

<u>No:</u>	BH2023/03293	<u>Ward:</u>	Central Hove Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	9 - 12 St Catherines Terrace Hove BN3 2RH		
<u>Proposal:</u>	Conversion of hotel (Class C1) to provide 30no residential units (Class C3) with external alterations, provision of cycle parking, removal of vehicle crossover and reinstatement of footway to front and rear.		
<u>Officer:</u>	Sonia Gillam, tel: 292265	<u>Valid Date:</u>	18.01.2024
<u>Con Area:</u>	Cliftonville Conservation Area	<u>Expiry Date:</u>	18.04.2024
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	Wilbury Planning Ltd No.5 61-63 Wilbury Road Hove BN3 3PB		
<u>Applicant:</u>	St Catherines Hove Ltd C/O Wilbury Planning Ltd No.5 61 Wilbury Road Hove BN3 3PB		

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 24 September 2025 the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 12 of this report.

S106 Heads of Terms

Affordable Housing:

- Developer contribution of £239,644 for affordable housing provision.
- Viability review mechanism

Monitoring fees:

- Contribution for the necessary monitoring of the s106 agreement

Employment:

- A financial contribution of £9,200 towards the Local Employment Scheme
- Submission of an Employment & Training Strategy to set how the developer, contractor (and their sub-contractors), as well as any other relevant agents will collaborate in order to meet the Local Employment Scheme's key objectives:
 - Recruitment and Development Careers
 - Experiences of Work & Social Value
 - Green Economy & Sustainability

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Location and block plan	109	C	11-Dec-23
Proposed Drawing	120	D	23-Apr-25
Proposed Drawing	121	F	15-May-25
Proposed Drawing	122	D	23-Apr-25
Proposed Drawing	123	E	22-May-25
Proposed Drawing	130	C	06-Nov-24
Proposed Drawing	131	B	11-Dec-23
Proposed Drawing	132	B	06-Nov-24
Proposed Drawing	133	A	11-Dec-23
Proposed Drawing	134	C	15-May-25
Proposed Drawing	135		06-Nov-24
Proposed Drawing	142	A	15-May-25
Proposed Drawing	143	A	15-May-25

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. All new and replacement rainwater goods, soil and other waste pipes shall be in cast iron and shall be painted black and retained as such thereafter.

Reason: To ensure a satisfactory appearance to the development and to comply with policies DM26 and DM28 of the Brighton & Hove City Plan Part 2, and CP15 of the Brighton & Hove City Plan Part One.

4. All works of making good of the building shall be finished to match the original profile, texture and colour of the surrounding original wall and retained as such thereafter.

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

5. The external alterations hereby permitted shall not be commenced until full details of all boundary treatments (including the plinth and railings and new boundary wall and piers) have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details and shall be retained as such thereafter.

Reason: As this matter is fundamental to the acceptable delivery of the permission to ensure a satisfactory appearance to the development and to comply with policies DM26, DM28 of Brighton & Hove City Plan Part 2, and CP15 of the Brighton & Hove City Plan Part One.

6. The external alterations hereby permitted shall not be commenced until full details, including 1:20 scale elevational drawings and sections and 1:1 scale joinery sections, of the proposed new southern entrance door, opening, path,

steps and side railings/ walls have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details and shall be retained as such thereafter.

Reason: As this matter is fundamental to the acceptable delivery of the permission to ensure a satisfactory appearance to the development and to comply with policies DM26, DM28 of Brighton & Hove City Plan Part 2, and CP15 of the Brighton & Hove City Plan Part One.

7. The development hereby permitted shall not be commenced until full details of all new windows and their reveals and cills including 1:20 scale elevational drawings and sections and 1:1 scale joinery sections have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details and shall be retained as such thereafter.

Reason: As this matter is fundamental to the acceptable delivery of the permission to ensure a satisfactory appearance to the development and to comply with policies DM26 of Brighton & Hove City Plan Part 2, and CP15 of the Brighton & Hove City Plan Part One.

8. Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be implemented in strict accordance with the approved details.

Reason: As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area and for biodiversity and sustainability reasons, to comply with policies DM22 and DM37 of Brighton & Hove City Plan Part 2, and CP8, CP10, CP12 and CP13 of the Brighton & Hove City Plan Part One and SPD06:Trees and Development Sites.

9. No development, including demolition and excavation, shall be commenced until a Site Waste Management Plan setting out how waste to landfill will be minimised has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details approved.

Reason: To maximise the sustainable management of waste and to minimise the need for landfill capacity and to comply with policy WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan.

