

**PLANNING, HERITAGE, DESIGN & ACCESS STATEMENT**  
**1-2 LITTLE WESTERN STREET BRIGHTON**



<b>Whaleback Planning &amp; Design</b> The Old Bank 257 New Church Road Hove BN3 4EE 01273 234 354 www.whaleback.co.uk	<b>Site</b>	1-2 Little Western St, Brighton BN1 2QH
	<b>Project</b>	Planning Permission for conversion of building to two self-contained residential units (C3) and associated external alterations.
	<b>Applicant</b>	Babbayan Investment Holdings Ltd.
	<b>Our Ref</b>	W2276
	<b>Date</b>	November 2020
	<b>Version</b>	20211112

**Contents**

Contents ..... 2

Introduction ..... 3

Site and Surroundings ..... 3

Development Proposal ..... 5

Heritage Statement of Significance ..... 8

Planning Policy Framework ..... 12

    National Planning Policy Framework..... 12

    Brighton and Hove Local Planning Policies ..... 12

    Brighton & Hove Local Plan (2005) ..... 13

    Brighton & Hove City Plan Part 1 (2016)..... 13

    Brighton & Hove City Plan Part 2 (submitted for examination 2021) ..... 13

    Supplementary Planning Documents ..... 14

Planning Appraisal..... 14

    Principle of Development ..... 14

    Visual Impact / Heritage ..... 16

    Standard of Accommodation ..... 17

    Neighbouring Amenity ..... 17

    Transport ..... 18

    Sustainability ..... 18

Conclusion ..... 18

Engagement with the Local Planning Authority ..... 19

## Introduction

1. Whaleback Planning & Design is instructed by the applicant to prepare and submit an application for Planning Permission for the conversion of 1-2 Little Western Street from retail (Use Class E) to two residential units, involving an infill roof extension and associated alterations.
2. This Planning Statement describes the application site and its surroundings, the development proposal, the planning history of the site and the relevant planning policy framework. A planning appraisal is provided to consider the merits of the application followed by a conclusion.

## Site and Surroundings

3. The application site relates to a two-storey terraced building to the east of Little Western Street, Brighton. The site is located several units to the south of Western Road and to the west of Norfolk Square, falling within the Regency Square Conservation Area and adjacent to the boundary of the Brunswick Town Conservation Area. Little Western Street includes a mixture of terraced buildings, ranging in height from two to four storeys. The majority of the street is residential with commercial uses at either end. The street includes an assortment of traditional buildings and also some relatively modern developments. The site backs onto a terrace of four storey grade II listed buildings fronting onto Norfolk Square.



*Aerial view of Little Western Street and surrounding context.*

4. The site comprises a two-storey building which steps down the street, following the slope of the land which falls from north to south. The building is finished in painted stucco with brown painted timber windows and two window displays with fascia boards above, in addition to a double garage door with a third fascia board above. The building has a parapet wall to the front façade and two sections of hipped roofs with a valley between set behind. The building has two rear wings with a courtyard set between which has been infilled with a flat roofed extension. The rear elevation also includes a first-floor single storey lean to extension, erected above the flat roofed ground floor extension.



