

<b><u>No:</u></b>	<b>BH2022/02689</b>	<b><u>Ward:</u></b>	<b>St. Peter's And North Laine Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>126 Gloucester Road Brighton BN1 4BU</b>		
<b><u>Proposal:</u></b>	<b>Change of use of part of ground floor and of first floor from commercial (E) to residential (C3) and raising of roof ridge height to facilitate second floor accommodation to form 5no residential units, incorporating a single dormer to the south elevation and a single rooflight to the west elevation, revised fenestration and associated alterations.</b>		
<b><u>Officer:</u></b>	Robin Hodgetts, 292366	tel: <b><u>Valid Date:</u></b>	23.08.2022
<b><u>Con Area:</u></b>	North Laine	<b><u>Expiry Date:</u></b>	18.10.2022
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	15.03.2023
<b><u>Agent:</u></b>	CMK Planning 11 Jew Street Hove BN1 1UT		
<b><u>Applicant:</u></b>	Mr S Cole C/o CMK Planning 11 Jew Street BN1 1UT		

## 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 be **MINDED TO GRANT** planning permission subject to a s106 agreement on the Heads of Terms set out below and the following Conditions and Informatives as set out hereunder, **SAVE THAT** should the s106 Planning Obligation not be completed on or before 8 July 2023 the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 13 of this report:

### **S106 Heads of terms**

#### Affordable Housing:

- Provision of a commuted sum of £254,300 in lieu of on-site provision of affordable housing.

#### Highway Works

The following highway works are required to be secured via a section 278/38 agreement:

- Implementation of new footway at the eastern corner of the junction of Gloucester Passage with Gloucester Road, and any reasonable adjustments required to the impacted junction.

#### 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.

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan	001		23 August 2022
Block Plan	002		23 August 2022
Report/Statement		Planning Statement	23 August 2022
Proposed Drawing	100	G	13 February 2023
Proposed Drawing	200	G	13 February 2023
Proposed Drawing	201	E	13 February 2023
Proposed Drawing	300	D	13 February 2023

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. 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.
  
4. Prior to first occupation of the development hereby permitted a scheme for the storage of refuse and recycling shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full as approved 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 DM20 of City Plan Part One.
  
5. The development hereby permitted shall not be occupied until details showing the five bee bricks required has been submitted to and approved in writing by the Local Planning Authority. The scheme shall then be carried out in strict accordance with the approved details and thereafter retained.  
Reason: To safeguard these protected species from the impact of the development and ensure appropriate integration of new nature conservation and enhancement features in accordance with Policy DM37 of Brighton & Hove City Plan Part 2, Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.
  
6. No part of the development shall commence of any part of the development hereby permitted until samples/details of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):

- a) samples/details of all brick, render and tiling (including details of the colour of render/paintwork to be used)
- b) samples/details of all cladding to be used, including details of their treatment to protect against weathering
- c) samples/details of all hard surfacing materials
- d) samples/details of the proposed window, door and balcony treatments including any glazing
- e) samples/details of all other materials to be used externally

The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development and to comply with policies DM18 and DM26 of Brighton & Hove City Plan Part 2 and CP12 and CP15 of the Brighton & Hove City Plan Part One.

- 7. No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any elevation facing a highway.

Reason: To safeguard the appearance of the building and the visual amenities of the locality and to comply with policies DM18 and DM26 of Brighton & Hove City Plan Part 2 and CP12 and CP15 of the Brighton & Hove City Plan Part One

- 8. Prior to occupation of the development details of the sustainable building measures to be undertaken shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details and retained as such thereafter.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and has an acceptable appearance and to comply with policies CP8 and CP12 of the Brighton & Hove City Plan Part One.

