

<b><u>No:</u></b>	<b>BH2025/00877</b>	<b><u>Ward:</u></b>	<b>West Hill &amp; North Laine Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>13 - 14 Sydney Street Brighton BN1 4EN</b>		
<b><u>Proposal:</u></b>	<b>Erection of an additional storey roof to create a 3no bedroom flat (C3). Alterations to front façade including 2no first floor bay windows, replacement shopfront with new commercial and residential access and pitched roof with parapet. Creation of second floor roof terrace with privacy screening.</b>		
<b><u>Officer:</u></b>	<b>Steven Dover,</b>	<b><u>Valid Date:</u></b>	<b>25.04.2025</b>
<b><u>Con Area:</u></b>	<b>North Laine</b>	<b><u>Expiry Date:</u></b>	<b>20.06.2025</b>
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	<b>10.11.2025</b>
<b><u>Agent:</u></b>	<b>Stickland Wright Ltd Stickland Wright Ltd 23 Vine Street Brighton BN1 4AG</b>		
<b><u>Applicant:</u></b>	<b>Welstead Properties Ltd Unit 2 Woodingdean Business Park Woodingdean Business Park BN2 6NX</b>		

## 1. RECOMMENDATION

**GRANT** planning permission, subject to the following conditions and informatives:

### Conditions:

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Proposed Drawing	24071B-P-025		27-Jun-25
Proposed Drawing	24071B-P-026		27-Jun-25
Proposed Drawing	24071B-P-027		27-Jun-25
Report/Statement	NOISE ASSESSMENT	J4001	16-Apr-25
Report/Statement	DAYLIGHT OR SUNLIGHT ASSESSMENT	ROL01637	31-Mar-25
Location and block plan	24071B-P-001- H		10-Jun-25
Proposed Drawing	24071B-P-011 H		27-Jun-25
Proposed Drawing	24071B-P-012 H		27-Jun-25
Proposed Drawing	24071B-P-013 H		27-Jun-25
Proposed Drawing	24071B-P-014 H		27-Jun-25
Proposed Drawing	24071B-P-015 H		27-Jun-25
Proposed Drawing	24071B-P-016 G		27-Jun-25
Proposed Drawing	24071B-P-017 H		02-Jul-25
Proposed Drawing	24071B-P-020 G		27-Jun-25

Proposed Drawing	24071B-P-021 G		27-Jun-25
Proposed Drawing	24071B-P-022 G		27-Jun-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. 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.

4. Notwithstanding the noise assessment submitted, the residential development hereby permitted shall not be occupied until a post-validation acoustic report produced by a suitably qualified acoustician, which demonstrates compliance with the design specifications and details described in the submitted document, Noise Assessment - Vertical Extension by Acoustic South East, Project No: J4001, dated 16th April 2024 has been submitted to and approved by the LPA. The approved scheme shall thereafter be retained as approved at all times.

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

5. Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level measured or

calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed the existing LA90 background noise level. The Rating Level and existing background noise levels are to be determined as per the guidance provided in BS4142:2014-A1:2019 (or the relevant updated Standard). In addition, there should be no significant low frequency tones present.

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

6. Notwithstanding the details on the drawings hereby approved, the second floor raised terrace hereby approved shall not be first brought into use until opaque privacy screens of 1.7metres in height (measured from the finished floor level of the terrace) have been installed on the north, south and west boundaries of the terrace. The screens shall thereafter be retained and maintained in perpetuity.

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

7. Access to the flat roof to the rear and sides of the second-floor roof terrace hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.

**Reason:** In order to protect adjoining properties from overlooking and noise disturbance and to comply with policy DM20 of the Brighton & Hove City Plan Part Two.

8. Notwithstanding any details shown on the approved plans, no development hereby permitted shall take place until full details of all materials to be used in the construction of the external surfaces of the development (including the rear privacy screens) have been submitted to and approved in writing by the Local Planning Authority.

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

**Reason:** To ensure a satisfactory appearance to the development and to comply with policies CP15 of the Brighton & Hove City Plan Part One; and DM18, DM21 and DM26 of the Brighton & Hove City Plan Part Two.

