	Prior Approval Retail/Bank to Dwelling		
<u>Address:</u>	8 Blatchington Road Hove BN3 3YN		
<u>Proposal:</u>	Prior approval for change of use of ground floor and basement retail unit (A1) to two bedroom maisonette (C3) with associated alterations to shopfront and rear fenestration.		
<u>Officer:</u>	Rebecca Smith, tel: 291075	<u>Valid Date:</u>	11.05.2021
<u>Con Area:</u>		<u>Expiry Date:</u>	06.07.2021
<u>Listed Building Grade:</u>			
<u>Agent:</u>	Whaleback Planning And Design	The Old Bank	257 New Church Road Hove BN3 4EE
<u>Applicant:</u>	Setec Astronomy Ltd	C/o Whaleback Planning And Design	The Old Bank 257 New Church Road Hove BN3 4EE

1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **GIVE** prior approval for the development and the following Conditions and Informatives as set out hereunder.

Conditions:

1. Development under Class M is permitted subject to the condition that it must be completed within a period of 3 years starting with the prior approval date.
Reason: To comply with Condition M.2(3)(a) of Schedule 2, Part 3, Class M of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
2. Development under Class M is permitted subject to the condition that a building which has changed use under Class M is to be used as a dwellinghouse within the meaning of Class C3 of the Schedule to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the primary use as such a dwellinghouse.
Reason: To comply with Condition M.2(3)(b) of Schedule 2, Part 3, Class M of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Informatives:

1. This decision is based on the drawings listed below:

Plan Type	Reference	Version	Date Received
Location and block plan	7081/010		11 May 2021

Proposed Drawing	7081/020		11 May 2021
Proposed Drawing	7081/021		11 May 2021

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The application site comprises a two-storey terraced-over-basement property on the southern side of Blatchington Road, the ground floor of which is currently a vacant shop unit with ancillary basement areas. The first floor is in residential use. The site is not listed, and it is not within a conservation area, although it is noted that it is adjacent to the Old Hove Conservation Area. It is also noted that there are no Article 4 Directions covering the site that would restrict this change or use or external alterations.
- 2.2. The application seeks prior approval under Schedule 2, Part 3, Class M of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).
- 2.3. The application seeks to establish whether prior approval is required for development consisting of a change of use of the ground and basement floors of 8 Blatchington Road from a use falling within Class A1 (shops) or Class A2 (financial and professional services) of the Schedule to the Use Classes Order, to a use falling within Class C3 (dwellinghouses) of that Schedule, and building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule. This application proposes the provision of a studio flat.
- 2.4. The application seeks to establish whether prior approval is required for the change of use from retail or bank use to a dwelling in respect of:
- (a) transport and highways impact of the development,
 - (b) contamination risks in relation to the building,
 - (c) flooding risks in relation to the building,
 - (d) whether it is undesirable for the building to change to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order because of the impact of the change of use -
 - i. on adequate provision of services of the sort that may be provided by a building falling within Class A1 (shops) or, as the case may be, A2 (financial and professional services) or Class A5 (hot-food takeaways) of that Schedule or as the case may be, a building used as a launderette, but only where there is a reasonable prospect of the building being used to provide such services, or
 - ii. where the building is located in a key shopping area, on the sustainability of that shopping area; and
 - (e) the design or external appearance of the building, and

- (f) the provision of adequate natural light in all habitable rooms of the dwellinghouses.

2.5. Although Prior Approval applications are not usually subject to being heard at Planning Committee, the applicant for this scheme is a company which a councillor (who is not a Planning Committee member) is a director of. Therefore, to ensure that a transparent decision is made, the application is being put before the Planning Committee.

3. RELEVANT HISTORY

None

4. REPRESENTATIONS

4.1. Twenty (20) letters have been received from supporting the proposed development for the following reasons:

- Efficient use of building and improvement of the street
- Residential Amenity
- Contributes to housing stock
- Good design
- Shop has been vacant for some time
- Restore balance between residential and retail
- Good for character and appearance
- Enough retail space elsewhere on Blatchington road and locally
- Removal of adult shop
- Positive change and investment
- Restoring concealed features

5. CONSULTATIONS

5.1. **Sustainable Transport:** Unable to recommend approval
The site is located within CPZ N which has an uptake of 97% (based on the last 12 months of available data) so is considered overcapacity. It is noted that no car parking is provided and therefore the Local Highway Authority requests that as per SPD14 surveys are submitted to demonstrate that there is not parking stress in the area.

