

<b><u>No:</u></b>	<b>BH2025/03004</b>	<b><u>Ward:</u></b>	<b>South Portslade Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Keasley House 10 Franklin Road Portslade BN41 1AN</b>		
<b><u>Proposal:</u></b>	<b>Conversion of existing office building (Class E) to form 3no self-contained flats (C3), including roof alterations to facilitate the erection of an additional storey with front rooflights, side and rear windows and associated alterations with retention of existing commercial building to the rear.</b>		
<b><u>Officer:</u></b>	Steven Dover, tel: 01273 291380	<b><u>Valid Date:</u></b>	11.12.2025
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	05.02.2026
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	10.03.2026
<b><u>Agent:</u></b>	Turner Associates 2D St Johns Road Hove BN3 2FB		
<b><u>Applicant:</u></b>	Portland Construction (Sussex) Ltd 36 Portland Avenue Hove BN3 5NG		

This application has been referred to Planning Committee for a decision as the applicant is a relative of a member of staff.

## 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>
Location and block plan	TA1603/06		11-Dec-25
Proposed Drawing	TA1603/20	A	05-Feb-26
Proposed Drawing	TA1603/21	A	05-Feb-26
Proposed Drawing	TA1603/22	A	05-Feb-26
Proposed Drawing	TA1603/23		11-Dec-25
Proposed Drawing	TA1603/24		11-Dec-25
Proposed Drawing	TA1603/25	A	05-Feb-26
Proposed Drawing	TA1603/26		11-Dec-25
Proposed Drawing	TA1603/27	A	05-Feb-26
Proposed Drawing	TA1603/28		11-Dec-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 dwellings hereby approved shall be implemented in strict accordance with the internal layouts detailed on the proposed floor plans listed in condition 1. The internal layouts shall be retained as first implemented thereafter.

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

4. The development hereby permitted shall not be occupied until details of secure cycle parking facilities for the occupants of, and visitors to, the development have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use 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.

5. The development hereby permitted shall not be occupied until a plan detailing the positions, height, design, materials and type of all existing and proposed boundary treatments shall has been submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be provided in accordance with the approved details prior to occupation of the development and shall thereafter be retained at all times.

**Reason:** To enhance the appearance of the development in the interest of the visual and residential amenities of the area and to comply with policies DM18 and DM21 of Brighton & Hove City Plan Part 2, and CP12 of the Brighton & Hove City Plan Part One.

6. The hard surfaces within the landscaping shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.

**Reason:** To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policies CP11 of the Brighton & Hove City Plan Part One and DM42 of City Plan Part Two

7. Notwithstanding the approved drawings, the development hereby permitted shall not be occupied until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out and provided in full in accordance with the approved details prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.

**Reason:** To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policies CP8 of the Brighton & Hove City Plan Part One, DM21 of the Brighton & Hove City Plan Part Two, and

WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.

8. The dwellings 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.
9. The development hereby approved should achieve a minimum Energy Performance Certificate (EPC) rating 'C'.  
**Reason:** To improve the energy cost efficiency of existing and new development and help reduce energy costs 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.
10. 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.
11. None of the dwellings hereby approved shall be occupied until a report and scheme for the existing and proposed soundproofing to address the potential impact of noise from the commercial uses on the proposed units has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing, the submitted scheme shall demonstrate that the maximum internal noise levels in bedrooms and living rooms in residential properties post construction will be 30 dB LAeq T (where T is 23:00 - 07:00) and 35 dB LAeq T (where T is 07:00 - 23:00). The approved scheme shall be permanently maintained thereafter. The developer shall certify to the Local Planning Authority that the noise mitigation measures agreed have been installed.  
**Reason:** To safeguard the health of future residents or occupiers of the site and to comply with policies DM40 and DM20 of the Brighton & Hove City Plan Part 2.
12. The development hereby permitted shall incorporate at least three (3) swift bricks/boxes within the external walls which 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.

13. 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.

14. Unless otherwise shown on the drawings hereby approved, 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 in the interests of the visual amenities of the area and to comply with policies DM18 of City Plan Part Two and CP12 of 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. 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 above 5m height, 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.
4. The applicant is advised that advice regarding permeable and porous hard surfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens'.
5. 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: [www.hse.gov.uk/asbestos](http://www.hse.gov.uk/asbestos).
6. 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.
7. The applicant is advised under Part S of the Building Regulations that new dwellings providing a parking space now require an EV charging point.