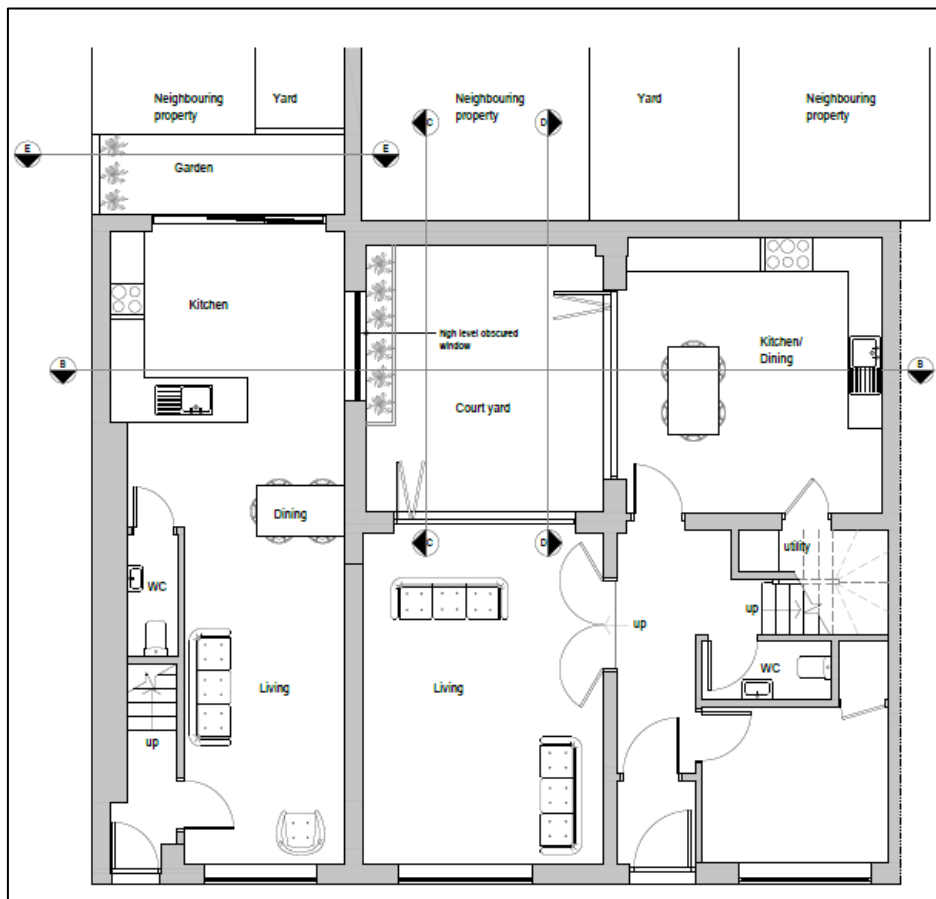
*Front Elevation facing Little Western Street.*



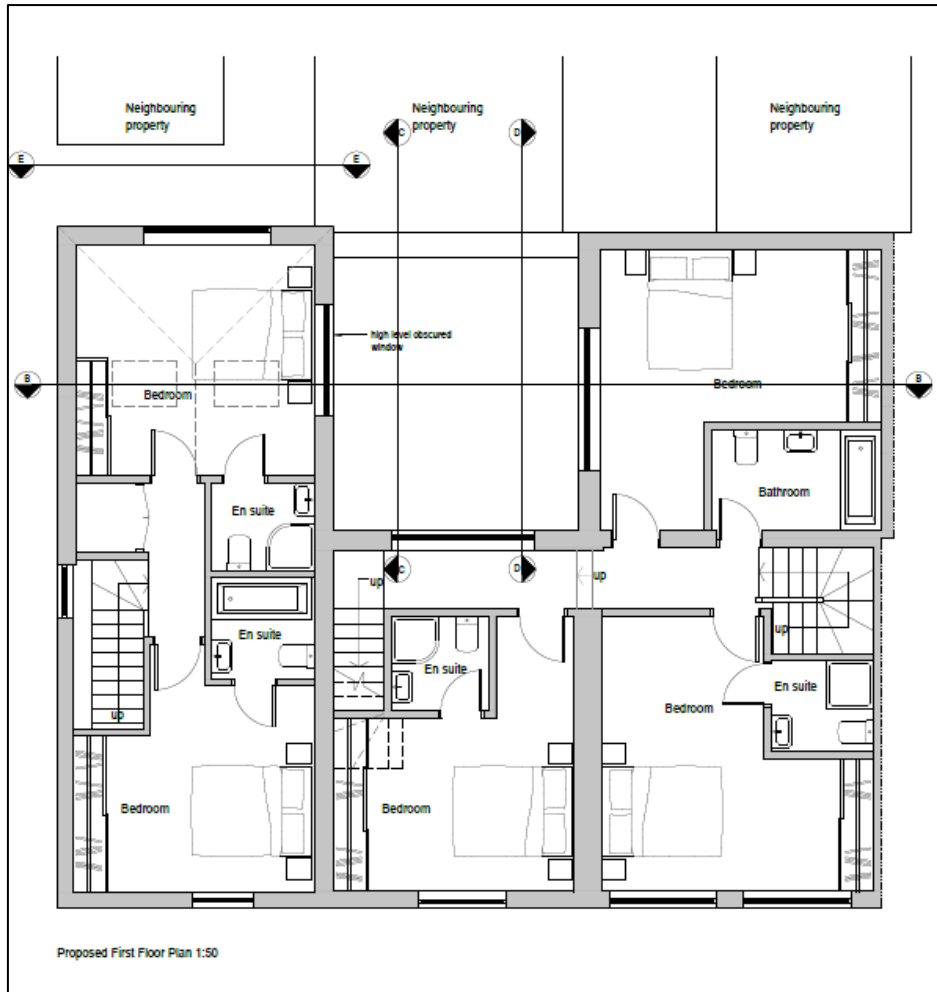
*View of courtyard from northern rear wing.*

