

<u>No:</u>	BH2021/01194	<u>Ward:</u>	Preston Park Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	25 Preston Park Avenue Brighton BN1 6HL		
<u>Proposal:</u>	Demolition of existing garage and erection of a three storey rear extension, conversion of existing house including excavation of basement to provide 7no flats (C3) and associated alterations.		
<u>Officer:</u>	Joanne Doyle, tel: 292198	<u>Valid Date:</u>	04.05.2021
<u>Con Area:</u>		<u>Expiry Date:</u>	29.06.2021
<u>Listed Building Grade:</u>		<u>EOT:</u>	
Agent:	Mohsin Cooper Mohsin Cooper 7 Hove Manor Parade Hove Street Hove BN3 2DF		
Applicant:	Mr Damian Frizzell 85 Church Road Hove BN3 2BB		

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
Location and block plan	A.001	-	31 March 2021
Proposed Drawing	D.001	-	31 March 2021
Proposed Drawing	D.002	-	31 March 2021
Proposed Drawing	D.003	-	31 March 2021
Proposed Drawing	D.004	-	31 March 2021
Report/Statement	Lighting Assessment	-	31 March 2021

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 external finishes of the extensions to the existing building hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.

Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD14 and HE6 of the Brighton & Hove Local Plan and CP12 and CP15 of the Brighton & Hove City Plan Part One.

4. Prior to occupation of the development hereby permitted, a scheme for landscaping shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be implemented in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. The scheme shall include the following:
 - a. details of all hard and soft surfacing to include type, position, design, dimensions and materials and any sustainable drainage system used;
 - b. a schedule detailing sizes and numbers/densities of all proposed trees/plants, to include food-bearing plants, and including details of tree pit design, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period;
 - c. details of all boundary treatments to include type, position, design, dimensions and materials;

Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD15 of the Brighton & Hove Local Plan and CP12 and CP13 of the Brighton & Hove City Plan Part One.

5. Prior to first occupation of the development hereby permitted, details of secure cycle parking facilities for the occupants of, and visitors to, the development shall 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.

6. The extended crossover and access shall be constructed prior to the first occupation of the development hereby permitted.

Reason: In the interests of highway safety and to comply with policies TR7 of the Brighton & Hove Local Plan and CP9 of the City Plan Part One.

7. The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling 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 scheme shall accord with the standards described in Annex 6 of SPD 11 and shall include a minimum of 1 swift brick/box and 1 bee brick. The approved

scheme shall be implemented in full prior to the first occupation of the development hereby approved and thereafter retained.

Reason: To increase the biodiversity of the site, to mitigate any impact from the development hereby approved 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. Cycle channels must be provided as part of the scheme to any flights of steps along the path to the south side of the site.
3. The planning permission granted includes a vehicle crossover which requires alterations and amendments to areas of the public highway. All necessary costs including any necessary amendments to a Traffic Regulation Order (TRO), the appropriate license and application fees for the crossing and any costs associated with the movement of any existing street furniture will have to be funded by the applicant. Although these works are approved in principle by the Highway Authority, no permission is hereby granted to carry out these works until all necessary and appropriate design details have been submitted and agreed. The crossover is required by law to be constructed under licence from the Highway Authority. The applicant must contact the Council's Streetworks team (permit.admin@brighton-hove.gov.uk 01273 290729) prior to any works commencing on the public highway.

2. SITE LOCATION

- 2.1. This application relates to a three-storey detached property located on the eastern side of Preston Park Avenue. The site rises from street level to the rear boundary to the east, and the rear garden steps up considerably from the ground floor level of the property.
- 2.2. The property is located opposite (east of) Preston Park (Grade II listed), within the Preston Park Conservation Area. It is set between a modern, five-storey block of flats to the north (Whistler Court), and a three-storey property which has been heavily extended to the rear and at roof level. In the wider context, the site lies within an area of mixed character consisting of several modern blocks of flats and traditional buildings, many of which have also been converted into flats, with a number of properties in the street containing back-land residential developments.