8. 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.
9. 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>
10. In order to be in line with Policy DM33 (Safe, Sustainable and Active Travel) cycle parking must be secure, convenient (including not being blocked in a garage for cars and not being at the far end of a rear garden), accessible, well lit, well signed, near the main entrance, by a footpath/hardstanding/driveway and wherever practical, sheltered. It should also be noted that the Highway Authority would not approve vertical hanging racks as they are difficult for many people to use and therefore not considered to be policy and Equality Act 2010 compliant. Also, the Highway Authority approves of the use of covered, illuminated, secure 'Sheffield' type stands spaced in line with the guidance contained within the Manual for Streets section 8.2.22 or will consider other proprietary forms of covered, illuminated, secure cycle storage including the Police approved Secure By Design cycle stores, "bunkers" and two-tier systems where appropriate.
11. 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.

### **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 subject site comprises a two-storey detached building located on the northern side of Franklin Road, with a car park and smaller single storey building to rear. The building is finished with a mix of red brick and render with a concrete roof and front gable feature. The last lawful use of the main property and the detached building to the rear, appears to have been as offices in Use Class E. The property is surrounded by and adjoining other properties with commercial and residential uses.
- 2.2. This building is not located within a conservation area and has no Article 4 directions restricting permitted development rights for changes from Use Class E to Use Class C3.

## **3. RELEVANT HISTORY**

- 3.1. **BH2025/02573** - Prior Approval for change of use from commercial (E) to residential (C3) to create 2no. self-contained flats. Approved 09/12/2025

## **4. APPLICATION DESCRIPTION**

- 4.1. The application seeks approval for the conversion of the existing two storey office building (E) to form 3no self-contained flats (C3) with roof alterations to enable the erection of an additional storey with front rooflights, new side and rear windows to the elevations, and associated alterations. The application also proposes the retention of the existing commercial building to the rear.
- 4.2. The plans have been amended during the course of the application, to revise the internal layout to ensure it conforms to the floorspace requirements of DM1 and to ensure that it provides suitable accommodation for future residents. The parking spaces have also been annotated to show the use for commercial and residential units. The description has also been amended to better reflect the form of development proposed, incorporating the new floor. As the amended description and plans did not alter or increase the form of development and floorspace proposed, it was not considered necessary to readvertise or reconsult with neighbouring properties.
- 4.3. It is noted that the property already has planning prior approval permission for a similar form of development under application BH2025/02573 for conversion from an office to 2 new flats with associated parking to the front. This remains extant and implementable and is considered a realistic fallback position for the principle of redevelopment from Use Class E office use to Use Class C3 residential, and therefore a material consideration in the determination of the current application.

## 5. REPRESENTATIONS

- 5.1. **Two (2)** comments received objecting, from the same party, and raising the following issues:
- The applicant has already commenced works onsite by erecting scaffolding
  - Removal of informal social infrastructure (car park)
  - Replacement Community infrastructure should be provided by way of legal agreements (football development area and access to sauna area)

## 6. CONSULTATIONS

- 6.1. **Economic Development:** No comment
- 6.2. **Environmental Health:** Comment  
Repeat conditions and comments of BH2025/02573:
- 6.3. Prior to first occupation details of noise mitigation to protect future residents from commercial noise.
- 6.4. Any contamination not previously identified should be the subject of mitigation approval measures by the LPA.
- 6.5. **Private sector housing:** No comment to make
- 6.6. **Sustainable transport:** Amendments requested  
Expect some increase in parking demand but note that the application is already providing parking to SPD14 maximum to the rear. Concerns raised regarding depth of parking to front (less than 4.5m depth) for width of crossover and request these are removed from the application. Request conditions to ensure boundary treatments and removal of existing crossover to front, to prevent use of parking spaces, to be supportable.
- 6.7. SPD14 also requires 3 cycle parking spaces for a development of this type in this location, and we would request that this provision is secured by a Cycle Parking scheme condition, should the LPA be minded to grant consent.

## 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 Local Plan 2005 (retained policies March 2016);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017, revised October 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
CP3	Employment land
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP11	Flood risk
CP12	Urban design
CP13	Public streets and spaces
CP14	Housing density

#### Brighton & Hove City Plan Part Two

DM1	Housing Quality, Choice and Mix
DM18	High quality design and places
DM20	Protection of Amenity
DM21	Extensions and alterations
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	Protecting the Water Environment
DM43	Sustainable Drainage
DM44	Energy Efficiency and Renewables

#### Supplementary Planning Documents:

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

## 9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the principle of the residential development proposed and the loss of commercial floorspace, the visual impact of the development on the character and appearance of the site and wider area, the standard of accommodation

provided for existing and future residents, impact on the amenities of neighbouring properties, and transport and sustainability issues.

