

<u>No:</u>	BH2026/01171	<u>Ward:</u>	Westbourne & Poets' Corner Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	6 Westbourne Place Hove BN3 4GN		
<u>Proposal:</u>	Proposed replacement rear extension and external alterations to the principal elevation at ground floor level, plus insertion of 2no. dormers within the front and rear roof slopes to enable the conversion of the existing retail unit (Class E(a)) with ancillary workshop to a coffee shop (Class E(b)) at ground floor level, and conversion of first floor ancillary office space and roof space to 1no. flat (Class C3).		
<u>Officer:</u>	Oliver Redmond, Tel: 01273 296989	<u>Valid Date:</u>	08.05.2026
<u>Con Area:</u>	Sackville Gardens	<u>Expiry Date:</u>	03.07.2026
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	07.09.2026
<u>Agent:</u>	Wilbury Planning Ltd Suite 12 Second Floor Vantage Point Brighton & Hove BN1 4GW		
<u>Applicant:</u>	Mrs H. Barber & Ms E. Barber Suite 12 Second Floor Vantage Point Brighton & Hove BN1 4GW		

1. RECOMMENDATION

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

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Location and block plan	2627.LP01		08-May-26
Proposed Drawing	2627.PL02		08-May-26
Proposed Drawing	2627.PL03		08-May-26
Proposed Drawing	2627.PL04		08-May-26
Proposed Drawing	2627.PL05	A	09-Jul-26
Proposed Drawing	2627.PL06	A	09-Jul-26
Proposed Drawing	2627.PL07	A	17-Aug-26
Detail	Separating Floor Detail Type 1		08-May-26
Detail	Separating Floor Detail Type 2		08-May-26

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. 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, DM21 and DM26 of City Plan Part Two and CP12 and CP15 of City Plan Part One.
4. No customers shall remain on the premises outside the hours of 07:00 to 17:00 Mondays to Fridays and 08:00 to 16:00 on Saturdays, Sundays, Bank and Public Holidays.
Reason: To safeguard the amenities of nearby occupiers and the locality and to comply with Policies DM20 and DM40 of the Brighton & Hove City Plan Part Two.
5. The rear garden area shall not be open to customers outside the hours of 10:00 to 17:00 Mondays to Fridays and 10:00 to 16:00 on Saturdays, Sundays, Bank and Public Holidays.
Reason: To safeguard the amenities of nearby occupiers and the locality and to comply with Policies DM20 and DM40 of the Brighton & Hove City Plan Part Two.
6. Prior to the first use of the premises as a coffee shop hereby approved, the extraction and ventilation system, including all associated acoustic attenuation, anti-vibration mounts and flexible connections, shall be installed in full accordance with the specifications and mitigation measures set out in the submitted Noise Impact Assessment EV2620-01-B, received on the 8th May 2026. The approved system shall thereafter be retained and maintained in effective working order.
Reason: To safeguard the amenities of existing and future occupiers from noise, vibration and odour, in accordance with Policies DM20 and DM40 of the Brighton & Hove City Plan Part Two.
7. The dwelling hereby permitted shall not be occupied until the separating-floor construction between the commercial premises and residential accommodation has been installed in full accordance with the specifications and mitigation measures set out in the submitted Noise Impact Assessment EV2620-01-B, and as illustrated in the supporting detail drawings, received on the 8th May 2026. The approved construction shall thereafter be retained.
Reason: To ensure an acceptable standard of accommodation for future occupiers of the dwelling, in accordance with Policies DM1, DM20 and DM40 of the Brighton & Hove City Plan Part Two.