9. The residential unit development hereby approved shall not be operational until it has achieved as a minimum, an Energy Performance Certificate (EPC) rating 'B'.

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

10. The residential unit hereby approved shall not be occupied until it has achieved a water efficiency standard of a minimum 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 energy and water and to comply with policies SA6 and CP8 of the Brighton & Hove City Plan Part One

11. The residential unit hereby approved shall be implemented in strict accordance with the internal layouts detailed on the proposed floorplans & elevations. 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.

12. All new render finishes shall be smooth, lime based, wet render without external beads, stops, bell drips or expansion joints.

**Reason:** To ensure a satisfactory appearance to the development and to comply with policy CP15 of the Brighton & Hove City Plan Part One and DM26 and DM29 of Brighton & Hove City Plan Part Two.

13. 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 policy CP15 of the Brighton & Hove City Plan Part One and DM26 and DM29 of Brighton & Hove City Plan Part Two.

14. One or more bee bricks shall be incorporated within the external wall of the development hereby approved and shall be retained thereafter.

**Reason:** To enhance the biodiversity of the site and to comply with policies CP10 of the Brighton & Hove City Plan Part One, DM37 of the Brighton & Hove City Plan Part Two, and Supplementary Planning Document SPD11: Nature Conservation and Development.

15. The development hereby permitted shall incorporate at least three (3) swift bricks within the external walls of the development and shall be retained thereafter.

**Reason:** To enhance the biodiversity of the site and to comply with Policy DM37 of Brighton & Hove City Plan Part 2, Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

16. The rooflights hereby approved shall have steel or cast metal frames colour-finished black or dark grey, fitted flush with the adjoining roof surface and shall not project above the plane of the roof.

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

**Informatives:**

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.
3. Swift bricks/boxes can be placed on any elevation, but ideally under shade-casting eaves. They should be installed in groups of at least three, at a height of approximately 5 metres above ground level, and preferably with a 5m clearance between the host building and other buildings or obstructions. Where possible avoid siting them above windows or doors. Swift bricks should be used unless these are not practical due to the nature of construction, in which case alternative designs of suitable swift boxes should be provided in their place where appropriate.
4. 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.
5. 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.
6. The applicant should be aware that the site may be in a radon affected area. If the probability of exceeding the Action level is 3% or more in England and Wales, basic preventative measures are required in new houses, extensions, conversions and refurbishments (BRE2011). Radon protection requirements should be agreed with Building Control. More information on radon levels is available at <https://www.ukradon.org/information/ukmaps>
7. The water efficiency standard required 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.
8. Existing Controlled Parking Zone/Residents' Parking Scheme: You are advised that details of the development will be passed to B&HCC as Traffic Authority administering the Controlled Parking Zone, of which the development forms part, so they can determine whether occupiers should be eligible for residents' parking permits.

9. Notwithstanding the approved development the applicant should be aware that the Council will retain the authority to investigate under the Environmental Protection Act 1990, should any noise or odour complaints be received.

### **Biodiversity Net Gain**

Based on the information available, this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements are considered to apply. These can be found in the Environment Act 2021.

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that, unless an exception or a transitional arrangement applies, the planning permission granted for the development of land in England is deemed to have been granted subject to the condition ("the biodiversity gain condition") that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

## **2. SITE LOCATION**

- 2.1. The application site is a two-storey unlisted property, located on the western side of Sydney Street, with a largely glazed first floor and shopfront on the ground floor. Its current modern appearance contrasts with the rest of the Victorian shopping parade on this street and detracts from the North Laine Conservation Area in which it sits.
- 2.2. The dominant characteristic of the North Laine is its irregular linear grid street pattern, running north-south, which was based on the original pattern of arable fields. Whilst this street pattern has been disrupted in recent times by several large developments, it nevertheless largely survives. There is only one example of a square - Pelham Square, with its central garden containing many large trees, which departs from this pattern. The only other large green open space is the Burial Ground of the Presbyterian Church, now a public park. The original buildings were gradually laid out in the 19th Century to relatively high site coverages on narrow plots. The houses have very small rear gardens. In the main, the building line is hard up against the pavement edge or in some cases behind very small front gardens or basement light wells, such as in Kensington Gardens.
- 2.3. Sydney Street is on a strong north-south linear axis with predominantly commercial on the ground floors and buildings and offices or residential accommodation above. The area is densely packed and displays buildings of a variety of dates and styles, reflecting its incremental change over time. Buildings front directly on to the street, with narrow or non-existent footways.
- 2.4. The site is located within the North Laine conservation area, with an associated Article 4 Direction removing some permitted development rights,