10. No development, including 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) Timescales for the Proposed Development including the forecasted completion date;
 - (ii) Details 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) Measures to minimise disturbance to neighbours regarding issues such as noise and dust management, vibration, site traffic, and deliveries to and from the site;
- (iv) Measures to prevent mud/dust from tracking onto the highway;
- (v) Details of hours of construction including all associated vehicular movements
- (vi) Details of the construction compound including plant and material storage and manoeuvring areas;
- (vii) A plan showing construction traffic routes.

The construction of the development shall be carried out in full compliance 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 and DM40 of Brighton & Hove City Plan Part 2, policy CP8 of the Brighton & Hove City Plan Part One, 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.

11. The development hereby permitted shall not be commenced until a written scheme has been submitted to the local planning authority for approval which demonstrates how and where ventilation will be provided to each flat within the development including specifics of where the clean air is drawn from and that sufficient acoustic protection is built into the system to protect end users of the development. The approved scheme shall ensure compliance with Building Regulations as well as suitable protection in terms of air quality and shall be implemented prior to occupation and thereafter retained.

Reason: To safeguard the amenities of the occupiers of the development and to comply with policies DM20 and DM40 of Brighton & Hove City Plan Part 2

12. Other than demolition works and works to trees, the development hereby permitted shall not be commenced until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: As this matter is fundamental to the acceptable delivery of the permission to prevent the increased risk of flooding and to prevent pollution of controlled waters by ensuring the provision of a satisfactory means of surface water disposal and to comply with policies DM42 and DM43 of City Plan Part Two and CP11 of the Brighton & Hove City Plan Part One.

13. Other than demolition work or work to trees, no development hereby permitted shall take place until a drainage strategy detailing the proposed means of foul water disposal and an implementation timetable, has been submitted to and approved in writing by, the Local Planning Authority in consultation with the sewerage undertaker. The Strategy should include details of the condition of the existing foul water connection, if re-using. The development shall be carried out in accordance with the approved scheme and timetable.

Reason: To ensure adequate foul sewage drainage/treatment is available prior to development commencing and to comply with policy DM42 of Brighton & Hove City Plan Part

14. All ecological measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment (Lizard Landscape Design and Ecology, 12/01/2024), as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

Reason: To ensure that the measures considered necessary as part of the ecological impact assessment are carried out as specified, and to provide a net gain for biodiversity as required by paragraphs 180 and 186 of the National Planning Policy Framework, Section 40 of the Natural Environment and Rural Communities Act 2006, Policy CP10 of the Brighton & Hove City Plan Part One and Policy DM37 of City Plan Part Two.

15. No development shall take place until an Ecological Design Strategy (EDS) addressing enhancement of the site to provide biodiversity net gain, to include the measures identified in the Ecological Impact Assessment (Lizard Landscape Design and Ecology, 12/01/2024) and Biodiversity Net Gain (BNG) Assessment (Lizard Landscape Design and Ecology, 01/11/2023), green roof details, and the provision of a minimum of 18 swift nesting cavities and bee bricks/invertebrate habitat (as appropriate), has been submitted to and approved in writing by the local planning authority. The EDS shall include the following:

- a) purpose and conservation objectives for the proposed works;
- b) review of site potential and constraints;
- c) detailed design(s) and/or working method(s) to achieve stated objectives;
- d) extent and location /area of proposed works on appropriate scale maps and plans;
- e) type and source of materials to be used where appropriate, e.g. native species of local provenance;
- f) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- g) persons responsible for implementing the works;
- h) details of initial aftercare and long-term maintenance;
- i) details for monitoring and remedial measures;
- j) details for disposal of any wastes arising from works.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To ensure that the measures considered necessary to compensate for the loss of habitats and enhance the site to provide a net gain for biodiversity as required by Section 40 of the Natural Environment and Rural Communities Act 2006, paragraphs 180 and 186 of the NPPF, and Policy CP10 and DM37 of Brighton & Hove City Council's City Plan Part One and Two, respectively

16. 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, DM26 and DM28 of Brighton & Hove City Plan Part 2 and CP12 and CP15 of the Brighton & Hove City Plan Part One.

17. Prior to occupation of the development hereby permitted, a scheme for landscaping shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be implemented in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. The scheme shall include the following:

- a. details of all hard and soft surfacing to include the type, position, design, dimensions and materials and any sustainable drainage system used;
- b. a schedule detailing sizes and numbers/densities of all proposed trees/plants including food-bearing plants, and details of tree pit design, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period;
- c. details of all boundary treatments to include type, position, design, dimensions and materials;

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

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to provide ecological and sustainability benefits, to comply with policies DM22 and DM37 of Brighton & Hove City Plan Part 2, and CP8, CP10, CP12 and CP13 of the Brighton & Hove City Plan Part One.