8. At least one bee brick shall be incorporated within the external wall of the development hereby approved and shall be retained thereafter.
Reason: To enhance biodiversity, in accordance with Policy CP10 of the Brighton & Hove City Plan Part One, Policy DM37 of the Brighton & Hove City Plan Part Two and SPD11.
9. Prior to the first use of the development hereby permitted, the hard surfaces within the rear external area shall be constructed using porous or permeable materials, or provision shall be made to direct surface-water run-off to a permeable or porous area within the curtilage of the property. The approved arrangement shall thereafter be retained.
Reason: To reduce the risk of flooding and pollution and increase the sustainability of the development, in accordance with Policies CP8 and CP11 of the Brighton & Hove City Plan Part One, Policies DM42 and DM43 of the Brighton & Hove City Plan Part Two and SPD16: Sustainable Drainage.
10. The development hereby approved shall 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.

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 and preferably adjacent to pollinator friendly plants.
3. The applicant is advised that this planning permission does not grant any consent or licence required for the awning to project over the public highway. The necessary approval should be obtained from the Highway Authority before installation.

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 relates to 6 Westbourne Place, Hove, a two-storey terraced property located on the eastern side of Westbourne Place, within the Sackville Gardens Conservation Area. The property was most recently occupied by Pyromania Fireplaces Ltd as a retail showroom (Class E(a)) with ancillary workshop accommodation at basement level and ancillary office accommodation at first floor level. The premises are currently vacant.
- 2.2. Westbourne Place is characterised by a predominantly Victorian terrace comprising a mix of residential and commercial uses. The application site occupies a sustainable location within walking distance of local services and facilities, public transport routes, and Hove seafront.

3. RELEVANT HISTORY

- 3.1. **BH2025/02104** - Non-material amendment to application BH2023/01956 to erect single storey rear extension and creation of loft room with front rooflight and rear dormer. Pending Consideration.
- 3.2. **BH2025/01710** - Application for approval of details reserved by Condition 3 (land contamination) of application BH2023/01956. Approved 16.09.2025.
- 3.3. **BH2023/01956** - Part change of use of existing showroom, workshop, storage and office (Class E) to one three-bedroom dwelling (Class C3) with associated fenestration alterations. Approved 27.11.2023.

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for the change of use of the existing retail unit (Class E(a)) with ancillary workshop to a coffee shop (Class E(b)) at ground floor level, together with the conversion of the existing first floor ancillary office accommodation and roof space to form one self-contained two-bedroom dwelling (Class C3). The application includes the replacement and enlargement of the existing rear extension to extend approx. 7m in depth with a height of 3.2m on the western side which would be white render with anthracite fenestration. Other alterations proposed include the insertion of one dormer within the front roof slope and one dormer within the rear roof slope to facilitate the proposed dwelling. The dormers would be slate clad to match the principal roof.
- 4.2. During the course of the application the proposed front rooflight was removed from the scheme following heritage advice.

5. REPRESENTATIONS

- 5.1. **Twenty-nine (26)** representations have been received in support of the application for the following reasons;
- Brings a long-vacant premises back into active use.
 - Supports an independent local business.
 - Improves the vitality and viability of the local area.
 - Provides an additional community facility within walking distance
 - Represents an appropriate reuse of an existing building.
 - Delivers an additional dwelling in a sustainable location.
 - Proposal is sympathetic to the character of the building and conservation area improving the appearance.
 - The coffee shop would contribute positively to the local economy and sense of community.
 - Opening hours are considered appropriate, and
 - The proposal would increase natural surveillance and activity within the street.
- 5.2. **Nine (9)** representations have been received objecting to the application for the following reasons;
- Loss of an existing specialist retail premises.
 - Potential noise and disturbance arising from customers, outdoor seating and servicing.
 - Impact of kitchen extraction equipment.
 - Impact upon neighbouring residential amenity.
 - Harm to the character and appearance of the Sackville Gardens Conservation Area.
 - Concerns regarding parking and servicing.
 - Loss of privacy and overlooking, and
 - Concern regarding precedent for further changes of use.

