

<u>No:</u>	BH2019/02290	<u>Ward:</u>	Preston Park Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	218 Dyke Road Brighton BN1 5AA		
<u>Proposal:</u>	Conversion of existing 2no flats at first floor level to create 2no two bedroom flats & 1no one bedroom flat incorporating part two storey & part first floor rear extensions with gable roofs, front & rear terraces and associated alterations.		
<u>Officer:</u>	Jonathan Martin, tel:	<u>Valid Date:</u>	01.08.2019
<u>Con Area:</u>		<u>Expiry Date:</u>	26.09.2019
<u>Listed Building Grade:</u>	Listed	<u>EOT:</u>	
	Building Grade II		
<u>Agent:</u>	CMK Planning 11 Aymer Road Hove BN3 4GB		
<u>Applicant:</u>	LAN Estates Ltd 27 Palmeira Mansions Hove BN3 2FA		

1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **GRANT** planning permission subject to the following Conditions and Informatives:

Conditions:

1. The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

Reason: For the avoidance of doubt and in the interests of proper planning.

Plan Type	Reference	Version	Date Received
Proposed Drawing	TA1151/31		4 December 2019
Location and block plan	TA 1151-01	C	4 December 2019
Proposed Drawing	TA1151/10	A	4 December 2019
Proposed Drawing	TA1151/11	A	6 December 2019
Proposed Drawing	TA1151/12	A	4 December 2019
Proposed Drawing	TA1151/13	A	4 December 2019
Proposed Drawing	TA1151/14	A	4 December 2019
Proposed Drawing	TA1151/15	A	4 December 2019
Proposed Drawing	TA1151/20		1 August 2019
Proposed Drawing	TA1151/21	A	5 December 2019
Proposed Drawing	TA1151/22	A	5 December 2019
Proposed Drawing	TA1151/23	A	4 December 2019
Proposed Drawing	TA1151/24	A	4 December 2019
Proposed Drawing	TA1151/25	A	4 December 2019
Proposed Drawing	TA1151/26	A	4 December 2019
Proposed Drawing	TA1151/27	A	4 December 2019
Proposed Drawing	TA1151/28		1 August 2019
Proposed Drawing	TA1151/29	A	4 December 2019
Proposed Drawing	TA1151/30		1 August 2019

2. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
3. The development hereby permitted shall not be commenced until samples of the following materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority:
 - a) samples of brick, render and tiling (including details of the colour of render/paintwork to be used)
 - b) samples of all hard surfacing materialsThe development shall be carried out in strict accordance with the approved details.
Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan and CP12 and CP15 of the Brighton & Hove City Plan Part One.
4. No works shall take place to the windows until full details of all new windows and their reveals and cills including 1:20 scale elevational drawings and sections and 1:1 scale joinery sections have been submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with the agreed details thereafter.
Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan and CP12 and CP15 of the Brighton & Hove City Plan Part One.
5. All new and replacement rainwater goods shall be in cast iron and shall be painted black and retained as such thereafter.
Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan and CP12 and CP15 of the Brighton & Hove City Plan Part One.
6. No cables, wires, aerials, pipework meter boxes, ventilation grilles or flues shall be fixed to or penetrate any external elevation, other than those shown on the approved drawings, without the prior consent in writing of the Local Planning Authority.
Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan and CP12 and CP15 of the Brighton & Hove City Plan Part One.
7. The development hereby permitted shall not be first occupied until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out and provided in full in accordance with the approved details prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.
Reason: To ensure the provision of satisfactory facilities for the storage of refuse and to comply with policy QD27 of the Brighton & Hove Local Plan,

policy CP8 of the Brighton & Hove City Plan Part One and Policy WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.

8. The development hereby permitted shall not be first occupied until details of secure cycle parking facilities for the occupants of, and visitors to, the development have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan and SPD14: Parking Standards.

9. Within 6 months of commencement of the development hereby permitted or prior to occupation, whichever is the sooner, a scheme shall be submitted to the Local Planning Authority for approval to provide that the residents of the development, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit. The approved scheme shall be implemented before occupation.

Reason: This condition is imposed in order to allow the Traffic Regulation Order to be amended in a timely manner prior to first occupation to ensure that the development does not result in overspill parking and to comply with policies TR7 & QD27 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One and SPD14: Parking Standards.

10. A bee brick shall be incorporated within the external wall of the development hereby approved and shall be retained thereafter.