therefore policies CP15 of City Plan Part One and DM26 of City Plan Part Two are relevant. It is also a regional and primary shopping centre and therefore policies CP4 of City Plan Part One, and DM12 of City Plan Part Two are relevant, which relate to Regional, Town, District and Local Shopping Centres and maintaining or enhancing the attractiveness of these areas through encouraging more people to visit and utilise facilities. The Article 4 Direction removing permitted development rights for change of use from Use Class E to residential dwellings applies to the site. The site also lies within an Archaeological Notification Area.

### 3. RELEVANT HISTORY

- 3.1. **PRE2025/00012** Pre-application advice was sought for the Upwards extension to create a new 2-bedroom flat above existing flat roof commercial premises. Follow-up to PRE2024/00248.
- 3.2. A summary of the advice given in February 2025, was that the existing building detracts from the setting of the conservation area, and the redevelopment of the elevations with the opportunity to enhance the streetscene, with retention of existing commercial to ground and first floor would be welcomed. The principle of residential use was accepted within a new second floor where the general layout and new pitched roof form were supported. However, the initially proposed elevations and some materials were not considered appropriate, and the rear elevations caused potential amenity harm, which required further investigation.
- 3.3. **PRE2024/00248** Pre-application advice was sought for the upwards extension to create a new 2-bedroom flat above existing flat roof commercial premises.
- 3.4. **BH2019/03013** Installation of extraction flue to rear elevation. Approved
- 3.5. **BH2002/00220/FP** Replacement shopfront Refused for the following reason:  
1: *The new shopfront is set too far back from the road, creating a void in the front of the building. The design is therefore not of a high enough standard and is harmful to the character and appearance of the North Laine Conservation Area. As such the proposal is contrary to policies ENV.1 and ENV.22 of the Brighton Borough Local Plan and policies QD14 and HE6 of the Brighton & Hove Local Plan Second Deposit Draft*

### 4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for the erection of an additional storey to create a 3no bedroom flat (C3). Alterations to the front façade are proposed including 2no first floor bay windows, replacement shopfront with new commercial and residential access and a pitched roof with parapet. The application also proposes the creation of second floor roof terrace with privacy screening.

- 4.2. The scheme has been amended during the course of the application in response to concerns raised by the Local Planning Authority's Heritage Officer and the Case Officer to improve the roof design, shopfront design and ensure an appropriate chimney extension is provided. Further details on the window details have also been provided.

## 5. REPRESENTATIONS

- 5.1. **Eighteen (18)** representations have been received including from the **North Laine Community Association**, objecting to the proposal on the following grounds:
- The development is overdevelopment
  - The development is of a poor design
  - The development adversely impacts the conservation area
  - The development is too high
  - The development would cause a loss of privacy, and overshadowing
  - The development would result in loss of views
  - The development would cause noise
  - The development would cause smells and smoke from the roasting of beans
  - The chimney replacement contributes to smoke
  - The development would cause loss of light
  - Lack of trust in current operators of business
  - The development would result in disruption during the delivery and construction phases.
  - Detrimental impact on property value
- 5.2. **Councillor McLeay** has objected to the proposal. The full representation is attached to this report.
- 5.3. Full details of representations received can be found online on the planning register.

## 6. CONSULTATIONS

- 6.1. Environmental Health **No objection** - subject to conditions  
Recommend that the proposal is approved subject to conditions relating to production of an acoustic report confirming acceptable noise mitigation as per the provided noise assessment and mitigation.
- 6.2. Heritage **No objection** - subject to conditions  
13-14 Sydney Street is an unlisted two storey building located in the North Laine Conservation Area. The site currently detracts from the Conservation Area with its uncharacteristic architectural features, such as modern shopfront, modern fenestration on the upper floor, flat roof and thick UPVC barge board. Its plain appearance is in contrast to the rest of the Victorian shopping parade on this street.