## Development Proposal

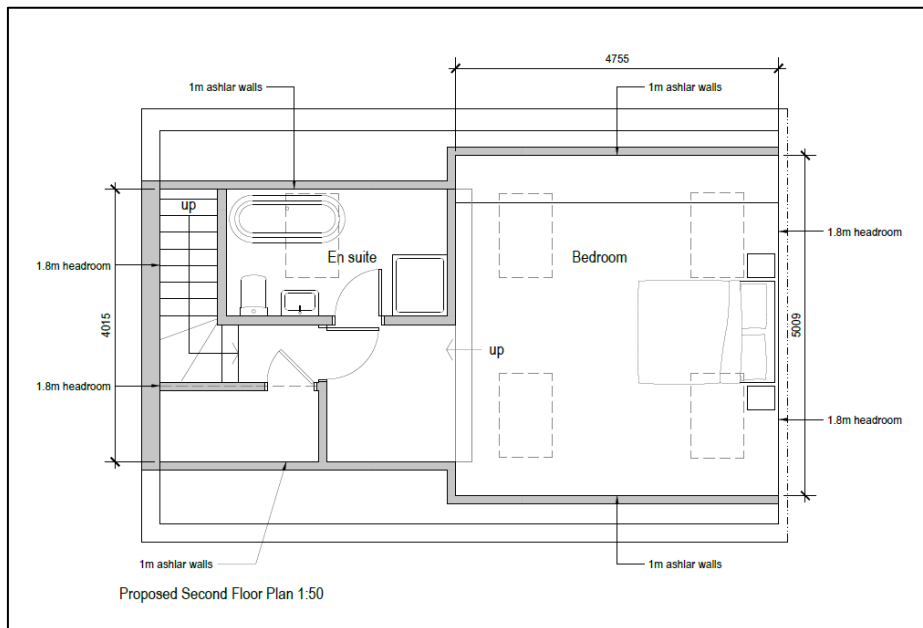
5. The proposed development comprises the refurbishment, conversion and subdivision of the building to form two residential dwellings. The northern section of the building would be divided from the remainder of the building in order to create a two storey two-bedroom dwelling with an open plan living/kitchen/dining room at ground floor level and two double bedrooms with a bathroom at first floor level.
6. The remainder of the building would be converted to create a four-bedroom dwelling with a kitchen, living room and a study/bike storey at ground floor in addition to three double en-suite bedrooms at first floor level and a fourth double en-suite bedroom within a newly created second floor level. The works would involve extensive refurbishment to the building and the rear courtyard would be opened up back down to ground level to form external amenity space for the four-bedroom unit.