### **Principle of development**

- 9.2. This application seeks to alter the property to change the existing Class E office use within the main property at the front of the site and, together with the physical alterations create three separate flats; 1x 1 bedroom and 2 x 2 bedroom dwellings. There is therefore a net gain of three residential dwellings.

### Creation of Housing

- 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 2,487 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. As such the proposed net increase of residential accommodation by the provision of three units is given increased weight.

### Loss of employment Land

- 9.7. The proposed scheme would retain the existing single storey office building to the rear of the car park, but redevelop the existing two storey office building which fronts directly onto Franklin Road. The application would result in the loss of 137 square metres of Use Class E floorspace and it is therefore appropriate to apply the policy requirements of Policy CP3.5 of the Brighton and Hove City Plan Part One relating to the loss of employment space.
- 9.8. Policy CP3 states at 3.5 that the loss of employment uses such as this will only be permitted where it can be demonstrated that the site is redundant and incapable of meeting the needs of alternative employment uses. The supporting paragraphs of Policy CP3 specify that marketing information is required to support an application to demonstrate that a premises is no longer suitable for employment use, and a test of redundancy is required. This marketing should be for a minimum period of 12 months.

- 9.9. This site is sustainably located and is considered appropriate for continuing employment use. The applicant has not provided any marketing information to support the proposed change of use application. It therefore cannot be concluded that the employment use and floorspace is genuinely redundant or unsuitable for continued use.
- 9.10. The site does not, however, lie under any designation as a protected employment site. The site is also not covered by an article 4 direction which restricts changes of use from Class E to residential C3 use under Class MA. A form of development for the conversion of the existing Class E office space to two C3 residential units has been approved under Class MA (BH2025/02573) and this scheme is still implementable with the complete loss of the existing commercial floorspace. This is considered a valid "fallback" position and is given considerable weight in the applications favour; and as such refusal of the application due to the lack of marketing is not considered sustainable on this occasion.
- 9.11. In light of the above the conversion of the principal building from Class E to C3 is considered to be acceptable in this instance.

#### **Design and Appearance**

- 9.12. The application site is a two-storey property, with a gable ended roofscape and a large ground floor front shopfront. The property is finished in a mixture of red brick and off-white rough render. The surrounding area is an eclectic mix of more contemporary buildings and altered and extended period properties with varied roofscapes including gable ended, hipped, and flat roof designs. In the context in which the building sits, it is not considered that there is any local character or vernacular that must be adhered to and the existing building is of no significance architecturally.
- 9.13. The proposed works would see the removal of the existing gable roof design and creation of an additional floor. This would be achieved by increasing the pitch of the front roofslope and removing the rear roofslope with a flat roof extension at the rear of the site. The proposal would result in a minimal change to the front elevation as it would retain a pitched roof and the existing protruding bay window with gable end over. Two small front rooflights are proposed to the front roofslope either side of the front gable feature.
- 9.14. To the side elevations the new storey would be visible with a flat roof created which extends to the rear creating the space required for Unit 3, with new windows inserted to the rear and side elevations.
- 9.15. These changes are considered to bring some harm to the appearance of the host property, especially when viewed from the eastern side, as the additional storey has a mixture of roof forms and increases bulk and massing at roof level. However, with the retention of the front pitch and the bay window (with gable over) the harm is not assessed as not so significant that refusal is warranted given that the east side elevation would only be visible in short views adjacent to the site. In relation to the streetscene and immediate surrounding area, the building sits in an area of varied design and roofscape

with flat roof examples in close proximity, so whilst the application proposes a form which is not ideal in form and massing, the proposed design is not considered to bring any significant harm to the wider public realm, or the character of the area sufficient to warrant refusal.

