

<b><u>No:</u></b>	<b>BH2025/01474</b>	<b><u>Ward:</u></b>	<b>Kempton Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>62 St Georges Road Brighton BN2 1EF</b>		
<b><u>Proposal:</u></b>	<b>Change of use from builders store with living space (sui generis) to form 1no single dwellinghouse (C3), roof extension to form additional storey, rear roof terrace, revised fenestration, replacement shopfront, and associated works.</b>		
<b><u>Officer:</u></b>	Joanne Doyle, tel: 01273 292198	<b><u>Valid Date:</u></b>	11.07.2025
<b><u>Con Area:</u></b>	East Cliff	<b><u>Expiry Date:</u></b>	05.09.2025
		<b><u>EOT:</u></b>	07.11.2025
<b><u>Agent:</u></b>	Whaleback 91 Boundary Road Hove BN3 7GA		
<b><u>Applicant:</u></b>	Lost Property One Limited C/O Whaleback 91 Boundary Road Hove BN3 7GA		

## 1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **GRANT** planning permission subject to the following Conditions and Informatives:

### Conditions:

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Proposed Drawing	101	P4	30-Jan-26
Location and block plan	000 P1	-	11-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. The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.

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

4. All new front windows shall be timber framed and retained as such thereafter.

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

5. At least one bee brick shall be incorporated within the external wall of the extensions hereby approved and shall be retained thereafter.  
**Reason:** To enhance the biodiversity of the site and to comply with Policy DM37 of Brighton & Hove City Plan Part 2, Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.
6. At least one swift brick shall be incorporated within the external wall of the extensions hereby approved and shall be retained thereafter.  
**Reason:** To enhance the biodiversity of the site and to comply with Policy DM37 of Brighton & Hove City Plan Part 2, Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.
7. Prior to the first occupation of the development hereby permitted the applicant shall reinstate the redundant vehicle crossover on St Georges Road back to a footway by raising the existing kerb and footway.  
**Reason:** In the interests of highway safety and to comply with policies CP9 of the City Plan Part One and DM33 of City Plan Part Two.
8. Access to the flat roof areas at first and second floor level (apart from the rear terrace area) 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:** To safeguard the privacy of the occupiers of the adjoining properties and to comply with Policies DM20 and DM21 of the Brighton & Hove City Plan Part Two.
9. 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.
10. 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.

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. 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.

The applicant is advised that the proposed highways works should be carried out in accordance with the Council's current standards and specifications and under licence from the Streetworks team. The applicant should contact the Council's Streetworks team (permit.admin@brighton-hove.gov.uk 01273 290729).

3. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.
4. 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. The application relates to a two storey rendered terraced property, located on the south side of St George's Road in Kempdown.
- 2.2. The site lies within the East Cliff Conservation Area. There are a number of listed buildings within the vicinity of the site.
- 2.3. The property was last in use as a builder's' store at ground floor level with a connected residential use above. The property is currently vacant. The

application site lies outside the St George's Road Local Centre, and forms part of a 'Local Parade' as designated within policies DM12 and DM13 of the Brighton and Hove City Plan Part Two.

- 2.4. The property is currently in a poor condition with boarded entrance doors at ground floor level and two traditional sliding sash timber windows at first floor facing the road. The existing property has a large two storey flat roof extension at the rear.

### 3. RELEVANT HISTORY

- 3.1. **BH2020/03793-** Change of use from builder's store with living space (Sui Generis) to form a ground floor commercial unit (E) and 3no self-contained residential flats (C3). Roof extension to form additional storey, revised fenestration, replacement of shop front and associated works. Approved 07.05.2021.

### 4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for the change of use from a builder's store with living space (sui generis) to form 1no single dwellinghouse (C3), a roof extension to form an additional storey, a rear roof terrace, revised fenestration, replacement shopfront, and associated works.
- 4.2. During the course of the application the rear terrace has been reduced in size in response to amenity concerns and design changes have been made to the rear top floor window reducing its size. The roof terrace has been reduced in depth by 1.7m and decreased in width by 4.7m.