*Proposed Ground Floor Plan.*



*Proposed First Floor.*



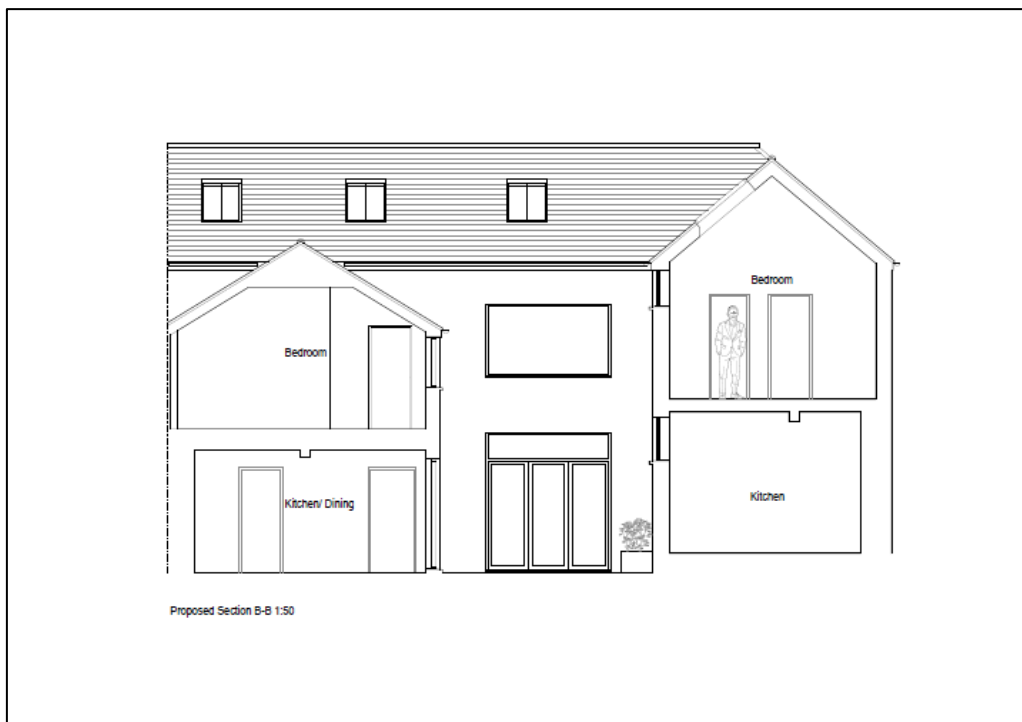
*Proposed Second Floor (roof level).*

7. In terms of external works, the main alterations would relate to the construction of a roof extension which would infill the valley between the two hipped sections of roof in order to allow for access to the proposed second floor bedroom. The ridge would remain the same height as the existing building and rooflights would be added to the front and rear roof slopes.



*Proposed Front Elevation*

8. Windows and bi-folding doors would be added at ground floor level facing towards the central courtyard in order to provide for natural light and to make best use of the external space. Bi-folding doors are also proposed to the rear elevation of the two-bedroom unit in order to provide access to the proposed rear amenity area.



*Proposed Section/Rear Elevation*

9. The fenestration arrangement to the front elevation would remain the same as existing and the fascia boards/shopfront would be refurbished and retained. The windows would be replaced with timber multipaned windows to match the existing arrangement and to retain the traditional aesthetic. Replacement front doors would be installed within existing openings for each of the units and the garage doors would also be replaced in a similar traditional style to the existing doors.
10. The submitted plans should be consulted for full details of the proposed changes. Further detail is described in the *Heritage Statement of Significance* section in the context of considering the impacts of the proposed works on the historic character and significance of the building

### Heritage Statement of Significance

11. The site is an unlisted building falling within the Regency Square Conservation area and adjacent to the eastern boundary of the Brunswick Town Conservation Area.
12. The general description of the Regency Square Conservation Area Statement reads as follows:
 

*‘The conservation area includes the first expansion of Brighton westwards from the Old Town, much of which was developed in the early years of the 19th century. It is broadly defined by the seafront, from West Street to the boundary with the former Borough of Hove, and by Western Road to the north. It contains five formal squares, several grand terraces and the West Pier. Over 250 of its buildings are statutorily listed’.*
13. The Conservation Area Statement divides the conservation area into seven sub areas. The application site falls within the area described as ‘the northwest, including Norfolk Square’. The summary of the northwest section of the conservation area describes the key defining characteristic is the roads running north to south and refers to the garage mews being the main distinctive feature of Little Western Street.
14. The terrace adjoining the site to the rear; 1-5 Norfolk Square, is Grade II Listed and comprises a four-storey terrace of residential dwellings/short term holiday lets. The listing description is as follows:
 

*‘Terraced houses. c1825. Stucco, roofs obscured by parapet. 4 storeys over basement, 3-window range. The house-fronts consist of full-height and almost full-width segmental bays. Ground floor decorated with banded rustication; flat-arched entrance with overlight; all windows flat-arched but with quadrant corners surviving on first, second and third floors of No.1 and Nos 3-4 and all but third floor of No.5. First-floor central windows have pediment on consoles, outer windows have cornice on consoles; bracketed balconies with cast-iron railings; second- and third-floor windows have bracketed sills and a storey band between; 6/6 sashes of original design to first-to-third floors of Nos 1 and 4, second floor of No.3 and first floor of No.5; No.2 has been rendered and all sashes have been altered. Cornice and parapet, the parapet panelled to Nos 1 and 3; stacks to party walls. Cast-iron railings to steps and area with spearhead finials. No.2 has been rendered, all sashes have been altered. INTERIOR: not inspected’.*
15. The building was previously in use as an ironmongery and locksmiths shop and was formerly known as M L Banfield & Sons, which first opened its doors in 1856 and was occupied by the same company right up until 2018. Due to the long continuous ownership of the site, it has developed somewhat organically