18. If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority), shall be carried out until a method statement identifying and assessing the risk and proposing remediation measures, together with a programme for such works, shall be submitted to the Local Planning Authority for approval in writing. The remediation measures shall be carried out as approved and in accordance with the approved programme.

Reason: To safeguard the health of future residents or occupiers of the site and to comply with policies DM41 and DM20 of the Brighton & Hove City Plan Part 2.

19. The development hereby permitted shall not be occupied until a scheme for the storage and collection 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 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.

20. The development hereby permitted shall not be occupied until the redundant vehicle crossovers at Kingsway and Hove Place have been converted back to a footway by raising the existing kerb and footway.

Reason: In the interests of highway safety and to comply with policies DM33 of Brighton & Hove City Plan Part 2, CP9 of the Brighton & Hove City Plan Part One.

21. 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.

22. The development hereby approved should achieve a minimum Energy Performance Certificate (EPC) rating 'C' for conversions and changes of use of existing buildings to residential and non-residential use.

Reason: To improve the energy cost efficiency of existing and new development and help reduce energy costs and enhance sustainability, to comply with policies DM44 of the Brighton & Hove City Plan Part Two and CP8 of the Brighton & Hove City Plan Part One.

23. The residential units hereby approved shall not be occupied until they have 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.

24. The dwelling(s) hereby approved shall be implemented in strict accordance with the internal layouts detailed on the proposed floorplans (drawing numbers: 120D and 122D received on the 23 April 2025, 121F received on the 15 May 2025 and 123E received on the 22 May 2025) 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.

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. Existing Controlled Parking Zone/ Residents' Parking Scheme: You are advised that details of the development will be passed to BHCC as Traffic Authority administering the Controlled Parking Zone of which the development is situated within, so they can determine whether occupiers should be eligible for residents' parking permits.
3. The applicant is advised to contact the Council's Streetworks Team (permit.admin@brighton-hove.gov.uk 01273 290729) for necessary highway approval from the Highway Authority prior to any works commencing on the adopted highway.
4. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this Act.
5. The applicant is reminded that all species of bats are fully protected under the Wildlife and Countryside Act 1981, as amended, and The Conservation of Habitats and Species Regulations 2017, as amended, making them European Protected Species. Under the Regulations, it is an offence to deliberately kill, injure, disturb or capture bats; damage or destroy their breeding sites and resting places (even when bats are not present); or possess, control or transport them (alive or dead). Under the Act, it is an offence to intentionally or recklessly: disturb bats while they occupy a structure or place used for shelter or protection; or obstruct access to a place of shelter or protection. Planning consent for a development does not provide a defence against prosecution under these Regulations or this Act.
6. The applicant is advised that Part O of Building Regulations 2022 has been introduced. This standard is aimed at designing out the need for mechanical air conditioning systems in dwellings that would otherwise be prone to overheating and limiting unwanted solar gains. There are optional methods to demonstrate compliance through the Building Regulations.
7. 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.
8. 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.

9. This scheme was considered exempt from the need to secure mandatory biodiversity net gain under Schedule 7A of the TCPA because the application was submitted prior to February 2024 when BNG became mandatory for a major development.
10. Where asbestos is found/suspected on site, it will fall under the Control of Asbestos Regulations 2012, overseen by the Health and Safety Executive. Further information can be found here: HSE: Asbestos - health and safety in the workplace

2. SITE LOCATION

- 2.1. St Catherine's Lodge, located in St Catherine's Terrace in Hove, comprises four large semi-detached houses dating from c1854 that were conjoined in c1927, with a new central link addition, to form a single hotel (now vacant). The property is located in a prominent position on the Kingsway within the Cliftonville Conservation Area, with important views of it from the public open space at Medina Terrace. The property was added to the council's list of local heritage assets in 2023.
- 2.2. The property is an early example of development in the Cliftonville estate and, despite undergoing alterations and extensions over its history, retains many original and historic features of quality and craftsmanship including Dutch gables, canted and segmental bays, stone mullioned windows, ornate chimneys, stringcourses and decorative brickwork.
- 2.3. The building is a former hotel. In recent years it has been used as a hostel to provide temporary accommodation for homeless individuals and families, and there have been various temporary permissions since the turn of the century for the use of the building as such. In 2022 permission was granted for the temporary change of use from hotel (C1) to use as a 50no. bed hostel providing temporary accommodation to the homeless (Sui Generis). It is understood from the supporting evidence that, despite planning permission being granted, the charity vacated the building in 2022, which triggered the lawful use of the building to return to Class C1 hotel use.

3. RELEVANT HISTORY

- 3.1. **BH2022/00670** The Change of use from hotel (C1) to use as a 50no. bed hostel providing temporary accommodation to the homeless with an element of support (Sui Generis) for the period from October 1st 2021 to March 31st 2024. (Retrospective). Approved 09.06.2022.
- 3.2. **BH2008/03331** Temporary change of use to hostel for families for 2 years. Refused 29.05.2009.