### 5. REPRESENTATIONS

- 5.1. Twelve **(12)** letters of representations have been received **objecting** to the proposal for the following reasons:
- Harm to the character of the building and conservation area
  - Impact on amenity
  - Loss of privacy
  - Noise disturbance
  - Overshadowing
  - Oppressive
  - Overbearing
  - Loss of light
  - Loss of outlook / views
  - Disruptive and intrusive
  - Disrupt peace / quality of life
  - Visually intrusive
  - Poor design/not in keeping

- Incongruous design
  - Inappropriate scale for historic building
  - Impact on rear external wall
  - Risk to tree and alleyway
  - Would set a precedent for future applications
  - Assessment of the submitted documents difficult / misleading
  - Inaccuracies in plan / misleading use
  - Consultation not carried out
- 5.2. Full copies of the representations can be viewed on the planning register.

## 6. CONSULTATIONS

### Internal:

- 6.1. **Heritage** : No Objection The replacement of the shopfront and any new windows on the front elevation should be conditioned to be timber.
- 6.2. **Policy** : No Objection The proposal has demonstrated redundancy of the existing use and the change to residential would be considered acceptable under the requirements set out in Policy CP3 of the Brighton and Hove City Plan Part One.
- 6.3. **Private Sector Housing** : Comment  
There are no doors on the kitchen or lounge at ground floor level which could be a fire risk.
- 6.4. **Sustainable Transport**: No Objection Subject to recommended conditions for cycle parking and reinstatement of redundant vehicle crossing.

### External:

- 6.5. **CAG**: No Objection Recommend approval.

## 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. POLICIES

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP1	Housing Delivery
CP2	Sustainable economic development
CP3	Employment Land
CP4	Retail provision
CP8	Sustainable Buildings
CP9	Sustainable transport
CP10	Biodiversity
CP12	Urban design
CP13	Public Streets and Spaces
CP14	Housing Density
CP15	Heritage
CP19	Housing Mix

#### Brighton & Hove City Plan Part Two

DM1	Housing Quality, Choice and Mix
DM12	Changes of Use within Regional, Town, District and Local Shopping Centres
DM13	Important Local Parades, Neighbourhood Parades and Individual Shop Units
DM18	High quality design and places
DM20	Protection of Amenity
DM21	Extensions and alterations
DM23	Shop Fronts
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
DM41	Polluted sites, hazardous substances & land stability

#### Supplementary Planning Documents

SPD11	Nature Conservation & Development
SPD12	Design Guide for Extensions and Alterations
SPD17	Urban Design Framework
SPD14	Parking Standards

#### Other Documents

East Cliff Conservation Area Character Statement

## 9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the principle of the proposed development, the impact upon the character and appearance of the building, street scene, wider conservation area and setting of nearby listed buildings, impact on neighbouring residential amenity, the standard of accommodation and highways.

### **Principle of Development**

- 9.2. The application seeks permission for the change of use from builders store with living space (sui generis) to form 1no single dwellinghouse (C3).
- 9.3. Policy CP1 in the Brighton and Hove City Plan Part One (CPP1) sets a minimum housing provision target of 13,200 new homes for the city up to 2030. However, on 24 March 2021 the City Plan Part One reached five years since adoption. National planning policy states that where strategic policies are more than five years old, local housing need calculated using the Government's standard method should be used in place of the local plan housing requirement. The local housing need figure for Brighton & Hove using the standard method is 2,487 homes per year. A 20% buffer is then 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 2025 which shows a five-year housing supply shortfall of 10,442. This is equivalent to 1.5 years of housing supply.
- 9.5. As the council is currently unable to demonstrate a five-year housing land supply, increased weight should be given to housing delivery when considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).
- 9.6. The proposal would result in the creation of 1no. additional housing unit. This net increase of one dwellinghouse must be given some weight in light of the city's housing supply shortfall.
- 9.7. This site as existing is currently vacant and was last in use as a builder's store. The site is currently in sui generis use (i.e. within a use class of it's own), with the builder's store, a mixture of space for storage and servicing of tools and the flat above which was ancillary/dependant on the store at ground floor. The unit is now vacant.
- 9.8. The loss of the builder's store has previously been approved under the previous planning application BH2020/03793 (approved in May 2021).
- 9.9. The current Sui Generis use is not protected by CPP1 Policy CP3 and therefore its provisions relating to redundancy and alternative employment uses are not relevant to the assessment of this application. Additionally, CPP2 Policy DM12 (Regional, Town, District and Local Shopping Centres) and CPP2 Policy DM13 (Important Local Parades) pertain to the retention of

commercial and/or community uses (Use Class E, F1 and F2) within designated shopping centres and local parades. Since 62 St Georges Road is a Sui Generis use, these policies similarly do not apply.

