

<u>No:</u>	BH2023/02170	<u>Ward:</u>	Moulsecoomb & Bevendean Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	25 Freehold Terrace Brighton BN2 4AB		
<u>Proposal:</u>	Change of use from light industrial (B1(c)) to 2no self-contained flats (C3) and 2no self-contained flats in multiple occupation (C4) incorporating a second floor extension with roof terrace, ground and first floor extensions and associated works.		
<u>Officer:</u>	Mark Thomas, tel: 292336	<u>Valid Date:</u>	24.08.2023
<u>Con Area:</u>		<u>Expiry Date:</u>	19.10.2023
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	Lewis And Co Planning SE Ltd 2 Port Hall Road Brighton BN1 5PD		
<u>Applicant:</u>	Mr Lee Claxton C/O Lewis And Co Planning 2 Port Hall Road Brighton BN1 5PD		

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	0673.PL.012	B	2 August 2023
Proposed Drawing	0673.PL.010	C	11 October 2023
Proposed Drawing	0673.PL.011	C	11 October 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. Notwithstanding any details shown on the approved plans, no development above ground floor slab level of any part of the development hereby permitted shall take place until 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 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
- e) samples/details of all other materials to be used externally

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 DM21 of Brighton & Hove City Plan Part 2 and CP12 of the Brighton & Hove City Plan Part One.

4. The flats and Houses in Multiple Occupation hereby approved shall be implemented in strict accordance with the internal layouts detailed on the proposed floorplans ref: 0673.PL.010 revision C received on 11th October 2023. The internal layouts shall be retained as first implemented thereafter.

Reason: To ensure an acceptable standard of accommodation for future occupiers is provided and maintained thereafter and to comply with policy DM1 of the Brighton and Hove City Plan Part Two.

5. The roof terrace hereby approved shall not be first brought into use until the opaque privacy screen of 1.8 metres in height shown on drawing ref: 0673.PL.011 revision C received on 11th October 2023 has been installed. The screen shall thereafter be retained.

Reason: To protect the amenity of neighbouring occupiers, to comply with Policies DM20 and DM21 of the Brighton and Hove City Plan Part Two.

6. The development hereby approved should achieve a minimum Energy Performance Certificate (EPC) rating 'C'.

Reason: To improve the energy cost efficiency of existing and new development and help reduce energy costs to comply with policy DM44 of the Brighton & Hove City Plan Part Two.

7. None of the residential units hereby approved shall be occupied until each residential unit built has achieved as a minimum, a water efficiency standard of not more than 110 litres per person per day maximum indoor water consumption.

Reason: To ensure that the development is sustainable and makes efficient use of water to comply with policy CP8 of the Brighton & Hove City Plan Part One.

8. At least four bee bricks 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 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.

9. The development hereby permitted shall incorporate at least 4 swift bricks/boxes within the external walls of the development and shall be retained thereafter.

Reason: To enhance the biodiversity of the site and to comply 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.

10. The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development 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 DM33 of Brighton & Hove City Plan Part 2, and SPD14: Parking Standards.

11. 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 Policies DM18 and DM21 of Brighton & Hove City Plan Part 2, 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.

12. The Houses in Multiple Occupation hereby approved shall only be occupied by a maximum of 5 persons for the first floor House in Multiple Occupation and 3 persons for that on the second floor.

Reason: To ensure a satisfactory standard of accommodation for future occupiers and to comply with policy CP21 of the Brighton & Hove City Plan Part One and policies DM1 and DM7 of the Brighton & Hove City Plan Part Two.

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. The applicant is advised that Part L - Conservation of Fuel and Power of the Building Regulations 2022 now requires each residential unit built to have achieved a 31% reduction in carbon emissions against Part L 2013.
3. The water efficiency standard required by condition is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing

machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.

4. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level and preferably adjacent to pollinator friendly plants.
5. Swift bricks/boxes can be placed on any elevation, but ideally under shade-casting eaves. They should be installed in groups of at least three, at a height of approximately 5 metres above ground level, and preferably with a 5m clearance between the host building and other buildings or obstructions. Where possible avoid siting them above windows or doors. Swift bricks should be used unless these are not practical due to the nature of construction, in which case alternative designs of suitable swift boxes should be provided in their place where appropriate.

2. SITE LOCATION

- 2.1. The application relates to a purpose-built two storey commercial building comprising workshop/warehouse uses on the ground floor and storage/offices at first floor, located on the southern side of Freehold Terrace at its western end.
- 2.2. Freehold Terrace and the immediately surrounding area was historically an area which was mainly industrial in character. The area has been subject to change and redevelopment over the years, with conversions from industrial to residential. To the west of the site is a six-storey building containing student accommodation (redevelopment completed in 2019). There are residential properties to the east and south, and to the north two flatted buildings of three and four storey height.
- 2.3. Planning permission was granted in 2021 for the demolition of the existing building and the construction of a three storey building to be used as a ten-bedroom HMO (use class Sui Generis). This permission is currently extant.

3. RELEVANT HISTORY

- 3.1. **BH2022/03868** Change of use from light industrial (B1(c)) to a mixed use containing 2no commercial units (E) and 2no self contained flats in multiple occupation (C4) incorporating a second floor extension with roof terrace, ground & first floor extensions and associated works. Refused 10.02.2023 for the following reasons:
 - “1. *The proposed additional storey is not considered to be a suitably subservient or sympathetic addition to the building. The new storey would appear squat and out of proportion to the existing building, and the lack of visual interest would result in the building having a stark, dominant appearance. The choice of cladding material for the upper floor would serve to highlight it's incongruous nature. For the reasons outlined, the proposed development would cause significant harm to the character and*

appearance of the site and the wider streetscene, contrary to policy CP12 of the Brighton & Hove City Plan Part One, and policy DM18 of the Brighton & Hove City Plan Part Two.

2. *The proposed Houses in Multiple Occupation, by reason of the poor outlook available to rear facing bedrooms, and the proximity of bedroom windows to the proposed roof terrace, would offer oppressive living conditions for occupants, contrary to policies DM1 and DM7 of the Brighton & Hove City Plan Part Two.”*

- 3.2. **BH2020/01609** Demolition of existing light industrial building (B1) and erection of a three storey building in multiple occupation (Sui Generis) with 10 rooms incorporating a 2nd floor roof terrace and associated works. Approved 11.03.2021.

- 3.3. Relevant planning permissions within the immediate vicinity of the site:
BH2014/01637 - (Land 54 Hollingdean Road & 46 Freehold Terrace and 52 Hollingdean Road Brighton)- Demolition of all buildings at 54 Hollingdean Road and erection of a part 3, 4, 5 and 6 storey building (plus basement) to form 205 student rooms (181 cluster bedrooms, 19 studios and 5 accessible rooms) with kitchen and common room facilities, cycle storage and refuse facilities. Associated works include photovoltaic panels on the roof of 6th storey, roof gardens on 3rd, 4th and 5th storeys and general planting and landscaping of grounds. Demolition of 46 Freehold Terrace and erection of a 4 storey building comprising 8 affordable housing units. Change of use and refurbishment of 52 Hollingdean Road from A1 retail with residential above to form an associated management suite including reception, offices, toilets, laundry facilities and staff kitchen. Approved 06.11.2015

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for the construction of an additional storey on top of the building and extensions at ground and first floor to allow a change of use to two one-bedroom self-contained flats on the ground floor and two small Houses in Multiple Occupation (HMOs) on the first and second floors, with that on the first floor having 5 bedrooms, and that on the second floor having 3 bedrooms (each in use class C4).