5.2. No cycle parking is proposed for the residential use, however as the site is constrained this is not requested. It is however noted there may be space within the basement to store cycles should future occupiers wish to; however, this is not policy compliant so will not be insisted upon.

5.3. Overall trips to and from the site are likely to be lower than the existing retail use therefore it is not expected that the development will increase pressure on the transport network.

5.4. **Environmental Health:** No comment received

6. **POLICIES**

The National Planning Policy Framework (NPPF)

7. **CONSIDERATIONS & ASSESSMENT**

7.1. This application seeks prior approval for the proposed development. The determining issues in consideration of this application are in respect of the:

- (a) transport and highways impact of the development,
- (b) contamination risks in relation to the building,
- (c) flooding risks in relation to the building,
- (d) whether it is undesirable for the building to change to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order because of the impact of the change of use -
 - i. on adequate provision of services of the sort that may be provided by a building falling within Class A1 (shops) or, as the case may be, A2 (financial and professional services) or Class A5 (hot-food takeaways) of that Schedule or as the case may be, a building used as a laundrette, but only where there is a reasonable prospect of the building being used to provide such services, or
 - ii. where the building is located in a key shopping area, on the sustainability of that shopping area; and
- (e) the design or external appearance of the building, and
- (f) the provision of adequate natural light in all habitable rooms of the dwellinghouses.

and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

7.2. Regard is also given to the NPPF as if the application were a planning application.

7.3. Article 3. paragraph 9(A) of the Town and Country Planning (General Permitted Development) (England) Order 2015 ("GPDO") provides that permitted development rights do not apply where a new dwellinghouse is proposed and the gross internal floor area of that dwellinghouse would be less than 37 square metres in size or where the new dwellinghouse would not comply with the nationally described space standard (NDSS).

7.4. In this instance, a two-bedroom dwelling is proposed over two floors and would have two bedrooms, providing three bedspaces. The NDSS minimum for this size development is 70sqm and this development would provide an overall floor area of 101.5sqm. The double bedroom exceeds the minimum of 11.5sqm and the single bedroom is more than the 7.5sqm required. The overall

layout is considered reasonable with good circulation space and access to natural light and ventilation in all habitable rooms.

Class M Restrictions:

- 7.5. *M.1 Development is not permitted by Class M if—*
- (a) *the building was not used for one of the uses referred to in Class M(a)—*
 - (i) *on 20th March 2013, or*
 - (ii) *in the case of a building which was in use before that date but was not in use on that date, when it was last in use;*
- This shop unit is currently vacant. The planning statement states that the building is lawfully in A1 use and was in use as a retail store 20th March 2013.
- 7.6. The assertion that the building is in A1 use and was on 20th March 2013 is supported by Council records. Business rate records show that the use of the premises has been as a retail unit, furthermore there are other records recording licences for the sale of adult goods from the site, further supporting the retail use. This demonstrates that on the balance of probability, the unit was in use on 20th March 2013 in one of the uses referred to in Class M(a). Officers are not aware that it has been in use by any other business operating outside of Class A1.
- 7.7. (b) *permission to use the building for a use falling within Class A1 (shops) or Class A2 (financial and professional services) of the Schedule to the Use Classes Order has been granted only by this Part;*
- Permission to use the building for a retail use has not been granted by Part 3, Schedule 2 of the GPDO 2015 (as amended).
- 7.8. (c) *the cumulative floor space of the existing building changing use under Class M exceeds 150 square metres;*
- There has not been any previous development under Class M to this building.
- 7.9. (d) *the development (together with any previous development under Class M) would result in more than 150 square metres of floor space in the building having changed use under Class M;*
- The cumulative floor space of the existing building changing use under Class M would be 101.5 sqm, less than the maximum permitted of 150 sqm.
- 7.10. (e) *the development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point;*
- The development would not result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point.
- 7.11. (f) *the development consists of demolition (other than partial demolition which is reasonably necessary to convert the building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order); or*

The development does not consist of any demolition.

- 7.12. (g) *the building is—*
- (i) *on article 2(3) land;*
 - (ii) *in a site of special scientific interest;*
 - (iii) *in a safety hazard area;*
 - (iv) *in a military explosives storage area;*
 - (v) *a listed building; or*
 - (vi) *a scheduled monument.*

The building does not form part of any of the designations mentioned in restriction (g).

