

<u>No:</u>	BH2023/02101	<u>Ward:</u>	Westbourne & Poets' Corner Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	123 - 129 Portland Road Hove BN3 5QY		
<u>Proposal:</u>	Erection of single storey side extension to retail unit B and single storey rear extension to retail unit A, merger of retail units A and C into one retail unit and rearrangement of bin and cycle stores.		
<u>Officer:</u>	Mark Thomas, tel: 01273 292336	<u>Valid Date:</u>	25.08.2023
<u>Con Area:</u>		<u>Expiry Date:</u>	20.10.2023
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	ECE Architecture Limited 64-68 Brighton Road Worthing BN11 2EN		
<u>Applicant:</u>	FPC Convenience No1 Limited C/o ECE Architecture Limited 64-68 Brighton Road Worthing BN11 2EN		

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 **GRANT** planning permission subject to the following Conditions and Informatives:

Conditions:

1. The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

Reason: For the avoidance of doubt and in the interests of proper planning.

Plan Type	Reference	Version	Date Received
Location Plan	6282_PL01	P01	25 July 2023
Block Plan	6282_PL03	P02	23 August 2023
Proposed Drawing	6282_PL07	P01	25 July 2023
Proposed Drawing	6282_PL06	P03	6 December 2023
Proposed Drawing	6282_PL08	P01	23 August 2023
Proposed Drawing	6282_PL11	P01	23 August 2023
Proposed Drawing	6282_PL05	P03	6 December 2023

2. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

3. The external finishes of the extension hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.
Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies DM18 and DM21 of Brighton & Hove City Plan Part 2 and CP12 of the Brighton & Hove City Plan Part One.
4. The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development at all times.
Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy DM33 of Brighton & Hove City Plan Part 2, and SPD14: Parking Standards.
5. The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.
Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with Policies DM18 and DM21 of Brighton & Hove City Plan Part 2, policy CP8 of the Brighton & Hove City Plan Part One and Policy WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.

2. SITE LOCATION

- 2.1. The application relates to a three-storey building situated on the corner of Portland Road and Shelley Road with flats on the first and second floors and 3 retail units on the ground floor. The application property adjoins no. 121 Portland Road which represents the eastern end building of this parade of shops on the corner of Portland Road and Rutland Road. 121 Portland Road currently has retail unit on the ground floor and has been enlarged with a single storey side extension. The application site currently houses three units currently comprising a Costa Coffee, a Charity Shop and a Sainsbury's Local and is the western part of the terrace. At pavement level adjacent to the building on the western side adjacent to Shelley Street is an area enclosed by an existing boundary wall of approximately 2m height. This area accommodates bin storage associated with the retail uses as well as the entrance way to the upper floor flats. To the north of this space is an undercroft which accommodates the refuse and bicycle stores for the flats within the building. The second floor of the building was permitted

by BH2016/06391 and provides 4 flats. Prior approval for the conversion of the first floor from offices to 12 flats was permitted by BH2017/00516.

3. RELEVANT HISTORY

- 3.1. **BH2020/01380** Application for Approval of Details reserved by conditions 4 (refuse and recycling storage) and 5 (secure cycle parking) of application BH2016/06391 (Allowed on Appeal). Approved 10/07/2020
- 3.2. **BH2018/02860** Creation of additional floor to provide 4no self-contained residential flats (C3) with private terraces and associated alterations. Refused 10/01/2019
- 3.3. **BH2017/02682** (No. 121 Portland Road) Replacement of existing shopfront and erection of single storey extension to east elevation Approved 27/10/2017
- 3.4. **BH2017/00857** Alterations to shopfront incorporating new doorway, new glazing and fascia board. Approved 21/07/2017
- 3.5. **BH2017/00566** Installation of new shop front. Approved 26/05/2017
- 3.6. **BH2017/00516** Prior approval for change of use from offices (B1) to residential (C3) to form 12 apartments. Approved 10/04/2017
- 3.7. **BH2016/06391** Creation of additional floor to provide 1no one bedroom flat and 3no two bedroom flats (C3) with associated alterations. Refused 27/07/2018- Appeal Allowed
- 3.8. **BH2016/00692** Change of use from retail (A1) to coffee shop (A1/A3) with external seating. Approved 12/05/2016
- 3.9. **BH2016/00110** Prior approval for change of use from offices (B1) to 11no one and two bedroom flats. (C3) Approved 09/03/2016

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for the amalgamation of 2 retail units and construction of two extensions as follows:
 - Amalgamation of unit A (currently Sainsburys) and unit B (currently St Vincents – Charity Shop) to form a single larger retail unit.
 - To infill the existing undercroft area and extend towards the pedestrian footway on Shelley Street to provide additional floorspace for the new enlarged retail unit, as well as new refuse and bicycle stores for the residential flats on the upper floors.
 - Partially infill the enclosed area between unit C (currently Costa) and the pedestrian footway to the west with an extension providing additional floorspace for unit C. The commercial bin store would be relocated to the area immediately north of the new extension fronting Shelley Street.

- 4.2. During the course of the application the scheme has been amended to revise the door detail for the refuse and bicycle stores so that they would not open onto the public footway (revised to sliding doors).