Reason: To enhance the biodiversity of the site and to comply with Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. This property is a grade II listed building. Whilst historically used as a Public House, the ground floor of the building was recently used solely for retail purposes (through Permitted Development Rights) but in June of 2019 planning permission was granted to change part of ground floor (the western part) back to a public house. With regards to the upper floor, in 2018 an

Enforcement Investigation confirmed that the upper floor of the property had been in lawful use as two residential units, separate to the ground floor commercial uses.

- 2.2. It is a purpose-built improved public house of 1895 to designs by Charles Henry Buckman in Tudor Revival Arts and Crafts style for Tamplins Brewery; it has small 1930 extensions to north and east. The ground floor is of red brick in English bond with stone dressing; the first floor mainly timber-framed with plaster or brick infill but part is tile-hung. The rear elevation is mainly rendered. Clay tiled roof with three tall ribbed brick chimneystacks. It is an asymmetrical building of two storeys and four bays along Dyke Road and three bays along Highcroft Villas. The original ground floor plan had a bar servery to the south-west divided between a private bar, public bar and off licence, a bar parlour in the centre and a coffee room to the south-east, with a tap room. The kitchen was extended in 2010.
- 2.3. This application seeks the conversion of existing 2no residential units at first floor level to create 2no two bedroom flats & 1no one bedroom flat incorporating part two storey & part first floor rear extensions with gable roofs, front & rear terraces and associated alterations.

3. RELEVANT HISTORY

- 3.1. **PRE2018/00325** Pre-application for a proposal to convert and extend the upper parts of the premises to create two additional flats, and to erect a new dwelling to the rear.
- 3.2. The response summary regarding the conversion was as follows:
- Development in the roof of the former pub would be harmful to the fabric of the Listed Building and will not be approved.
 - The proposed internal layout should more accurately detail the remaining original features and better preserve or enhance their place in the building.
 - The terraces and balconies at the rear and sides of the proposed development should be removed as they are likely to be harmful to the listed building and to the amenity of neighbours.
 - Consider the provision of alternative private amenity space for occupants of the flats.
- 3.3. The following changes were recommended to improve the proposal:
- Remove alterations to the roof space, and limit flats to the first floor only.
 - Remove balconies and terraces from the proposed layout for the first floor flats.
 - Consider utilising existing outdoor space as private amenity space for the flats.
- 3.4. **BH2019/02273** - Listed Building Application for internal alterations and extensions. Pending Consideration.

- 3.5. **BH2019/02290** - Erection of 1 two storey three bedroom dwelling (C3) on land to rear of 218 Dyke Road including landscaping and access via Highcroft Villas and Old Mill Mews. Pending Consideration.
- 3.6. **BH2019/01912** - Application for approval of details reserved by conditions 3, 4 and 5 of application BH2019/00914. Approved 26/11/2019
- 3.7. **BH2019/00915** - Interior alterations to form new cellar and refurbishment of kitchen and bar. Approved 07/06/2019
- 3.8. **BH2019/00914** - Partial change of use of existing retail unit (A1) to public house (A4), including interior alterations to form new cellar and refurbishment of kitchen and bar. Approved 07/06/2019
- 3.9. **BH2010/00601** - Erection of ground floor rear kitchen and cold store extension with associated extension of kitchen extract ducting. ul Approved 12/05/10.
- 3.10. **95/1320/FP** - Elevation alterations and rear extension to the public house. Erection of pergola in rear garden area. Approved 17/01/1996

4. REPRESENTATIONS

- 4.1. **Sixty Four (64)** letters have been received, objecting to the proposed development for the following reasons:
- impact on Listed Building
 - Traffic, Parking and Congestion
 - Impact on the Dyke Pub
 - Rubbish and litter
 - Overdevelopment
 - Loss of privacy/overlooking
- 4.2. **Councillor Amy Heley** objects to the proposal, a copy of the letter is attached to the report.
- 4.3. **Councillor Hugh-Jones** objects to the proposal, a copy of the letter is attached to the report.

5. CONSULTATIONS

- 5.1. **Heritage:**
Initial Comment 02/09/2019: Requested Amendments:
- 5.2. This application follows on from pre-application advice earlier this year. The Design and Access Statement sets out how that advice has been taken into account in the submitted scheme but aspects of the proposals have not properly or fully reflected the advice given.