3. RELEVANT HISTORY

- 3.1. BH2020/02934- Erection of 2no two storey dwellinghouses (C3) in rear garden with associated landscaping. Demolition of existing garage and erection of a three storey rear extension & conversion of existing house including excavation of basement to provide 7no flats (C3) and associated alterations. Refused 01.04.2021. The reasons for the refusal were as follows:
1. The proposal to provide two new dwellings on the site by virtue of the plot coverage and positioning would be harmful to the character and appearance of the Conservation Area and would not be subservient to the original house and the combination of the built form of the two new dwellings with the proposed courtyard areas to serve the flatted house would erode the sense of green space which is a positive contribution to the setting of the area. The proposed development is therefore considered to represent an overdevelopment of the site and would fail to respect the historic grain and development pattern of the area or retain the primacy of the original house, contrary to policies CP12 and CP15 of the Brighton and Hove City Plan Part One and HE6 of the Brighton and Hove Local Plan 2005.
 2. The submitted viability report has not been assessed by the DVS (District Valuer Service) as the applicant has refused to have the report evaluated and therefore the application has failed to demonstrate that the scheme is not viable enough to support an affordable housing contribution, contrary to policy CP20 of the Brighton and Hove City Plan Part One.
- 3.2. This application is the subject of an appeal to the Planning Inspectorate (APP/Q1445/W/21/3272911) which is ongoing at the time of writing.
- 3.3. BH2020/02679- Application for approval of details reserved by conditions 5 (samples of materials), 6 (ground levels), 9 (landscaping), 13 (nature conservation) and 16 (site waste management plan) of application BH2019/00993. Approved 16.11.2020.
- 3.4. BH2019/00993- Erection of 2no two storey dwellinghouses (C3) in rear garden with associated landscaping. Demolition of existing garage and erection of a three storey rear extension & conversion of existing house to provide 6no flats (C3) and associated alterations. Approved 07.11.2019.
- 3.5. BH2018/02536 - Demolition of existing garage and erection of a three storey rear extension. Conversion of existing house to provide 6no flats (C3). Erection of 2no two storey dwellinghouses (C3) in rear garden with associated landscaping. Approved with Section 106 agreement 06.02.2019

4. APPLICATION DESCRIPTION

- 4.1. The application proposes the demolition of the existing garage and erection of a three storey rear extension, conversion of existing house including excavation of basement to provide 7no. flats (C3) and associated alterations.
- 4.2. The main external works to the house include a dormer window and inset balcony to the front elevation and a single storey rear extension with terrace

above, balcony at second floor level, a hipped roof projection with an adjoining gable projection, two single hipped extensions to the rear elevation, and with changes to the fenestration pattern including the side elevations.

- 4.3. In considering the application, the extant permissions BH2018/02536 and BH2019/00993 must be taken into account, allowing the conversion of the house to provide 6no. flats, as well as the erection of two new dwellings in the rear garden.
- 4.4. The recently refused application BH2020/02934 is also of relevance, though subject to appeal. As noted above, this sought the subdivision of the dwelling into seven flats, involving external extensions and alterations to the building, in addition to the erection of two new dwellings within the rear garden requiring substantial excavation. As noted above, this application was refused due to the harm to the Conservation Area caused by the overdevelopment of the site with the two rear dwellings, and that the lack of affordable housing provision had not been justified through a viability report assessed by the District Valuer Service.

5. REPRESENTATIONS

- 5.1. Seven (7) letters of representation have been received objecting to the proposal for the following reasons:
 - Overdevelopment
 - Purely money-led
 - Overshadowing
 - Loss of privacy
 - Loss of light
 - Loss of views
 - Expensive housing for rich people
 - Impact on foundations
 - Decrease of wildlife in the garden
 - Out of keeping in the conservation area
 - Traffic and Parking issues
 - Bring destruction to wildlife and greenery, noise, pollution, traffic, stress to residents
 - Overwhelm local amenity
 - Destruction of a family house and large garden

6. CONSULTATIONS

- 6.1. **Heritage:** Objection 27.05.2021
This application is for 7 flats as opposed to the 6 approved and includes for excavation of the main house to create a much larger basement in order to increase the number of flats that the house would accommodate. No structural report has been submitted to clarify whether or not this basement could be formed without causing structural harm to the house. The creation of large lightwells to the side/rear of the house would be inappropriate to the traditional

form of the house and the pattern of development in this area. The additions and alterations to the rear elevation of the house, particularly the formation of a balcony at high level within the new extension's gable, would be inappropriate and harmful to the character of the house, its proportions and hierarchy of floors.