5. REPRESENTATIONS

- 5.1. Seven (7) letters of representation have been received objecting to the proposed development for the following reasons:
 - Overlooking/ loss of privacy
 - Overshadowing and loss of light
 - Increased parking stress
 - Pollution from traffic
 - Noise during construction
 - There is already enough student accommodation in the area
 - Inappropriate design

- Increased litter
- Impact on mobility and getting around the area

6. CONSULTATIONS

6.1. Planning Policy No objection

- Of material consideration in considering the loss of employment use is the extant planning consent BH2020/01609. The Local Planning Authority considered that appropriate evidence including marketing information had been submitted by the applicant to demonstrate redundancy and unsuitability for employment uses in accordance with Policy CP3-Employment Land. Given the consideration of loss of employment use with the extant permission the principle of change of use is considered acceptable.
- The case officer should ensure compliance with HMO policies CP21 and DM7.
- To comply with CPP2 Policy DM1, all residential units would be required to meet the minimum Nationally Described Space Standards (NDSS) and to meet the accessibility/adaptability standards in Building Reg M4(2).
- As a minor development, this scheme is not required to provide measurable BNG, as set out in the council's interim Biodiversity Net Gain Technical Advice Note

6.2. Private Sector Housing No Objection

6.3. Economic Development No Comments

6.4. Environmental Health Comment

- No objection subject to a contaminated land condition due to the former use of the building as a print works.

6.5. Sustainable Transport Team Objection

- The proposed development will result in an increase in resident/visitor pedestrian trips to/from the site via Freehold Terrace. The applicant should provide pedestrian improvements to increase the available footway width in front of the site and pedestrian crossing provision to facilitate prospective residents/visitors that will need to cross Freehold Terrace to access the northern footway to overcome highway/pedestrian safety concerns.
- Should approval be recommended, a cycle parking scheme and CEMP should be secured by condition.

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. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990
- 7.3. 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 JAAP (adopted October 2019).

8. RELEVANT POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SA6	Sustainable neighbourhoods
SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP7	Infrastructure and developer contributions
CP8	Sustainable buildings
CP10	Biodiversity
CP12	Urban design
CP14	Housing density
CP19	Housing mix
CP21	Student Housing and Housing in Multiple Occupation

Brighton & Hove City Plan Part 2:

DM1	Housing Quality, Choice and Mix
DM7	Houses in Multiple Occupation (HMOs)
DM18	High quality design and places
DM19	Maximising development potential
DM20	Protection of Amenity
DM22	Landscape Design and Trees
DM33	Safe, Sustainable and Active Travel
DM37	Green Infrastructure and Nature Conservation
DM40	Protection of the Environment and Health - Pollution and Nuisance
DM44	Energy Efficiency and Renewables

Supplementary Planning Documents

SPD03	Construction and Demolition Waste
SPD11	Nature Conservation and Development
SPD14	Parking Standards
SPD17	Urban Design Framework

Other Documents

Developer Contributions Technical Guidance - June 2020

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the principle of development, the design of the proposal, the standard of living accommodation offered by the HMOs, the impact on neighbouring amenity and on highways.

Principle of development

- 9.2. Policy CP1 in City Plan Part One (CPP1) 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 2,328 homes per year. This includes a 35% uplift applied as one of the top 20 urban centres nationally.
- 9.3. The council's most recent housing land supply position is published in the SHLAA Update 2022 which shows a five-year housing supply shortfall of 7,711 (equivalent to 1.8 years of housing supply).
- 9.4. 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).
- 9.5. The scheme brings the benefit of providing two additional housing units to the city, which would therefore make a small, but important, contribution towards the Council's housing target given the importance of maximising the use of existing sites.
- 9.6. Policy CP2 encourages sustainable economic growth in the city and policy CP3 seeks to safeguard employment sites and premises to meet the needs of the city and support job creation. Of material consideration, though, is extant permission BH2020/01609 which permits the redevelopment of the site wholly as an HMO. At the time of consideration of that application a redundancy case set out by the applicant was accepted by the Local Planning Authority. The proposed development is considered acceptable in principle given the extant permission.
- 9.7. Policy CP21 does not permit applications for HMOs where more than 10% of the dwellings within a 50m radius are already in C4 use, mixed C3/C4 use or other types of HMO in a sui generis use. City Plan Part Two Policy DM7 only permits new build HMOs where the above CP21 criteria is met, as well as other criteria including: a) fewer than 20% of dwellings in the wider neighbourhood area are

already in HMO use; b) the proposal does not lead to a non-HMO dwelling being sandwiched between 2 existing HMOs; c) the proposal does not lead to a continuous frontage of 3 or more HMOs; d) the internal and private outdoor space standards comply with DM1; and e) communal living, cooking and bathroom facilities are provided as appropriate.