- 3.3. **BH2007/00439** Revision of condition 1 of planning permission BH2005/05101 to allow the continued use of hotel as a hostel for five years. Approved 06.06.2007.
- 3.4. **BH2005/05101** Continued use of hotel as a hostel for 1 year. Approved 03.02.2006.
- 3.5. **BH2004/01073/FP** Continued use of hotel as hostel for a further year. (Renewal of approval BH2002/00024/FP, expires 30 April 2004). Approved 13.08.2004.
- 3.6. **BH2002/00024/FP** Temporary change of use from Hotel (use class C1) to Hostel (short term residential accommodation - use class sui generis) retrospectively. Approved 19.08.2002.

4. APPLICATION DESCRIPTION

- 4.1. The application seeks permission for the conversion of the former hotel (Class C1) building to provide 30no residential units (Class C3) with external alterations. Cycle parking provision is proposed to the rear.
- 4.2. The external alterations include the following:
- Removal of existing rear 1920s central link extension
 - Removal of existing 1970s second floor extension and proposed replacement roof form
 - Removal of 2 small existing extensions to east and west of rear elevation
 - Removal of existing lift tower
 - Removal of existing central splayed entrance steps, front entrance and projecting porch
 - Removal of existing boundary fencing
 - Proposed new boundary treatments including new boundary plinth and railings and new boundary wall and piers
 - Proposed new southern entrance door, opening, path, steps and side railings/ walls,
 - Insertion of new windows
- 4.3. Following discussions between the LPA and the applicant, amendments have been received during the course of the application which clarify the details of the external alterations and reduce the number of units from 36 to 30 to provide an improved standard of accommodation and a more balanced unit mix.

5. REPRESENTATIONS

- 5.1. Three (3) representations were received objecting to the proposed development. The main grounds for objections are as follows:
- Should be a community facility
 - Parking issues
 - Lack of information on external appearance

- 5.2. **Six (6)** representations were received supporting the proposed development for the following reasons:
- Support the principle of residential use
 - Proposals would enhance appearance the building
 - Welcome removal of unsympathetic additions to building
- 5.3. Eight (8) comments which support the principle of the proposed development however raise concerns as follows:
- Parking issues
 - Development should have its own refuse/ recycling store
 - Lack of affordable housing
 - Construction management plan
 - Development should be 'car-free'
- 5.4. Comments regarding inconvenience from the construction process are noted, however this is not a material planning consideration.
- 5.5. A representation has been received from **Councillor Joy Robinson** in broad support of the scheme. A copy of the letter is appended to the report.
- 5.6. Full details of representations received can be found online on the planning register.

6. CONSULTATIONS

Internal:

- 6.1. **Arboriculture:** *Verbal comment:* No objection subject to a tree protection condition regarding the retained trees on site.
- 6.2. **Arts Development:** No objection as the development is unlikely to be affected by any noise from The Neptune live music venue, given the Kingsway main road between.
- 6.3. **Environmental Health:** No objection subject to a contaminated land discovery condition.
- 6.4. **Heritage:** No objection to the proposed change of use on heritage grounds. The removal of several 20th century additions and alterations, which are not considered to have been sensitive interventions, is welcomed.
- 6.5. **Strategic Housing & Development** No objection. Support the financial contribution as proposed as it is in line with Council Policy.
- 6.6. **Planning Policy:** No objection. The proposed conversion from hotel to residential use is acceptable in principle.
- 6.7. **Private Sector Housing:** Comment. Some of the bedrooms are accessed via an open-plan lounge/ kitchen which is a 'high-risk' room in case of fire. Ideally, the applicant should consider reconfiguring these rooms to avoid the means of

escape route being through the lounge/ kitchen or alternatively installing an Automatic Water Suppression System (water mist system) to cover this area.

- 6.8. **Sustainability:** No objection subject to conditions relating to water efficiency, overheating assessment, and reducing carbon emissions.
- 6.9. **Sustainable Drainage:** No objection subject to conditions relating to provision of sustainable drainage details and information demonstrating that the foul water connection is in adequate condition.
- 6.10. **Sustainable Transport:** No objection subject to 'permit-free' development, reinstatement of the redundant vehicle crossover back to a footway, cycle parking provision and a Construction Environmental Management Plan
- 6.11. **Urban Designer:** No objection - the principle of the development is supported.
- External
- 6.12. **Conservation Advisory Group:** No objection. The restoration of this locally listed building is supported.
- 6.13. **County Archaeologist:** No objection. No significant archaeological remains are likely to be affected by these proposals.
- 6.14. **County Ecologist:** No objection. Provided the proposed mitigation and enhancement measures are implemented, the development can be supported from an ecological perspective.
- 6.15. **Southern Water:** Comment. Means of foul sewerage and surface water disposal should be secured.
- 6.16. **Sussex Police:** No objection subject to consideration of crime prevention strategies.

