

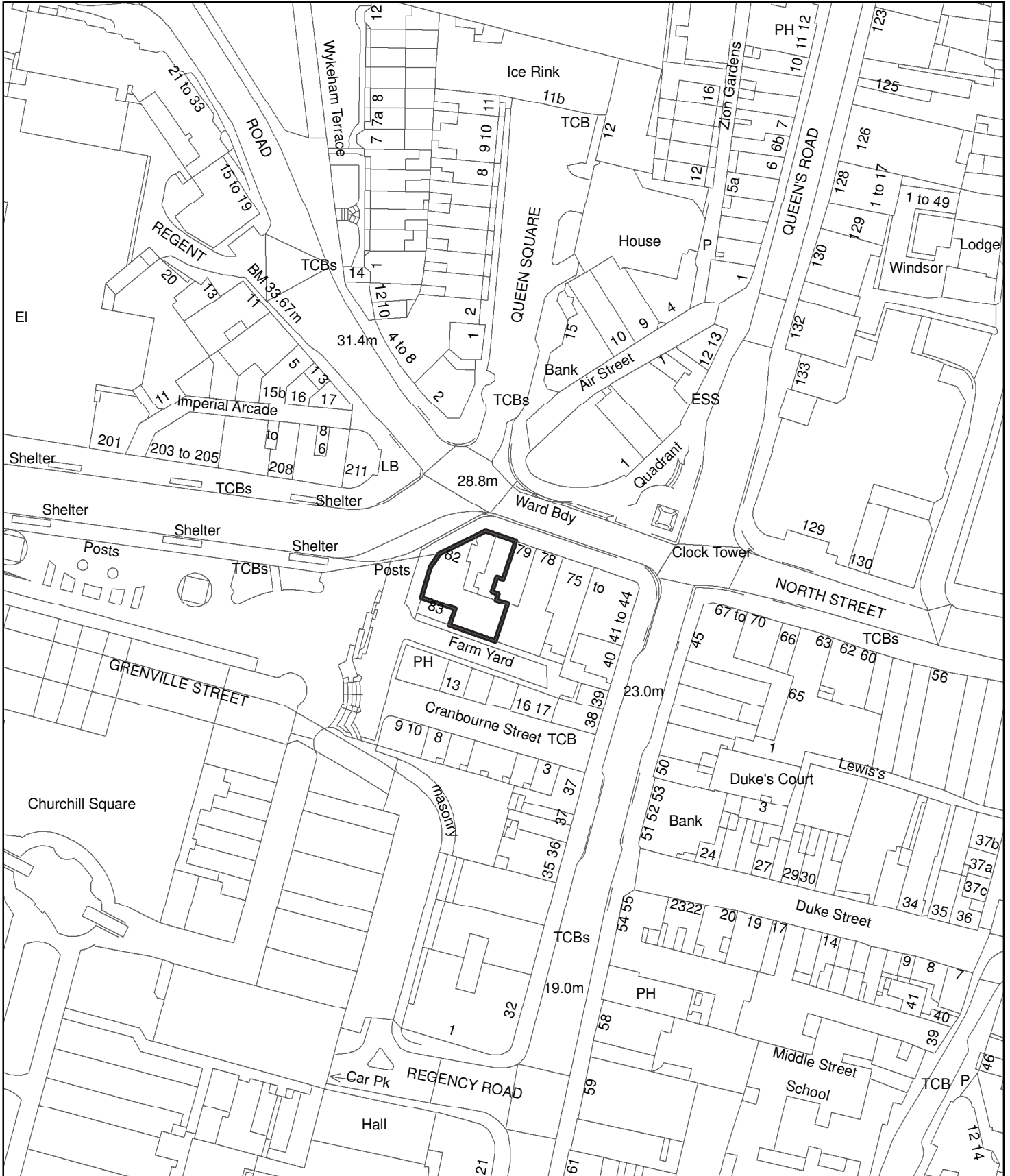
**PLANS LIST
ITEM D**

80-82 North Street, Brighton

**BH2012/01186
Full planning**

18 JULY 2012

BH2012/01186, 80 - 82 North Street, Brighton.



**Brighton & Hove
City Council**

N



Scale: 1:1,250

<u>No:</u>	BH2012/01186	<u>Ward:</u>	REGENCY
<u>App Type:</u>	Full Planning		
<u>Address:</u>	80-82 North Street, Brighton		
<u>Proposal:</u>	Change of use of ground and first floor from retail (A1) and office (B1) to bank (A2).		
<u>Officer:</u>	Mark Thomas Tel: 292336	<u>Valid Date:</u>	23/04/2012
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	18 June 2012
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Pegasus Planning Group, First Floor, South Wing, Equinox North, Great Park Road, Almondsbury, Bristol		
<u>Applicant:</u>	Metro Bank Plc, C/O Pegasus Planning Group		

1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 and resolves to **REFUSE** planning permission for the reason set out in section 11.