- 9.8. An assessment has been carried out in accordance with CP21 which shows that there are 55 residential units within 50m of the application property as well as a detached block of student housing (Hollingdean House, 54 Hollingdean Road). Five HMOs have been identified within this radius, which is less than 10%. However, the student housing block contains 192 rooms, and the overall concentration of students and HMO residents is not accurately represented by the <10% figure, noting the intention of the policy to limit the concentration of students in an area.
- 9.9. An assessment has also been carried out in accordance with DM7. This reveals that 7.8% of properties in the wider neighbourhood area are in use as HMOs which is compliant with the aim to restrict such uses to below 20%. The development would not result in a non-HMO dwelling being sandwiched between 2 HMOs or a continuous frontage of 3 or more HMOs. Further assessment of living conditions is set out later in the report.
- 9.10. Notwithstanding some concern about the concentration of student accommodation within the immediate vicinity, in this case the extant permission for a 10-bedroom HMO is a material consideration and given that the current proposal is for a total of 8 HMO bedrooms it is not considered that the impact of the HMO uses on neighbour amenity or on the provision of mixed, healthy and inclusive communities use would be significantly different than the extant permission.
- 9.11. Overall, the loss of commercial floorspace can be accepted in this instance, and the development would contribute towards meeting the need for student accommodation/HMOs of the city. The principle of the development is considered acceptable. The acceptability or otherwise of the scheme is subject to the design, standard of accommodation, impact on neighbouring amenity and local highways network as well as matters of sustainability and biodiversity. These further considerations are set out below.

Design and appearance:

- 9.12. The application proposes an additional storey to the building as well as the infilling of the area to the western end of the site with a part two, part three-storey extension and a single storey attached bin store.
- 9.13. The proposals seek to address the reason for refusal relating to design for BH2022/03868 through the following amendments:
1. The previous application proposed contrasting materials for the additional storey to the main building. In the current application a single material will cover all elevations- painted render.
 2. The previous additional storey appeared squat, due to a lack of space around proposed windows. The current proposal includes smaller

windows, as would commonly be expected to see on higher floors of a building. This enables a better balance of solid and void, and prevents the additional storey appearing out of scale with the lower floors.

3. The application proposes some removal of architectural detail- in particular the coping stones to the existing parapet which separated the existing building from the new storey in the previous application. This helps the link between the new and existing parts of the building to flow better. An decorative inset brick panel over the ground floor fenestration is also included, which helps to break up this larger area of renderwork.
- 9.14. The proposed additional storey is considered to be of acceptable design. The overall height of the proposed development would be similar to the building approved under BH2020/01609 so is considered acceptable in principle. The new storey would relate acceptably to the building lines and scale of the lower floors and the frontage would be punctuated with appropriately designed and proportioned windows. The overall proportion of solid to void would be compatible with the existing building.
 - 9.15. The proposal is to cover the whole of the building with painted render, which is a material compatible with the locality, and would tie together the existing and new parts of the building. The inclusion of an inset brick detail would add visual interest, and help to break up the elevations together with the existing and proposed fenestration. Windows would have powder coated aluminium window frames, which would relate acceptably to the character and appearance of the building. Overall, the changes to detailing and materials are considered to overcome the reason for refusal of BH2022/03868 which related to design. Details of external materials shall be secured by condition.
 - 9.16. The two-storey addition to the western end of the building is considered acceptable in principle. It is noted that the development approved under BH2020/01609 included construction over this part of the site. The height and form of the extension is considered to relate acceptably to the wider development. A recessed stairwell is proposed over the rear part of the extension at second floor. The recess suitably serves to reduce the impact of the extension as it presents onto the street.
 - 9.17. Overall, the proposed development would not result in any significant harm to the character and appearance of the site and the wider streetscene, and would accord with policy CP12 of the Brighton & Hove City Plan Part One, and policy DM18 of the Brighton & Hove City Plan Part Two.