over the years with a number of ad-hoc additions. The existing layout comprises a number of rooms of various sizes, previously used for the sale, ancillary storage and some repairs of ironmongery/locks.



*Historic photograph of site (source: google images)*

16. As a result of the previous works and alterations, the layout of the building is inefficient and is generally in a poor state of repair, and is in need of significant investment and remedial works in order to bring it up to a modern standard, as shown in the photographs below.



*Workshop.*



*Rear access corridor.*



*Storage Room.*



*First floor storage*

17. The most notable and prominent feature of the building is the façade which includes traditional display windows with fascia boards and the muse double garage door, all of which contribute positively to the street scene and surrounding conservation area.



*Eastern façade facing Little Western Street*

18. The proposed scheme of works include refurbishment throughout the building, and the removal of a number of unsightly and harmful additions to the building to the rear. Existing traditional features would be retained and refurbished, and the courtyard would be reinstated. The façade, fenestration, fascia boards and double doors to the front elevation would be refurbished where possible and any replacements will be designed in a sympathetic manner in order to match existing features.
19. The proposed roof extension would match the height of the existing ridge and would infill the valley between the two pitched sections with a pitch matching that of the existing northern section of roof. The roof to the rear element would be retained and refurbished where necessary.
20. The proposed works would inject investment into the site, delivering the refurbishment of the entire building and the retrofitting of services in order to bring it up to a modern standard. Overall, it is intended that the proposal would deliver a sympathetic development which would respect and preserve the character of the building, whilst upgrading to the interior to cater for modern living.

## **Planning Policy Framework**

21. Planning and Compulsory Purchase Act 2004 Section 38(6) requires local planning authorities to determine planning applications in accordance with the development plan, unless other material considerations indicate otherwise.

### National Planning Policy Framework

22. A presumption in favour of sustainable development is found at the heart of the NPPF, for both plan-making and decision-taking, defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
23. Achieving sustainable development means that the planning system has three overarching objectives, which 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): economic, social and environment.
24. For decision-taking this means approving applications that accord with up-to-date policies without delay; or where policies are absent, silent or out-of-date, granting permission unless the Framework provides clear reasons for refusing a proposal in a particular location or any adverse impacts of permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

### Brighton and Hove Local Planning Policies

25. The development plan of Brighton and Hove City Council is currently out of date. A review of City Plan Part I (2016) (“CPPI”) carried out in March 2021 (as reported to the Tourism, Equalities, Communities and Culture Committee on 11<sup>th</sup> March 2021) concluded that due to changes which have occurred at national level (changes to the NPPF- updated in 2018, 2019 and 2021, changes to the Use Classes Order, and changes to permitted development legislation), and changes to the calculation of housing targets which have seen the city’s annual housing target raise from 660 homes per year to 2331 homes per year from June 2021, CPPI is out of date.

26. A review / redrafting of CPP1 is scheduled for 2025 or later which leaves the current development plan out of date and relevant weight in the planning balance must be attributed accordingly.
27. City Plan Part 2 (“CPP2”) was submitted to the Secretary of State for examination on the 13<sup>th</sup> of May 2021, with examination taking place in November 2021. Prior to examination, CPP2 Policies have limited weight. Even once adopted, CPP2 will simply expand upon the out-of-date CPP1 Policies, an up-to-date plan will not result and the policies of CPP1 and CPP2 will carry limited weight.