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. You are advised that details of the development will be passed to B&HCC as Traffic Authority administering the Controlled Parking Zone, of which the development forms part, so they can determine whether occupiers should be eligible for residents' parking permits.
- 3. In order to be in line with Policy TR14 of the Brighton & Hove Local Plan 2005 cycle parking must be secure, convenient, well lit, well signed and wherever practical, sheltered. The Highway Authority's preference is for Sheffield type stands to ensure the main frame of the bicycle can be securely stored. All must be spaced in line with the guidance contained within the Manual for Streets section 8.2.22.
- 4. The proposed highway works include implementing new footway on the eastern corner of Gloucester Passage at its junction with Gloucester Road and any other

reasonable amendments that may be required at the impacted junction. The applicant is advised that they must enter into a Section 278 Agreement with the Highway Authority prior to any works commencing on the adopted highway, contact S278@brighton-hove.gov.uk Any modifications to the highway will need to be agreed through a s278 or carried out under licence, which can be determined in due course.

## 2. SITE LOCATION

- 2.1 This application relates to a 2-storey property located on the junction of Gloucester Road and Gloucester Passage. The property is not listed but is located within the North Laine Conservation Area. The surrounding area is predominantly residential albeit as is typical of the North Laines, with some businesses and two public houses adjacent to the development site. It lies close to the identified Regional Shopping Centre (CP4 and DM12) to the west.
- 2.2 The existing building is currently in use as a workshop (Class E).

## 3. RELEVANT HISTORY

**BH2021/02092** - Change of use of part of ground floor and of first floor from commercial (Class E) to residential (Class C3) and raising of ridge height to facilitate second floor accommodation to form 6no residential units, incorporating dormers to South and West elevations, alterations to fenestration and associated alterations. Refused 02.09.2021 for the following reasons:

1. *The proposed loss of 207sqm of Class E commercial space would not accord with the requirements of policies CP3 and SA2 since the site is still in use by a longstanding business and is not vacant and no marketing campaign has been undertaken for a sustained period of time. It has therefore not been demonstrated that the site is redundant for commercial use, and the proposal would fail to safeguard a premises that helps meet the needs of the city and supports job creation. The proposal would also fail to reinforce central Brighton's role as the city's vibrant, thriving commercial centre. The proposed change of use is therefore contrary to Policies CP3 and SA2 of the Brighton and Hove City Plan Part 1.*
2. *The proposed alterations to the roof and fenestration, by virtue of their design and scale, are considered unsympathetic to the existing building and would fail to preserve or enhance the setting of the wider conservation area. The proposed development would therefore conflict with Policies CP12 and CP15 of the Brighton and Hove City Plan Part 1 and Policy HE6 of the Brighton and Hove Local Plan.*
3. *The amenity and living conditions of the prospective residents would be unduly compromised given the limited outlook and light afforded to the units, and units 1, 2 and 6 in particular. The standard of accommodation proposed*

would therefore be contrary to policy QD27 of the Brighton and Hove Local Plan.

#### **4. APPLICATION DESCRIPTION**

- 4.1 Planning permission is sought for the change of use of the property from its current Class E commercial use, primarily as a workshop, to a mixed Class E commercial and residential use, with commercial space at ground floor level with five flats (use class C3) above at ground and first floor level, and in the roof. This is to be achieved by raising the ridge height of the roof by 54cm and the construction of a single dormer to the south elevation and installation of one rooflight to the west elevation and five others in the flat roof above.
- 4.2 It is a revised re-submission of application BH2021/02092 which was refused on 2 September 2021 for the reasons outlined above.
- 4.3 The present application has sought to respond to these reasons for refusal by reducing the number of residential units from six to five, reducing the number and scale of the dormers, and amending the fenestration, materials and frontage proposed.

#### **5. REPRESENTATIONS**

**Twelve (12)** representations have been received objecting to the application on the basis of:

- Overdevelopment of the site
- Impact on the amenity of neighbours in terms of overlooking, loss of light and noise
- Impact on the character of the North Laine conservation area
- The design and height of the proposed development
- Increase in traffic to the site

#### **6. CONSULTATIONS**

##### **External**

**Conservation Advisory Group** No objection

##### **Internal**

**Economic Development** No Comment

**Heritage** No Objection

##### Summary:

Objections were made based on the initial proposal which included multiple dormers and rooflights to the front elevation of the roofslope resulting in harm to the character of the North Laine Conservation Area.

