

Planning Department
Brighton & Hove City Council
Hove Town Hall
Norton Road
Hove
BN3 3BQ

29th February 2024

Dear Sir/Madam

**Ground Floor 49 Grand Parade Brighton BN2 9QA
Change of use from retail (Class E) to residential (C3)
Class MA of the General Permitted Development Order 2021**

We write on behalf of the owners of 49 Grand Parade, Brighton (Sussex Heritage Properties Ltd) in relation to proposals for a change of use of the ground floor from Use Class E (retail) to residential use (C3). The proposed conversion to create a self-contained flat is submitted under Class MA of the Town & Country Planning (General Permitted Development Order) and we enclose an application for confirmation that prior approval of matters relating to contamination, flood risks, noise disturbance and natural daylight levels is not required.

The ground floor was in retail use until it became vacant on 1st September 2023 and would be better served as residential accommodation in light of the current housing shortage across the city. The proposed conversion would create a new home without the need for any significant external building alterations.

Application Site

49 Grande Parade is a terraced building located on the western side of Victoria Gardens, close to the junction with Kingswood Street. The building comprises four floors with the following uses:

- Ground Floor – Vacant retail unit and access to upper floors.
- 1st Floor – 1 bed flat.
- 2nd Floor – 1 bed flat
- 3rd Floor – Studio flat.

The property is not listed or a locally identified heritage asset. However, it is located in the Valley Gardens Conservation Area (designated in 1973).



RTPI

mediation of space · making of place

Chartered Town Planners

Lewis and Co Planning South East Limited
Company Number 05809390
Registered Office: Preston Park House, South Road,
Brighton, BN1 6SB
Registered in England and Wales



Site Location Plan

Planning Application History

The local planning authority register includes the following applications relating to the property:

BH2014/01337 – Prior approval for change of use of first and second floor offices (B1) to residential (C3) to form 2no one-bedroom flats. Approved 18th June 2014.

BH2014/00059 - Prior approval for change of use of first and second floor offices (B1) to residential (C3) to form 2no one-bedroom flats. Refused 5th March 2014.

BH2005/05049 - Four storey rear extension to existing office units and single residential unit. Approved 9th November 2005.

BH2003/03710/FP - Demolition of rear elevation of the building. 5 storey rear extension for office use. Refused 15th January 2004.

BH2003/03711/CA - Demolition of rear wall. Withdrawn 4th December 2003.

BN76/1458 – Change of use of ground floor of premises from shop to office. Refused 31st August 1976.

BN76/2084 – Change of use of ground floor from shop to office. Approved 26th October 1976.

Use History

The ground floor of the building has been occupied for several retail uses over the years as set out below (dates are approximate):

- Gwatkin & Son Chemists – pre-war until mid-1980s
- Offices (insurance) - 2003 to 2005
- Blinds/Shutters shop – 2005 until October 2008
- Hinges & Brackets ironmongery shop 2008 until mid-2016
- Blackhouse Hairdressers – 2017 until 2019
- Blackhouse Hairdressers with Tattoo Studio – 2019 until September 2023

The ground floor has been marketed by Oakley since February 2023 without any resulting interest in leasing the property for uses with Class E of the GPDO.



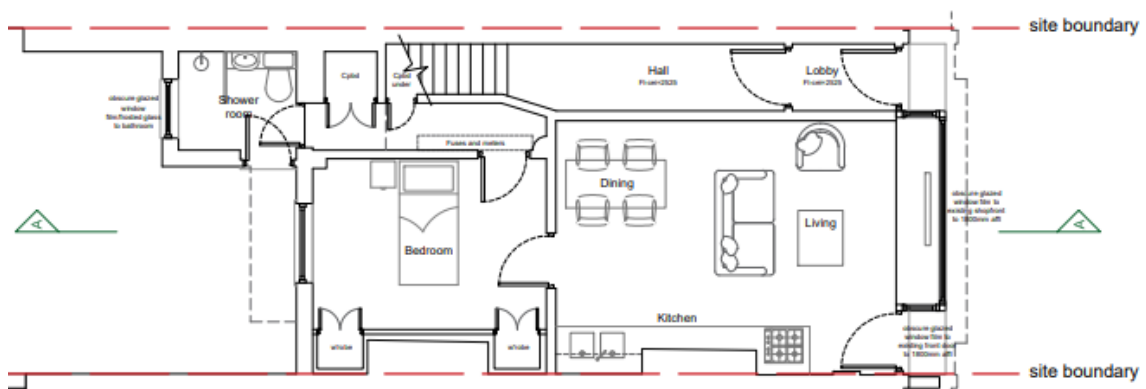
Front Elevation (Grand Parade)



Rear Elevation (Circus Street)

Proposed Change of Use

Prior approval is sought for the change of use of the ground floor shop to a one-bedroom (1 person) self-contained flat with a floorspace of 37m² (please refer to application drawing SP-0454.03B). Access to the flat will be via the existing shop entrance.



Proposed Floor Plan

Whilst a frosted film will need to be applied to some of the existing glazing (to provide privacy), no external building alterations are necessary or proposed to facilitate the change of use.

General Permitted Development (Amendment) Order 2021

Part MA of the GPDO states that the following qualifies as permitted development:

“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) of Schedule 1 to that Order.”