Further comment 28.06.2021

6.2. The submitted letter and drawing from the structural engineer are sufficient to address the previous heritage concerns in respect of the structural implications of enlarging the basement and forming the lightwells. The objection regarding the alterations to the rear of the house remains.

6.3. **Sustainable Transport:** No objection
No objection subject to recommended amendments and conditions.

6.4. **Southern Water:** No objection

7. MATERIAL CONSIDERATIONS

7.1. 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

7.2. 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);
- Shoreham Harbour Joint Area Action Plan (JAAP) 2019.

7.3. 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.

8. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP2	Sustainable economic development
CP7	Infrastructure and developer contributions
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP11	Flood risk

CP12	Urban design
CP14	Housing density
CP15	Heritage
CP16	Open Space
CP18	Healthy city
CP19	Housing mix
CP20	Affordable housing

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

TR4	Travel plans
TR7	Safe Development
TR14	Cycle access and parking
SU9	Pollution and nuisance control
SU10	Noise Nuisance
QD15	Landscape design
QD16	Trees and hedgerows
QD18	Species protection
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development
HO9	Residential conversions and the retention of smaller dwellings
HO13	Accessible housing and lifetime homes
HE6	Development within of affecting the setting of Conservation Areas

Brighton & Hove City Plan Part Two (CPP2) (emerging)

Policies in the Proposed Submission City Plan Part 2 do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since 23 April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications. The weight given to the key CPP2 policies considered in determining this application is set out below where applicable.

DM1	Housing Quality, Choice and Mix
DM3	Residential conversions and the retention of smaller dwellings
DM20	Protection of Amenity
DM21	Extensions and alterations
DM22	Landscape Design and Trees
DM26	Conservation Areas
DM33	Safe, Sustainable and Active Travel
DM40	Protection of the Environment and Health - Pollution and Nuisance

Supplementary Planning Documents:

SPD06	Trees & Development Sites
SPD09	Architectural Features
SPD11	Nature Conservation & Development
SPD12	Design Guide for Extensions and Alterations
SPD14	Parking Standards

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the principle of development on site, the affordable housing provision, the visual impact of the proposal on the site and surrounding conservation area, the impact on neighbouring amenity, the standard of accommodation provided for future occupiers, sustainability and sustainable transport impacts.
- 9.2. Policy CP1 sets out the housing targets for the plan period with a provision target of 13,200 new homes for the city up to 2030. The council's most recent housing land supply position against this minimum target was published in the SHLAA Update 2020 and shows a five-year housing supply shortfall of 342 (equivalent to 4.7 years of housing supply).
- 9.3. However, on 24 March 2021 the City Plan Part One reached five years since adoption. National planning policy states that where strategic policies are more than five years old, local housing need calculated using the Government's standard method should be used in place of the local plan housing requirement. In addition, following an amendment to the standard method set out in national planning practice guidance, from 16 June 2021 onwards Brighton & Hove is required to apply an additional 35% uplift as one of the top 20 cities in the urban centres list.
- 9.4. The local housing need figure for Brighton & Hove using the standard method (including the 35% uplift) is 2,331 homes per year which gives a five-year housing supply shortfall of 6,604 (equivalent to 2.2 years of housing supply).
- 9.5. As the council is currently unable to demonstrate a five year housing land supply, increased weight should be given to housing delivery when considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).