Following amendments to the design to remove all but one rooflight from the front elevation this objection has been resolved.

**Policy No objection**

Summary:

The proposal site is still in active use and so the application cannot be fully assessed against the tests of redundancy and unsuitability as set out by the requirements of policies SA2 Central Brighton and CP3 Employment Land.

Whilst it is noted that under the changes to the Use Classes Order introduced on 1 Sept 2020, employment uses previously classed as B1a now fall under Class E (Commercial, Business and Service Uses), the CPP1 marketing requirements for policies SA2 and CP3.5 do still apply.

The proposed housing units would be a small contribution to the city's housing supply. It should be determined whether the units would meet M4(2) accessibility/adaptability standards (also required by Policy DM1). When considering the planning balance for this proposal, increased weight will need to be given to housing delivery in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).

**Transport No objection subject to conditions**

Summary:

Acceptable, subject to the use of the refuse store being clarified and any necessary amendments to its access, including the refuse doors that open outwards (that may be subject to highway enforcement as per Highway Act 1980) be made, In addition the inclusion of:

- Car-free Informative
- Cycle Parking Scheme condition and informative (for both residential and commercial elements)
- Refuse and recycling scheme condition (only commercial if amendments to the proposed space are made)
- S106 agreement including S278 and the below condition and informative

## **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

The development plan is:

- Brighton & Hove City Plan Part One (adopted March 2016)
- Brighton & Hove City Plan Part Two (adopted October 2022);

- 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 (adopted October 2019).

## 8. POLICIES

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development  
 CP1 Housing delivery  
 CP3 Employment Land  
 CP4 Retail Provision  
 CP7 Infrastructure and Developer Contributions  
 CP8 Sustainable buildings  
 CP9 Sustainable transport  
 CP12 Urban design  
 CP14 Housing density  
 CP15 Heritage  
 CP19 Housing mix  
 CP20 Affordable Housing  
 SA2 Central Brighton

#### Brighton & Hove City Plan Part 2

DM1 Housing Quality, Choice and Mix  
 DM12 Changes of Use within Regional, Town, District and Local Shopping Centres  
 DM18 High quality design and places  
 DM20 Protection of Amenity  
 DM21 Extensions and alterations  
 DM26 Conservation Areas  
 DM29 The setting of Heritage Assets  
 DM33 Safe, Sustainable and Active Travel  
 DM36 Parking and Servicing

#### Supplementary Planning Documents:

SPD14 Parking Standards  
 SPD12 Design Guide for Extensions and Alterations  
 SPD09 Architectural Features  
 SPD17 Urban Design Framework

## 9. CONSIDERATIONS & ASSESSMENT

- 9.1 The main considerations in the determination of this application relate to the principle of the development, the visual impact of the development on the character and appearance of the site, streetscene and wider conservation area, the standard of accommodation provided and any potential impact on the

amenities of neighbouring properties, in addition to transport issues. Ecology and sustainability are also considerations.

## **Principle of development**

### Housing Supply and the titled balance

- 9.2 Planning permission is sought for the conversion of the existing building to provide commercial uses and 5no residential units.
- 9.3 Policy CP1 in the City Plan Part One sets a minimum housing provision target of 13,200 new homes for the city up to 2030. 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. The local housing need figure for Brighton & Hove using the standard method is 2,311 homes per year. This includes a 35% uplift applied as one of the top 20 urban centres nationally.
- 9.4 The council's most recent housing land supply position is published in the SHLAA Update 2021 which shows a five-year housing supply shortfall of 6,915 (equivalent to 2.1 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).
- 9.6 The provision of 5 new residential units would constitute a windfall development and would make a small but useful contribution to the city's housing supply, as set out in City Plan Part 1 policy CP1. Given the housing supply position, the principle of new residential units on the site is supported and given increased weight.

## **Planning Policy**

### Housing Mix

- 9.7 The development would provide 2x1 bedroom (40%), 2x2 bedroom (40%) and 1x3 bedroom (20%) units.

