



Development Control  
Brighton & Hove City Council  
Hove Town Hall  
Norton Road  
Hove  
BN3 3BQ

Date 19 May 2022  
Your ref  
Our ref 808

Dear Sir or Madam

**4 The Broadway, Brighton**

We write on behalf of our Mr John Somerville in support of applications relating to 4 The Broadway, Brighton.

The planning applications are for:

- Application for determination as to whether prior approval is required for the change of use of 4 The Broadway from commercial (Class E) to residential under Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015/596
- Alterations to the elevations including new fenestration to front and rear.

4 The Broadway lies within the Whitehawk area of Brighton & Hove and comprises an existing commercial unit which is now vacant. It lies within a small parade of shops within the centre of Whitehawk. It is located within the centre of a terrace with an existing flat at 1<sup>st</sup> floor. It benefits from a large rear garden which currently serves the 1<sup>st</sup> Floor Flat. The front elevation has floor to ceiling glazing with central door, with a side door to serve the flat above.

The proposals comprise some minor alterations to the elevations. To the front elevation this includes the relocation of the central door to the right of the front elevation and the provision of a new large central window, including the provision of a stall riser and transom lights. At the rear, the terrace which sits over an internal courtyard will be removed and new windows will be inserted. A lightwell will be inserted to the section of flat roof.

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These external alterations are sought to support the domestic use of the Site, but in doing so are considered to respect the character of the otherwise mixed commercial area. Internally the unit will be laid out with 2 no. bedrooms and a combined kitchen/living space. A set of stairs to the internal courtyard will provide access to a private rear garden area which will be shared with the flat above.

### **Determination in respect of Prior Approval**

Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015/596 permits:

*“Development consisting of a change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order to a use falling within Class C3 (dwellinghouses)”*

MA.1 sets out a series of circumstances where such development is not permitted. It is considered that none of these are applicable to the proposals. The unit has been in use as a shop (Class E) for a significant period and has now been vacant for 6 months. The amount of floorspace to be converted does not exceed 1,500 m<sup>2</sup> and the Site is not located in any area identified for its historic, landscape or ecological importance.

MA.2 sets out the conditions that must be met before the development can proceed. This includes that the proposal is subject to an application to determine whether the Council's prior approval is required before it can proceed. This application is made here. The issues that the Council can consider and our comments on those considerations can be found below (where relevant).

#### *Transport Impacts*

The proposals will result in the creation of a 2-bedroom flat and therefore is not considered to have any material transport impacts.

#### *Contamination Risks*

The proposals relate to the conversion of an existing building and therefore there is not considered to be any contamination risks.

#### *Flooding Risks*

The Site is located in Flood Zone 1 with the lowest risk of flooding, the creation of new residential units is entirely appropriate within such areas.

*Impacts of Commercial Noise*

There are no significant sources of noise in the locality.

*Provision of Adequate Natural Daylight*

A report by Accon has been submitted with the Application confirming that the dwelling will benefit from adequate daylight.

**Conclusions in respect of the need for Prior Approval**

Given the above, it is our view that the Council's prior approval for this development is not required and that it can duly proceed in accordance with Part MA of the Town and Country Planning (General Permitted Development) (England) Order 2015/596.

**Alterations to Elevations**

The alterations proposed to elevations are relatively limited, whilst there will be a material change to the front elevation the proposed design has sought to retain elements of a traditional shop front thereby protecting the character of the mixed commercial area. The alterations to the rear elevation are minor and will not have any material impact on the character of the area or harm the amenity of adjacent occupiers, it is therefore considered that these are wholly acceptable.

Consequently, it is our view that the Proposed Development would maintain the character of the area and therefore comply with the BHCC City Plan Part One.

In summary, it is considered that the proposals meet the requirements under Class MA and do not require prior approval to proceed. Furthermore, that the external alterations maintain the character of the area and therefore comply with local and national planning policy. We would therefore respectfully request that approval for these works is granted.

Yours faithfully



DMH Stallard LLP