Impact on Neighbouring Amenity

- 9.18. Policy DM20 of the City Plan Part Two states that planning permission for development including change of use will not be granted where it would cause unacceptable loss of amenity to the proposed, existing, adjacent or nearby users, residents, occupiers or where it is not liable to be detrimental to human health.
- 9.19. The overall bulk, scale and height of the extended building would be comparable to the building approved under BH2020/01609. A daylight/sunlight report was

submitted as part of that application, and is also submitted within this application. The report concludes that overshadowing of the properties/gardens to the south at numbers 36-52 Hollingdean Road would be largely unchanged as a result of the proposals, and there would be no noticeable impact for properties at 46 Freehold Terrace and Pope's Court, Freehold Terrace to the west and north of the site. There is no reason to dispute these conclusions, nor of the similar conclusions accepted under BH2020/01609 and BH2022/03868.

- 9.20. The applicant has opted to reduce the impact of overlooking from rear windows of the development towards the gardens and properties to the south on Hollingdean Road by incorporating high-level obscurely glazed windows on the rear elevation at first floor. A 1.8m tall opaque screen would prevent overlooking of/from the roof terrace which rear second floor windows/doors would look onto. The roof terrace would provide some outside space for the three bedroom (3 person) unit at second floor and the limited occupation of this unit together with the limited depth of the terrace (and screen) would ensure that the level of disturbance from this terrace would be minimal to neighbouring occupiers.
- 9.21. Subject to securing obscure glazing to the rear first floor windows and the opaque screen to the terrace, it is considered that there is means to offer sufficient mitigation against overlooking to the rear windows and gardens of properties to the south.
- 9.22. Views from windows on the front elevation facing north would be similar to existing as well as those for the development approved under BH2020/01609. This, together with the degree of separation between facing windows, is considered to represent an acceptable and not untypical arrangement of mutual overlooking.
- 9.23. The level of activity associated with the proposed residential and HMO uses is not considered significantly different to that of the existing commercial usage, or of the HMO scheme permitted under BH2020/01609. It is not considered that the anticipated level of activity for the proposed development would give rise to harmful noise and disturbance for occupiers of surrounding residential uses.
- 9.24. For the reasons outlined, the proposal would not significantly harm the amenity of neighbouring properties and would therefore be compliant with Policy DM20.

Standard of Accommodation:

- 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. These space standards have been formally adopted into the Brighton and Hove City Plan Part Two- Policy DM1 can now be given full weight. Policy DM7 states that HMO accommodation should comply with the standards set out in DM1.
- 9.26. The proposed flats on the ground floor would each provide 72m² of floorspace. Each would have one bedroom of 21.5m². The proposed bedroom sizes would exceed the recommended 11.5m² in the NDSS and the overall floorspace would exceed the recommended 50m². The layout would provide ample space for

required furniture and circulation. To the front elevation, full height glazing is proposed to the bedrooms and living areas. This would be positioned behind sliding screens, with the expectation being that the screens would be open when the flat was in active use. When the screen is closed there would still be some natural light available from high level windows. Overall, it is considered that the proposed flats would have the ability to access adequate natural light and a suitable outlook. No external amenity space is proposed for the ground floor flats due to site constraints, although this arrangement is not uncommon for a development of flats. Overall, the living conditions for occupiers of the ground floor flats would be acceptable.