Principle of Development:

- 9.6. The property as existing comprises a two storey plus attic dwelling house. The proposed development seeks to increase the number of residential units at the site from 1 unit to 5 units. The proposal includes the subdivision of the existing dwelling into seven flats. Local Plan Policy HO9 states that subdivisions of dwellings will be accepted, provided the following criteria are met:
 - a. the original floor area is greater than 115 sq m or the dwelling has more than 3 bedrooms as originally built;
 - b. at least one unit of accommodation is provided which is suitable for family occupation and has a minimum of two bedrooms;
 - c. the proposal is not detrimental to adjoining properties, including those within the same building, in terms of noise and nuisance and there is adequate provision for the storage of refuse;
 - d. secure, covered cycle parking is provided (if off-street cycle parking is not available and provision cannot be made on-street, then a contribution may be sought towards cycle parking nearby);

- e. the proposal will not result in an unacceptable level of on-street car parking; and
 - f. if the building is listed, the proposal preserves the character of the listed building.
 - g. if the building is in a conservation area, the proposal preserves or enhances the character of the conservation area.
- 9.7. The original floor area is greater than 115m² and has more than three bedrooms, as originally built. The proposal would result in the creation of 6no. 2-bed units and 1no. 1-bed units. The two bed units would be suitable for family occupation and with the ground floor units being particularly suited to family occupation with access to private outdoor amenity space.
- 9.8. The proposed conversion is not considered to have a significant impact on neighbouring amenity, as set out in detail below. Suitable refuse and recycling storage is proposed which could be secured by condition, and cycle parking is proposed which is in line with SPD14 guidance.
- 9.9. The proposal is not considered to result in unacceptable levels of on street parking, as set out in detail below.
- 9.10. Criterion (f) relates to properties which are listed and therefore is not relevant in the determination of this application. The proposed conversion is considered to preserve the character and appearance of the conservation area.
- 9.11. The principle of the subdivision is therefore considered acceptable, subject to the detailed assessment set out below.
- 9.12. City Plan Part One Policy CP19 outlines that to improve housing choice and ensure that an appropriate mix is achieved across the city. Paragraph 4.202 of the supporting text of the policy CP19 (Housing Mix) sets out that, 'the council gives a high priority to the importance of achieving a good housing mix and a choice of housing (in terms of types and sizes of accommodation) in order to meet the diverse accommodation needs of the local community'. The housing mix is proposed to be 6no two bed units and 1no one bed unit and whilst this does not achieve this identified mix the provision is acceptable. Two and three bed dwellings are in most demand within the city and the development aims provide for family accommodation. As such, the unit mix is considered acceptable and would meet the need in the city to provide more family housing, in accordance with policy CP19.
- 9.13. Accordingly, no in-principle objection is raised to the proposal, which is considered to be compliant with Local Plan policy HO9 and City Plan Part One Policy CP19.

Design and Appearance:

- 9.14. Policy CP12 of the Brighton & Hove City Plan Part One seeks to ensure that all new development raises the standard of architecture and design in the City. In tandem with this, Policy CP14 of the City Plan seeks to encourage a higher density of development than those typically found in the locality provided

developments will, amongst other things, respect, reinforce or repair the character of a neighbourhood and contribute positively to its sense of place.