Policy CP19 states:

*"4.213 A demographic analysis of the demand/ need for homes in the city over the plan period indicates that an estimated 65% of the overall need/demand (for both market and affordable homes) will be for two and three bedroom properties (34% and 31% respectively); 24% for 1 bedroom properties and 11% for four-plus bedroom properties. In terms of the demand for market housing, the greatest*



*demand is likely to be for 2 and 3 bedroom properties (35% and 36% respectively)."*

- 9.8 The mix of units provided is considered acceptable and meets the requirements of Policy CP19 of the City Plan Part One.

#### Affordable Housing

- 9.9 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 and the updated Schedule of Commuted sum payments (updated May 2021), five units located in Zone 1 would require a contribution of £254,300
- 9.10 The application submission confirms that the applicant is willing to enter into a S106 agreement to secure the required financial contribution.

#### Loss of commercial floor space

- 9.11 A key consideration in determining this application is the loss of Class E employment floorspace, with the scheme proposing the provision of 187 sq m of commercial space where currently there is 509.9sq m. However, as highlighted in the applicant's submission, only around 209.3m of this is in functional use with the remainder being used as redundant storages/garages. Some 47 people use the site for employment, where it is estimated that because of the more modern, efficient use of the site, up to 84 people could be employed in the future.
- 9.12 City Plan Part One Policy CP3, criterion 5. permits the loss of employment premises where it can be demonstrated to be redundant and incapable of meeting the needs of alternative employment uses. Where loss is permitted, the priority for re-use will be for alternative employment generating uses or housing (in accordance with CP20 Affordable Housing).
- 9.13 As set out in the Policy team's detailed comments, there are concerns that the proposal results in the considerable loss of commercial floorspace that has not been fully justified under the criteria of the relevant policies. The building is not vacant and no marketing over a sustained period has taken place. Nonetheless and in spite of the loss of commercial floorspace, there would still be a commercial unit (Class E) retained so there would be no net loss of units, even though there would be a loss of floorspace. In this instance the significant weight which must be given to the provision of housing would outweigh the loss of commercial floorspace.
- 9.14 The redundancy of the commercial space has not been demonstrated but given it would not be entirely lost and is likely to generate a higher number of jobs, as a smaller commercial unit would be retained and modernised, providing an improvement in terms of useability over the existing workshop. On this basis, the scheme is considered to be acceptable in terms of Policy CP3.

- 9.15 Further, given the substantial weight given to the benefits of additional housing, it is considered that the loss of 183m<sup>2</sup> of commercial space is outweighed by the provision of five sustainably located residential units.

### **Design and Appearance**

- 9.16 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.
- 9.17 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".
- 9.18 The NPPF states at para 202 that 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'.
- 9.19 City Plan Part 1 Policy CP12 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. Policies CP15 of CPP1 and DM26 of CPP2 seek to protect heritage assets and their setting.
- 9.20 The site is located within the North Laine Conservation Area and is located in a prominent position on the corner of Gloucester Road and Gloucester Passage. As a result, the proposed changes to the height and elevations would be clearly visible and would have an impact on the appearance of the area.
- 9.21 The main visible change to the building proposed in this application are the insertion of a dormer windows on the southern elevation, and the raising of the ridge by 54cm to allow sufficient headroom to occupiers. A dormer was initially proposed on the western elevation but this was removed following feedback from Heritage officers, and replaced with a single conservation-style rooflight. Skylights on the flat roof would instead provide light to the occupiers of the new accommodation. This has reduced the impact of the proposal and its effect on the character of the surrounding conservation area. The raising of the ridge by 54cm will allow the existing roofslope to remain and its profile retained, and is considered to be in keeping with the character and appearance of the area, including its heritage features.
- 9.22 The other works proposed in the scheme comprise the reinstatement of a timber door on the Gloucester Road frontage to provide access to the residential units; glazed windows replaced/reinstated on both the Gloucester Road and Gloucester Passage elevations; timber garage doors installed on the Gloucester Passage elevation for access to the commercial unit; and a first floor goods entrance on this elevation being infilled. It is considered that all of these works would have a positive impact on the character of the area, and would enhance the appearance of the somewhat dated building.