6. CONSULTATIONS

Internal

6.1. **Heritage – (Verbal) – No Objection**

The Council's Heritage Officer provided verbal comments during the course of the application. The proposed front dormer was acknowledged as not being the preferred heritage outcome but was not considered to warrant objection given the surrounding context. Concern was raised regarding the proposed conservation-style rooflight within the front roof slope, and it was recommended that this element be removed.

External

6.2. **Conservation Advisory Group (CAG) - Approve**

The Applicant's Design and Access Statement demonstrates a clear understanding of the conservation area, and the setting, recommend re-visiting

the proportions of the window openings in the rear box dormer. Note that there is no planning history associated with the front dormer at 4 Westbourne Place.

- 6.3. Full details of consultation responses received can be found online on the planning register, with the exception of the verbal responses noted above.

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 this report.
- 7.2. The development plan comprises:
- 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 (adopted October 2019).

8. RELEVANT POLICIES & GUIDANCE

National Planning Policy Framework (2024)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development

CP1 Housing Delivery

CP2 Sustainable Economic Development

CP3 Employment Land

CP8 Sustainable Buildings

CP9 Sustainable Transport

CP10 Biodiversity

CP12 Urban Design

CP15 Heritage

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

DM23 Shopfronts

DM26 Conservation Areas

DM33 Safe, Sustainable and Active Travel

DM36 Parking and Servicing

DM37 Green Infrastructure and Nature Conservation

DM40 Protection of the Environment and Health - Pollution and Nuisance

DM43 Sustainable Drainage
DM44 Energy Efficiency and Renewables

Supplementary Planning Documents

SPD02 Shop Front Design
SPD03 Construction & Demolition Waste
SPD07 Advertisements
SPD09 Architectural Features
SPD11 Nature Conservation & Development
SPD12 Design Guide for Extensions and Alterations
SPD14 Parking Standards

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the principle of the proposed mixed-use development, the design of the proposed alterations and their impact upon the character and appearance of the host building and the Sackville Gardens Conservation Area, the standard of accommodation provided for future occupiers, the impact upon neighbouring amenity, including noise, disturbance, privacy and outlook, and matters relating to highways, access, servicing, cycle parking, sustainability and biodiversity.

Principle of the Development

Commercial Use

- 9.2. The application proposes the change of use of the existing ground floor retail unit (Class E(a)) with ancillary workshop space to a coffee shop (Class E(b)). Both the existing and proposed uses fall within Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended) and therefore the proposal would remain within the same use class and be otherwise considered as lawful. Whilst planning permission is required in this instance by virtue of the associated operational developments and the creation of a residential unit above, the principle of the proposed commercial use is considered acceptable.
- 9.3. Policy CP2 of the Brighton & Hove City Plan Part One supports proposals that contribute towards maintaining and enhancing the city's economy, whilst Policy CP3 seeks to safeguard employment floorspace unless it can be demonstrated that its continued employment use is no longer appropriate or viable. In this case, the proposal would retain an active commercial use at ground floor level, maintaining employment-generating floorspace and an active frontage within Westbourne Place. Although the existing ancillary office accommodation at first floor level would be lost to facilitate the proposed residential conversion, officers are satisfied that this ancillary floorspace is no longer required to support the proposed ground floor use and does not comprise a primary employment use in its own right. Additionally, a marketing report has been submitted with the application and considers that the remaining first floor office space would be largely unviable as stand-alone commercial office space and outlines a number of reasons as to why this would be the case. Matters cited reference the lack of any independent access to the unit together with a layout that is not functional, required maintenance and improvement costs and market supply leading to the

conclusion that the office space would be unviable to be retained as an individual unit.

- 9.4. The site has remained vacant since the previous occupier ceased trading and the proposal would secure the continued active commercial use of the premises through an alternative Class E use that is compatible with the mixed commercial and residential character of the surrounding area. The proposal would therefore accord with the objectives of Policies CP2 and CP3 of the Brighton & Hove City Plan Part One.

