

Planning Statement

Retrospective application seeking change of use from Class E to a mixed use Class E/Sui Generis to allow for the continued use of the premises as a multi purpose production and event space.

Ironworks Studio, 30 Cheapside, Brighton, BN1 4GD

Prepared for

Flat Yard Ltd

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Appendix 1	Copy of current occupiers lease
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1. INTRODUCTION

- 1.1. Dowsett Mayhew Planning Partnership has been instructed by its client, Flat Yard Ltd, to submit a retrospective planning application, seeking the change of use of the premises known as The Ironworks Studio, 30 Cheapside, Brighton, to a mixed Class E/sui generis use to allow for its continued use as a multi purpose production and event space.
- 1.2. In addition to this supporting statement and the necessary application and CIL forms, the application is accompanied by the following documents and drawings:
 - Existing floor plans (incorporating Location and Site Plan (23/930-1));
 - Transport Report; and
 - Noise Assessment.
- 1.3. This Statement sets out relevant planning policies, planning history, and assesses the scheme in accordance with the requirements of the Development Plan and other material considerations, including the National Planning Policy Framework (NPPF). It has been prepared having regard to the Town & Country Planning (Development Management Procedure) (England) Order 2015 (SI 2015 number 595) and guidance contained within the National Planning Practice Guidance (NPPG).

2. SITE AND SURROUNDINGS

- 2.1. The application site lies at the corner of Cheapside and Blackman Street in the centre of Brighton, some 100 metres due east of Brighton Train Station (as the crow flies). The building is a two storey flat roofed structure on the east side of Blackman Street. The application relates to the ground floor of the premises only (with the exception of a very small part of the first floor), the rest of the first floor of the building remains in office (Class E) use.
- 2.2. Whilst the occupiers of the ground floor of the premises also use the attached unit to the immediate east as a warehouse, this is a separate planning unit, which is to remain in storage use and therefore does not form part of the application submissions.
- 2.3. The main entrance to the ground floor of the building lies within the east elevation, however there is a secondary entrances in the west elevation fronting Blackman Street. Access to the first floor office space (not subject of this application) is gained via an entrance on Blackman Street.
- 2.4. To the immediate east of the building there are six parking spaces available for the occupiers of the building. Use of these parking spaces is under licence. The occupiers of the ground floor of the building currently rent four of these spaces as part of their occupation of the building. Access to this parking area is off Cheapside to the north and is shared with the adjacent unit currently occupied by a Halfords Autocentre. On the basis that there is no intended change of use to these car parking spaces and their associated use with the building could change at any time, they have been purposefully excluded from the application submissions.

- 2.5. To the north of the site Kingscote Way runs in a north/south direction between Cheapside and Fenchurch Walk. This residential development was built out as part of the redevelopment of the New England Quarter, a mixed used development comprising residential development, office and commercial floor space, retail and education uses as well as areas of green space and car parking for the train station.
- 2.6. The residential element directly opposite the application site consists of four storey flatted development following the road frontage with a number of small balconies overlooking the application site and its neighbouring commercial uses.
- 2.7. To the east of the application site, as noted above, is an existing auto centre, beyond which are buildings (both low and high rise) associated with Brighton Metropolitan College.
- 2.8. To the south, the application site abuts Trafalgar Street Car Park a multi level public car park, over which sits a large multi storey block of flats (Theobald House).
- 2.9. To the west of the application site is The Brinnell Building, a newly constructed seven storey office building.
- 2.10. The application site falls firmly within the built up boundary of the city. It also falls within the New England Quarter and London Road Area allocated by City Plan Part 1 (Policy DA4).
- 2.11. The site falls outside of, but in close proximity to West Hill Conservation Area, (to the west) and North Laine Conservation Area (to the south). There are no listed buildings within the immediate vicinity of the application site, however the train station is a Grade II* listed building and St Bartholomew’s Church to the north east is a Grade I listed building.