- 5.3. The rear of the building has been successively extended and altered over a period of time and its current appearance is disjointed, relating neither to the original 1895 design or to the 1930s remodelling. It does not present an attractive composition as seen from Highcroft Villas or Old Mills Mews. Therefore the rear elevation is not considered to be sensitive to change.
- 5.4. In principle therefore it is considered that the first floor gabled rear extensions as shown would be acceptable, subject to them closely matching the materials and detailing of the original building, which could be secured by condition and subject to improvements to the rear of the ground floor. The southern-most gable, however, should be brick faced to match the existing one, to maintain symmetry. The rear window to the gable to be blocked up is not a historic window. The original copper roof vent would be lost and this would need to be carefully recorded prior to removal.
- 5.5. At pre-application stage it was advised that the utilitarian 2010 flat-roofed ground floor extension (freezer room) should be removed and it would also be beneficial to consider removal of the adjoining monopitch roofed area that appears to date from the same time. Whilst the freezer room extension has been removed it has been replaced by a further extension of the monopitch roofed extension.

Final Comment 06/12/2019: Approve with Conditions:

- 5.6. The amended plans have satisfactorily addressed the previous heritage concerns and approval is therefore recommended subject to conditions. The conditions relate to materials, details of works to windows, rainwater goods and no cables or external wires to be fixed to the external alteration.

5.7. Transport Comment

Initial Comment 29/08/2019: Requested Amendments

Further amendments were requested relating to concerns over car parking and a safe and secure refuse and recycling point. If these comments can be overcome conditions relating to cycle parking and a car free housing should be added if the officer is minded to grant permission.

Final comment 06/12/2019: Concerns regarding bin storage on collection

- 5.8. The Transport officer was satisfied with the amended plans which clarified pedestrian access and where the cycle parking and bin storage would be located. However, the transport officer still has concerns relating to the storage of the bins on the highway, even on a temporary basis, on the highway for collection.

- 5.9. **Conservation Advisory Group:** No Objection

- 5.10. **Private Housing Sector:** No Comment

6. RELEVANT POLICIES & GUIDANCE

- 6.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and

proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report

- 6.2. The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016)
 - Brighton & Hove Local Plan 2005 (retained policies March 2016);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017); and
 - Shoreham Harbour Joint Area Action Plan (adopted Oct 2019)
- 6.3. Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

7. **POLICIES**

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP1	Housing Delivery
CP8	Sustainable Buildings
CP10	Biodiversity
CP12	Urban design
CP15	Heritage
CP19	Housing Mix

Brighton & Hove Local Plan (retained policies March 2016):

TR14	Cycle and Access Parking
QD5	Design
QD27	Protection of amenity
HO5	Provision of Private Amenity Space in Residential Development
HO9	Residential conversions and the retention of smaller dwellings.
HE1	Listed buildings
HE3	Development affecting the setting of a listed building

Supplementary Planning Document:

SPD09	Architectural Features
SPD 11	Nature Conservation and Development
SPD12	Design Guide for Extensions and Alterations

Asset of Community Value (ACV)

- 7.1. Since December 2018 the ground floor and garden of 218 Dyke Road, the Dyke Pub, has been listed as an Asset of Community Value, under reference ACV ACV/APP/2018/003.
- 7.2. The fact that the ground floor and garden is listed as an ACV is capable of being a material planning consideration in the determination of planning

applications relating to that land. Whether it is, in any given circumstance, and the weight to be attached, is a matter of planning judgment for the Local Planning Authority.

- 7.3. It should be noted that a listing as an ACV gives no right of access to the land concerned: the only right that follows from a listing is the right of a community interest group to bid to purchase the listed land should the owner intend to sell.
- 7.4. So far as the site proposed for development is concerned, the changes relate to the upper floor of the existing building which is not referenced in the ACV listing. The proposal would not result in the loss of any retail (Class A1) or pub (Class A4) floorspace and the changes relate solely to the upper floor of the property which is currently in use for residential purposes (Class C3).
- 7.5. Therefore it is considered that the proposal will have no impact on the ACV and would not impact on the local community's enjoyment of the listed Public House.

8. CONSIDERATIONS & ASSESSMENT

- 8.1. The main considerations in the determination of this application relate to the principle of development, the impacts of the proposal on the historic character and appearance of the Grade II* Listed Building, related streetscene and wider area, design and appearance, standard of accommodation, impact on amenity, highways and sustainability.