- 9.23 It is considered that the proposed development would conserve the historic environment and would thus comply with Policy CP12 Urban Design and CP15 Heritage of the CPP1.

### **Standard of accommodation**

- 9.24 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.
- 9.25 The 'Nationally Described Space Standards' (NDSS) were introduced by the Department for Communities and Local Government in 2015 to establish acceptable minimum floor space for new build developments and are required to be met by Policy DM1 of the City Plan Part Two.
- 9.26 The Local Planning Authority considers both quantitative and qualitative issues raised with regards to the standard of accommodation for future occupiers.
- 9.27 The proposed development would result in the creation of 5 units in total, comprising:
- Unit 1: Three bedroom, six person unit measuring 113sqm
  - Unit 2: Two bedroom, three person unit measuring 62sqm
  - Unit 3: One bedroom, two person unit measuring 51sqm
  - Unit 4: Two bedroom, three person unit measuring 86sqm
  - Unit 5: One bedroom, two person unit measuring 71sqm
- 9.28 Each of the proposed units would meet or exceed the floor space requirements as set out in the government's Nationally Described Space Standards. The floor plans submitted provide a furnished layout of each new unit which appears to demonstrate adequate circulation space within the properties.
- 9.29 There is concern regarding the lack of light and outlook to Unit Three due to its west facing, single aspect nature. No formal Daylight/Sunlight Assessment has been submitted to enable a fuller assessment of the potential impacts, however, on the basis of the information provided it is considered that the proposal would cause a small degree of harm to the occupiers of Unit Three. To mitigate this, the single conservation style rooflight would be required to the western elevation in order to provide sufficient natural light and ventilation to the bedroom of Unit Three. It is considered that the other proposed units would benefit from acceptable levels of natural light, ventilation, outlook and privacy.
- 9.30 Policy DM1 requires the provision of external amenity space within developments to serve new residents. Only two of the units have any private outdoor amenity space (terraces), which is not ideal, however, it is recognised that the constraints of the site make further provision difficult in this instance, and in this inner city

location there is access to a public park at Pavilion Gardens within 0.6 miles of the site. On balance the provision is considered acceptable.

- 9.31 Policy DM1 of CPP2 requires all new residential dwellings to meet the requirements of Building Regulations Requirement M4(2) for wheelchair access, but it is recognised that this might not be practicable in smaller residential conversions. The development is a small conversion scheme and is situated over a number of floors with no lift present and thus it is acknowledged that it will not be possible to comply with Requirement M4(2) of the optional requirements in Part M of the Building Regulations.
- 9.32 It is noted that concerns have been raised by the Private Sector Housing team that units 1, 2 and 4 all have a layout which may pose a high risk of fire. Alternative layouts could be explored, and ultimately fire safety concerns are dealt with at Building Regulation stage.
- 9.33 Most of the units would provide an acceptable standard of accommodation, albeit the light to Unit Three is not ideal. However this objection is not significant when weighed against the benefits of the scheme in terms of the provision of 5 new, centrally located units of accommodation and as such not sufficient to refuse the scheme. Therefore, on balance the proposed accommodation is not considered sufficiently harmful to warrant refusal of the application.

**Impact on Amenity:**

- 9.34 The neighbouring properties most likely to be affected by the proposals are Nos. 1 to 4 Gloucester Passage and No.11 Gloucester Road, also to an extent the upper floors of the adjacent public houses (no.s 12 and 125) and the adjacent property at no. 127. The impact of the proposal, including the increase in height and addition of dormers on these adjacent properties has been fully considered in terms of daylight, sunlight, outlook and privacy, and no significant harm has been identified. Any additional overlooking would not be significant and the distance between properties follows the tight knit urban grain of the area. The proposed outdoor terraces would be close to rooflights of the adjacent property (no.127) however these rooflights are set significantly higher than the terrace and thus the relationship would be acceptable.
- 9.35 Directly opposite the south and west of the properties lie public houses and the concern raised by the pubs that the proposal may affect their viability is noted in terms of 'agents of change' and the potential for noise complaints from future residents. The site is however located in a busy central urban area and the area is very mixed in terms of land use. There are already a number of residential properties in close proximity to pub. Relatively close relationships between residential properties and commercial ones, including outdoor seating areas occurs successfully in the North Laines and is characteristic of the area. It is not considered that the new residential units would exacerbate this as they would not be any closer than existing units (i.e. 14 and 15 Gloucester Road) so would not unduly affect the viability of any existing businesses.

