

<u>ZZNo:</u>	BH2023/03417	<u>Ward:</u>	Regency Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	132 Kings Road Brighton BN1 2HH		
<u>Proposal:</u>	Erection of an additional storey to create 1no two bedroom flat (C3) with front roof terrace and stone balustrade. Installation of a new lift and stairwell. Revised fenestration to front and rear elevation.		
<u>Officer:</u>	Sonia Gillam, tel: 292265	<u>Valid Date:</u>	19.01.2024
<u>Con Area:</u>	Regency Square	<u>Expiry Date:</u>	15.03.2024
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	10.04.2024
<u>Agent:</u>	Michael Wilson Restorations Kent House 81 High Street Cranleigh Surrey GU6 8AU		
<u>Applicant:</u>	Rapido Services Weytots Wey Lane Addlestone Surrey KT15 3JR		

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 Plan			29 December 2023
Block Plan			29 December 2023
Proposed Drawing	112/150/04	C	11 March 2024
Proposed Drawing	112/150/05	C	11 March 2024
Proposed Drawing	112/150/06	C	11 March 2024
Report/ Statement	Method Statement Listed Building Impact		27 March 2024

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 dwelling hereby approved shall be implemented in strict accordance with the internal layouts detailed on the approved floorplans (112/150/04 REV C

received on 11 March 2024). 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.

4. 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, DM21, DM26, DM29, CP12 and CP15 of the Brighton & Hove City Plan.

5. The development hereby approved should achieve a minimum Energy Performance Certificate (EPC) rating 'B' for new build residential development.

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.

6. No development including any demolition, shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:

- (i) The phases of the Proposed Development including the forecasted completion date(s)
- (ii) A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme)
- (iii) A scheme of how the contractors will minimise disturbance to neighbours regarding issues such as noise and dust management vibration site traffic and deliveries to and from the site
- (iv) Details of hours of construction including all associated vehicular movements
- (v) Details of the construction compound
- (vi) A plan showing construction traffic routes

The construction shall be carried out in accordance with the approved CEMP.

Reason: As this matter is fundamental to the protection of amenity, highway safety and managing waste throughout development works and to comply with policies DM20, DM33, DM40, and CP8 of the Brighton & Hove City Plan, and WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 and Supplementary Planning Document 03 Construction and Demolition Waste.

7. 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, DM21, DM26, DM29, CP12 and CP15 of Brighton & Hove City Plan.

8. No refurbishment of the existing windows shall take place until full details of all new sliding sash windows and their reveals and cills including 1:20 scale elevational drawings and sections and 1:1 scale joinery sections have been submitted to and approved in writing by the Local Planning Authority. The replacement windows shall be painted timber double hung vertical sliding sashes with hidden trickle vents. The works shall be carried out and completed fully in accordance with the approved details and shall be retained as such thereafter.
Reason: To ensure a satisfactory appearance to the development and to comply with policies DM26, DM29 and CP15 of the Brighton & Hove City Plan.
9. Any works to the flank walls of the adjoining listed building, at no. 131 Kings Road, shall comply with the Method Statement in respect of the proposed attachment to the listed building, received on the 27 March 2024, unless the Local Planning Authority gives written consent to any variation. All works of making good of the flank walls of the listed building shall match the existing materials of the walls in that property, in its mortar colour, texture, composition, lime content and method of pointing.
Reason: To ensure the satisfactory preservation of the adjacent listed building and to comply with policies DM27 and CP15 of Brighton & Hove City Plan.
10. The works hereby permitted shall not be commenced until elevation and section drawings of the balustrade hereby approved, at a 1:20 scale, and 1:5 scale drawings of the balustrade, have been submitted to and approved in writing by the Local Planning Authority. The balustrade shall match the original balustrade in terms of materials, design, parapet level, shape and corncing, as far as is evident from historic photographs. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.
Reason: To ensure a satisfactory appearance to the development and to comply with DM26, DM29 and CP15 of the Brighton & Hove City Plan.
11. Prior to the commencement of works, detailed specifications of the construction, materials and finish of the balustrade shall be submitted to and approved in writing by the Local Planning Authority. The balustrade shall match the original balustrade in terms of materials, design, parapet level, shape and corncing, as far as is evident from historic photographs. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.
Reason: To ensure a satisfactory appearance to the development and to comply with DM26, DM29 and CP15 of the Brighton & Hove City Plan.