Principle of Development:

- 8.2. The City Plan Part 1 Inspector's Report was received in February 2016. The Inspector's conclusions on housing were to agree the target of 13,200 new homes for the city until 2030 as a minimum requirement. It is against this minimum housing requirement that the City's five year housing land supply position is assessed annually.
- 8.3. The Council's most recent housing land supply position is published in the SHLAA Update 2018 (February 2019). The figures presented in the SHLAA reflect the results of the Government's 2018 Housing Delivery Test which was published in February 2019. The Housing Delivery Test shows that housing delivery in Brighton & Hove over the past three years (2015-2018) has totalled only 77% of the City Plan annualised housing target. Since housing delivery has been below 85%, the NPPF requires that a 20% buffer is applied to the five year housing supply figures. This results in a five year housing shortfall of 576 net dwellings (4.5 years supply). In this situation, when considering the planning balance in the determination of planning applications, increased weight should be given to housing delivery in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).
- 8.4. City Plan Policy CP1 outlines that at least 13,200 new homes will need to be built over the plan period 2010-2030, which equates to an annual average

rate of provision of 660 dwellings. The proposed development seeks to increase the number of residential units at first floor level from two units to three units. The proposal will contribute to the Council's housing target.

- 8.5. The pub ceased business and a prior notification was submitted for a change the use from class A4 (public house) to class A1 (retail) at ground floor level (submitted May 2016), following which a retail business operated on the site. An element of the ground floor has since received permission to revert back from A1 to A4 public house through BH2019/00914. The proposal would not result in the loss of any retail (Class A1) or pub (Class A4) floorspace and the changes relate solely to the upper floor of the property which is currently in use for residential purposes (Class C3).
- 8.6. In relation to Policy HO9 of the Local Plan, a number of criteria must be met in order for the development to be considered acceptable. Criterion (a) requires "the original floor area is greater than 115sqm." The original floor area is not greater than 115sqm. The existing first floor currently comprises of a studio unit and a family unit (the submitted plans show 4 bedrooms however no lounge is shown and therefore it is considered that one of the plans has been inaccurately labelled).
- 8.7. The proposal seeks to create a 1 bedroom flat and two 2 bedroom family units. The existing studio would be enlarged by a bedroom of the existing family unit becoming the kitchen/lounge area. With respect of policy HO9 the proposal is not a pure conversion development. It is noted that the provision of an additional room for the current studio unit does not actually require planning permission, only listed building consent for the internal works, as the residential unit already exists. Furthermore a two storey rear extension would provide almost the entire floor area for the proposed new 2 bedroom unit except for the loss of the existing kitchen area for the existing family unit. The loss of the existing kitchen area would be incorporated into the existing family unit. As such the proposal would result in the provision of a 1 bedroom unit , the retention of a family unit and the creation of a new 2 two bedroom unit (both 2 bedroom units would be suitable for family occupation). Therefore on planning balance, as the proposal will create an additional family unit on site whilst retaining an existing family unit it is considered to be acceptable despite not fully according with Policy HO9 and on this basis refusal against policy HO9 is not considered warranted.

Heritage and Impact on Listed Building:

- 8.8. Policy CP15 of the Brighton & Hove City Plan Part One states how the Council will ensure that the city's built heritage guides local distinctiveness for new development in historic areas and heritage settings. Policy HE1 of the Local Plan explains how proposals involving the alteration or extensions of a listed building will only be permitted where the proposal would not have any adverse effect on the architectural and historic character or appearance of the interior or exterior of the building or its setting.
- 8.9. In considering whether to grant planning permission which affects a listed building or its setting the Council has a statutory duty to have special regard

to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

- 8.10. The proposed development was considered by the Council's Heritage Officer when this scheme was submitted as part of pre-application PRE2018/00325. Detailed discussions took place and the applicant has sought to take on board the comments that were raised in order to make the scheme acceptable.
- 8.11. The proposal would result in the provision of a new rear extension to provide additional floorspace at both ground and first floor levels. The proposed rear extension would comprise gables features, which would match the materials and detailing of the original gable on the rear elevation of the building.
- 8.12. In order to accommodate the proposed rear extension the proposal also results in the loss of two latter extensions (from the 1930s and the most recent 2010 extension), which are not identified in the listing as adding any particular significance or merit to the property. Both the new and previously proposed gables have been designed to be sympathetic to the building, and the finer details can be secured through appropriate conditions. Importantly, as the proposals relate to the rear of the listed building, its principal elevation will be unaffected. The heritage officer has confirmed that the rear elevation is not considered to be sensitive to change. In principle the first floor gabled rear extensions are acceptable and the applicant has submitted amended plans to show the southernmost gable will be brick faced to match the northern gable. In order to further respond to the comments raised by the heritage officer, amended plans have been submitted which shows the 2010 flat roofed ground floor extension removed from the proposal and the proposed additional extension to the freezer room extension has also been removed.
- 8.13. Following submission of the amended plans, and subject to compliance with recommended conditions, overall it is considered that the proposed rear extension would not be of detriment to the character or appearance of the host listed property, the Highcroft Villas streetscene from which it would be viewed or the wider area. As such the proposal complies with policies of the Brighton and Hove City Plan Part One and Brighton and Hove Local Plan.