Residential Use

- 9.5. 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%.
- 9.6. 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.
- 9.7. 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).
- 9.8. The proposal would convert the existing ancillary office accommodation and roof space to provide one self-contained two-bedroom dwelling. The Council cannot currently demonstrate a five-year housing land supply, and the proposed dwelling would make a modest contribution towards meeting housing need in a sustainable location.
- 9.9. Residential use of the building has previously been accepted through permission BH2023/01956. Although each application must be determined on its own merits, this earlier permission establishes that residential use is acceptable in principle. Subject to the detailed considerations assessed below, the residential element of the proposal is considered acceptable.

Design and Appearance, including Impact on Heritage Features

- 9.10. 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.

- 9.11. 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”.
- 9.12. In determining applications within conservation areas, the Council must pay special attention to the desirability of preserving or enhancing their character or appearance. This statutory duty must be given considerable importance and weight.
- 9.13. The site is considered to make a positive contribution to the Sackville Gardens Conservation Area. The proposal would retain and refurbish the traditional shopfront, with only modest alterations to accommodate the proposed coffee shop use. This would preserve the proportions and detailing of the principal elevation and maintain an active commercial frontage.
- 9.14. The proposed principal elevation would also incorporate a retractable awning positioned beneath the fascia. The awning would be modest in scale and appropriately integrated with the retained traditional shopfront, without obscuring the pilasters or other architectural detailing. Its traditional form would be compatible with the character of the host building and would preserve the character and appearance of the conservation area. Any lettering or signage displayed on the awning may require separate advertisement consent and does not form part of the assessment of this application.
- 9.15. To the rear, the existing single-storey extension would be replaced and the two-storey outrigger retained and extended. Although larger than the existing additions, the proposed works would remain subordinate to the host building, have limited public visibility and provide a more coherent rear composition.
- 9.16. Concerns were raised by the Heritage Officer regarding the proposed front dormer. However, having regard to its proportions, detailing and materials, together with the existing dormer at No. 4 as part of the surrounding streetscene context, it was ultimately considered acceptable. The proposed front rooflight was omitted during the application following Heritage advice, reducing visual clutter and incongruity within the principal roof slope.
- 9.17. The rear dormer would be centrally positioned, set approximately 550mm below the ridge and substantially narrower than the existing 5.9m wide dormer at No. 4. It would therefore remain subordinate to the host roof and represent a restrained addition to the rear roofscape. Although the Conservation Area Advisory Group have raised a concern with regards to the window proportions, an approval was recommended overall and given the style and form of the rear dormer, the window is considered acceptable. The proposed rear dormer would measure approximately 3.6m wide, 2m deep and 1.9m high. It would be centrally positioned, set approximately 550mm below the ridge and substantially narrower than the existing 5.9m wide dormer at No. 4. It would therefore remain subordinate to the host roof and represent a restrained addition to the rear roofscape. It is noted that the rear dormer proposed is not of a traditional form however due to the presence of the directly neighbouring dormer and other modern and flat roofed elements in the immediate vicinity the rear dormer is not

considered to cause demonstrable harm to the streetscene or wider character of the area in this instance.

- 9.18. Measuring approximately 2.8m in depth, 2.4m in width and 2m from the roof slope to its apex, the proposed front dormer would remain consistent with the established architectural language of the terrace reflecting the adjacent and existing front dormer to the neighbouring property at 4 Westbourne Place.
- 9.19. The dormers would be clad in slate to match the principal roof, which is secured via condition.
- 9.20. The proposal would preserve the character and appearance of the host property and the Sackville Gardens Conservation Area and would accord with Policies CP12 and CP15 of City Plan Part One and Policies DM18, DM21, DM23 and DM26 of City Plan Part Two.