- 6.3. The proposed traditional interventions such as bay windows, parapet, wooden windows, pitched roof in slate and a traditional wooden shopfront (conforming to SPD2) preserve and enhance the conservation area. The scale of the buildings on either side of the development are 2 storeys. However, the scale on Sydney Street varies between 2-3 storeys and this is also mentioned in the North Laine CA Character Study.
- 6.4. The architectural details such as the parapet and style of projected bays are now similar in appearance to neighbouring 3 storey buildings on Sydney Street. This is an improvement to the Conservation Area. Although there may be concern with the scale of the proposed building next to its neighbours, this is less than substantial harm and the public benefits include a building which has improved historic features which preserves and enhances the conservation area.
- 6.5. Amendments requested have been made including 1:20 and 1:1 scale drawings of the design of windows and shopfront. Conditions for render and cables required.
- 6.6. Private Sector Housing **No comments to make**
- 6.7. Transport **No Objection** - subject to conditions  
Request that the permit-free informative be attached and that residents, other than blue badge holders, may not be eligible for parking permits. We would also request that the LPA consider whether a Construction Environment Management Plan is appropriate in this busy location.

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

## **8. RELEVANT POLICIES**

The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part One (CPP1)

SS1	Presumption in Favour of Sustainable Development
SA2	Central Brighton
SA6	Sustainable Neighbourhoods
CP1	Housing Delivery
CP4	Retail Provision
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

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

DM1	Housing Quality, Choice and Mix
DM12	Regional, Town, District and Local Shopping Centres
DM18	High quality design and places
DM19	Maximising Development Potential
DM20	Protection of Amenity
DM21	Extensions and alterations
DM26	Conservation Areas
DM29	The Setting of Heritage Assets
DM33	Safe, Sustainable and Active Travel
DM35	Travel Plans and Transport Assessments
DM36	Parking and Servicing
DM37	Green Infrastructure and Nature Conservation
DM40	Protection of the Environment and Health - Pollution and Nuisance
DM44	Energy Efficiency and Renewables

#### East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan (WMP)

WMP3	Implementing the Waste Hierarchy
------	----------------------------------

#### Supplementary Planning Documents

SPD02	Shop Front Design
SPD09	Architectural features
SPD11	Nature Conservation & Development
SPD14	Parking Standards
SPD17	Urban Design Framework

#### Other relevant documents

North Laine Conservation Area Character Statement

## **9. CONSIDERATIONS & ASSESSMENT**

- 9.1. The main considerations in the determination of this application relate to the principle of development; the design and appearance of the proposed development; the standard of accommodation that would be offered to future residents; and the potential impacts on the amenities of local residents; on highway safety; and on the significance of heritage assets.

Principle of Development  
**Creation of Housing**

- 9.2. The proposed development would result in the provision of 1 new residential unit.
- 9.3. 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%.
- 9.4. 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.
- 9.5. As the council is currently unable to demonstrate a five-year housing land supply, increased weight should be given to housing delivery when considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11). As such, the provision of one residential dwelling would make a relatively small, but important contribution to the city's housing supply.

**Other uses in Local Shopping Centres and loss of employment floorspace**

- 9.6. The proposed development would result in a small loss of some existing commercial floorspace (circa 9m<sup>2</sup>) from the ground floor and first floor café (Use Class E (b)), which would continue, as a result of minor internal changes to accommodate the access stairs and the new entrance to the proposed residential unit. The proposed development would provide a mix of uses with one commercial unit at ground and first floor and one residential unit at second floor.
- 9.7. There is a general policy presumption against loss of employment floorspace in principle, and policy CP3 would apply to the loss of the commercial floorspace (9m<sup>2</sup>). The loss of floorspace would normally need to be justified by demonstrating that the existing use is not viable and that there is no market interest. However, the existing use would be retained and the minor loss of floorspace is not considered to materially impact upon the operational viability

of the commercial unit which would otherwise continue to contribute to the vitality and diversity of the Primary Shopping Area's (DM12) and the North Laine Conservation Area (DM26).