The proposed change of use meets the requirements of Part MA as follows:

- The building has been vacant for a continuous period of 5 months, thereby exceeding the 3 months minimum vacancy threshold.
- The building has been within Use Class E (commercial, business and service) for a continuous period of at least 2 years prior to the date of the application for prior approval.
- The cumulative floor space of the existing building changing use under Class MA is 37m² and does not exceed the 1,500m² maximum threshold.
- The building is not listed or located within a site of special scientific interest, a safety hazard area or a military storage explosives area.
- The site is not located within an area of outstanding natural beauty, a National Park or a World Heritage Site.
- The site is not occupied under an agricultural tenancy.
- The application site is not within an area that is subject to the Article 4 Direction which restricts permitted development rights to change from Class E to residential use.
- Prior Approval of detailed matters relating to contamination, flood risk, noise disturbance, daylight levels and conservation area impact should not be required by the City Council for the reasons set out below.

Impact on the Character or Sustainability of the Conservation Area

The Valley Gardens Conservation Area Study describes Grand Parade as follows:

“Grand Parade on the east side followed Marlborough Place and progress continued north as far as St Peter's Place by the 1820s. However, this progression and the original uniformity of the terraces are no longer so evident, due firstly to the Victorian practice of refronting buildings with cant bays and, subsequently, to road widening and 20th century redevelopment. Nevertheless, many of the older houses survive on Grand Parade, the majority with cobbled or mathematical-tiled elevations....”

“The character of Valley Gardens as a whole stems from its wide mix of uses: commercial, residential, retail, cultural, educational, and recreational. This mix of uses is a characteristic of the area's development since the late 18th century.”

“New uses should respect the existing character of each sub-area but in general further residential use within Valley Gardens should be encouraged, particularly on vacant sites (in mixed use schemes where appropriate) and of vacant or under-

used upper floors of the frontage buildings. This would maintain the original residential character of the area's development, would help to ensure that historic buildings are kept in good repair and would help to sustain activity in all parts of the conservation area after working hours."

The proposed residential use is identified as one of the main existing uses within the conservation area. Moreover, the Conservation Area Study encourages additional residential uses on vacant sites. The conversion would not require any external building alterations and would not therefore cause any impact on the appearance of the identified heritage asset.

Transport Impacts & Safe Site Access

Supplementary Planning Document 14 (Parking Standards) (2016) sets out a recommended parking standard for retail units in this location (key public transport corridors) of 1 space per 40m² of floorspace (1 space in this instance). The SPD seeks the provision of 0.5 spaces per small dwelling plus 1 space per 2 dwellings for visitors (1.5 spaces). The proposed change of use would therefore result in a negligible change in parking demand according to SPD14. Moreover, the building is located on the A23 (a key bus corridors in the city) and is within easy walking distance of all main facilities and services.

The application site is located within Controlled Parking Zone C. We understand that the Local Planning Authority no longer consider it appropriate to limit access to parking permits through the planning process and the appropriate mechanism is covered by the management of the CPZ. It should be noted that there is currently no waiting list for permits within Zone C.

The proposed change of use does not require any site access alterations.

Contamination Risks

Given the historical retail uses of the building, there is no reasonable basis to expect any land contaminants at the property. The proposed change of use does not require any ground works in any event.

Flooding Risks

The application site is located within Flood Risk Zone 1 and is not therefore within an area at risk of flooding.

Noise from commercial premises on the intended occupiers of the development

The main potential source of noise disturbance from commercial premises is the Brewdog Public House. The enclosed Noise Assessment by Acoustic South-East confirms that secondary glazing and mechanical ventilation would be required protect future occupants from noise associated with the pub. Subject to these measures, the report concludes that permission should not be withheld on noise grounds.

The provision of adequate natural light in all habitable rooms of the dwellinghouses

All habitable rooms proposed (bedroom, lounge/kitchen/dining area) would be well served by daylight and sunlight from the existing east and west facing windows.

The impact on intended occupiers of the development of the introduction of residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution.

The application site is not located within an area containing industrial, waste or warehouse uses. In addition, the property is not identified within the Brighton & Hove City Plan for such purposes.

Loss of Nursery or Health Centre

The proposed change of use would not result in the loss of a registered nursery or health facility.

Any building permitted to be used as a dwellinghouse by virtue of Class MA is to remain in use as a dwellinghouse within the meaning of Class C3 of Schedule 1 to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the use as a dwellinghouse.

The proposed flat would be solely for use within Use Class C3.

Fire Safety

The proposed change of use would not result in two or more dwellings being created, nor is the building 18 metres (or 7 storeys) in height. Accordingly, a Fire Statement is not required for this application under Class MA.3 of the GPDO.

Conclusion

The above information demonstrates that prior approval should not be required for any matters relating to the proposed change of use and we trust the planning authority will confirm this position in due course.

Developer Details

Sussex Heritage Properties Ltd

Agent Details

All communication is to be made via Lewis & Co Planning at the following address:

2 Port Hall Road
Brighton
BN1 5PD

Email: paul@lewisplanning.co.uk
Tel 01273 413700

Application Documents

- Prior Approval Application Form
- CIL Form
- Site Location Plan & Block Plan – SP-0454.01
- Existing Ground Floor Plan, Elevations & Section – SP-0454.02
- Proposed Ground Floor Plan, Elevations & Section – SP-0454.03B

- Desk Top Noise Assessment by Acoustic South East (Feb 2024)

If you require any further information, please contact Paul Burgess MRTPI on 01273 413700.

Yours faithfully

Lewis & Co Planning

paul@lewisplanning.co.uk