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; revised October 2024)
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017)
 - Hove Station Neighbourhood Plan (adopted February 2024)

- Rottingdean Neighbourhood Plan (adopted February 2024)
- Shoreham Harbour Joint Area Action Plan (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
CP1	Housing delivery
CP6	Visitor Accommodation
CP7	Infrastructure and developer contributions
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP11	Flood risk
CP12	Urban design
CP13	Public streets and spaces
CP14	Housing density
CP15	Heritage
CP19	Housing mix
CP20	Affordable housing

Brighton & Hove City Plan Part Two:

DM1	Housing Quality, Choice and Mix
DM18	High quality design and places
DM19	Maximising Development Potential
DM20	Protection of Amenity
DM21	Extensions and alterations
DM22	Landscape Design and Trees
DM28	Locally Listed Heritage Assets
DM26	Conservation Areas
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
DM42	Protection of the Water Environment
DM43	Sustainable Drainage
DM44	Energy Efficiency and Renewables
DM45	Community Energy
DM46	Heating and cooling network infrastructure

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD09	Architectural Features
SPD06	Trees & Development Sites
SPD11	Nature Conservation & Development
SPD12	Design Guide for Extensions and Alterations

SPD14	Parking Standards
SPD16	Sustainable Drainage
SPD17	Urban Design Framework

Other Documents

Cliftonville Conservation Area Character Statement

Developer Contributions Technical Guidance

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations relating to the determination of this application are the principle of the proposed development, design and the impact upon the character and appearance of the locally listed building and surrounding conservation area, landscaping and trees, impact on neighbouring residential amenity, the standard of accommodation, sustainability and highways implications.

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 2,498 homes per year. A 20% buffer is applied to this figure to reflect the most recent Housing Delivery Test measurement (published in December 2024) for the council being less than 85%.
- 9.3. The council's most recent housing land supply position is published in the SHLAA Update 2024 which shows a five-year housing supply shortfall of 10,643. This is equivalent to 1.4 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).

Change of existing C1 use:

- 9.5. The proposal would result in the loss of 2,523 sqm of C1 floorspace (50 bedrooms). CPP1 Policy CP6 Visitor Accommodation states that within the Hotel Core Zone, the loss of hotels/guest houses (serviced accommodation) will be considered where it can be demonstrated against the set of criteria within the policy. As the site is not located within the Hotel Core Zone, these policy requirements are not triggered. The proposed change of use is therefore acceptable in principle.

Housing provision:

- 9.6. The provision of 30no. residential units would make a welcome contribution towards the city's housing target as set out in CPP1 Policy CP1.
- 9.7. CPP1 Policy CP19 seeks to improve housing choice and ensure that an appropriate mix of housing is achieved in terms of type, size, and tenure. Supporting paragraphs 4.213 and 4.214 highlight that the greatest demand in the City is for two and three- bedroom properties as there is an identified lack of larger family sized types of dwellings. Following discussions with the applicant, the unit mix has been amended as follows:
- 13x one-bedroom / studio (44%)
 - 14x two-bedroom (46%)
 - 3x three-bedroom (10%)
- 9.8. This is a welcome improvement on the originally proposed 22x one-bedroom units and 14x two-bedroom units. It is acknowledged that there is still a low provision of three-bedroom units, given the significant need. However, it is accepted that, given the lack of private amenity space for the units, the development may not be ideal for families and may be better suited to smaller units. It is also recognised that the scheme may not be viable with fewer, albeit larger, units.
- 9.9. It is considered that the proposal now provides an improved and more balanced housing mix in accordance with CPP1 Policy CP19.
- The 'Agent of Change' Principle:
- 9.10. The Neptune public house to the south of the application site is a long-standing live music venue and therefore the 'agent of change' principle is relevant. This is set out in the paragraph 200 of the NPPF and referenced in the supporting text to City Plan Part Two Policy DM40 at paragraph 2.313. New development should be integrated effectively with existing businesses and facilities, which should not result in unreasonable restrictions being placed on them as a result of development permitted after they were established.
- 9.11. The Council's Arts Team has no objection to the proposal on the grounds that it is unlikely to be affected by any noise from The Neptune, given the busy main road in between the sites. The proposed development therefore is not considered to threaten the operation of the local live music venue.
- Affordable Housing:**
- 9.12. CPP1 Policy CP20 Affordable Housing requires affordable housing provision from all sites providing 5 or more units. For this development of 30 proposed dwellings, 40% on-site affordable housing provision would be required, in accordance with criteria CP20(a).
- 9.13. The applicant has submitted a Financial Viability Assessment (FVA) which concludes that it is not viable to meet the above on-site requirement.
- 9.14. The applicant's FVA, based on the original scheme of 36 dwellings, has been independently assessed by the District Valuation Service (DVS). The DVS agreed that the scheme cannot viably fully meet the Council's affordable housing

policy requirements. However, it was calculated that a contribution of £239,644 towards affordable housing could be provided. It should be noted that there is no CIL liability in this case. This is because existing hotels are eligible for a CIL deduction; as no additional floorspace is being created, there is no CIL liability.