- 9.8. DM12 states that other uses in respect of development in local shopping centres are permitted where it can be demonstrated that the scheme meets the following criteria:

- "a) The proposal will maintain and enhance the vitality, viability and the character of the shopping area;*
- b) The proposal will retain active ground floor uses and frontage and provide a direct service or sales to visiting members of the public;*
- c) The proposed development or uses will not have a harmful impact on the amenity of local residents due to noise, odour, disturbance or light pollution (see DM20, DM40); and*
- d) Shop front design should be in accordance with the council's shop front policy (see DM23)".*

And:

- "3. Residential use may be appropriate above or to the rear of units in shopping centres provided the active frontage is not compromised and that satisfactory residential amenity can be achieved".*

- 9.9. It is considered that the proposed scheme would contribute improvements to the overall appearance of the Primary Shopping centre, with visual improvements to the public realm through the removal of the existing front elevation which has little architectural merit and the proposed replacement front elevation which incorporates traditional detailing. The proposed development would retain the active frontage and ground floor use.

- 9.10. In relation to part c), due to the proposed design the development would not have a significantly harmful impact on the amenity of neighbouring or occupying residents which is discussed in further detail later in this report.

- 9.11. The shopfront proposed is considered an improvement in this location and also meets the criteria of policy DM23 (Shopfronts) and SPD02 Shopfront Design, particularly in relation to the proposed detailing, size, scale and fascia being proportionate to the host property and surrounding buildings.

- 9.12. On balance it is considered the development would overall enhance and maintain the viability and commercial character of the area in accordance with policy DM12 (Regional, Town, District and Local Shopping Centres).

#### Design, Appearance and Impact on Heritage Assets

- 9.13. 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.

- 9.14. 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".
- 9.15. The existing unlisted building is two-storey flat roofed with a largely glazed first and ground floors with a non-traditional shopfront and large fascia. Its modern appearance contrasts with the rest of the Victorian shopping parade on this street and detracts from the character of the associated Conservation Area. The existing flat roof form presents as an anomaly within the street-scene which sits slightly higher than the eaves of the two neighbouring traditional properties either side. The roof form, overall size and modern detail to the existing building is not considered to contribute positively to the character and appearance of the North Laine Conservation Area.
- 9.16. The proposal would see the front elevation completely remodelled to appear as two conjoined traditional buildings with a new double fronted heritage shopfront appearance at ground floor, twin projecting bay windows at first floor, and a new second floor with four timber sash windows.
- 9.17. The verticality and detailing to the proposed front elevation is reflective of a group of terraced dwellings and takes significant cues from the architectural details (bay windows, timber sash frames, parapet detail) of surrounding buildings, which are considered to fit well within the existing street scene. The materials have been amended to better reflect the wider street scene and conservation area also. The remodelling of the ground floor frontage now has the appearance of two separate shopfronts, better reflecting the existing rhythm of historic shopfronts in the Conservation Area which is considered to provide a significant visual improvement to the public realm.
- 9.18. At first floor the development proposes two projecting bays. The form and proportions of the bays is considered acceptable and reflective of local historic character. The proposed windows would be timber sliding sash which is considered acceptable and appropriate to it's setting.
- 9.19. At second floor four timber sash windows would sit under the parapet on the street facing elevation. The four windows have a smaller form than the windows below reflecting a traditional subservience of the upper floors in a historic building. A small parapet detail would run above the second floor windows and then at roof level above would sit a pitched gable ended roof extending into a flat roof further at the rear.
- 9.20. The new second floor comprises the new residential dwelling and at the rear of the second floor is a roof terrace providing some amenity space, with 1.7m screening surrounding. With the exception of the additions no other alterations are taking place to the rear elevation.
- 9.21. With regards to the proposed external materials, these take cues from existing surrounding development and the wider conservation area. The elevations would be finished in painted masonry, lime render with timber windows and shopfront detailing which overall reinforce the heritage appearance and

provide some significant additional visual interest over the current facade. To ensure the final appearance is as anticipated, further details will be required by condition prior to the erection of the development.