- 7.13. The provisions of Conditions M.2 of Class M state at (3):
"Development under Class M(a), and under Class M(b), if any, must be completed within a period of 3 years starting with the prior approval date; and a building which has changed use under Class M is to be used as a dwellinghouse within the meaning of Class C3 of the Schedule to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the primary use as such a dwellinghouse". Approval would therefore be subject to these conditions.

Transport and highway impacts of the development

- 7.14. Blatchington Road is a sustainable location for residential development. Although this development represents a loss of a retail use there is still good availability of goods and services within walking distance of the site and amenities that are further afield could be easily accessed by cycling or the good bus links that facilitate travel out to the west or back to the centre of the city in the east. A resident would not need to rely on a car to carry out daily life. It is noted that Blatchington Road is served by buses that will take you across the city and that Hove Railway Station is a short walk away to the north of the site.
- 7.15. The proposed change of use would not have a significant impact on the local highway network, and in fact there may even be a drop in the frequency of comings and goings to the site as a result of the change from retail to residential use. The proposed residential unit does have a rear garden, but it would be awkward to access through the proposed dwelling and requiring navigating steps whilst carrying a bicycle. This would not be policy complaint cycle parking so would not be insisted upon.
- 7.16. It is noted that concerns have been raised in relation to the potential for an uplift in parking demand as there is no off-street car parking for the proposal. However, the site lies within a CPZ so any demand for additional on street parking will be managed through the CPZ management system. While the Highways team have requested additional information in the form of parking surveys it is not considered reasonable when the CPZ mechanism can control on-street parking.

Contamination risks on the site:

- 7.17. No contamination risks have been identified.

Flooding risks on the site:

- 7.18. The site is in Flood Zone 1, so not considered at high risk from flooding.

Retail Issues - Provision of Services:

- 7.19. Blatchington Road does have commercial character to it, but this is intermixed with residential. The main concentration of commercial uses in this end of the road is at the junction of Goldstone Villas and George Street (part of the primary frontage of the shopping area). The application site is sufficiently distanced from the primary frontage as to not be considered to undermine retail character.

- 7.20. Specific Local Plan policies are directly not relevant to the consideration of this prior approval application. The prior approval 'test' is whether the loss of the retail use would impact on the sustainability of the shopping area.

- 7.21. The loss of this retail unit (now Class E, formerly A1) would not impact of the provision of services locally. It is noted that there are other shops along Blatchington Road and in neighbouring George Street which would allow for daily shopping. It is further noted that there is a Tesco superstore within easy reach of the site. As a result, the loss does not create a significant void in availability to easily access goods and services usually provided by A1 uses. Therefore, prior approval should not be restricted owing to a lack of retail availability or the loss of this unit.

Design/Appearance:

- 7.22. Minor alterations to the front and rear elevations are included. At the front the shopfront will be altered to accommodate a small rise in the stall riser height and adjusting the shop window which would serve the main living area. The alterations also include uncovering the currently boxed in stain glass windows above the main shop window which would add visual interest and improve the character and appearance of the property within the street. The modest alterations would still allow the previous retail use of the building to be read within the streetscene.

- 7.23. At the rear there are further minor fenestration alterations. At basement level the opening on the rear wall is extended to accommodate folding doors to the double bedroom and at ground floor the partially covered up sash window will be replaced with a new full-size sash window and a window on the ground floor outrigger would be unblocked. These alterations are consistent with the proposed residential use and would not be objectionable in design terms.

Provision of natural light to all habitable rooms:

- 7.24. Paragraph W, the procedure for applications for prior approval under Part 3, states that the application must be accompanied by "*a floor plan indicating the*

dimensions and proposed use of each room, the position and dimensions of windows, doors and walls, and the elevations of the dwellinghouses" and (2A) of the same outlines that "Where the application relates to prior approval as to adequate natural light, the local planning authority must refuse prior approval if adequate natural light is not provided in all the habitable rooms of the dwellinghouses".

- 7.25. In this case, the proposed two-bedroom dwelling would retain the large shopfront window and incorporate some revised fenestration at the rear, comprising of the opening up of some ground floor windows and new folding doors at basement level out to the garden. This gives ample natural light. As there are no internal walls, good levels of natural light could be obtained throughout the residence. Therefore, in terms of natural light, the ample glazing to the front elevation and rear elevations would provide sufficient natural light to the proposed dwelling.

Conclusion:

- 7.26. On the basis of the above, the proposal is considered to accord with the requirements of Schedule 2, Part 3, Class M of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) so prior approval can be given.