Design and Appearance:

- 8.14. Policy CP12 of the Brighton and Hove City Plan Part One expects all new development to raise the standard of architecture and design in the city, establish a strong sense of place by respecting the character of existing neighbourhoods and achieve excellence in sustainable building design and construction.
- 8.15. As previously mentioned the proposal was subject to PRE2018/00325 in which the applicant and officer's at the Council had detailed discussion regarding the proposal.

- 8.16. The applicant has responded to the concerns raised by the Council with the new second storey/attic element of the scheme being dropped from the scheme entirely in order for the design to be appropriate for the listed building.
- 8.17. The proposed gable ends of the rear extension provide a more sympathetic extension which better reflects the buildings characteristics. The materials will match the existing building which respects the character of the existing building. The proposed changes will not look out of character with the wider street scene and the surrounding area. The extension will look coherent with the existing building when viewed from Highcroft Villas and Old Mill Mews.
- 8.18. The pre-application submission sought the introduction of a balcony on the north elevation but this has now been removed. In order to compensate for the loss of amenity to flat 3 following the omission of the conservatory and terrace, an alternative screened terrace is now proposed within the roof. This would be accessed internally from the kitchen of flat 3. The proposed screened terrace is of good design and would not have a negative impact on the character of the listed building.
- 8.19. Overall, it is clear that the applicant has responded to the Council's pre application concerns about the design of the proposal and as such the proposal is considered to be of good design and will raise the standard of architecture and design within the area. The proposal is compliant with Policy CP12 of the Brighton and Hove City Plan Part One.

Standard of Accommodation:

- 8.20. Policy QD27 of the Brighton and Hove Local Plan aims to secure a good standard of living accommodation for current and future occupiers in all new developments. Accommodation should therefore provide suitable circulation space within the communal spaces and bedrooms once the standard furniture has been installed, as well as good access to natural light and air in each habitable room.
- 8.21. The 'Nationally Described Space Standards' were introduced by the Department for Communities and Local Government in 2015 to establish acceptable minimum floor space for new build developments. Although these space standards have not been formally adopted into the Brighton and Hove City Plan, they provide a useful guideline on acceptable room sizes that would offer occupants useable floor space once the usual furniture has been installed. The 'Nationally Described Space Standards' establishes the minimum floor space for a single bedroom as measuring at least 7.5m², and a double bedroom should measure at least 11.5m².
- 8.22. At pre-application stage, the proposal did not provide a suitable standard of accommodation in all 3 of the units proposed. The applicant has amended the plans and the following schedule of accommodation is proposed:

- Flat 1 is a 1b2p unit with a bedroom size of 22sqm. The NDSS expects this type of dwelling to provide a GIA of 50sqm. The proposal provides 51sqm and exceeds the standard by 1sqm.
 - Flat 2 is a 2b3p unit with bedroom sizes of 22 and 11sqm. The NDSS expects this type of dwelling to provide a GIA of 61sqm. The proposal provides 94.5sqm and exceeds the standard by 33.5sqm.
 - Flat 3 is a 2b4p unit with bedroom sizes of 18 and 13sqm. The NDSS expects this type of dwelling to provide a GIA of 70sqm. The proposal provides 80sqm and exceeds the standard by 10sqm.
- 8.23. The internal areas all exceed the guidance set out by the NDDS. The proposed flats would all offer a good standard of living accommodation in terms of layout, circulation space, storage and access to natural light and ventilation.
- 8.24. Policy HO5 of the Local Plan requires the provision of private useable amenity space in new residential development which should be appropriate to the scale and character of the development. Flat 1 has a terrace of 9.5sqm and flat 2 has a terrace of 3.6sqm. The proposed scheme would also provide a communal garden which provides 42sqm of amenity space. Overall, the proposal would provide a good level of private amenity space which is considered appropriate to the three flats. It should be noted that the existing flats have no private or communal amenity space and therefore the proposal creates a better living environment for future occupiers.
- 8.25. The proposed scheme would provide a good standard of accommodation, including for two families, and provide an appropriate levels of amenity space and therefore the proposal is compliant with Policies QD27 and HO5 of the Local Plan.
- Impact on Amenity:
- 8.26. 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.
- 8.27. From the original pre-application submission, the proposed scheme has removed the conservatory and terrace that was originally in place for Flat 3. A number of objections have been received raising concerns on the potential for noise disturbance and loss of privacy and outlook as a result of the proposed terrace.
- 8.28. An alternative screened terrace is now proposed within the roof. This terrace would be accessed internally from the kitchen of flat 3. Due to its position and separation distance from nearby properties it would not result in any loss of privacy to neighbouring dwellings. The proposed terraces for the other two

units would also not result in overlooking and would not lead to a loss of privacy due to good separation distances.