- 9.22. The existing building is considered to be of no architectural or historic merit and has been previously identified as a negative feature within the Conservation Area. Heritage Officers have confirmed that the proposed development is acceptable and takes account of the North Laine Character Study, with a heritage led design which is homogeneous with the strong character of the area, which identifies the character of Sydney Street as 2-3 storeys.
- 9.23. It is noted that the development proposes an additional storey which would then create a development with a significantly different overall visual height than the properties either side which are two storey properties.
- 9.24. The proposed development overall is, however, considered to be acceptable in terms of design and appearance and the scale and massing would be appropriate in the context of the site. The North Laine Character study identifies the area of Sydney Street featuring 2-3 storey properties and the principle of extending the property, in this context, is considered acceptable subject to other considerations. The design approach is an overall balanced judgement as extending the property would result in a development taller than the neighbouring properties either side, however, the proposal is considered to result in some significant improvements to the appearance and character of the Conservation Area. The development would result in the removal of the modern unsympathetic frontage and the already unsympathetic roof form. The new development would result in a building which is of a traditional appearance with suitable detailing and would present as being much more in rhythm and character with the wider Conservation Area.
- 9.25. Overall, the design is considered acceptable and is considered to comply with policies CP12, CP13 and CP15 of the Brighton & Hove City Plan Part One, and policies DM18, DM19, DM21, DM26 and DM29 of the Brighton & Hove City Plan Part Two and Supplementary Planning Documents SPD02, SPDO9 and SPD17.

#### **Impact on Neighbouring Amenities**

- 9.26. The proposal would result in the addition of a new storey, to the currently flat roofed building and then a parapet and pitched roof form over this. The footprint that the existing building currently occupies would not alter, but the bulk and form of the building would however clearly increase over the current situation.
- 9.27. The applicant has provided a Sunlight and Daylight Assessment to assess the impacts of the proposed development on the surrounding residential buildings and amenity areas, having regard to the BRE recommendations and guidance. As the BRE Guidelines are primarily focused on habitable rooms in dwellings, the submitted assessment, focuses on the main rooms of nos. No.38-41 Tidy Street (located to the west and rear of the development). Taking

account of BRE guidelines the report concludes that the proposed building, and impacts on surrounding properties habitable rooms, would meet the criteria for Vertical sky Component (VSC); Daylight Distribution (DD); Annual and winter Probable Sunlight Hours (APSH); and the scheme would remain fully BRE compliant, in relation to the sun-on-ground assessment to the garden/amenity areas of those properties.

- 9.28. Given the conclusions of the submitted assessment, the form of the proposed development is not considered to bring any significantly harmful increase in overshadowing or loss of light to the neighbouring residential properties.
- 9.29. The bulk of the new development is not considered to significantly increase overbearing impacts to the neighbouring properties. The rear elevations of the properties along Tidy Street (rear of the site) are separated by approx. 7.5m from the existing rear flat roof. The current footprint of the building is not expanding and the additional floor is stepped back at the rear elevation. Due to the stepping back the rear elevations of the properties at Tidy Street would be approx. 10m from the rear of the new second floor and 9m from edge of the enclosed terrace. These distances are considered to be acceptable in the tight urban realm of the City centre.
- 9.30. It is recognised that the form of the additional storey and roof would decrease the view from the rear windows of the closest properties on Tidy Street, particularly at second floor level, however views are not protected, and it is considered the retained outlook is acceptable due to the distance of the new development from these properties, and the dense urban grain of the area.
- 9.31. The new rear facing windows would be set fronting onto a new amenity terrace which would be surrounded by a 1.7 m high privacy screen (materials to be conditioned) so would not cause any amenity harm through overlooking from the windows, or use of the terrace, to surrounding residents in Tidy Street. Conservation rooflights would also be set in the rear roofslope but these would only afford skyward views.
- 9.32. The new front-facing windows would provide views across the public highway and reflective of the form of residential development already in the street, so although increasing overlooking over the current situation to those properties' opposite, a high degree of mutual overlooking already exists in this location from other residential dwellings, therefore the proposal is not considered harmful in this respect.
- 9.33. At present the existing built form of the two-storey property is of a similar height and scale to the two-storey properties located immediately to the north and south of the site. The proposal would result in increased massing/built form of the host property at roof level however, as the proposed additional storey would sit above the roofs of the immediately neighbouring properties (which have no roof fenestration or fenestration within the sides of the neighbouring properties that currently face no. 13-14 above the existing built form of the application site) no adverse harm to the amenities of the immediate neighbouring properties on Sydney Street is envisaged. Again, due to the lack