12. Notwithstanding the details on the drawings hereby approved, the roof terrace hereby approved shall not be first brought into use until details of a privacy screen to the western side of the terrace, has been submitted to and approved in writing by the Local Planning Authority. The screen shall be installed prior to first occupation and retained thereafter.
Reason: To protect the amenity of neighbouring occupiers and to ensure a satisfactory appearance to the development, in compliance with policies DM18, DM20, DM21, DM26, DM29, CP12 and CP15 of the Brighton and Hove City Plan.
13. The residential unit hereby approved shall not be occupied until it 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.
14. The development hereby permitted shall not be occupied until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out and provided in full in accordance with the approved details prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.
Reason: To ensure the provision of satisfactory facilities for the storage of refuse and to comply with Policies DM18 and DM21 of the 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.

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. The applicant is advised that a formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel 0330 303 0119), or www.southernwater.co.uk

2. SITE LOCATION

- 2.1. The application relates to a late 18th century, four-storey building on the main seafront road in Brighton, incorporating a restaurant at ground floor level with residential accommodation above. The ground floor of the building and two storey additions to the rear historically housed a cinema that was in operation between 1896 and the 1950s.
- 2.2. The building itself is unlisted, however it is sited in the Regency Square Conservation Area and is flanked by a Grade II* listed building to the east (131 Kings Road) and a locally listed building to the west (Astra House, 133-134 Kings Road).
- 2.3. The application site has been significantly and harmfully altered by the addition of a first-floor enclosed glazed verandah projection, a modern shop front and the replacement of windows in uPVC, as well as the loss of the original pitched roof. The building's architectural interest has been significantly compromised however it retains historic interest as a reminder of the early history of this area.

3. RELEVANT HISTORY

- 3.1. **BH2023/03418** LBC Erection of an additional storey to create 1no. two-bed flat (C3) with front roof terrace with stone balustrade. Installation of a new lift and stairwell. Internal alterations to layout of existing flats. Revised fenestration to front and rear elevation. Under consideration.
- 3.2. **PRE2023/00067** Pre-application Advice - Proposed Penthouse Roof Addition and Lift Shaft. Advice given.
- 3.3. **BH2021/00852** Erection of a four-storey extension onto existing building to form 2no additional self-contained flats, and associated extensions to existing floors. Revised fenestration and associated works. Refused 21.09.2021 for the following reason:
"1. The application fails to adequately assess or describe the significance of the site. The proposed development of four additional floors to the existing building, due to the overall scale, height and design of the proposal, would result in significant harm to the existing building's character, appearance and historic interest as well as detracting from the high status and deliberate prominence and grandeur of the adjacent grade II listed number 131. The proposal would consequently significantly detract from the setting of the listed building, the existing terrace including locally listed building, and the character and*

appearance of the surrounding conservation area. In addition, the application fails to provide sufficient evidence that the building would be structurally able to take the considerable weight of the additional floors, which could therefore result in further harm and damage to the existing building, the adjoining listed building and the character and appearance of the conservation area. There are limited benefits of the proposals to outweigh the harm identified. The development is therefore contrary to policies CP12 and CP15 of the Brighton and Hove City Plan Part 1 and HE3 and HE6 of the Brighton and Hove Local Plan and the NPPF.”

- 3.4. **BH2019/01553** Replacement of existing metal windows to first floor front bay with new aluminium windows. Approved 119.09.2019.

4. APPLICATION DESCRIPTION

- 4.1. The application seeks permission for the erection of an additional storey to create a two-bedroom flat (planning use class C3) with front roof terrace and stone balustrade. Associated alterations include the installation of a new lift and external stairwell, and revised fenestration to both the front and rear elevations.
- 4.2. After discussions with the planning agent, amended plans were submitted during the life of the application which added a stone balustrade to the front elevation.
- 4.3. As noted above, the application follows a refused application for a four-storey extension and a subsequent pre-application request for a penthouse addition where the Council's heritage officer advised that a one-storey lightweight extension could be supported in principle.
- 4.4. There is a concurrent listed building consent application (BH2023/03418) being considered.