Brighton & Hove Local Plan (2005)

28. BHLP Policies relevant to the application proposal are as follows:
  - QD10 Shopfronts
  - QD14 Extensions and Alterations
  - QD27 Protection of Amenity
  - HO5 Provision of private amenity space in residential development
  - SR8 Individual Shops
  - HE3 Development affecting the setting of a listed building
  - HE6 Development within or affecting the setting of conservation areas

Brighton & Hove City Plan Part 1 (2016)

29. CPP1 Policies relevant to the application proposal are as follows:
  - SSI Presumption in Favour of Sustainable Development
  - CP4 Retail Provision
  - CPI2 Urban Design
  - CPI4 Housing Density
  - CPI5 Heritage
  - CPI9 Housing Mix

Brighton & Hove City Plan Part 2 (submitted for examination 2021)

30. CPP2 Policies relevant to the application proposal are as follows:
  - DMI Housing Quality, Choice and Mix
  - DM13 Important Local Parades, Neighbourhood Parades and Individual Shop Units
  - DM18 High Quality Design and Places
  - DM20 Protection of Amenity
  - DM21 Extensions and Alterations
  - DM23 Shop Fronts
  - DM26 Conservation Areas
  - DM27 Listed Buildings
  - DM29 The Setting of Heritage Assets
  - DM33 Safe, Sustainable and Active Travel

## Supplementary Planning Documents

- SPD02 – Shopfront Design
- SPD14 - Parking Standards (2016)
- Updated Design Guide for Extensions and Alterations (2020)

## **Planning Appraisal**

### Principle of Development

31. The application proposes a conversion of an existing building and therefore the loss of the existing retail use (Class E) and the provision of the proposed residential use (Class C3) are pertinent to the acceptability of the principle of this application.
32. As set out above in further detail, the Brighton and Hove City Plan Part One is out of date as the housing targets set out within Policy CPPI do not accord with at national level policy, legislation, and calculation methods for annual housing delivery targets. National policy makes it clear within paragraph 11 of the NPPF that in there is a presumption in favour of sustainable development and greater weight should be housing delivery in the determination of planning applications where the development plan is out of date. Furthermore, due to the lack of housing supply it is evident that there is an acute need for additional delivery of residential units from windfall sites across the city, such as that proposed within this application.
33. The proposed housing units would be located in a highly sustainable location with easy access to local services amenities within the local area and the regional centre and also located within close proximity to Western Road, a key public transit route with excellent links across the city and wider region. The proposed development would provide two high-quality units, both of which would provide a high quality of amenity for future occupants, each with external amenity space and access to nearby facilities and public open space. Given the vital need for housing in the city, the benefits outlined above should be given significant weight in the assessment of the proposed development.
34. With regards to the existing use, the unit has previously been used as a shop (Class E) for the sale of ironmongery and falls outside of the Local Shopping Centre along Western Road, which runs from east to west to the north of the site. As the site falls outside of any defined shopping area, it can therefore be classified as an ‘individual shop’, as covered by retained Local Plan Policy SR8.
35. Policy SR8 advises that permission for changes of use from individual shops will be permitted, provided that the following criteria are met:
  - a. *the shop is within easy walking distance of a local, district, town centre or the regional shopping centre and local residents within its catchment would still be within easy walking distance of a comparable shop;*
  - b. *it has been adequately demonstrated that an A1 retail use is no longer economically viable in that particular unit; and*
  - c. *the development would not be significantly detrimental to the amenities of occupiers of nearby residential properties or the general character of the area.*

36. Policy SR8 seeks to maintain the provision of local shops for the community and to ensure that a range of amenities are within walking distance in order to reduce reliance on private motor vehicles and also to improve access for those who are unable to travel far.
37. The supporting text for Policy SR8 expands on criterion (a), advising that the maximum acceptable walking distance from an individual shop is defined as a radius of 400m, and an easy walking distance is up to 300m. The site is set directly adjacent to the local shopping centre on Western Road and is in walking distance of the Brighton regional shopping centre. Due to the central location, there are a variety of shops and local amenities on offer within close proximity to the site including several hardware shops, such as Robert Dyas and Hoyes Home and Garden, both of which are within 400m from the application site. The requirements of SR8(a) are therefore met.
38. The supporting text of SR8 advises that the indicators affecting economic viability which will be taken into account in relation to criterion (b) are:
- the characteristics of the unit;
  - its location within the neighbourhood;
  - the pedestrian activity associated with the unit and the locality as a whole; and,
  - the length of time that the unit has been actively marketed on competitive terms.
39. In response to the points above, the site is currently vacant, and has been since April 2020. Furthermore, as set out in further detail within the Heritage Statement above, the site is currently in a relatively poor state of repair and would require significant investment in order to bring it up to a modern standard which is not considered viable for continued use as retail. The layout of the unit is disjointed which, in combination with limited ratio of retail floorspace to overall floorspace, would not lend itself to modern retail requirements.
40. The site is set on a side street with limited footfall in comparison to Western Road to the north and does not fall on a street where retail forms part of the character; the predominant character being residential, which the proposal would accord with. The nature of the existing use, although retail, is relatively specialist and would likely generate one-off specific trips to the site rather than additional footfall to the local shopping centre to the north.
41. A letter has been provided (see Appendix I) from a local property consultancy, Graves Jenkins, advising that the business was sold to another operator on a leasehold basis in 2018. The new owners of the business failed to trade successfully, and the shop closed in April 2020. The original business owner received no interest from any other parties to use the site on a retail basis and therefore the property was marketed with full vacant possession in March 2021.
42. Since March 2021 enquiries were received by investors and developers with an objective to redevelop the site however there was no interest in use of the site for retail purposes. The general feedback given is summarised below:
- The property is too secondary for any retail use.
  - The property required too much investment to convert into a retail use with no certainty of success.