- 9.15. When considering whether to grant planning permission for development in a conservation area the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.
- 9.16. Case law has held that the desirability of preserving or enhancing the character or appearance of a conservation area must be given "considerable importance and weight".
- 9.17. The existing rear elevation includes a number of extensions including a hipped roof projection with an adjoining gable projection, two single hipped extensions and a single storey extension with a roof terrace above. At roof level the property also includes two dormer windows, one of which abuts the hipped roof projection. The accumulation of these extensions / alterations gives the rear elevation a somewhat disjointed appearance with a number of features that do not relate to one another.
- 9.18. The proposed rear works would involve the removal of the existing harmful extensions and the erection of a replacement rear extension which would span the majority of the width of the rear elevation, including a three storey gable which would match the height of the existing extension and would project to the same depth as the existing ground floor extension. The gable extension would also include an adjoining hipped roof section with a dormer window at second floor level. To the rear the works would also include a single storey projection with a roof terrace above and formation of balcony within the new gable. A central dormer is proposed on the front elevation which would match the style of the existing, but with a reduced width and a replacement rooflight. An inset balcony at second floor level is also proposed.
- 9.19. The main extensions/alterations proposed under this application are the same as the approved permissions BH2018/02536 and BH2019/00993, save for some minor fenestration changes and the addition of balconies at second floor level to the front and rear elevation. The alterations that have been approved under these previous applications include the balconies at first floor level to the front and rear elevation so these elements of the scheme has previously been accepted.
- 9.20. The additional bulk and height of the extensions proposed to the rear of the main house would be significant, and would add notable depth to the dwelling. Given the scale of the plot, the set-back of the adjacent block of flats, and the numerous additions to other properties within the vicinity, it is considered that extensions of this scale and form can be accommodated on site. Furthermore, the proposal would remove a number of older ad-hoc additions which would unify the rear elevation into a readable and rational extension with sympathetic detailing.
- 9.21. The Heritage Officer has raised concern with regards to the creation of large lightwells to the side/rear of the house and the alterations to the rear elevation of the house, particularly the formation of a balcony at high level within the new

extension's gable. However, the works to the rear elevation are very limited in their visibility and are not highly visible in other contexts within the wider conservation area and are therefore considered acceptable in this instance. There is no objection to the courtyard lightwells at basement level, which would not be large enough to result in harm to the setting of the site.

- 9.22. The application also includes excavation under the main house to create a much larger basement in order to increase the number of flats that the house would accommodate. A structural report has been submitted confirming that the enlarging of the basement and formation of the lightwells would not result in structural harm to the house.
- 9.23. On balance, it is considered that this proposal would preserve the appearance and character of the building, wider street scene and the Preston Park conservation area, in accordance with policies HE6 of the Brighton & Hove Local Plan, CP12 and CP15 of the Brighton & Hove City Plan Part One and policy DM26 of CPP2 (of which can be given significant weight).

Standard of Accommodation For Future Occupiers:

- 9.24. The proposed conversion of the main building would include a 2 bedroom flat at basement level, two 2 bedroom flats at ground floor level, two 2 bedroom flats at first floor level and a 1 bedroom flat and 2 bedroom flat at second floor level.
- 9.25. The Nationally Described Space Standards, although not yet formally adopted by the Council, do provide a useful guide against which to assess the overall unit size and bedroom sizes, particularly as they are referred to in emerging Policy DM1 of City Plan Part 2 (which can be given significant weight). All of the units would comply with the Standards. The units would also benefit from adequate levels of light and outlook. The two ground floor flats would have access to private amenity space and all of the upper floor flats would benefit from balconies and with the basement flat having access to courtyard areas.
- 9.26. There is concern that the proposed basement unit would not receive adequate light or outlook. However, the main living area and bedroom would both benefit from courtyard areas which would provide an acceptable amount of outlook given the nature of the accommodation at lower ground floor level and a submitted daylight report has concluded that adequate daylight levels would be achieved.
- 9.27. The units would provide for a suitable standard of accommodation and would meet the needs of future occupiers, in accordance with Local Plan Policies QD27 and H05 and DM20 and DM1 of CPP2 which can be given significant weight.

Impact on neighbouring Amenity:

- 9.28. Policy QD27 of the Brighton & Hove Local Plan and emerging policy DM21 of City Plan Part 2 (that can be given significant weight) state 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.