- 9.16. To the rear a new amenity area is proposed for the ground floor dwelling (unit 1), and a new enclosure is created for cycle storage. The remainder of the existing car park to the rear is otherwise proposed to be retained, with parking being shared for the new residential units and the existing small retained commercial building. At the front of the site parking is retained for two cars and is proposed to be accessed via the existing crossover from Franklin Road. As the parking spaces are all located in areas for which parking is currently or has previously been utilised for the same there is no overall objection to this. In relation to the front parking spaces a concern has been raised that the spaces would have a limited depth for the parking of vehicle, however it is noted that the front parking spaces could also be utilised under the approved prior approval application BH2025/02573 which is given significant weight.
- 9.17. The proposed design would cause no significant harm to the visual amenities of the host property and streetscene and brings some improvements to future occupiers over the previously approved scheme (BH2025/02573) with increased parking and a rear amenity space for one unit. The proposed development is therefore in accordance with policies CP12 of the Brighton and Hove City Plan Part One and policies DM18 and DM21 of the Brighton and Hove City Plan Part Two, and the NPPF.

#### **Impact on Amenity**

- 9.18. Policy DM20 of the City Plan Part 2 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.
- 9.19. The impact on adjacent properties and residents has been fully considered in terms of daylight, sunlight, outlook and privacy, and no significant harm has been identified. The form of the development would increase the overall size of the buildings through the ground floor extension enclosing the cycle store and with the addition of the new storey however no significant overbearing impacts or overshadowing would occur, due to the separation from surrounding buildings and no increase in overall height as the proposed new floor in the roof would be lower than the existing ridge.
- 9.20. One new window is proposed to the first floor on the east side and two new windows are proposed at second floor at the rear. The windows would introduce new elevated views over the current situation, however the area has a high degree of mutual overlooking from surrounding properties and any increase in overlooking is considered to be acceptable in this context. It is noted that the change of the floor space to residential would mean the building would be occupied at more hours than it is currently but this is not considered

to increase any harm from overlooking/disturbance to an unacceptable level over the current situation for the same reasons.

- 9.21. The rear retained office building would have no changes in the form and scale and as continuing an existing use no adverse impacts are anticipated, to surrounding residents. As located to the rear of the existing car park, with separation from the new dwellings, the same is considered to apply for future occupiers of the proposed development.
- 9.22. For the reasons above it is considered that the proposed development would have an acceptable impact upon neighbouring residents in accordance with Policy DM20 of the Brighton and Hove City Plan Part Two.

**Standard of accommodation**

- 9.23. Policy DM1 (Housing Quality, Choice and Mix) outlines the Council's objective to deliver a wide choice of high-quality homes which will contribute to the creation of mixed, balanced, inclusive and sustainable communities. Specifically, all proposals "incorporate a range of dwelling types, tenures and sizes that reflect and respond to the city's identified housing needs".
- 9.24. Policy DM1 adopts the Nationally Described Space Standards (NDSS) for assessment to the standard of accommodation. The Local Planning Authority considers both quantitative and qualitative issues raised with regards to the standard of accommodation for future occupiers.
- 9.25. The proposal would involve the creation of three (3) new units. Two (2) of these are two bedroom flats and the last is a one (1) bedroom flat . The layout of each have been amended since submission with regards to floor layouts and floorspace provided and as a result the residential units now all meet the minimum size requirements of policy DM1 of the Brighton and Hove City Plan Part Two.
- 9.26. The proposed elevations and plans show that there are sufficient window openings in all elevations to serve all habitable rooms/spaces and they would receive sufficient natural light and have an acceptable outlook.
- 9.27. Only one of the new dwellings proposed would have a private amenity area/garden (Unit 1 Ground Floor). In this specific situation the implementable Class MA approval provided no external amenity space for future residents, and this is given weight in this assessment. It is also a consideration that the site is located in close proximity to the public amenity space of Vale Park, which is located circa 200m to the west, it is considerable acceptable. In this particular instance no concerns are otherwise raised in this respect.
- 9.28. It is therefore considered that the proposed development would meet the needs of, and would provide suitable living conditions for future occupiers in accordance with Policies DM1, DM18 and DM20 of the Brighton and Hove City Plan Part Two

**Noise impacts from Commercial Premises**

- 9.29. The property is detached. The adjacent commercial premises neighbouring to the east face onto Frankin Road are in office use or retail use considered to be a low impact, so these are not considered to have any likely significant adverse impacts on future residents. To the west immediately adjacent to the site is a commercial premises which is operating as gym and shares a boundary with the application site. In this context the agent of change principle is relevant to ensure not just that the noise/disturbance impacts of this business on future residents are considered, but also that the operation of the business is not compromised in the future.
- 9.30. No details of the hours of operation of the gym have been supplied or assessed in relation to the application. It is reasonable for the LPA to assume that training classes would be taking place on these premises, with coaching and/or music, such that potential noise from the gym use could impact future residents of the development due to proximity and may give rise to complaints against the business.
- 9.31. On this basis a condition is recommended requiring a noise assessment and any mitigation measures required as a result will be required to be installed prior to first occupation of the development.