5. REPRESENTATIONS

- 5.1. Six (6) letters of representation have been received objecting to the proposed development for the following reasons:
- Existing issues with the building, including problems with drainage and a leaking roof.
 - Additional bins are required due to increased occupancy of the upper floors.
 - Letter boxes for flats would need relocating.
 - Disruption during construction.

6. CONSULTATIONS

- 6.1. **Sustainable Transport:** No objection (verbal comment)
- Vertical cycle stands are not the preference, but there is no objection to these in principle. The store would achieve minimum requirements for width, length and height.
 - The doors for the cycle and bin stores should be revised so that they do not open across the pedestrian footway (details could be secured by condition if necessary).
 - The narrowing of the footway on Shelley Street is not ideal, but this is the existing arrangement, so no objection on these grounds.
- 6.2. **Sussex Police Comment**
- Sussex Police have no objection to the proposed application as submitted from a crime prevention perspective subject to the observation/recommendations within their written response.

7. MATERIAL CONSIDERATIONS

- 7.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report.
- 7.2. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990
- 7.3. The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016);
 - Brighton & Hove City Plan Part Two (adopted October 2022);

- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
- Shoreham Harbour JAAP (adopted October 2019).

8. RELEVANT POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SA6	Sustainable neighbourhoods
SS1	Presumption in Favour of Sustainable Development
CP2	Sustainable Economic Development
CP4	Retail Provision
CP8	Sustainable buildings
CP10	Biodiversity
CP12	Urban design

Brighton & Hove 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
DM20	Protection of Amenity
DM21	Extensions and Alterations
DM33	Safe, Sustainable and Active Travel
DM37	Green Infrastructure and Nature Conservation
DM40	Protection of the Environment and Health - Pollution and Nuisance
DM44	Energy Efficiency and Renewables

Supplementary Planning Documents

SPD03	Construction and Demolition Waste
SPD11	Nature Conservation and Development
SPD14	Parking Standards
SPD17	Urban Design Framework

Other Documents

PAN 05	Design Guidance for the Storage and Collection of Recyclable Materials
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9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the principle of development, the design of the proposal, the acceptability of the revised bicycle and refuse storage arrangements, the impact on neighbouring amenity and on highways.

Principle of development

- 9.2. Policy CP4 of the Brighton & Hove City Plan Part One (CPP1) seeks to maintain and enhance Brighton & Hove's hierarchy of shopping centres, of which Portland Road is identified as a Local Centre. Whilst the proposed development would result in a reduction of retail stores within the building from 3 to 2, this is as a result of the amalgamation of 2 existing units and the overall retail floorspace provision would increase as a result of the side extension. The proposed development is considered to be in accordance with CP4.
- 9.3. Policy DM12 of CPP2 supports policy CP4 and states that commercial, business and service uses (use class E), learning and non-residential institutions (use class F1) and local community uses (use class F2) will be supported within the city's defined Regional, Town, District and Local Centres. Whilst the amalgamation of retail units within the Lanes and North Laine areas of the City is restricted to avoid an overly dominant retail unit, the application site is not within these areas, and there is no such restriction on the Portland Road Local Centre. The proposed development would not discourage people from the using the Local Centre and is considered to be in accordance with policy DM12.

Design and appearance:

- 9.4. The application proposes two single storey extensions. The first would occupy the space between the western elevation of unit C (Costa Coffee) and the pedestrian footway on Shelley Street to provide an enlarged floorspace for customers. The extension would occupy an area already partially enclosed by a 2m high brick wall. The western elevation of the extension would sit on the building line of the existing brick wall, albeit it would extend further southwards and would be taller at 3.5m. A similar extension has previously been permitted and constructed to the eastern elevation of the building at the opposite end of the parade (no. 121 Portland Road) under BH2017/02682, and the proposed extension would rebalance this group of buildings between Shelley Road and Rutland Road. The proposed extension would appropriately replicate the detailing of the existing building featuring a shopfront of similar design and proportions, with shop windows and a decorative fascia matching those details for the existing ground floor retail units. Matching materials to the main building shall be secured by condition. Overall, the extension is considered a subordinate and sympathetic addition to the building and would not cause harm to the character and appearance of the streetscene or wider area.
- 9.5. A second single storey extension is proposed on the Shelley Street frontage and would involve the infilling of the existing undercroft and would extend further to the west to abut the pedestrian footway. This would present onto the street as a brick-built extension with a flat roof of 2.7m with it's west facing elevation on the existing boundary line. There are currently metal gates and brick walls along this boundary line from 2-2.5m in height and the extension would not encroach any further onto the pedestrian footway. The overall impact of the extension is not considered significantly more intrusive than the existing means of enclosure and would be of a similar height. This extension would accommodate the bicycle store and the residential refuse/recycling store. Subject to securing materials to match by condition, there is no objection to this extension which is considered to relate acceptably to the recipient building and would not detract from the character and appearance of the wider streetscene.