- 9.29. The properties most likely to be affected would be those directly adjacent including the flats within 24 Preston Park Avenue to the south and Whistler Court to the north. Given the level of separation of the works from properties to the rear, it is not considered that any significant harm would arise in this direction.
- 9.30. 24 Preston Park Avenue is a 3 storey property which has been subdivided into 12 flats in addition to two further ground floor flats, one of which is set within a rear single storey extension, known as The Cottage, 24B Preston Park Avenue.
- 9.31. Whilst the extensions to the existing building would be visible from a number of side facing windows, in addition to several rear facing windows in oblique views, the predominant outlook of the flats to the front and rear would be retained. The new side windows would retain a similar outlook to the existing windows and are therefore considered acceptable. Overlooking from rear windows would be to a degree in keeping with a residential area such as this.
- 9.32. Whistler Court to the north is a five storey block of flats which is set to the rear of the application building and affords a number of views over the application site and the building itself. A number of the flats have outlook to the south from living rooms and kitchens which look at / over the application site. As a result, the proposed extensions to the existing building would be visible and would result in some loss of outlook to the lower level flats. Given the level of separation, the existing arrangement in addition to the fact that the main outlook to the front, and over Preston Park would not be impacted, the resultant relationship is considered acceptable. The balconies are either inset or could have some privacy screening secured by condition and therefore it is not considered that any significant overlooking/ loss of privacy would occur.
- 9.33. The proposal is compliant with Policy QD27 of the BHLF and policy DM20 of CPP2 (of which can be given significant weight) 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.

Ecology:

- 9.34. Policy CP10 of the City Plan Part One seeks to ensure that all new development proposals conserve existing biodiversity, protecting it from the negative indirect effects of development including noise and light pollution.
- 9.35. The applicant has submitted a Biodiversity checklist which confirms that the existing site does not show signs of any protected species being located on site and the proposal would not result in the loss of any mature trees. Overall, the proposal would not have any significant impacts on existing biodiversity on or off site.

Sustainability:

- 9.36. Refuse and recycling is being provided close to front of the site which appears to be adequate for the scale of development. Refuse and recycling provision has been secured via condition.

Sustainable Transport:

- 9.37. The sub-division of the existing dwelling would result in an uplift of trip generation.
- 9.38. The development would generate off-site transport impacts, the mitigation of which would be secured via Community Infrastructure Levy which funds identified highway schemes required in the local area.
- 9.39. Within the previous application the applicant submitted a parking survey which demonstrated that there is sufficient capacity in the immediate area (47% occupancy) to accommodate the parking demand that the proposed development is likely to create. The applicant is proposing two off-street parking spaces and census data indicates that car ownership in this area is 0.8 per household (six spaces). Notwithstanding this, it is not considered appropriate to impose the car-free condition requested by the LHA because parking in the local area, and limiting the issue of parking permits is already covered through the management of the Controlled Parking Zone.
- 9.40. The applicant is proposing 14 cycle parking spaces which is in line with SPD14 guidance. Whilst they would be accessed by steps which is not ideal it is acknowledged that the topology of the site may not lend itself to level access and this arrangement has been accepted in similar applications subject to cycle channels being proposed.
- 9.41. The spaces are proposed to be Sheffield Stands and further details are needed including how they would be covered and secure and with cycle channels which has been secured via condition.

Affordable Housing:

- 9.42. Policy CP20 of the City Plan Part One requires developments of between 5 and 9 (net) residential units to provide 20% affordable housing as an equivalent financial contribution. In this instance, based on the methodology set out in the Developer Contributions Technical Guidance Paper the representative provision of affordable housing for the provision of 6 units (net) would equate to 2 bedroom flat, which in Zone 2 results in a total contribution of £182,250.
- 9.43. However, the applicant has submitted a Statement of Viability to demonstrate that the development would not be viable enough to support an affordable housing contribution. This has been assessed by the District Valuer Service which has confirmed that the scheme would not be viable enough to support an affordable housing contribution.
- 9.44. In light of the conclusion from the DVS it is therefore considered that an affordable housing provision should not be secured in this instance.

Community Infrastructure Levy:

- 9.45. Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23 July 2020 and began charging on all CIL liable planning applications on and from the 5 October

2020. It is estimated that the amount of CIL liability for this application would be £24,526.35. The exact amount will be confirmed in the CIL liability notice which will be issued as soon as it practicable after the issuing of planning permission.

10. EQUALITIES

10.1. Access standards are not sought on conversions.