2 SITE LOCATION & DESCRIPTION

- 2.1 The application relates to a four storey over basement building situated on the south side of North Street, to the western end, at the junction between North Street and Western Road/ Churchill Square. The application relates to the ground and first floor levels. At ground floor level, three retail units are currently occupied and trading. The first floor level currently comprises of offices which are occupied accessed from the rear of the building on Farm Yard, as do the remaining upper floors.

3 RELEVANT HISTORY

BH2010/03164: Change of Use from retail (A1) to mixed use retail and café (A1/A3) incorporating new bi-folding doors to shop front, ice cream servery, 2no wall mounted lanterns, retractable awnings, fire escape doors, ventilation and extract system and associated works. Approved.

There are concurrent applications under consideration proposing new shopfront (BH2012/01361) and adverts (BH2012/01362).

4 THE APPLICATION

- 4.1 Planning permission is sought for the change of use of the ground and first floor from retail (A1) at ground floor, and offices (B1) at first floor to bank (A2). The change of use incorporates physical works to create a uniform floor level at ground floor, and the creation of double height areas internally and a mezzanine level.

5 PUBLICITY & CONSULTATIONS

External

5.1 **Neighbours: Two (2)** letters of representation have been received from **604 Captain House, London and BHT, 144 London Road, Brighton** supporting the application for the following reasons:

- The respondents represent occupiers of the retail unit at no. 81 North Street and first floor offices at nos. 80-82 North Street respectively.
- The layout of the first floor offices is not ideal, comprising various small offices. Relocation to open plan office accommodation elsewhere in the city would allow a more efficient and integrated operation.
- There is an oversupply of retail uses in Brighton evidenced by numerous estate agent boards advertising empty units.
- Trading from the existing ground floor retail units by temporary or other traders tends to fail.
- The development would enhance the area and compliment the existing building.
- Metro Bank would bring approximately 30 new careers, which is beneficial to young people with qualification yet no job.

5.2 **One (1)** letter of representation has been received from **80 North Street** objecting to the application although no reasons given.

5.3 **Councillor Jason Kitcat** supports the proposed development. A copy of his email is attached to this report.

Internal:

5.4 **Planning Policy: Part objection.** There are two key policy issues that relate to this proposal. Firstly, the impact of the change of use from A1 retail to A2 Banking facility on Brighton's Regional Shopping Centre - Policy SR4 and secondly, the impact of the loss of existing employment space currently at first floor level - Policy EM5.

5.5 In terms of the retail impact, the proposal would lead to a break in the prime frontage of more than 10m which is contrary to criteria a) of policy SR4. However, it would not lead to a significant loss in terms of the overall proportion of A1 retail units retained in the Centre (criteria b) and it is acknowledged that the proposed use would have a positive effect on the shopping environment and is likely to attract pedestrian activity.

5.6 A more critical issue is the proposed loss of employment floorspace at first floor level which has not been justified by evidence of active marketing in accordance with the requirements of policy EM5. Without such evidence, the loss cannot be considered acceptable and the proposal, as it stands, is therefore contrary to EM5.

5.7 **Sustainable Transport: Object.** Recommended refusal as the proposals are contrary to policies TR1, TR14 and SPG04. Specifically for not providing any cycle parking provision. Due to site constraints it is unlikely that cycle parking can be accommodated on-site.

6 MATERIAL CONSIDERATIONS

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that “If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”
- 6.2 The development plan is:
- The Regional Spatial Strategy, The South East Plan (6 May 2009);
 - East Sussex and Brighton & Hove Minerals Local Plan (November 1999);
 - East Sussex and Brighton & Hove Waste Local Plan (February 2006);
 - Brighton and Hove Local Plan 2005 (saved policies post 2004).
- 6.3 The National Planning Policy Framework (NPPF) was published on 27 March 2012 and is a material consideration which applies with immediate effect.
- 6.4 Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF. At the heart of the NPPF is a presumption in favour of sustainable development.
- 6.5 All material considerations and any policy conflicts are identified in the considerations and assessment section of the report.