- 8.29. The proposal is compliant with Policy QD27 and it ensures that there would be no significant or adverse impacts or loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.

Sustainable Transport:

- 8.30. The Council's transport officer has provided a number of comments on the proposal. It should be noted that a high number of objections have been made against the proposal relating to parking and traffic congestion.
- 8.31. The proposed development will have pedestrian access as existing via Dyke Road and this is considered to be acceptable.
- 8.32. The applicant is proposing 4 cycle parking spaces, in the entrance yard (2 Sheffield type stands) which is an acceptable amount for the three residential units. Further details of the cycle parking will be requested via a condition to ensure the spaces are covered and secure.
- 8.33. The transport officer originally raised concerns regarding the double gate that was in place at Old Mills Mews. The applicant has submitted revised plans and the double gate has been removed.
- 8.34. The applicant indicates that it is proposing no parking to be associated with this development. The proposed development may generate additional car(s) that will likely be parked on the highway. The site is within Controlled Parking Zone (CPZ) Q. There is concern that there are existing parking difficulties within this CPZ and that this potential parking overspill may exasperate the current conditions.
- 8.35. SPD14 explains that, where there is a concern that developments within CPZs may generate overspill parking, then the acceptability of proposals will be considered in relation to various factors. These include the capacity of on street parking in the vicinity "which should be demonstrated by the applicant through an on-street parking survey". Based on this consideration the Council may restrict future occupants' eligibility for residents parking permits.
- 8.36. The application has not provided a parking survey to demonstrate the existence of sufficient on-street capacity to absorb this level of overspill. Recent records show the average percentage permit uptake to total permit allocation to be 95-100%. The Highway Authority considers that these levels of uptake demonstrate that the CPZ is likely to be over-capacity (80% uptake being a typical threshold - noting the potential for actual values to be higher on some streets given that the value represents an average across each zone).
- 8.37. The Highway Authority therefore considers that due to the high level of permit uptake and the lack of evidence of parking availability in the area, the

proposed development shall be conditioned in order to remove future resident's eligibility for parking permits. The proposal is therefore considered to be acceptable in relation to car parking.

- 8.38. One of the main objections to the proposal from local residents is that it will lead to an increase in traffic in the area and create greater congestion problems. The transport officer is of the opinion that there may be an increase in trips to the site due to this proposal however these are unlikely to have a significant enough impact on the local highway network to warrant a reason for objection.
- 8.39. The proposal is therefore compliant with paragraph 109 of the NPPF which states "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."
- 8.40. In relation to bin storage, the transport officer is satisfied with the location of the bin storage within the site, but has concerns regarding where the bins will be collected from. The applicant has stated that on collection day the bins will be left on Dyke Road and will be brought back in again after collection. Regarding the existing flats, the bins are stored on the highway on collection day along Highcroft Villas. The proposed development will result in 1 additional bin being stored on the highway on collection day and this increase is not considered to be a reason for refusal in light of Paragraph 109 of the NPPF which makes it clear that development should only be refused if the impact would be severe. On balance, the Council consider the proposed bin storage arrangements to be acceptable in line with the existing arrangements.

Other Considerations:

- 8.41. When considering whether to grant planning permission for development which affects a listed building or its setting the council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the building or its setting or any features of special architectural or historic interest which it possesses.
- 8.42. Case law has held that the desirability of preserving a listed building or its setting or the character or appearance of a conservation area must be given "considerable importance and weight".
- 8.43. As noted earlier in the report, the works are considered acceptable in relation to the listed building and its setting and accordingly it is concluded that the proposal will not cause harm to these heritage assets.

9. EQUALITIES:

- 9.1. Policy HO13 seeks access standards above normal Building Regulations. The proposed flats would be located at first floor and it is noted that the proposed flats would be served by the existing staircase. As a step free access could not be achieved it is considered that a condition requiring

compliance with the M4(2) Building Regulations Standard is not necessary in this case.