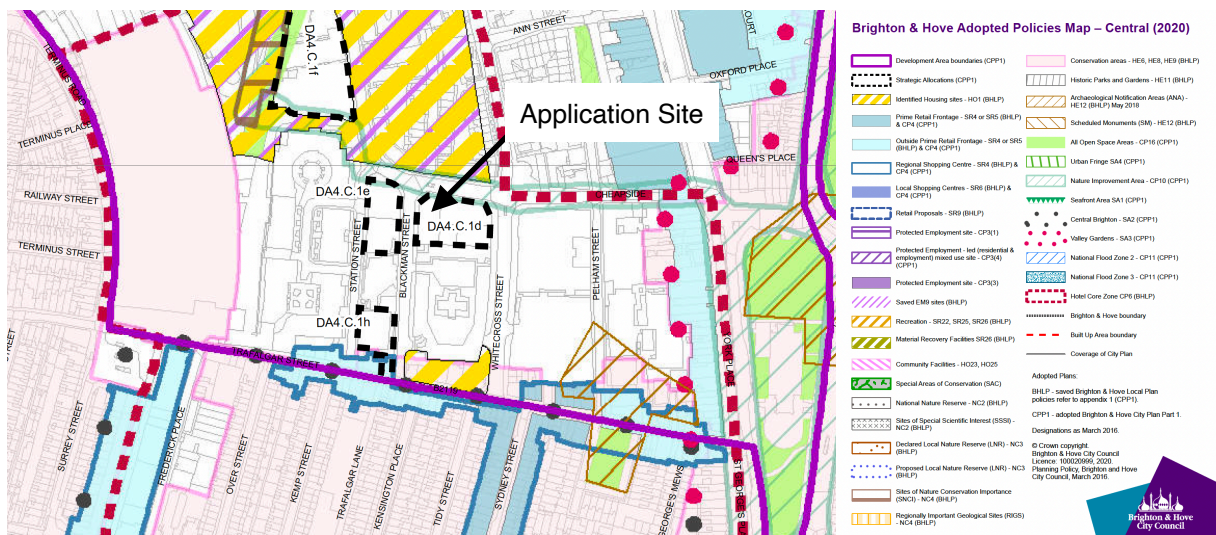


Figure 1 - Extract from Brighton & Hove Adopted Policies Map - Central (2020)

3. PLANNING HISTORY

- 3.1. The Council’s online planning history for the site indicates that the most recent planning application relating to the premises is:

- 3.2. BH2000/00760/FP - Installation of new exits and fire escape to ground floor of premises. Installation of 4 windows to east facing elevation at first floor - Approved.
- 3.3. The documents available to view on the Council's website in association with this application are limited but those that are available indicate that at the time of the determination of the application, the site was considered to be in use for B2 purposes (general industrial).
- 3.4. Prior to 2021 the Town and Country Planning (General Permitted Development) (England) Order 2015 permitted a change of use from any use falling within Class B2 (general industrial) to a use falling within Class B1 (business). In 2020 the the Town and Country Planning (Use Classes) Order was amended to revoke B1 (Business) uses and introduced a new Class E (commercial, business and service) use. The enacting legislation sets out that:

"For the purposes of the Use Classes Order, if a building or other land is situated in England, and is being used for the purpose of one of the following classes which were specified in Part A or B of the Schedule to that Order on 31st August 2020, as—

- (a) Class A1 (Shops),*
- (b) Class A2 (Financial and professional services),*
- (c) Class A3 (Restaurants and cafes), or*
- (d) Class B1 (Business),*

that building or other land is to be treated, on or after 1st September 2020, as if it is being used for a purpose specified within Class E (Commercial, business and service) in Schedule 2 to that Order."

- 3.5. The current occupiers of the premises first took occupation of the building in 2012, taking over the occupation of the entire ground floor and a very small part of the first floor of the building in 2020, a copy of the lease demonstrating this to be the case is attached at Appendix 1. Since their first occupation of the building they have used the premises as office space and as a production studio. Their use of the building for these purposes falls within a Class E use.
- 3.6. In July 2021 a live audience event was held in the building and over time more events have been introduced. The Council's Planning Enforcement Officers have indicated that the current use of the premises as a multi purpose production and event space is a mixed Class E and sui generis use. Consequently they have requested the submission of a retrospective planning application to consider the planning merits of the current mixed use of the site.

4. PROPOSED DEVELOPMENT

- 4.1. Retrospective planning permission is sought for the change of use of the premises to a mixed Class E/sui generis use to allow its continued use as a multi purpose production and event space.