- 9.27. Regarding the HMOs, the submitted floor plan shows that bedrooms would exceed the recommendations of the space standard (7.5m² for a single room). The five bedroom HMO on the first floor would have an open-plan kitchen/living/dining room of 39m² and the three bedroom HMO on the second floor would have an open-plan communal space of 28.5m². The provision of communal living space is considered to be acceptable for the likely occupation level, and significantly in excess of the 4m² per occupant recommended by policy DM7, with adequate space for furniture and circulation. All bedrooms and communal living spaces would benefit from adequate natural light and outlook from windows to each of these rooms. The second floor HMO would benefit from outdoor amenity space on the proposed terrace. Occupation of the HMO accommodation shall be secured as being for single occupation of each bedroom to safeguard acceptable living standards.
- 9.28. Overall, the proposed development is considered to offer acceptable living conditions for future occupiers, in accordance with policies DM1 and DM7. To ensure retention of adequate living conditions, the development shall be conditioned to be implemented in accordance with the approved layout and retained as such permanently thereafter.

Impact on Highways

- 9.29. The new flats and HMOs would be located in a sustainable location with good public transport links and the cycle network which is positive in terms of the use of non-car transport.
- 9.30. It is noted, as raised by Highways Officers, that the existing footway surrounding the site is very narrow, to the detriment of inclusive mobility - i.e. those using wheelchairs and similar may struggle to use the path. However, this is an existing situation, which the proposed development would not worsen, so is not considered sufficient grounds to refuse the application on the basis of either road safety or highway capacity. Widening of the pavement would constrict the already narrow road width to potentially unusable levels and therefore it is not considered that this development proposal could satisfactorily resolve this existing matter.
- 9.31. Trips and parking demand associated with the new uses would not be significantly different than the extant permission for a 10-bedroom HMO.

- 9.32. The submitted floor plans show a bicycle store at ground floor. Implementation of the cycle store and the ground floor bin stores shown on the submitted floor plans shall also be secured by condition.
- 9.33. The proposed development is considered acceptable in terms of its impact on highway capacity and road safety.
- 9.34. Given the scale of the proposed development, it is not considered appropriate to secure a Construction Environment Management Plan (CEMP) by condition. It is noted that a CEMP was not sought for extant permission BH2020/01609 which included demolition and new-build development on the site, and there is no new justification to seek the same here.

Landscaping, Biodiversity and Sustainability

- 9.35. Energy and water efficiency standards in accordance with Policy CP8 and Policy DM44 can be secured through suitably worded conditions.
- 9.36. There is little opportunity for landscaping of this development due to site coverage. The lack of planting on site is not considered unacceptable given this and the similarity of the existing arrangement.
- 9.37. City Plan Part One Policy CP10, City Plan Part Two Policy DM37 and SPD11 require development to provide net gains for biodiversity and this can be achieved through the provision of bee and swift bricks or boxes. Such a provision shall be secured by condition.

Conclusion and Planning Balance

- 9.38. The proposals would provide additional HMO accommodation for the city as well as providing 2 new flats. As such, the development provides types of accommodation for which there is an identified need in the city. It is noted that there is extant permission for a new building on this site for use as a 10-bedroom HMO, the permitted building would be similar in height and bulk to the enlarged building proposed in this application. The external alterations, including the provision of an additional storey, are considered appropriately designed and detailed, and would not detract from the character and appearance of the building or the wider streetscene. Furthermore, the HMOs and flats would all provide adequate living conditions for future occupiers.

10. CLIMATE CHANGE / BIODIVERSITY

- 10.1. The works make more efficient use of the site and conditions can be used to ensure the development meets efficient standards in energy and water consumption. Net gains for biodiversity can be achieved through the provision of swift bricks or boxes secured by a planning condition.

11. COMMUNITY INFRASTRUCTURE LEVY

- 11.1. Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23rd July 2020 and began charging on all CIL liable planning applications on and from the 5th October 2020. The exact amount shall be confirmed in the CIL liability notice which will be issued after the issuing of planning permission.

12. EQUALITIES

- 12.1. Level street access to the HMO uses cannot be achieved. This is considered acceptable given the physical constraints of the site. Level access is available to the ground floor flats.