- 9.10. Notwithstanding this, marketing evidence has been submitted by the agency Robert Luff & Co, which details how the site was formally marketed between November 2022 - August 2024, via the agency's website and other property websites. Despite attracting 46 viewings and 6 bids, prospective buyers withdrew due to viability concerns. Since the site relates to a former builder's store in 'Sui Generis' use, it is considered that the requirements of CPP1 Policy CP3 to protect the loss of employment floorspace do not strictly apply in this instance. Nevertheless, given the length of time the space has been vacant, poor condition of the property, and how marketing had been ongoing for over 12 months, the proposal is considered to have demonstrated redundancy of the existing use and the change to residential would be considered acceptable under the requirements set out in Policy CP3 of the Brighton and Hove City Plan Part One.

#### **Design and Appearance**

- 9.11. Policy CP12 of the Brighton and Hove City Plan Part One and DM18 of the Brighton and Hove City Plan Part Two expect all new development to raise the standard of architecture and design in the city, establish a strong sense of place by respecting the character of existing neighbourhoods and achieve excellence in sustainable building design and construction.
- 9.12. In considering whether to grant planning permission for development which affects a listed building or its setting, the Council has a statutory duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Moreover, when considering whether to grant planning permission for development in a conservation area the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.
- 9.13. Case law has held that the desirability of preserving a listed building or its setting or any features of special architectural or historic interest it possesses, and the desirability of preserving or enhancing the character or appearance of a conservation area should be given "considerable importance and weight".
- 9.14. 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.
- 9.15. 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".
- 9.16. The proposed external works would comprise the following:
- Roof extension to form additional storey

- Replacement shopfront and associated works
  - Revised fenestration
  - Addition of rear roof terrace
- 9.17. The building is a historic property which has retained its original three-over-six sash windows at first floor level fronting the street, with a parapeted stucco rendered façade and timber bi-fold doors at ground floor level which may be of some historic interest. The property has undergone alterations to the ground floor shopfront which has eroded its architectural detailing, however it is still considered to make a positive contribution to the street scene. The building is situated as part of a varied range of properties which include canted bays and flat facades, some with historic shopfronts, which sit directly against the footway.
- 9.18. The properties to the west, on the same side of the road, are generally two storeys in height, although the neighbouring western property has been extended by an additional storey contained in a mansard roof, which is considered to negatively impact the building and the visual quality of the streetscene. To the east, the properties are of three and four storeys, and are buildings of 'transitional aesthetic quality', being the lesser elevations of the listed and architecturally exceptional listed terraces aligned to Eaton Place, of four storey (plus basement) height.
- 9.19. The application site is a historic property which makes a positive contribution to the area and as such any proposed alterations to the exterior which are visible from the streetscene should respect the special character of the area and East Cliff conservation area.
- 9.20. The site is at a transitional point in terms of the recognised forms, the buildings to the east being of larger scale and architecturally more ornate.
- 9.21. A flat roof extension is proposed providing an additional storey which would be rendered to match the existing building with two windows facing the street. The form would be subserviently set back from the front elevation behind a retained parapet. The proposed front elevation would continue the step down from the immediate property to the east to the lower western property and the height of the proposed roof extension remains beneath the projecting cornice of the neighbouring building providing a suitable stepped relationship with the adjoining eastern property and streetscene context.
- 9.22. The additional storey would represent an acceptable design approach, with the height of the extension sitting beneath the projecting cornice of the neighbouring building to the east and with the existing sash window pattern replicated at the second-floor level. It should be noted that an additional storey has previously been approved under the previous planning application BH2020/03793. The additional storey is considered to provide an acceptable appearance and design which would not cause harm to the character of the area or streetscene.
- 9.23. The proposed ground floor alterations to the existing shop front includes the introduction of three over six panel glazing within the original timber framing

with panelled timber stallrisers proposed either side of the central door. The alterations to the shop front are considered acceptable and would relate well to the sash windows above and represent an overall approved appearance to the building.