- 4.2. There are no physical alterations to the building proposed as part of this application. It is an application for the use of the building only.
- 4.3. The building is internally subdivided into a number of spaces that can be used for private hire and corporate functions. It is a complex of production studios and flexible-use space available for showcases, filming, photo shoots, press launches, conferences and more.
- 4.4. There are two main studios (Studio A and Studio B), a small cafe/bar, plus a suite of meeting and break out rooms.
- 4.5. Studio A is a 200 sqm studio with facilities to host live audiences of up to 180, with a retractable raked seating system and seats at floor level. The studio is suitable for virtual and actual conferences or awards ceremonies, seminars, lectures and screenings, as well as live multi camera broadcast via YouTube, Zoom or social media, or any number of in-person, hybrid and virtual audience-based scenarios.
- 4.6. Studio B is a 60 sqm studio suitable for small conferences, corporate events, workshops and business meetings of up to 40 people. Additional break-out rooms fully equipped for conference telephone calls, Skype and Zoom meetings are also available. It is possible to increase the size of Studio B by opening a retractable wall and incorporating the cafe/bar area.
- 4.7. As stated above the cafe/bar area can be incorporated into Studio B to provide an enlarged space, or it can be used independently and provides 80 sqm of space.
- 4.8. The cafe/bar is only used in association with the building, providing a break out area or to provide catering facilities for users of the building. It is never opened as a stand alone cafe/bar open to the general public.
- 4.9. Attached at Appendix 2 is an Events Brochure produced by the current occupiers which provides a little more detail as to the use of the building.
- 4.10. When hiring out the space, this is always done exclusively, therefore avoiding multi-users occupying the premises at the same time.
- 4.11. General hours of use during the working week are 9am - 6pm. During these hours the use of the building would fall mainly under a Class E use, being used as offices, meetings, conference and as a production space. Approximately once a month the building is used for community type events e.g. youth projects, charity events, meetings etc.
- 4.12. As set out above, in July 2021 the first live audience event was held at the application site. Regular events are now held Friday and Saturday evenings, with the occasional events held on other week nights. A schedule of events is kept up to date on the Ironworks Studios website: <https://www.ironworks-studios.co.uk/whats-on>
- 4.13. Live evening events hours of use are usually held between 6pm - midnight.
- 4.14. Until recently, a small area to the front of the main entrance has been used as a breakout space for drinking and smoking prior to the live audience events, enclosed by herras fencing. A

licence for the use of this space was granted by the Council. This however is in breach of the occupier's lease and as such they have been requested to cease this use of the land for these purposes. Consequently this does not form part of the application submissions as no change of use of this land is sought.

5. PLANNING POLICY

- 5.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 states that planning applications should be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Material considerations include the National Planning Policy Framework (NPPF).
- 5.2. The approved Development Plan for Brighton and Hove comprises the policies of the Brighton and Hove City Plan Part 1 (adopted March 2016) and the recently adopted Brighton and Hove City Plan Part 2 (adopted October 2022).
- 5.3. Other relevant material considerations include the Council's Supplementary Planning Documents in particular:
 - Parking Standards SPD14 - adopted October 2016

Brighton And Hove City Plan Part 1

- 5.4. The Brighton and Hove City Plan Part 1 (City Plan) was adopted in March 2016 and provides the overall strategic and spatial vision for the future of Brighton and Hove through to 2030.
- 5.5. The following policies of the City Plan are considered most relevant to the consideration of this application:
 - SS1 - Presumption in Favour of Sustainable Development
 - DA4 - New England Quarter and London Road Area
 - CP2 - Sustainable Economic Development
 - CP3 - Employment Land
 - CP5 - Culture and Tourism
 - CP9 - Sustainable Transport

Brighton And Hove City Plan Part 2

- 5.6. The Brighton and Hove City Plan Part 2 was adopted in October 2022 and replaces the previously saved policies of the Brighton and Hove Local Plan 2005. The City Plan Part 2 complements the Part One Plan and provides additional policies for managing new development and provides further site allocations to help deliver much needed new homes and high-quality development.

5.7. The following policies are considered to be of most relevance to the consideration of this application:

- DM9 - Community facilities
- DM33 - Safe, Sustainable and Active Travel
- DM36 - Parking and Servicing
- DM40 - Protection of the Environment and Health - Pollution and Nuisance

6. MATERIAL CONSIDERATIONS

National Planning Policy Framework (NPPF)

- 6.1. The NPPF sets out that the purpose of the planning system is to contribute to the achievement of sustainable development (Paragraph 7). Paragraph 8 goes on to explain that *“Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways”*: an economic objective, a social objective and an environmental objective.
- 6.2. Paragraph 9 states that planning decisions *“should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.”*
- 6.3. Paragraph 10 states that, *“So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development.”*
- 6.4. Paragraph 11 sets out that the application of sustainable development for decision-taking means:
- Approving development proposals that accord with an up-to-date Development Plan without delay; or
 - Where there are no relevant Development Plan policies, to the policies which are most important for determining the application are out-of-date, granting planning permission unless:
 - i. The application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework taken as a whole.
- 6.3. Chapter 6 seeks to ensure planning policies and decisions help create the conditions in which businesses can invest, expand and adapt. It states that significant weight should be placed on the need to support economic growth and productivity, taking into account local business needs and wider opportunities for development.