- 9.15. The scheme has since been revised to 30 units. The DVS have undertaken a 'light touch' check of the revised scheme which shows that it would be unlikely to provide any surplus. Notwithstanding this, the applicant has offered to provide a modest contribution of £239,644 as per the previous assessment. This is welcomed as the DVS is satisfied that the scheme could not provide any more than the contribution offered
- 9.16. Whilst on-site provision is the preference, in accordance with Policy CP20, given the relatively limited financial contribution that the development could support, an on-site provision could not be realistically achieved via a 'Registered Provider' (RP) and as such this 'in lieu' contribution approach is accepted.
- 9.17. Having taken full account of the viability assessment submitted, and the detailed scrutiny of this information by independent assessors, it is accepted that the scheme cannot viably meet the Council's affordable housing policy requirements. However, the agreed contribution should be secured by S106 Legal Agreement. The applicant has confirmed that a contribution as such would be acceptable.

Design and Appearance:

- 9.18. 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. Case law has held that the desirability of preserving or enhancing the character or appearance of a conservation area should be given "considerable importance and weight".
- 9.19. The building is a locally listed heritage asset which is defined as a non-designated heritage asset under the terms of the NPPF; it has been identified by the Local Planning Authority as having a degree of significance meriting consideration in planning decisions. CPP2 Policy DM28 strongly encourages the retention of locally listed heritage assets and their continued use. Alterations and extensions should be of a high standard of design that respects the special interest of the asset.
- 9.20. The proposed external alterations to the building would include the removal of 20th century features, which are not considered to have been sensitive interventions. The removal of these additions and alterations, such as the 1920s central link extension, the 1972 second floor extension, lift tower, existing boundary fencing, central splayed entrance steps and bulky projecting porch are welcomed.
- 9.21. The frontage at second floor level would be made good with a new roof form including dormer windows to the front elevation. A boundary plinth and railings are proposed and are acceptable in principle subject to full details of materials,

profiles and detailing. Similarly, subject to further details, the new front boundary wall and piers are acceptable and would enhance the appearance and character of the conservation area. Full details of the proposed new southern entrance door, opening, path, steps and side railings/ walls are also required. These details can be secured by condition. Several new windows and rooflights are to be inserted into the fabric of the building. These are also acceptable in principle, subject to further details.

- 9.22. The proposed external alterations would enhance the character and appearance of the locally listed building, the streetscape and the Cliftonville Conservation Area, consistent with policies CP15, DM18, DM26 and DM28 of the City Plan. The Council's Heritage Officer has no objections to the proposed alterations or the change of use, subject to the above conditions. The Conservation and Advisory Group (CAG) support the restoration of the historic building.

Landscaping and Trees:

- 9.23. Policy DM22 of CPP2 states that development proposals are required to retain, improve and, wherever possible, provide, appropriate landscape elements/ landscaping, trees and planting as part of the development.
- 9.24. The site is currently comprised of hardstanding and buildings and contains limited green infrastructure. There are six existing trees on site, including 3x Horse Chestnut trees to the rear of the site which the Council's Arboriculture Officer has advised are worthy of retention. The application states that all existing trees would be retained. A condition requiring details of tree protection measures during construction for the three Horse Chestnut trees is recommended.
- 9.25. Opportunities should be sought to increase soft landscaping within the site. For example, climbing plants could be established on suitable fences/walls and additional planting could be provided in landscaped areas. Soft landscaping should include native species of local provenance and species of known value to wildlife. A landscaping plan would therefore be secured by planning condition.