5. REPRESENTATIONS

- 5.1. **Eleven (11)** representations have been received objecting to the proposed development for the following reasons:
- Visual impact/ poor design,
 - Excessive height,
 - Overdevelopment,
 - Impact on heritage assets,
 - Loss of light / overshadowing,
 - Loss of privacy,
 - Loss of outlook,
 - Roof terrace not characteristic of the building,
 - Impact of additional traffic,
 - Increased noise from the new property,
 - Conflicts with the commercial use,
 - Would result in structural issues,
 - Lack of infrastructure provision,

- Submission inaccuracies,
 - Lack of consultation
- 5.2. In addition, a petition has been received with 32 signatures objecting to the application on the following grounds:
- Impact on heritage assets
 - Structural issues
- 5.3. The Georgian Group has objected, supporting the reinstatement of the balustrade but raising concerns over harm to the significance of a non-designated heritage asset and the Regency Square Conservation Area.
- 5.4. **Councillors Alison Thomson and Chloe Goldsmith** have made representations objecting to the application. A copy of the letters is appended to the report.
- 5.5. Representations which include objections relating to loss of view, impact on property values, utility supplies, views and inconvenience from build are noted, however are not material planning considerations.

6. CONSULTATIONS

Internal:

- 6.1. **Heritage:** No objection - The building is not listed, and the proposal would not cause harm to the building's historic significance, nor harm the fabric of the neighbouring grade II* listed building if appropriate conditions are applied. The proposed balustrade would help obscure the extension as well as reinstate some of the architectural character of the building.
- 6.2. **Private Sector Housing:** No objection Assessed however no comments offered.
- 6.3. **Sustainable Transport:** No objection subject to a Construction Environmental Management Plan (CEMP) condition to be attached.
- 6.4. **Urban Designer:** No objection Verbal comment. No concern regarding scale and massing subject to detail / materials by condition.

External:

- 6.5. **Conservation Advisory Group:** Objection The proposal adversely affects the original form of the building and the original form of the adjoining building (Grade II Listed) and would be out of character for the conservation area.
- 6.6. **Southern Water:** No objection A formal connection to the public sewer is required.

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 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 & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One:

SS1	Presumption in Favour of Sustainable Development
SA2	Central Brighton
CP1	Housing delivery
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP11	Flood risk
CP12	Urban design
CP14	Housing density
CP15	Heritage
CP19	Housing mix

Brighton & Hove City Plan Part Two:

DM1	Housing Quality, Choice and Mix
DM18	High quality design and places
DM20	Protection of Amenity
DM21	Extensions and Alterations
DM26	Conservation Areas
DM27	Listed Buildings
DM28	Locally Listed Heritage Assets
DM29	The Setting of Heritage Assets
DM33	Safe, sustainable and active travel
DM36	Parking and servicing
DM37	Green Infrastructure and Nature Conservation
DM40	Protection of the Environment and Health - Pollution and Nuisance
DM43	Sustainable Drainage
DM44	Energy Efficiency and Renewables

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD11	Nature Conservation & Development
SPD12	Extensions and Alterations
SPD14	Parking Standards
SPD16	Sustainable Drainage
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 design and appearance and impact on heritage assets, and the impact on neighbouring amenity. The standard of accommodation to be provided, sustainable transport and sustainability matters are also material considerations.

Principle of the Development:

- 9.2. Policy CP1 in 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 2,333 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 2023 which shows a five-year housing supply shortfall of 7,786 (equivalent to 1.7 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. This being the case, the creation of an additional two-bedroom residential unit would make a positive, albeit small contribution towards the city's housing target as set out in City Plan Policy CP1. It is also noted that the proposed development is consistent with the existing uses within the building so there is no objection to the principle of the residential use proposed.

Design, Appearance and Heritage Impacts:

- 9.6. The property is not listed, however lies within the Regency Square conservation area and adjoins the grade II* listed 131 Kings Road to the east, and the locally listed Astra House (133-134 Kings Road) to the west.
- 9.7. In considering whether to grant planning permission for development which affects a listed building or its setting, the Council has a statutory duty to have special regard to the desirability of preserving the building or its setting or any

features of special architectural or historic interest which it possesses. Moreover, 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.