- There is a complete lack of footfall in Little Western Street for any commercial occupation of any kind.
  - The location is becoming more so established as a residential street with other recent conversions from commercial to residential use, including the adjoining property at no.3.
43. It is clear from the period of vacancy in combination with the prohibitive costs implications required to bring the site up to a modern standard, that a retail use is no longer viable on the site and therefore the requirements of criterion (b) of SR8 have been met.
44. In response to criterion (c), as set out below in more detail, the proposed conversion and extension of the unit to provide two residential units would cause no harm to neighbouring amenity, and the retention/refurbishment of the traditional features of the façade would ensure the general character of the area would be retained. As set out above, retail does not form a key characteristic of Little Western Street, and therefore, the conversion of the site would not impact negatively on the general character of the area. The requirements of criterion (c) are therefore met.
45. Overall, the proposed development would deliver considerable benefits including significant investment and refurbishment into a site which is currently vacant and is need of remedial works in the short term. It has been demonstrated that a retail use is no longer viable on the site and there has been a lack of interest for the site within its current state. The proposal would also deliver two high quality residential units in a sustainable location in a time of need of critical need for housing within the city. For these reasons, the principle of the proposed development is acceptable.

Visual Impact / Heritage

46. As set out within the Heritage Statement above, the application site falls within the Regency Square Conservation area and adjacent to the Brunswick Town Conservation area and is also set amongst a number of listed buildings. The proposal has therefore been designed carefully in order to ensure that any external alterations respect and, where possible, enhance the character and interest of the surrounding heritage assets.
47. The proposal would involve relatively modest external alterations as set out below:
- The erection of an additional section of pitched roof to infill the existing valley between the two existing roof sections.
  - The removal of an area of flat roof and a first floor extension to the rear and the reinstatement of the courtyard area.
  - The installation of two replacement timber front doors, double timber garage doors, replacement timber windows to match the existing to the front elevation.
  - The retention and refurbishment of the existing shop front fascia and shopfront windows.
  - The installation of replacement doors and window to rear elevations
  - The installation of two rooflights to the front elevation, three rooflights to the rear elevation and two rooflights to the northern rear wing.
  - Associated like-for like refurbishment and repairs where required.



48. The proposed roof extension would match the main ridge height of the existing building and would extend across the valley between the two roofs with a hip matching the pitch to the secondary roof. The roof would be finished in slate to ensure continuity with the existing roof and, due to the narrow nature of the street, would not visibly project above the existing parapet line, thereby maintaining the traditional form of the façade.
49. The main works to the rear would remove several modern harmful additions to the building, and would open up the central section of the site in order to reinstate a courtyard with planters and external space for the future occupants of the four bedroom unit. Areas to the rear which are currently in a poor state, such as the roof of the southern wing, and sections of eaves, would also be refurbished/reinstated in a like-for like manner thereby improving the overall aesthetic of the site.
50. The existing shopfront and windows would retain their existing unique proportions and works to the front elevation would generally be like-for-like replacements of existing features, and any new features would be designed appropriately to respect the conservation area. All replacement windows and doors to the front elevation would be finished in timber to respect the historical interest of the building and surrounding street scene.
51. Overall, the proposed alterations would respect and enhance the appearance of the building and would be designed in a manner that is in keeping with the character of the street scene, thereby ensuring the character of the surrounding conservation area and adjacent listed buildings would be maintained. The proposed development therefore accords with retained Local Plan Policies HE3, HE6 and City Plan Part One Policies CPI2 and CPI5.