- 9.6. Overall, the proposed development would not result in any significant harm to the character and appearance of the site and the wider streetscene and would accord with policy CP12 of the Brighton & Hove City Plan Part One, and policies DM18 and DM21 of the Brighton & Hove City Plan Part Two.

Impact on Neighbouring Amenity

- 9.7. Policy DM20 of the City Plan Part Two states that planning permission for development including change of use will not be granted where it would cause unacceptable loss of amenity to the proposed, existing, adjacent or nearby users, residents, occupiers or where it is not liable to be detrimental to human health.
- 9.8. The proposed extensions would be set away from residential properties such that the built form would not result in a significant loss of outlook, increased sense of enclosure or overshadowing.
- 9.9. Within the site, residential uses are contained within the upper floors, with the ground floor occupied by retail units. Within the wider context, the nearest residential properties to the west and south are separated from the site by the highway (Shelley Road and Portland Road). To the north is 1B Shelley Road which accommodates residential units. The proposed extension (housing the cycle store) would be nearest to these dwellings, but would maintain a separation of approximately 4.5m from the nearest ground floor window at this adjacent property, which is a sufficient separation to safeguard the amenity of the occupiers of this building.
- 9.10. The level of activity associated with the proposed retail uses is not considered significantly different to that of the existing usage. It is considered that the anticipated level of activity for the proposed development would not give rise to harmful noise and disturbance for occupiers of surrounding residential uses over and above the existing situation.
- 9.11. For the reasons outlined, the proposal would not be significantly harmful to the amenity of neighbouring properties and would be compliant with Policy DM20.

Standard of Accommodation:

- 9.12. The proposed development would not affect the size or layout of the existing flats on the upper floors, however it would alter the existing arrangements for occupiers in terms of refuse and bicycle storage.
- 9.13. The revised bicycle store would be conveniently situated adjacent the highway and would be of comparable size to the existing with a similar capacity of 20 bicycles. There is no objection to the proposal for 2-tier stands, given the store would meet the necessary dimensions for such stands in terms of height, width and length. It is noted that the existing store includes vertical bicycle stands.
- 9.14. The relocated residential refuse store would be 15m² and the indicative floor plan shows capacity for three 340L bins and three 1100L bins. The existing store is 8.5m² and cannot accommodate any additional bins than the proposed store.

Whilst it is acknowledged that letters of representation have been received which request additional bin storage for the upper floors, the proposed provision matches and exceeds the existing, so there is no objection on these grounds.

- 9.15. A revised bin store is also proposed for the commercial units. The proposed store is 7m² and is shown as having capacity for 2100L of bins. PAN05 (Design Guidance for the Storage and Collection of Recyclable Materials) recommends 5000L per 1000m² gross retail floor space, which would equate to an anticipated demand for approximately 3800L capacity. Notwithstanding this, it is noted that a further 7m² of additional refuse/recycling storage capacity is available and allocated within the larger retail unit itself. Given that this provision would match the floor area of the new store which would be capable of accommodating 2100L of refuse/recycling, it is accepted that this additional provision could accommodate the identified shortfall of 1700L. The applicant has confirmed that private arrangements are in place for collections from the store-inside the retail unit store. Given the above, the total expected capacity, including the space allocated within the larger retail unit would be capable of exceeding the recommendations within PAN05. In view of this, there is no objection to the proposed development by reason of the provision of refuse/recycling storage for the retail units.
- 9.16. Overall, the proposed development is considered to offer acceptable living conditions for existing and future occupiers of the building, in accordance with policies DM1 and DM7.

Sustainable Transport:

- 9.17. The proposed development would involve a small increase in retail floor space. It is not anticipated that this would give rise to significantly increased vehicle trips associated with the site. Parking within the vicinity is, nonetheless, restricted by a Controlled Parking Zone and double yellow lines which protect against harmful parking stress.
- 9.18. The proposal includes the relocation and reconfiguration of the existing cycle store, although the capacity would remain the same at 20 spaces. Whilst the proposal for 2-tier stands is not the council's preference (which is usually for Sheffield stands), it is noted that the existing store includes vertical storage stands and that the storeroom would meet the required height, width and length for the types of stands proposed. The proposed store is considered appropriately secure and convenient, and comparable in these respects to the existing arrangement.
- 9.19. The application has been amended during the period of consideration to amend the external door for the refuse and cycle stores so that they would not open over the pedestrian footway (sliding doors now proposed). Following this amendment, there is no objection to the access to the proposed stores.

10. CONCLUSIONS

- 10.1. The proposals would maintain a similar provision of retail floorspace and as such would not negatively impact upon the vitality or viability of the Portland Road Local Shopping Centre. The proposed extensions are considered to be appropriately designed and would not have a significantly detrimental impact on the character and appearance of the recipient building or the wider streetscene, not would they cause any significant harm to the amenity of occupiers of nearby residential properties. In addition, there is no objection to the proposal to relocate/reconfigure the existing refusal and bicycle stores.

11. EQUALITIES

- 11.1. During the determination of this application due regard has been given to the impact of this scheme in relation to the Equality Act 2010 in terms of the implications for those with protected characteristics namely age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. There is no indication that those with any of these protected characteristics would be disadvantaged by this development.