- 9.24. The proposed design of the rear elevation, incorporating an additional storey, fenestration detailing and rear roof terrace would be acceptable in design terms. The rear elevation currently is not aesthetically pleasing with limited architectural detail and is not visible from the public realm in immediate or far reaching views.
- 9.25. Design changes have been sought during the course of the application including changes to the rear top floor window to provide more consistency and symmetry in relation to the windows. The rear fenestration, whilst not traditional in appearance is considered to be acceptable given the limited views of the site.
- 9.26. A roof terrace is proposed to the eastern side upon the existing rear flat roof. The terrace has been considerably reduced in size during the course of the application and would not markedly impact the rear elevation or result in a cluttered appearance, particularly given the presence of other terraces within the immediate vicinity of the site, notably at the at no.61 to the east. Whilst there appears to be no planning permission for these terraces which appear to have been in use a number of years, the proposal is assessed on its own merits and the addition of a new rear terrace is considered to be acceptable in design terms.
- 9.27. Overall, the proposal would preserve the appearance and character of the building, wider street scene, the East Cliff conservation area and cause no harm to the setting of the nearby listed buildings, in accordance with policies CP12 and CP15 of the Brighton & Hove City Plan Part One and DM18, DM26 and DM29 of the Brighton & Hove City Plan Part Two.

#### **Standard of Accommodation**

- 9.28. Policies DM1 and DM20 of City Plan Part Two aim to secure a good standard of living accommodation for current and future occupiers in all new developments. Accommodation should therefore provide suitable circulation space within the communal spaces and bedrooms once the standard furniture has been installed, as well as providing good access to natural light and air in each habitable room.
- 9.29. 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 standards have now been formally adopted within Policy DM1 of City Plan Part Two.
- 9.30. The new dwelling would have a gross internal floor space of approximately 228m<sup>2</sup> which would significantly exceed the NDSS requirement for a five-bedroom 3 storey dwellinghouse and the bedrooms would meet the minimum

national space standards. The living arrangement at ground floor would consist of a lounge and kitchen/dining space which would offer an acceptable arrangement for the proposed number of people. Each habitable room would feature adequate window openings allowing for access to natural light, outlook and ventilation. The proposed dwelling would offer an adequate standard of living accommodation and meet the requirements of policy DM1 of the Brighton and Hove City Plan Part Two.

- 9.31. Policy DM1 of the City Plan Part Two also requires the provision of private amenity space in new development. The dwelling would have the use of a small rear roof terrace which would offer some outdoor amenity space. In any case, a number of units in this location do not typically have access to external amenity space and the proposed unit would have access to public outdoor space within the vicinity, such as the Seafront and the nearby Queens Park.
- 9.32. Overall, the accommodation proposed is considered acceptable, in accordance with policies DM1 and DM20 of Brighton and Hove City Plan Part Two.

#### **Impact on Amenity**

- 9.33. Policy DM20 of the Brighton and Hove City Plan Part Two states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 9.34. The two units immediately adjacent to the site are in commercial use at ground floor level with residential above. To the rear (south) of the site are the rear gardens of Belgrave Place and to the east the rear gardens of Eaton Place.
- 9.35. The proposal is unlikely to lead to any significant harm to neighbouring amenity, as trips to and from the site would not increase by any significant degree and the proposed use of the property as a single dwelling would not increase noise or disturbance significantly, given the existing use of the building, and the residential and commercial character of the area.
- 9.36. The additional storey would not have a detrimental impact on neighbouring properties or the gardens to the rear of the site in terms of overshadowing due to the relatively small height increase, particularly in the context of surrounding properties, and the east/west orientation of the site. The property to the east, no. 61, features a residential unit at first floor level and a rear terrace area, but the additional storey would be sufficiently set away from the main windows of this property and the neighbouring rear terrace so that the impact is not considered to be significantly harmful or sufficient to warrant refusal of the application.
- 9.37. Whilst additional windows are proposed to the rear elevation of the property potentially providing opportunities for greater overlooking of neighbours, there is an existing window at first floor level at the rear of the property and given the relatively dense urban fabric of the area, mutual overlooking is considered

a feature of this area and no harmful views would be provided. No additional harmful views would be created as part of this application over and above the existing situation sufficient to warrant refusal.