Standard of Accommodation

- 9.21. Policy DM1 of the Brighton & Hove City Plan Part Two requires new residential development to provide a high standard of accommodation suitable for the intended number of occupants. This includes sufficient internal space, a functional layout and adequate levels of natural light, ventilation, outlook and privacy.
- 9.22. The proposal would provide a two-bedroom, three-person dwelling arranged across the first and second floors. The dwelling would have an overall internal floor area of approximately 86sqm, comprising approximately 66sqm at first-floor level and 20sqm at second-floor level. It would therefore exceed the Nationally Described Space Standard (NDSS) requirement of 70sqm for a two-bedroom, three-person dwelling arranged over two storeys.
- 9.23. The first floor would contain a kitchen/living/dining room measuring approximately 31sqm, a single bedroom measuring approximately 13sqm and a shower/WC room.
- 9.24. The second-floor double bedroom, with en-suite would measure approximately 16sqm overall. Its principal usable area would provide approximately 11.6sqm of floorspace with a consistent floor to ceiling height of approximately 2.28m and a minimum width of approximately 2.6m (from ensuite wall to start of pitch ceiling). The remaining area would sit beneath the pitched roof and have more restricted headroom.
- 9.25. The bedroom would therefore meet the NDSS minimum floor area requirement for a double bedroom, although its usable width would fall marginally below the minimum standard of 2.75m. Given the adequate headroom and functional arrangement of its principal usable area, together with the dwelling's generous overall internal floorspace, storage provision, natural light and outlook, this limited shortfall would not result in an unacceptable standard of accommodation.
- 9.26. The dwelling would have an independent entrance and internal circulation separated from the principal customer areas of the coffee shop.

- 9.27. No private external amenity space would be provided for the dwelling. This represents a shortfall against the general objectives of Policy DM1. However, due to the inherent site constraints, it is noted that the provision of a garden, balcony or terrace would be difficult to achieve without potentially harmful alterations or impacts on neighbouring amenity. The site is also located within a seven-minute walk from the seafront and public open space. In this particular context, the absence of private external amenity space would not result in an unacceptable standard of accommodation such to warrant refusal.
- 9.28. Overall, the proposed dwelling would provide a suitably arranged, well-lit and functional living environment for future occupiers and would comply with Policy DM1 of the Brighton & Hove City Plan Part Two.

Impact on Amenity

- 9.29. The existing two-storey rear outrigger would be retained and extended approximately 1.8m further into the rear garden. Its proposed height would be approximately 6m, compared with its existing height of approximately 6.1m, representing a reduction of approximately 100mm.
- 9.30. The extended outrigger would align in depth with the existing outrigger at No. 8 Westbourne Place. Given its limited additional depth, slightly reduced height and relationship with the adjoining built form, it would not result in an unacceptable loss of daylight, sunlight or outlook, or appear unduly overbearing to neighbouring occupiers.
- 9.31. The existing single-storey rear extension would be demolished and replaced with an extension approximately 6.6m in depth, representing an increase of approximately 2.6m, and approximately 3.2m in height, compared with the existing height of approximately 3m.
- 9.32. No. 4 Westbourne Place (adjacent to the west) has an existing single-storey extension abutting the shared boundary, which would screen the impacts of most of the proposed extension. The proposal would project approximately 1.9m beyond the rear elevation of No. 4's extension, with this section rising approximately 1.5m above the existing 1.6m-high boundary wall. Although this would introduce some additional enclosure when viewed from No. 4's garden, the exposed section would be limited to 1.9m in length and would remain single storey. It would therefore not appear unduly overbearing or result in an unacceptable loss of daylight, sunlight or outlook.
- 9.33. The proposed front and rear dormer windows would not introduce materially greater overlooking than the existing upper floor windows and the relationships typical of the surrounding terrace. The front dormer would face the public highway, while views from the rear dormer would be typical of upper floor residential accommodation within this closely developed urban setting.
- 9.34. The operational effects of the coffee shop, external seating area and extraction equipment are considered below. Subject to the conditions imposed, the proposal would not cause significant harm to the amenities of neighbouring

occupiers and would comply with Policies DM20 and DM40 of the Brighton & Hove City Plan Part Two.