- 6.4. Chapter 7 relates to ensuring the vitality of town centres and paragraph 90 states that *“decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth management and adaption.”*
- 6.5. Chapter 8 related to promotion healthy and safe communities. Paragraph 97 states that *“to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:*
- a) Plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments.”*
- 6.2. Chapter 9 relates to “Promoting Sustainable Transport”. It states that, *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”* (Paragraph 115).

Parking Standards SPD

- 6.3. The Council’s Parking Standards SPD was adopted in October 2016 and supplements, inter alia, Policies CP8 and CP9 of the City Plan Part 1 and now policy DM26 of the City Plan Part 2. Its purpose is to provide parking standards for all new development in the city.
- 6.4. The application site falls within the Central Area as defined by this document which benefits from the highest levels of public transport accessibility and also contains the largest proportion of public off-street car parking spaces within the city.
- 6.5. Whilst the SPD has not been updated to reflect the change to the Use Classes Order it is pertinent to note that the following standards are set out for B1 Office space in the defined Central Area:

Land Use	Parking Type	Parking Standard
B1 Office	Car	Disabled user car parking only
	Electric Vehicle	10% of car parking provision to have electric vehicle charging provision 10% of car parking provision to have passive provision to allow conversion at a later date
	Cycle	Staff - 1 space plus 1 space per 100m ² (Long Stay) Visitors – 1 space plus 1 space per 500m ² (Short Stay) Showers and changing facilities should be provided for all office developments of 500m ² and above. Facilities should be provided on the basis to cater for a minimum of 10% of staff

Land Use	Parking Type	Parking Standard
	Disabled User Parking	0 to 200 bays – Individual bays for each disabled employee where known plus 2 bays or 5% of total capacity whichever is greater Over 200 bays – 6 bays plus 2% of total capacity
	Motorcycle	Major developments based on at least 5% of the maximum total car parking standard. Minor developments provision provided on a case by case basis.

- 6.6. These are noted to be maximum standards.
- 6.7. The document advises that when applications are considered for development which do not provide on-site parking to address the demand they may create, the impact of potential overspill parking needs to be considered.

7. PLANNING CONSIDERATIONS

- 7.1. The following considerations are most relevant to the determination of this application:
 - Principle of the change of use
 - Impact on neighbour amenity
 - Access and highways

7.2. Each is considered in turn below.

Principle Of The Change Of Use

- 7.3. Policy DA4 of the City Plan Part 1 relates to the New England Quarter and London Road and provides a strategy to revitalise the London Road shopping area, create a major new business quarter for Brighton & Hove consisting of high quality business accommodation connecting London Road with the New England Quarter, and to maintain and enhance a green gateway to the city to the west of Preston Road.
- 7.4. A significant amount of new development within this area has already been brought forward under this allocation.
- 7.5. The application site (as part of a wider site) is one of a number of sites identified under this allocation to be brought forward to deliver mixed use B1 floorspace and residential development. The change of use sought by this application does not however compromise the delivery of the wider allocation, which would need to come forward as a comprehensive redevelopment of the site anyway. Instead it will maintain an active economic use within the building that is entirely compatible with the mixed use nature of the wider area.
- 7.6. Policy CP2 of the City Plan Part 1 states that the Council will positively and proactively encourage sustainable economic growth and will (inter alia):

- support indigenous business growth;
- support the diversification of the city's economy to ensure it resilience and versatility;
- bring forward a mix of flexible employment floorspace;
- and recognise the importance of employment-generating non-B Class uses to the local economy.

7.7. The proposals are an excellent example of indigenous business growth where the users have expanded their business to meet an identified need. The expansion of the uses at the site provide flexible employment floor space and contribute to the local economy. The site continues to provide employment for 6 full time staff, with additional staff required for events and shows.

7.8. In accordance with the requirement of Policy CP3 the mixed use of the site does not harm the continuation of the existing Class E use of the building but simply provides more flexibility to the use of the building to meet an established need. Ultimately there is no loss of employment floorspace and the Class E use of the building remains the dominant use of the building (80% over the overall floor area of the building) which continues to generate employment.