Standard of Accommodation:

- 9.26. 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. Indeed, the updated NPPF requires that all developments provide a 'high' standard of amenity for future occupiers, which is a high bar that goes beyond amenity being merely 'adequate' or 'acceptable'. Policy DM1 sets out Nationally Described Space Standards (NDSS) for dwellings.
- 9.27. The original scheme included dwellings at solely basement level which would not have provided acceptable accommodation. A sunlight/ daylight report was submitted with the application which concluded that the basement rooms would have adequate light. However, notwithstanding this, the units would have had restricted outlook. Some were also single aspect with only a single window. Ventilation would have been an issue and light could be further compromised by blinds or window dressings that would have been necessary to provide privacy

as the units were facing onto the street. Following advice from the LPA to improve the standard of accommodation, the basement dwellings have been amended to duplex units, with bedrooms at basement level and living space above, providing improved natural light and outlook. It is also noted that several of the bedrooms do have lightwells, providing access to some daylight. Whilst some of the basement bedrooms would still have compromised living conditions, each of the individual duplex units taken as a whole would have a reasonable standard of accommodation overall.

9.28. As amended, all proposed dwellings would comply with the NDSS. Bedrooms would be of adequate sizes and proportions. The units would provide space for furniture and circulation, as well as access to natural light and outlook. Drawings demonstrate that all units would provide for sufficient floor to ceiling heights (2.3m for at least 75% of the Gross Internal Area).

9.29. Given the need to create an efficient and viable scheme within an existing historic building, the internal flat layouts that are proposed are considered appropriate.

Private Outdoor Amenity Space

9.30. 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. Only unit no. 25 has any private, outdoor amenity space in the form of a balcony. There is also a limited amount of communal landscaped areas around the building. In this instance it would not be feasible to install balconies without harm to the appearance and character of the locally listed building. The site is also very close to the beach and the seafront amenity areas. Given this and the significant constraints of the site the lack of private, outdoor amenity space is not considered to warrant refusal of the application.

Ventilation/ Noise/ Soundproofing

9.31. The main source of noise is likely to be traffic noise from the main road to the front of the site, Kingsway. No glazing, soundproofing or other details have been submitted with the application to demonstrate how and where ventilation would be provided to each dwelling and that sufficient acoustic protection is built into the system to protect end users of the development. These details should be secured by condition prior to the commencement of the development. Sound insulation between the units should comply with Part E Building Regulations.

Fire Risk

9.32. The Council's private sector housing team has noted that some bedrooms are accessed via an open-plan lounge/ kitchen which is a 'high-risk' room in case of fire. The planning agent has confirmed that an Automatic Water Suppression System would be installed within the relevant units to mitigate this risk. This is deemed acceptable in principle; in any case, fire risk would be covered under building regulations.

Refuse/ recycling

9.33. There is no on-site refuse and recycling storage provision proposed for the development. It is proposed that the occupiers would use the on-street

communal bins. However, it is considered that a development of this size should have its own, dedicated refuse and recycling store within the site. A scheme for the storage and collection of refuse/ recycling should be secured by condition.

Impact on Residential Amenity:

- 9.34. Policy DM20 of the City Plan Part Two 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.
- 9.35. The property is in a mixed-use area, with residential properties to either side and to the front and rear. The change of use to self-contained residential units is unlikely to have a harmful impact on neighbours in terms of increased noise or activity. Indeed, the proposed development is likely to enhance the living conditions of adjacent occupiers, given the recent use of the site as a hostel, and the current vacant use of the site which has attracted anti-social behaviour.
- 9.36. None of the new window openings or other alterations are considered to detrimentally impact on neighbouring properties, given the existing situation and the distances involved.
- 9.37. For the reasons outlined above, it is considered that the proposal would not cause unacceptable harm to the living conditions of the occupiers of neighbouring properties, in compliance with Policy DM20 of the City Plan.

Sustainable Transport:

- 9.38. The submitted Transport Statement states that the proposed residential development is forecast to generate 9 and 10 vehicle movements in the AM and PM peak hours respectively, which is not considered to impact significantly on the surrounding highway network.
- 9.39. No car parking is proposed on site for this development. The existing parking spaces to the rear would be removed to make way for cycle parking provision. The site is situated within Controlled Parking Zone (CPZ) N, which restricts on-street parking from 9am to 8pm every day, and has limited on-street capacity within the zone. Parking in the local area and limiting the issuing of parking permits is covered through the management of the CPZ. The Council's Highways Team has recommended that details of the development should be passed to the Traffic Authority administering the CPZ so they can determine whether the occupiers should be eligible for residents' parking permits.
- 9.40. To the rear of the site, 39 long-stay cycle parking spaces are proposed, comprising 32 two-tier stands and 3 Sheffield stands (6 spaces). Space for a cargo bike is also proposed, which is welcomed. The spatial layout of the proposed cycle parking area allows for flexibility in stand type provision if additional or alternative stands are needed. In addition, 6 Sheffield stands (12x short-stay/ visitor cycle parking spaces) are proposed and would be accessed from Kingsway. This exceeds the minimum 10 spaces short-stay cycle parking required by SPD14 for this development. The proposed cycle parking provision is therefore acceptable and can be secured by condition.