7 RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR7	Safe development
TR8	Pedestrian routed
TR9	Pedestrian priority areas
TR13	Pedestrian network
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU13	Minimisation and re-use of construction industry waste
QD3	Design – efficient and effective use of sites
QD27	Protection of Amenity
EM1	Identified employment sites (industry and business)
EM5	Release of redundant office floorspace and conversions to other uses
SR4	Regional shopping centre

Supplementary Planning Guidance:

SPGBH4	Parking Standards
--------	-------------------

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the principle of the loss of office (B1) and retail (A1) accommodation, the impact on transport networks and parking, and the impact on the amenity of neighbouring and nearby residents and occupiers.

Planning Policy:

- 8.2 Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health. It is not anticipated that the change of use would result in increased noise and disturbance beyond that associated with the current use of the ground and first floors.
- 8.3 Policy EM5 of the Brighton & Hove Local Plan states that planning permission will not be granted for the change of use of offices premises to other purposes unless they are genuinely redundant and unsuitable for redevelopment, and cannot be readily converted to provide different types of office accommodation. The aim of the policy is to retain well located offices which continue to attract occupiers. As such, in order to permit a change of use of existing offices it is expected that a robust case is presented to demonstrate that the premises is genuinely redundant. It is expected that evidence be provided that demonstrates that the offices are vacant, and that they have been marketed extensively and competitively to attract a new tenant. Alternatively or in addition, if it can be demonstrated that the existing office accommodation is unsuitable for continued use this can add weight to a case for change of use. Such suitability can include matters such as inadequate floor to ceiling heights and complexity of layout.
- 8.4 At the time of submission the entire first floor office provision (approximately 357 sq m) was occupied, although it is understood that of the two office suites at this level, the smaller of the two has recently been vacated. Given this, and that no marketing information has been provided to indicate any specific issues regarding securing future tenants it is not considered that the current office use is genuinely redundant. It is noted that at present only 30.5 sq m of office accommodation is being actively marketed at the application site, which represents only a small proportion of the overall provision. It has been suggested that the office accommodation is unsuitable and unfit for purpose due to insufficient floor to ceiling heights. However, this is a difficult argument to justify given current occupancy rates, furthermore, the site visit revealed there would not appear to be any specific issues in this regard. It has also been suggested that the remaining tenant of first floor offices are keen to relocate to offices elsewhere in the city (which contradicts the submitted planning statement which suggests a relocation within the building). Whilst this is noted, this does not indicate that there would be any particular issue in securing a new tenant in this location. To support the case for the loss of this office accommodation marketing information for an office building located elsewhere on North Street has been supplied. This information may be supportive of loss of office accommodation at this nearby site, although in the absence of similar

marketing information for the application site, it would appear that the office accommodation at 80-82 North Street represents a more attractive location and setup which continues to attract business to the city centre. Further, in support of the loss of this office accommodation the applicant has provided details of vacancy rates and uptake of office space within Brighton and Hove, with the suggestion that these figures reveal a lack of demand for B1 office space city wide. The Local Planning Authority is not in agreement with this point. Despite the ongoing general economic uncertainty in the UK, it is considered that the office market in the Brighton and Hove area has held up reasonably well to date. According to Cluttons (Brighton & Hove City Council Strategic Sites Viability Study March 2012), in 2011 there was 549,000 sq ft of office space being marketed in the city (down from 680,000 sq ft in January 2010), which represents a vacancy rate of 13% (down from 16% in January 2010). The figure of 400,000 sq ft supplied by the applicant for March 2012 would therefore suggest that this vacancy level has further fallen. The greatest demand is for smaller size office accommodation. Historically, office take-up in the city has comprised a large number of smaller office suites, with around 93% of the number of transactions in 2010 involving buildings or office suites of less than 5,000 sq ft (Brighton & Hove City Council Strategic Sites Viability Study March 2012).

- 8.5 Policy EM5 states that if premises are considered genuinely redundant, preferred new uses include those which would generate employment. The submitted information indicates that Metro Bank would provide for the equivalent of 25 full time jobs. The submitted information states that currently, the three ground floor retail units and the first floor offices provide for approximately 37 staff, and that the currently vacated office provides for approximately 10 staff, meaning a total expected employment capacity of 47. The proposed bank would offer approximately half the level of employment than the existing uses, and result in the loss of 291 sq m of employment floor space due to the introduction of double height areas and a mezzanine level. Whilst it is acknowledged that the existing office tenants could be relocated elsewhere in the city and as such there would be no immediate job losses as a result of the proposals, it is not considered that the significant loss of (B1) floor space and capacity in a well located City-centre building, represents a positive long-term impact on the economic status of the wider city. Given the lack of evidence to support an argument for redundancy, it would be reasonable to expect that even if current tenants were to relocate from these premises they would be expected to attract new tenants. Certainly a case has not been set out which provides a persuasive argument to the contrary.
- 8.6 Policy SR4 relates to the regional shopping centre, and seeks to retain a significant retail presence within the centres prime frontages (in which the application property is situated). To continue to achieve this status, proposals to change the use of existing retail units are expected to meet with various criteria set out within the policy. In particular the policy seeks to avoid: 1) breaks in the shopping frontage of more than 10m and 2) the proportion of non-retail units exceeding 25% of the shopping streets to which it relates.