#### Standard of Accommodation

52. Retained Local Plan Policy QD27 seeks to ensure a high standard of amenity for future occupiers. Whilst Brighton and Hove do not current have any adopted space standards for new residential development, emerging City Plan Part Two Policy DMI indicates that the Nationally Described Space Standards (NDSS) will be adopted as part of the plan.
53. Taking account of the points set out above, the two-bedroom unit at, 86.6sqm, would exceed the NDSS which advises 79sqm for a two storey two storey dwelling. The unit would also include two en-suite bathrooms, an open plan kitchen/living dining area and external amenity space to the rear. All rooms would be well served by windows to ensure adequate provision of outlook and natural light.
54. The four-bedroom dwelling, at 192.4sqm, would significantly exceed the NDSS which advises 130sqm for a four-bedroom three storey dwelling. The unit would also include a planted courtyard area, a kitchen/dining, living room, four bathrooms, a WC and a secure bike store. All rooms would be well served by windows to ensure adequate provision of outlook and natural light.
55. The proposed dwellings would provide a high standard of accommodation, both of which would have access to external space and would contain rooms with sufficient outlook and light levels, in accordance with Local Plan Policy QD27 and Emerging City Plan Part Two Policy DMI.

#### Neighbouring Amenity

56. The proposed residential use would be entirely in keeping with the character of the surrounding area, which is a mix of commercial and residential uses. The introduction of a residential use would reduce noise and disturbance associated with the existing operations associated with the previous use.

57. The proposed additional windows to the rear elevation would provide a similar outlook to that which can be achieved from the existing first floor rear windows.
58. The proposed roof extension would be modest in scale and the majority of it would be screened behind the parapet wall and therefore would not result in harm to neighbouring amenity.

#### Transport

59. The application property is situated in a highly sustainable location close to the city centre. Western Road to the north and Kingsway/Kings Road to the south are both well served by bus routes and Brighton Railway Station is within walking distance. The amenities of the seafront, promenade and lawns are a block away to the south.
60. The four-bedroom unit would include a secure area for bike storage located behind the replacement garage doors. The two-bedroom unit has limited space for the storage of bikes, however there are several Sheffield stands within close proximity on Western Road and there are two Brighton Bike Share stations within 300m of the site which could be utilised by future occupiers.
61. Overall, the proposed development in this location is appropriate in transport terms.

#### Sustainability

62. The proposed office residential units will comply with current building control standards for energy and water usage.

#### CIL

63. In relation to the Community Infrastructure Levy, a contribution will be made based on the accompanying CIL forms.

### **Conclusion**

64. The proposed development would deliver the refurbishment and improvement of the existing building in a sympathetic manner. Two self-contained units of residential accommodation would be delivered comprising two-bedroom and four bedrooms units suitable for family occupation. A high standard of accommodation would be provided. This housing provision should be given significant weight in the context that the Council cannot demonstrate an adequate supply of housing. A detailed case has been submitted demonstrating that the use of the building as retail is redundant and not viable. The proposed external works have been designed to result in a sympathetic conversion which would preserve and improve the character and of the building and surrounding street scene and Regency Square Conservation Area.
65. No harm to neighbouring amenity would occur and the proposed development is acceptable in terms of sustainable transport.
66. It is therefore respectfully requested that Planning permission be granted to enable the benefits of the proposed scheme to come forward without undue delay.

## **Engagement with the Local Planning Authority**

67. This planning statement has been prepared to assist the Local Planning Authority in the determination of the application with regard to national and local planning policy. However, in the event that the Local Planning Authority should wish to discuss any element of the scheme, including potential amendments, the applicants would welcome a discussion prior to the determination of the application. Correspondence can be sent to Whaleback Ltd via the contact details set out below.

**Whaleback Planning & Design**

The Old Bank  
257 New Church Road  
Hove  
BN3 4EE

01273 234354

[info@whaleback.co.uk](mailto:info@whaleback.co.uk)

© Copyright