- 9.41. Pedestrian access to the site remains unchanged, and there is access from the front and from the rear in Hove Place. The existing vehicular crossovers on Kingsway and Hove Place would be redundant and are to be reinstated to a footway by the raising of the kerb.
- 9.42. A CEMP is recommended for the construction phases of the development. These measures can be secured by condition.
- 9.43. The proposals would not conflict with policy CP9 of the City Plan Part 1, which seeks to promote sustainable travel. Nor would they conflict with policy DM33 of the city plan part 2, which promotes safe, sustainable and active travel. The Local Highway Authority has no objections to the scheme.

Sustainability:

- 9.44. The original building would be re-used according to Circular Economy principles, and this is welcomed. However, there could be challenges around energy efficiency and low-carbon heating and ventilation in this historic building.
- 9.45. CPP2 Policy DM44 requires a minimum energy Performance Certificate (EPC) rating 'C' for conversions and changes of use of existing buildings to residential. The agent has confirmed that this should be achievable, even given the historic nature of the building. The policy also requires new homes to achieve 19% improvement on the carbon emission targets set by Part L Building Regulations. However, this has been superseded by targets set by Part L of the Building Regulations 2022 which now requires each residential unit built to have achieved a 31% reduction in carbon emissions against Part L 2013. The development should also meet the optional standard for water consumption.
- 9.46. The development, particularly the single aspect dwellings, need to be carefully considered to mitigate the risk of overheating and ensure good indoor air quality. The Council's Sustainability Officer has requested an overheating assessment; however, this would be dealt with under Building Regulations Part O.
- 9.47. The relevant measures above can be secured by condition.

Ecology/ Biodiversity Net Gain:

- 9.48. Policies CP10 and DM37 require developments to seek to provide biodiversity enhancements. The site is within an urban context and comprises an existing building with associated hardstanding, modified grassland, tall ruderal vegetation and trees. It is not designated for its nature conservation interest.
- 9.49. Given the nature, scale and location of the proposed development, there are unlikely to be any significant impacts on designated sites. A condition for submission of an Ecological Design Strategy for the site, to include green roof details for the bike store and the provision of swift nesting cavities and bee brick/ invertebrate habitat, is recommended by the County Ecologist and can be secured by condition to meet requirements of policies CP10 and DM37.

- 9.50. This scheme was considered exempt from the need to secure mandatory biodiversity net gain under Schedule 7A of the TCPA because the application was submitted before the 12 February 2024, when BNG became mandatory for major development.

Conclusion:

- 9.51. The proposed development would ensure the retention of the locally listed heritage asset and would enhance the special interest of the building, and the character and appearance of the streetscape and the Cliftonville Conservation Area. The creation of 30x residential units, with a good standard of accommodation, would make a positive and welcome contribution towards the city's housing target as set out in City Plan Policy CP1, ensuring the continued use of the heritage asset.
- 9.52. The proposal is therefore considered to comply with the NPPF and all relevant Development Plan policies. Approval is therefore recommended.

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) regarding potential material impacts on individuals or identifiable groups with protected characteristics.
- 10.3. 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. DM1(e) states that for proposals providing 10 or more dwellings, 5% of all the residential units should be suitable for occupation by a wheelchair user in accordance with Building Regulation M4(3). However, these standards are generally applied to new-build development.
- 10.4. A ramp is to be provided to the rear (north) elevation of the building for wheelchair access to Unit 19 at ground floor level. The ramp would also provide accessibility to the proposed lift within the western part of the building, and this in turn would provide wheelchair accessibility to Units 21, 22, 27 and 28 at first floor level. Therefore, in terms of M4(2), Units 19, Unit 21, Unit 22, Unit 27 and Unit 28 would all meet this standard with lift accessibility, as these units are more easily accessed and could be further adapted in the future should the need arise.

This is considered acceptable given that the proposed development is a conversion of an existing historic building.

- 10.5. The nearest Blue Badge parking bay is located on Medina Villas, which provides on-street parking provision for prospective Blue Badge holding residents. Furthermore, the proposed reinstatement of the footway (where the existing Hove Place crossover is removed) creates opportunity to deliver additional on-street parking, including Blue Badge bays upon application.

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. It is estimated that there is no CIL liability for this application. However, the amount, if any, will be confirmed in the CIL liability notice which will be issued as soon as it practicable after the issuing of planning permission.

12. S106 AGREEMENT

- 12.1. 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:
- The proposed development fails to provide a financial contribution to affordable housing provision, contrary to policy CP20 (Affordable Housing) of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
 - The proposed development fails to provide a financial contribution to the Local Employment Scheme and/ or the submission of an Employment and Training Strategy, contrary to the City Council's Developer Contributions Technical Guidance.