Contamination risks in relation to the building

- 9.32. The proposed works involve no breaking of the existing ground, except for creation of the new cycle and bin store to the rear, and no previous contamination/contaminating uses are recorded on council mapping. The site is a mixture of a period property and later additions/adaptions internally, so it is considered reasonable to add a condition that should any contamination be found during construction, a method statement for the remediation of the same would be submitted and approved by the LPA and then implemented as such.

**Sustainable Transport**

- 9.33. The change of use from existing offices to two C3 dwellings is unlikely to result in significantly increased trips generated from the proposed use. Therefore, it would be unlikely to generate a severe impact on the local road network.
- 9.34. The applicant is proposing five parking spaces in total, with three to the rear car park and retention of the existing crossover at the front to serve two spaces. Four of these spaces would be for the proposed residents and visitors, with one for the existing commercial unit at the rear of the car park. This meets the maximum requirements under SPD14. It is noted that transport officers have objected to the retention of the existing crossover to the front, which serves the two existing spaces, as they do not meet the depth for current car parking standards. However, considering this is an existing situation and could be implemented under the approved application BH2025/02573, it is not considered reasonable to remove the use of these spaces from the property.
- 9.35. The applicant is proposing four cycle parking spaces for this proposal, which is considered acceptable, but further details are required by condition to ensure they are suitable.

- 9.36. The applicant is proposing refuse and recycling facilities to the front of the site and rear for this development, but it is preferable that these are only provided to the rear, and a condition is recommended to be ensure details of the same are submitted and approved by the LPA.

### **Ecology**

- 9.37. Policy CP10 of the City Plan Part One and DM37 of City Plan Part Two seeks to ensure that all new development proposals conserve existing biodiversity, protecting it from the negative indirect effects of development including noise and light pollution.
- 9.38. 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. A condition requiring the installation of a bee brick and a swift brick will be attached to improve ecology outcomes on the site in accordance with the Policy CP10 of the Brighton & Hove City Plan Part One, DM37 of City Plan Part Two and Supplementary Planning Document SPD11 Nature Conservation and Development.

### **Biodiversity Net Gain**

- 9.39. 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.

### **Sustainability**

- 9.40. Policy DM44 requires converted residential buildings to achieve, as a minimum, an Energy Performance Certificate (EPC) rating 'C'. 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. These energy efficiency measures are recommended to be secured by condition.

### **Other matters**

- 9.41. It has been raised in objections received that the applicant has already commenced works onsite and the application is therefore part-retrospective. The applicant has confirmed they have erected scaffolding onsite and started investigations in respect of the structure of the building, but not commenced any works related to this application, or the previous approved application BH2025/02573.
- 9.42. Objections have also been made regarding the loss of "social infrastructure" and replacement of this loss. The current site contains no community facilities, and the car park area is private with no community use agreed according to the applicant. It may well be that the car park area has been used by surrounding residents for football and an informal play area, when not in use by the offices, but this was not under any agreement or license. Therefore, no loss of community/social facility is considered to result as a consequence of the application and no replacement facilities are required.

### **Conclusion**

- 9.43. The design approach of the proposal would result in no significant harm to the appearance and character of the property or the wider area. The proposal would provide much needed new residential units which weighs considerably in its favour in consideration of the shortfall of housing provision in the City. The living conditions of future occupiers would be acceptable and the amenity impacts on neighbours are considered to result in no significant harm over the existing situation.
- 9.44. The loss of employment space is acceptable taking account of the realistic fallback position to implement the scheme approved under BH2025/02573. On balance and for the foregoing reasons the proposal is in accord with policies CP12 of the Brighton and Hove City Plan Part One, and DM1, DM18, DM20, DM21 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 proposal would not give rise to unacceptable material impact on individuals or identifiable groups with protected characteristics.
- 10.3. The development plans show the dwellings have stepped access which would be more difficult for those who have restricted mobility or visibility. Considering the layout and streetscene, full compliance with Building Regulations M4(2) is unlikely to be achievable in any event, without alterations to the front façade, and layout which is not desirable.

## **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.