of side facing fenestration, it is not considered that the proposal would adversely impact on the existing 3 storey properties located to the north of the site. No external amenity space to the rear of neighbouring properties Sydney Street is identified as being adversely harmed as a result of the proposed increased in height/bulk of the application site given the proposed setback.

- 9.34. As the new residential dwelling would be located above a commercial premises in a busy town centre location the applicant has supplied a noise assessment, which details that a suitable sound environment can be achieved for the future residents of the residential dwelling, through a combination of enhanced glazing and a Mechanical Ventilation and Heat Recovery (MVHR). Although a post-validation acoustic report is yet to be submitted, it is considered that even if the front elevation windows to the bedrooms are needed to be permanently closed, to ensure adequate sound insulation, this is considered acceptable as overall standard of accommodation to be provided is high and the main living room is located to the rear, with a lower level of noise exposure. A condition would be attached to ensure these noise mitigation elements are provided and suitable prior to occupation of the proposed residential unit.
- 9.35. As part of the application the existing flue for the roasting of coffee beans, which currently takes place onsite, would be relocated to a higher level in the new roof scape. It is noted that many objections received have been made about the existing roasting taking place onsite being detrimental and complaints made. These have been investigated by Planning Enforcement Officers and Environmental Health Officers, with no further action taken as no significant adverse harm identified. The applicant has supplied details and a risk assessment confirming that the roasting apparatus is operating to manufacturers guidance and maintained to the same, and the agent has confirmed a smaller roasting unit was installed post initial complaints being received.
- 9.36. Environmental Health officers have assessed the application in relation to noise and odour, and consider the development acceptable subject to conditions. The council will continue to retain the authority to investigate under the Environmental Protection Act 1990, should any noise or odour complaints be received.
- 9.37. On this basis the relocation of flue within the new roof is considered acceptable and would not cause such adverse harm to the amenity of neighbours to warrant refusal.
- 9.38. During part demolition and building works, some level of disruption and noise is very likely to surrounding properties, but this would be in the short-term only and is not a reason to withhold planning permission.

#### Sustainable Transport

- 9.39. The proposed development represents a gain of one residential dwelling with a small loss of existing Class E floorspace, and it is considered that there would be no significant additional impact on the highway with a small increase



in trips to and from the site; this view is shared by the Local Highway Authority (LHA).

- 9.40. The proposed residential dwelling would have no car parking associated and this is considered acceptable due to the location of the site in close proximity to local facilities and public transport. The LHA confirm this accords with SDP14: Parking Standards and raise no objection. They request an informative attached to state that the development is parking permit free except for eligible blue badge holders.
- 9.41. The proposed development includes no cycle parking spaces, which considering the constrained site, is considered acceptable.
- 9.42. Due to the nature of the development and the location of the building in a busy city centre location a condition is recommended for the approval of a Construction Environmental Management Plan (CEMP) prior to commencement of any works, including any demolition, to ensure safe and suitable construction is carried out.