- 9.8. Case law has held that the desirability of preserving a listed building or its setting or any features of special architectural or historic interest it possesses, and the desirability of preserving or enhancing the character or appearance of a conservation area should be given "considerable importance and weight".
- 9.9. The application states that the rear elevation has suffered from fire damage and a general lack of maintenance and poor construction. Refurbishment of the front and rear elevations is proposed, and it is stated that adding the penthouse extension makes the improvement works financially viable.
- 9.10. The proposed front elevation of the extension would be set back from the frontage, in line with Astra House to the west, allowing space for a front terrace with a stone balustrade. The extension would have a fully glazed, contemporary appearance with glass sliding doors with a grey aluminium trim. There would be no visible masonry around the glazing. This is considered to lend the extension a lightweight appearance and reduce visibility which is considered appropriate.
- 9.11. The balustrade is modelled on historic photographs of the building, and it would help further obscure the extension as well as reinstate some of the architectural character of the building. The reinstatement of sash windows to the second and third floor, in place of the unsympathetic uPVC windows, is also a significant benefit to the character and appearance of the building and the conservation area.
- 9.12. The height of the proposed lift shaft to the rear would be limited to just above the height of the rear parapet. It would not affect views of the building from within the conservation area, nor is it considered to affect the setting of the listed buildings in Regency Square.
- 9.13. *Impact on fabric of adjoining listed building:*
The proposed extension would adjoin with the listed building at no. 131 Kings Road via lead flashings that would be set into a small horizontal slot made to the wall face so as to seal all below from water ingress. This is considered to be a minor alteration that would not harm the fabric of the Listed Building. Any making good of the flank walls of the listed building should match the existing materials. This can be secured by condition.
- 9.14. The lift shaft structure would sit up against the party wall of the adjacent listed building but would not be built into it, thus avoiding any harm to the fabric of the listed building.
- 9.15. It is acknowledged that the Conservation Advisory Group has objected to the proposals due to the impact on the conservation area and original form and architectural interest of the building. However, for the reasons outlined above, the proposed works are not considered to cause harm to the host building's

historic significance, nor would they harm the fabric or setting of the adjoining grade II* listed building. Furthermore, the development is not considered to detrimentally impact on the special interest of the locally listed Astra House, to the west.

- 9.16. The Council's Heritage Office has no objection to the scheme.
- 9.17. The application is therefore acceptable in design and heritage terms, subject to conditions relating to submission of samples/ details of materials, large-scale details of the balustrade and windows and any making good works.

Standard of Accommodation:

- 9.18. Policy DM20 of CPP2 seeks to ensure a good standard of amenity for future occupiers of the proposed development and this requirement is one of the core planning principles of the NPPF.
- 9.19. The proposed dwelling at fourth floor (Flat 7) would measure 62m² which would exceed the minimum Nationally Described Space Standard (NDSS) which requires 61m² for a two bed (1x double, 1x single) 3-person unit over 1 storey. It would provide sufficient space for furniture, circulation and head room, as well as access to good levels of natural light, ventilation and outlook.
- 9.20. The units on the first, second and third floors would remain as they are at present, save for some access and internal lobby changes. Flats 3, 5 and 6 would comply with the NDSS. Flats 1, 2 and 4 on the first floor are small studios / bedsits and do not comply with the NDSS, however, given that these are existing units, it would not be reasonable to raise an objection on this basis.
- 9.21. DM1 states that all new residential development will be required to provide useable private outdoor amenity space appropriate to the scale and character of the development. A roof terrace is proposed for the new unit which is considered appropriate.
- 9.22. Refuse and recycling provision is proposed to be the same arrangement as for the existing flats, which it is understood is the use of on-street bins, however full details can be secured by condition.

Impact on Amenity:

- 9.23. Policy DM20 of City Plan Part 2 states that planning permission for any development or change of use will not be granted where it would cause unacceptable loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 9.24. To the east of the site, the listed no. 131 Kings Road has a restaurant at ground floor level and flats above, and it wraps around the corner into Regency Square and forms The Beach Hotel. The western elevation of no. 131 contains three small windows facing west adjacent to the development which serve communal areas and stairwells. The proposed development would include a lightwell and cut-out roof section to retain light and outlook to these windows. Given that the

windows are secondary openings and taking these measures into account, the impact on light is not considered significant.