- 9.38. The proposed development would introduce a new roof terrace to the rear. Whilst the use of the terrace may result in some noise impact due to its elevated position, given the relatively modest size of the terrace (as reduced) and the addition of other terraces within the vicinity it would not be considered so detrimental as to warrant refusal of the application. During the course of the application the terrace has been notably reduced in size, both in width and depth, and with the addition of 1.8m screening to the eastern side. This set back and screening would make it difficult to obtain direct and harmful views into habitable rooms or the rear garden spaces which are set at a significantly lower level. The property to the east, no. 61, features a rear terrace at first floor level. The proposed terrace would be partially set back from this terrace and would therefore not offer harmful view towards the occupiers of this existing terrace.
- 9.39. A site visit was undertaken to a neighbouring property to assess the impact of the proposed terrace on neighbouring amenity.
- 9.40. Concern has been raised regarding the potential overlooking of garden spaces to the rear, however these views are already achievable from the rear first floor window and neighbouring residential units at upper floor level within the row of terraces. The rear terrace has also been reduced in size to ensure there is no direct or harmful views. The terrace is discussed in detail above and it is not considered there would be an increase in overlooking or loss of privacy or harmful noise impact.
- 9.41. Overall, it is considered that the proposal would create no significant or adverse impacts or loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers and is therefore considered to be in accordance with Policy DM20 of the Brighton and Hove City Plan Part Two.

#### **Sustainable Transport**

- 9.42. The proposal is unlikely to result in a significant increase in trips due to the change of use.
- 9.43. The site is constrained and does not allow for on-site parking. The site is within Controlled Parking Zone H where the forecast parking overspill resulting from the proposed development is unlikely to have a significant impact and could be effectively managed by the controlled parking zone. Additionally, once the redundant vehicle crossover and double yellow lines are removed there will be an additional 1-2 car parking spaces available on street.
- 9.44. Given the constraints of the site it would not be practical for the provision of cycle parking at the site and it will not be requested in this instance.
- 9.45. The proposed removal of the vehicle entrance would result in the existing crossover becoming redundant and therefore a condition has been attached

for the crossover to be removed and the footway and kerb edge reconstructed and reinstated.

#### **Other Matters**

- 9.46. Given the previous use as a builder's store and the proposed alterations a condition / informative has been applied in association with contaminated land and asbestos.
- 9.47. There are communal refuse and recycling bins at Sudeley Place opposite the application which would be utilised by the new occupiers which is acceptable within this central location.
- 9.48. Private Sector Housing have highlighted that given there are no doors on the kitchen or lounge at ground floor level this could be a fire risk. However, this would be addressed and controlled through Building Regulations.
- 9.49. A number of representations have been made on this application which have been fully considered. Issues raised in relation to inaccuracies on the submitted plans / misleading use and that a full consultation has not been carried out has been addressed. The submitted plans and documents have allowed for a full assessment of the application and consultation on the planning application has been correctly carried out. A representation has commented that there may be harm to a historic rear external wall. This application does not include any works to this wall. In any case, the practicalities of the construction are not considered within an application for planning permission. Such details and reassurances between land owners can be made under the Party Wall Act.

#### **Biodiversity Net Gain**

- 9.50. 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.

#### **Conclusion**

- 9.51. The principle of the conversion of builders store with living space (sui generis) to 1no single dwellinghouse (C3) is considered acceptable and would not conflict with local planning policies of the Brighton and Hove City Plan Part One and Part Two.
- 9.52. The development is considered satisfactory in design terms and would not harmfully impact the character of the building, streetscene or character of the East Cliff Conservation Area, in accordance with policies CP12 and CP15 of the Brighton and Hove City Plan Part One and DM18 and DM26 of the Brighton and Hove City Plan Part Two.
- 9.53. The standard of accommodation proposed is considered acceptable and would not have significant or adverse impacts or cause loss of neighbouring amenity, in accordance with policies DM1 and DM20 of the Brighton and Hove City Plan Part Two.

## **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 development would not give rise to unacceptable material impact on individuals or identifiable groups with protected characteristics.
- 10.3. Access standards are not sought on conversions and therefore no equalities implications have been identified.

## **11. COMMUNITY INFRASTRUCTURE LEVY**

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