Noise and Disturbance

- 9.35. The proposal has the potential to generate noise and disturbance through the operation of the coffee shop, use of the external seating area and kitchen extraction equipment. Consideration must also be given to the relationship between the commercial premises and the proposed dwelling above.
- 9.36. The proposed opening hours are 07:00 to 17:00 Monday to Friday and 08:00 to 16:00 on Saturdays, Sundays, Bank and Public Holidays. These are daytime hours and, having regard to the modest scale of the premises and its established commercial use, are considered appropriate. A condition secures these hours in order to safeguard neighbouring residential amenity.
- 9.37. A Noise Impact Assessment has been submitted in support of the application. An unattended survey undertaken over six days established a representative daytime background sound level of 39dB LA90, 15min during the proposed operating hours.
- 9.38. The proposed kitchen extraction system would comprise an internally located cased axial fan, acoustic attenuators and internal ductwork terminating above roof level. The submitted noise assessment, undertaken in accordance with BS 4142, predicts that the rating level of the extraction equipment would remain below the representative daytime background sound level. The resulting impact upon nearby noise-sensitive premises is therefore assessed as low.
- 9.39. The assessment recommends the use of anti-vibration mounts, flexible connections and the avoidance of rigid connections between the extraction equipment and the building structure to minimise structure-borne noise and vibration. A condition secures the installation of the extraction system and associated acoustic mitigation in accordance with the submitted specifications before the coffee shop is first brought into use, and their retention thereafter.
- 9.40. The modest external seating area has been assessed on the cautious assumption that it would accommodate five customers. Predicted noise levels at the nearest residential receptors would range from approximately 41dB to 46dB LAeq,1hr, below the adopted external amenity benchmark of 50dB LAeq. Given the limited scale of the seating area and the proposed daytime opening hours, its use would not be likely to result in unacceptable noise or disturbance. It is also considered and given weight that the existing use of the building would not prevent the change of use to coffee shop, and the external space could, theoretically, be utilised as part of any lawful change of use. Given this fallback position it is considered that it would be unreasonable to withhold planning permission on this basis. Concerns received in representations regarding the use of this external area are noted and a planning condition is recommended to ensure that the amenity of neighbouring occupiers is sufficiently protected.
- 9.41. The proposed dwelling would be located directly above the coffee shop. The Noise Impact Assessment proposes an enhanced separating-floor construction

comprising acoustic insulation between the existing timber joists, resilient acoustic isolation components and two layers of staggered and sealed sound-grade plasterboard. The proposed construction is designed to achieve sound insulation exceeding the minimum requirements of Approved Document E and would provide an appropriate standard of amenity for future occupiers.

- 9.42. Subject to the recommended conditions, the proposed coffee shop, external seating and extraction equipment would not result in unacceptable noise, vibration or disturbance to existing or future occupiers. The proposal is therefore considered to comply with Policies DM20 and DM40 of the Brighton & Hove City Plan Part Two.

Sustainable Transport & Refuse

- 9.43. The site is located in a sustainable urban location with good access to local services, public transport and the surrounding pedestrian and cycle network. The proposal would retain a commercial use at ground-floor level and provide one dwelling above. Having regard to the former retail use with ancillary workshop and office accommodation, the development would not result in a significant intensification of the site or a material increase in vehicle movements.
- 9.44. No off street car parking is proposed. However, given the sustainable location of the site and the modest scale of the commercial and residential uses, this is considered acceptable and would not result in an unacceptable impact upon highway safety or the surrounding highway network.
- 9.45. The proposed awning would project above the adjoining footway. SPD02 advises that blinds and awnings should provide a minimum clearance of 2.4m above footway level at their lowest point and should not cause obstruction or danger to pedestrians. The submitted elevation indicates that sufficient clearance would be maintained above the footway and, by virtue of its elevated and retractable form, the awning would maintain safe and unobstructed pedestrian movement. It would therefore not result in an unacceptable impact upon highway safety. Any separate consent or licence required for a projection over the public highway would remain necessary.
- 9.46. No dedicated cycle parking is proposed. While this represents a shortcoming, the constrained nature of the site and the provision of only one dwelling are acknowledged. Given the site's accessible location and the availability of alternative sustainable modes of travel, the absence of cycle parking would not, on balance, justify refusal of the application.
- 9.47. Refuse and recycling storage would be located at the rear of the site within the lane, consistent with both the existing and proposed arrangements. This location is considered suitable and would allow collections to continue without obstructing the highway.
- 9.48. The servicing requirements of the coffee shop would be limited and could be accommodated using the existing arrangements without materially obstructing the highway.