#### Standard of Accommodation

- 9.43. The 'Nationally Described Space Standards' (NDSS) were introduced by the Department for Communities and Local Government in 2015 to establish acceptable minimum floor space for new build developments. These space standards have now been formally adopted into the Brighton and Hove City Plan, within Policy DM1 of City Plan Part Two.
- 9.44. The NDSS and DM1 identifies a minimum floor space that should be achieved for a single bedroom as measuring at least 7.5m<sup>2</sup>, and a double bedroom should measure at least 11.5m<sup>2</sup>. The minimum floor space requires a head height of above 1.5m with 75% of the floorspace being 2.3m or higher. Rooms are also assessed for their ability to provide suitable room to circulate within them by future occupants.
- 9.45. The minimum gross internal area for a two-storey, three (3) bedroom, four (4) person dwelling is described as 84 square metres under policy DM1 and the NDSS. The second-floor residential unit (proposed as a three (3) bedroom, four (4) person) exceeds this requirement measuring approximately 87m<sup>2</sup>.
- 9.46. The proposed floor space would be functional with sufficient levels of circulation space, light and outlook and would therefore provide an acceptable standard of accommodation. The double and single bedrooms proposed meet the minimum space standards of DM1 and would have good or reasonable levels of natural light and reasonable to good outlook. The living room and bedroom three face directly onto the new rear terrace amenity area and with the proposed screening, the degree of outlook is reduced, but considering the desire to limit overlooking into neighbouring properties, and the historic environment with a tight urban grain, the standard of accommodation of this unit is, on balance, considered acceptable.

- 9.47. A rear terrace area (11m<sup>2</sup>) is provided as outdoor amenity space, which is welcomed and although screened, it would provide suitable private external space. It is also noted that the development would be in close proximity (200m) to the extensive outdoor recreation areas provided in Valley Gardens to the east (The Level, Victoria Gardens etc).
- 9.48. A condition is recommended requiring compliance with the approved floor plans as the LPA would wish to manage the layouts of these buildings to ensure the building is not over-occupied to the detriment of the standard of accommodation.

#### Biodiversity

- 9.49. The Council has adopted the practice of securing minor design alterations to schemes with the aim of encouraging the biodiversity of a site, particularly with regards to protected species such as bumblebees and swifts. A suitably worded pair of conditions will be attached to secure an appropriate number of bee bricks and swift bricks within the proposal in order to help meet the requirements of policies CP10 of the CPP1 and DM37 of the CPP2 as well as Supplementary Planning Document 11: Nature Conservation.

#### Sustainability

- 9.50. Policy DM44 requires new build residential buildings to achieve, as a minimum, an Energy Performance Certificate (EPC) rating 'B'. New dwellings are also required to achieve a water efficiency standard of a minimum of not more than 110 litres per person per day maximum indoor water consumption. This can be secured by condition.
- 9.51. Existing refuse and recycling storage facilities for the building are considered suitable by the LHA for use by the new residential unit.

#### Other matters

- 9.52. The operation of the existing business and the way they interact with neighbours have been raised in representations made on the application. These are not material matters in the consideration of this planning application, as the current use appears lawful.
- 9.53. Concerns have also been raised that the proposed development would have a detrimental impact on property value; that the development is just for the benefit of the developer; and that the development would result in the loss of a view. These views and comments are acknowledged but are not material planning considerations so are of limited weight in this assessment.

#### Conclusion

- 9.54. The proposed development would create one new residential property (Use Class C3), which can be given additional weight as a material planning consideration given the Council's lack of a five-year housing land supply. The revised building/roof form, front elevation and shopfront design are considered to enhance the conservation area, bringing improvements to the existing street scene and public realm and would have an acceptable impact on the amenities of local residents and highway safety. Whilst some loss of the

existing commercial floorspace would occur, sufficient weight has been attributed to the provision of the additional residential unit in the planning balance in accordance with the NPPF. On balance the improvements to the conservation area and the additional residential unit are considered to outweigh the adverse impacts and in full consideration of all the above the recommendation is that the application is approved.

- 9.55. As noted above a number planning conditions are recommended to secure the improvements to the Conservation Area and to mitigate impacts upon residential and visual amenity, accessibility, biodiversity, environmental impacts, sustainability, and highway safety. For the foregoing reasons the proposal is considered to be in accordance with policies of the Brighton and Hove City Plan Part One, policies of the City Plan Part Two and Supplementary Planning Documents .

#### **Biodiversity Net Gain**

- 9.56. This scheme was considered exempt from the need to secure mandatory biodiversity net gain under Schedule 7A of the TCPA because It does not impact a priority habitat or habitat of more than 25sqm or 5m of linear habitat.

### **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 would not give rise to unacceptable material impact on individuals or identifiable groups with protected characteristics.
- 10.3. Level access to the commercial unit would be retained.

### **11. COMMUNITY INFRASTRUCTURE LEVY**

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