7.9. Policy CP5 of the City Plan Part 1 seeks to *“maintain and enhance the cultural offer of the city to benefit residents and visitors. It will support the role of the arts, creative industries and sustainable tourism sector in creating a modern and exciting visitor destination with a range of high quality facilities, spaces, events and experiences.”*

7.10. The use of the building as a multi purpose production and event space falls entirely in line with the aspirations of this policy, enhancing the cultural offer of the city and supporting the role of the arts, and creative industries. The fact that the use of the premises has grown organically is testament in itself that the space is required to fulfil a need and its growing reputation and popularity reflects the fact it has become an exciting visitor destination providing facilities, events and experiences that people desire. The facilities are exactly the type specifically advocated by Policy CP5.

7.11. Furthermore Policy DM9 of the City Plan Part 2 states that:

7.12. *“Planning permission will be granted for new community facilities in Regional, Town, District and Local Centres in accordance with Policy DM12 and in other locations where all of the following criteria are met:*

- a) the proposed use is compatible with adjoining and nearby uses;*
- b) the site is close to the community it serves and is readily accessible by walking, cycling and public transport; and*
- c) where feasible and appropriate, community facilities have been co-located to maximise their accessibility to residents and reduce the need for travel (for example at Community Hubs).”*

- 7.4. The supporting text explains that the term community facilities encompasses a wide range of facilities and services, which are defined in national policy as being social, recreational and cultural in nature. Arts and performance venues are listed as one such type of use.
- 7.5. It is clear from the above that there is significant policy support in principle for the use of the building, which provides innovative, flexible, employment and event space on a scale entirely appropriate for the locality. Whilst the site has been identified for wholesale redevelopment, the interim change of use sought by this application will not prejudice or undermine its future development potential as has been identified by Policy DA4.

Impact On Neighbour Amenity

- 7.6. Policy DM9 requires new community facilities to be compatible with adjoining and nearby uses.
- 7.7. Policy DM40 states that planning permission will be granted for development proposals that can demonstrate they will not give rise nor be subject to material nuisance and/or pollution that would cause unacceptable harm to health, safety, quality of life, amenity, biodiversity and/or the environment.
- 7.8. As set out above the application site sits within a city centre location amongst a variety of existing uses, including residential, educational and office space.
- 7.9. The main causes of noise disturbance from the site are likely to be from noise breakout from the building itself and noise from customers outside of the building (queuing/smoking) during and before live performance events.
- 7.10. In order to protect neighbouring users and occupiers from any noise breakout, the studios have been soundproofed to prevent noise spill from the building.
- 7.11. Noise disturbance from customers outside of the building is likely to be short-lived with queues managed effectively and only limited use of the outside space (e.g. smoking). As set out above, whilst the current occupiers have been granted a licence for the use of an outdoor area for refreshments before and during performances, the landlord has asked them to cease this use therefore this does not form part of these application submissions.
- 7.12. A Noise Assessment is submitted in support of the application which clearly demonstrate that the current use of the premises is acceptable and does not cause harm to the amenity of nearby occupiers/residents.

Access And Highways

- 7.13. Policy CP9 of the City Plan Part 1 seeks to encourage the use of sustainable forms of transport to reduce the impact of traffic congestion, increase physical activity and improve people's health safety and quality of life.
- 7.14. Policy DM33 seeks to promote and provide for the use of sustainable transport and active travel by prioritising walking, cycling and public transport in the city.

- 7.15. Being set within the city centre in very close proximity to the train station and the wider public transport network the application site is ideally located to encourage the use of sustainable transport and active travel.
- 7.16. The application submissions are supported by a Transport Report which confirms the highly sustainable location of the site and consequential limited impact of the proposals on highway safety and capacity.

8. SUMMARY/CONCLUSION

- 8.1. The change of use sought by this application is a result of the organic growth of the existing business which legitimately has operated at the premises under a Class E use for a number of years, as permitted by the current lawful use of the building. The widening of the use of the building to allow its use as a multi purpose production and event space is entirely complementary with its city centre location and nearby uses. It is exactly the type of use supported by development plan policies and maintains the premises as an employment generating use whilst at the same time enhancing the cultural offer of the city.
- 8.2. Impact on nearby and neighbouring occupiers is limited by the size of the building, effective soundproofing of the building and appropriate management of the facilities and events.
- 8.3. Being located within the city centre, access to the site by multiple forms of transport is feasible and there are also a number of nearby public car parks available for the use of visitors to the site. Consequently any impact on the surrounding highway network is limited.
- 8.4. For the reasons set out in this statement it is considered that the use of the building is acceptable, accords with relevant Development Plan policies and should be supported.