- 9.49. Overall, the proposal is considered acceptable in transport terms and would not result in an unacceptable impact upon highway safety or the operation of the surrounding highway network, in accordance with Policy CP9 of the Brighton & Hove City Plan Part One and Policies DM33 and DM36 of the Brighton & Hove City Plan Part Two.

Sustainability

- 9.50. The proposal would reuse and refurbish an existing building in a sustainable urban location, making efficient use of previously developed land and the existing building fabric. The proposal is therefore considered acceptable in sustainability terms and would comply with Policy CP8 of the Brighton & Hove City Plan Part One.

Other Matters Raised in Representations

- 9.51. Concerns regarding noise, disturbance, extraction equipment, overlooking and the effect of the rear extensions upon neighbouring amenity have been addressed in the relevant sections above.
- 9.52. Objections have also been raised regarding the loss of the existing specialist retail business. The application relates to the use of the premises rather than the identity of its current or future occupier, and the personal circumstances of an individual business are not determinative of the application. Both the existing retail use and proposed coffee shop fall within Class E, and the principle of retaining an active commercial use at ground-floor level is considered acceptable for the reasons set out above.
- 9.53. Each planning application must be determined on its own merits having regard to the development plan and other material considerations. Approval of this application would not therefore establish a precedent requiring other proposals to be determined in the same manner.

10. CONCLUSION

- 10.1. The proposed development would retain an active commercial use at ground-floor level and provide an additional dwelling through the effective reuse and alteration of the existing building. The works would preserve the character and appearance of the Sackville Gardens Conservation Area and provide an acceptable standard of accommodation without causing significant harm to neighbouring amenity, highway safety or environmental health.

11. BIODIVERSITY NET GAIN

- 11.1. The applicant states that the development is exempt from the mandatory biodiversity net gain requirement under the de minimis exemption. The works would be confined to the existing building and hard surfaced areas and would not affect any priority habitat, onsite habitat with biodiversity value exceeding 25sqm, or more than 5m of linear habitat. The de minimis exemption is therefore considered to apply.

12. EQUALITIES

12.1. 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.

12.2. 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.

12.3. The proposed coffee shop would include an accessible WC. Officers have considered the information provided by the applicant, together with consultation responses and representations received and consider that the proposal would not give rise to any unacceptable material impact upon individuals or identifiable groups with protected characteristics.

13. CLIMATE CHANGE AND BIODIVERSITY

13.1. The proposal would reuse and adapt an existing building in a sustainable urban location, reducing the need for more resource-intensive redevelopment. The use of permeable paving within the rear external area - in place of the current concrete hardstanding - would assist with surface water management.

13.2. The development would not affect any identified trees, priority habitat or designated ecological site. Having regard to the nature and scale of the works, the proposal would not result in any significant adverse climate-change or biodiversity impacts.

14. COMMUNITY INFRASTRUCTURE LEVY

14.1. Under the Regulations of the Community Infrastructure Levy 2010 (as amended), Brighton & Hove City Council adopted its Community Infrastructure Levy Charging Schedule on 23 July 2020 and began charging on 5 October 2020. The development is CIL liable. The precise amount payable will be calculated and confirmed separately following the grant of planning permission.