- 8.7 The proposed change of use would result in the loss of three existing retail units, with a combined shopping frontage of approximately 32m. This is representative of a significant break, contrary to policy SR4. The proposal, however, would not result in the proportion of non-retail uses within the North Street frontage exceeding 25%. Overall, whilst the proposal would introduce a significant break in the retail frontage, the proposed development, on balance, would not represent a significant detriment to the vitality of the regional shopping centre.
- 8.8 It is noted that the proposed development would remove access for a retail unit at no. 79 North Street to their basement area, which is used for stock storage and a staff area. The applicant has stated that a similar provision could be provided elsewhere within the building, although details have not been provided. Nevertheless, the loss of this provision, whilst it would undoubtedly impact on this retail unit, is not considered to result in the operation of a retail unit in this location becoming unviable.

Design:

- 8.9 The application relates to a change of use and internal alterations only which would not have a detrimental impact on the character and appearance of the recipient building or the wider streetscene. External alterations including a new shop front and signage have been applied for under separate planning/advertisement consent applications.

Sustainable Transport:

- 8.10 Car parking and transport forecasts associated with the change of use would be similar to the existing A1 (retail)/ B1 (office) uses. Cycle parking has not been proposed, and could not likely be facilitated on the site. To comply with policies TR1 and TR14 of the Brighton & Hove Local Plan and SPGBH4 it would be expected that a minimum of two new cycle parking spaces be provided. The Highway Authority has objected to the development on these grounds.

9 CONCLUSION

- 9.1 The proposed change of use would involve the loss of office space in a well located city-centre location. Insufficient information has been provided to evidence that this office space is genuinely redundant, and all available evidence points to the contrary. As such the proposed development would be contrary to policy EM5 of the Brighton & Hove Local Plan.
- 9.2 The proposed change of use would result in a significant break in the retail frontage of the prime frontage of the Regional Shopping Centre. However, the development would not result in an unacceptable proportion of non-retail units in the North Street primary frontage, and the proposed use would attract pedestrian activity. Overall, the proposed development would not have a detrimental impact on the vitality of the Regional Shopping Centre.

10 EQUALITIES

10.1 No issues identified.

11 REASON FOR REFUSAL / INFORMATIVES

11.1 Reasons for Refusal:

1. Policy EM5 of the Brighton & Hove Local Plan states that planning permission will not be granted for the change of use of office (B1) premises to other purposes unless they are genuinely redundant and unsuitable for redevelopment, and cannot be readily converted to provide different types of office accommodation. The aim of the policy is to retain well located offices which continue to attract occupiers. Insufficient information has been provided to demonstrate that the current offices are genuinely redundant, and all evidence available points to the contrary. Statements regarding the condition of the offices and in particular relating to problematic floor to ceiling heights would appear unfounded. Further, the proposals would result in a significant reduction in employment floor space due to the introduction of double height areas and a mezzanine floor internally. This reduction in floor space would result in a notable reduction in employment provision and capacity within this well located city-centre building. For the reasons outlined the proposed development would be contrary to policy EM5 of the Brighton & Hove Local Plan.

11.2 Informatives:

1. This decision is based on the drawings listed below:

Plan Type	Reference	Version	Date Received
Planning Statement	-	-	19 th April 2012
Proposed floor plan	A1.0	-	19 th April 2012
Proposed floor Plan	A2.0	-	19 th April 2012
Correspondence & additional supporting information	-	-	30 th May 2012 14 th June 2012 18 th June 2012 19 th June 2012

Dear Martin & Jeanette

I've been contacted by my contact at Metrobank HQ who has learnt that their planning application for Western Road is recommended for refusal. The reasons for refusal, apparently, are fairly theoretical regarding minor loss of retail and office space despite tenants and landlord supporting the changes. I understand we need to protect office space overall but this application will significantly improve the appearance of this space compared with the discount stores that have been there since Amex left. If these were the only reasons for refusal, could planners have not shown a bit more flexibility in favour of the wider economic development prize?

Secondly the application going to planning committee potentially throws their development plans quite significantly. So if it must be recommended for refusal then can you guarantee that it will be heard at the July planning committee meeting?

I very much want to see that space improved and new competition in the local banking market.

Many thanks

Jason

Cllr Jason Kitcat