- 9.25. The development itself would also have communal / non habitable windows facing into the proposed lightwell. Some mutual overlooking may occur, however given the nature of the spaces the existing and proposed windows serve, this is considered acceptable.
- 9.26. To the west, Astra House has a blank side elevation within the main building, and a rear wing housing residential units with east-facing windows. An objection has been received regarding the potential impact on daylight/ sunlight to these windows. However, daylight and outlook to these windows is mainly sourced from the east, which would not change.
- 9.27. Regarding sunlight, the taller building of no. 131 Kings Road to the east already impacts on light to Astra Court creating a very oblique angle for sunlight to infiltrate the gap to the eastern facing windows. Additionally, a shadow is cast on its eastern elevation of Astra Court from midday onwards, once the sun has move around towards the west.
- 9.28. Given the existing situation, there would be a very minimal impact on sunlight to the eastern facing windows. It would appear that a small number of windows at second floor level would be impacted for a short period of time, in the middle of the day during winter months, when the sun is lower in the sky. This is not considered to cause significant harm to living conditions nor warrant refusal of the application. Overall, there is not considered to be a harmful impact on daylight/ sunlight.
- 9.29. The proposed rear window openings within the additional storey would provide similar views to those of the existing upper floors. The site faces the seafront and promenade and as a result there are no residential properties to the south of the site.
- 9.30. With regard to the proposed roof terrace, to the west, there is an existing high side wall at 1.6 metres high and rising to 2.8 metres where it adjoins the building. Given the wall would be 1.6m towards the front of the terrace, potentially affording close-range views into Astra House, a condition is to be applied requiring the installation of screening along this boundary, subject to approval by the local planning authority to ensure it is not visible from the ground within the conservation area.
- 9.31. The terrace would not provide direct or close-range views into the front windows of no.131 Kings Road and therefore screening is not required to this side. It is considered that use of the terrace would not cause undue nuisance to the occupiers of the adjoining flats or commercial uses below, given its size and the lively city centre location. It is noted that there is an existing terrace at second floor level.
- 9.32. There has been an objection raised with regard to potential conflict between the new residential unit and the existing commercial units at ground floor, with regard

to noise from plant. This is noted, however there are already many residential flats on site and at the adjoining sites, and the new flat would be sited further from the plant than existing dwellings. There have been no recent complaints received by the Council relating to plant noise and the existing uses appear to co-exist successfully.

- 9.33. Overall, an additional unit of residential accommodation is unlikely to lead to such a significant increase in noise or activity to warrant refusal of the application, given the size of the unit and potential number of occupants.

Sustainable Transport:

- 9.34. The existing building does not have any car or cycle parking provision, and none is proposed. Given that the development is for only one additional dwelling within the city centre, this is deemed to be acceptable.

- 9.35. A Construction Environmental Management Plan (CEMP) is recommended in relation to highway safety and local amenity issues that could arise during the build, given the busy city centre location and associated existing on-street parking and loading restrictions.

- 9.36. The proposed development may slightly increase the number of trips to the location; however, the increase is unlikely to generate significant movements that would warrant refusal of the application. The Council's Highways Team has no objections to the scheme.

Sustainability:

- 9.37. CPP2 Policy DM44 requires a minimum energy Performance Certificate (EPC) rating 'B' for new build residential development. Policy also requires new build development to achieve 31% improvement on the carbon emission targets set by Part L Building Regulations. The development should also meet the optional standard for water consumption. These measures can be secured by condition.

Conclusion:

- 9.38. The creation of a two-bedroom, residential unit, with a good standard of accommodation, would make a small but positive contribution towards the city's housing target as set out in City Plan Policy CP1, without significant impact on neighbouring amenity. The proposed extension is not considered to cause harm to the building's historic interest, nor would it harm the fabric or setting of the neighbouring grade II* listed building or the special interest of the locally listed Astra House. The proposed balustrade and sash windows would reinstate, much welcomed, architectural character to the building and would be of significant benefit to the character and appearance of the property and conservation area.

10. EQUALITIES

- 10.1. Section 149(1) of the Equality Act 2010 provides:

- 1) A public authority must, in the exercise of its functions, have due regard to the need to—
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 10.2. Officers considered the information provided by the applicant, together with the responses from consultees (and any representations made by third parties) and determined that the proposal could give rise to material impacts on individuals or identifiable groups with protected characteristics, as follows:

- 10.3. Ideally new dwellings should be accessible and adaptable and in accordance with Building Regulations M4(2) for accessibility as required by Policy DM1 of the City Plan Part Two. However, the proposed flat would be sited on the fourth floor of the building with an existing narrow ground floor access route. A lift would be provided, however there would be steps enroute to it. Given the existing layout of the building, it is understood that the scheme cannot comply with the above standard without significant internal alterations. Given the existing layout arrangement and the constraints of the site, it is considered unreasonable to insist on compliance in this instance.

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 23 July 2020 and began charging on all CIL liable planning applications on and from the 5 October 2020. 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.