- 9.36 There are a number of minor amendments to the fenestration layout of the building, but these alterations are not considered likely to cause significant harm to the privacy of neighbouring occupiers. Any new openings would have similar views to those had from existing openings.
- 9.37 The proposed development is therefore considered to be in accordance with Policy DM20 of the City Plan Part 2.

### **Sustainable Transport:**

#### Cycle Parking

- 9.38 SPD14 Parking Standards requires a minimum of one cycle parking space per dwelling and 1 cycle parking space for visitors per 3 units (over a threshold of 5 units) and 2 cycle parking spaces for 3-4 bedroom unit. The applicant is proposing 6 cycle parking spaces in the entrance of the building which therefore accords with the requirement for 1 for each of the four 1- and 2-bed units, and two for the 3-bed unit. The type of stands being proposed is unclear but this will be secured by a condition requiring details to be provided

#### Trip generation

- 9.39 The Local Highway Authority has raised no concerns regarding the potential for the scheme to result in any increase in vehicle trips.

#### Car Parking

- 9.40 The Local Highway Authority has raised concerns with regards to the potential for overspill parking on the highway. However, the site is located within Controlled Parking Zone Y. Given the level of permit uptake within this zone, the highways team have requested that the development be made car free via informative rather than condition as it is acknowledged that parking is already managed through the CPZ.

### **Ecology**

- 9.41 The Council has adopted the practice of securing minor design alterations to schemes with the aim of encouraging the biodiversity of a site, particularly with regards to protected species. A condition requiring bee bricks and the installation of swift bricks will be attached to improve ecology outcomes on the site in accordance with the Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

### **Sustainability:**

- 9.42 A condition will be imposed to ensure the development incorporates sustainable building measures, and sufficient space for refuse/recycling, in accordance with policies CP8 and WMP3e.

## **Conclusion:**

- 9.43 On balance, it is considered that the positive aspects of the scheme such as the provision of 5 new dwellings within a sustainable location and the modernisation of the existing Class E commercial unit are such that they outweigh the concerns regarding the quality of the accommodation provided (in particular Unit 2) or the less than substantial harm to the character of the conservation area. Approval is therefore recommended.

## **10. EQUALITIES**

- 10.1 Given the constraints of the site, and the proposal to make use of the existing building rather than demolish it and rebuild, unfortunately it would not be possible for the dwellings to be made accessible to those with mobility issues.

## **11. CLIMATE CHANGE/BIODIVERSITY**

- 11.1 A condition requiring a bee bricks has been attached to improve ecology outcomes on the site in accordance with the Policy CP10 of the Brighton & Hove City Plan Part One, Policy DM37 of the Brighton & Hove City Plan Part Two and Supplementary Planning Document SPD11 Nature Conservation and Development.
- 11.2 The works would modernise and refurbish the existing building and makes better use of land.

## **12. COMMUNITY INFRASTRUCTURE LEVY**

- 12.1 Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted 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 if it was approved would be £57,750

## **13. S106 AGREEMENT**

In the event that the draft S106 agreement has not been signed by all parties by the date set out above, the application shall be refused for the following reasons:

1. The proposed development fails to provide a commuted sum in lieu of affordable housing, contrary to policy CP20 of the Brighton and Hove City Plan Part 1.
2. The highway works required to make the proposed development acceptable in terms of its impact on road safety have not been secured, contrary to policies DM33 of Brighton & Hove City Plan Part 2, and CP9 of the Brighton & Hove City Plan Part One.