

<u>No:</u>	BH2025/02689	<u>Ward:</u>	West Hill & North Laine Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	1 Barrack Yard Brighton BN1 1YA		
<u>Proposal:</u>	Conversion and extension of existing building to provide 11no. flats for temporary accommodation. Alterations to fenestration. Provision of refuse and cycle storage building, communal external space and associated landscaping.		
<u>Officer:</u>	Steven Dover, tel: 01273 291380	<u>Valid Date:</u>	05.12.2025
<u>Con Area:</u>	North Laine	<u>Expiry Date:</u>	06.03.2026
<u>Listed Building Grade:</u>	Setting of Grade II	<u>EOT:</u>	14.10.2026
<u>Agent:</u>	Mr Henry Wagstaff Suite 12 Second Floor Vantage Point Brighton & Hove BN1 4GW UK		
<u>Applicant:</u>	Brighton & Hove City Council Suite 12 Second Floor Vantage Point Brighton & Hove BN1 4GW UK		

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	001	B	13-Apr-26
Location and block plan	002	B	13-Apr-26
Proposed Drawing	150	C	21-Sep-26
Proposed Drawing	151		04-Nov-25
Proposed Drawing	152		04-Nov-25
Proposed Drawing	153	B	20-Jun-26
Proposed Drawing	154	B	20-Jun-26
Proposed Drawing	200	D	20-Jun-26
Proposed Drawing	004	B	13-Apr-26
Proposed Drawing	210	D	20-Jun-26
Proposed Drawing	211	D	20-Jun-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. Notwithstanding any details shown on the approved plans, no development above ground floor slab level of any part of the development hereby permitted shall take place until details of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):
 - a) Samples/details of all brick, render and tiling (including details of the colour of render/paintwork to be used)
 - b) samples/details of all cladding to be used, including details of their treatment to protect against weathering
 - c) samples/details of all hard surfacing materials
 - d) samples/details of the proposed window, door and balcony treatments including sections at a scale of not less than 1:5.
 - e) samples/details of all other materials to be used externally
 Development shall be carried out in accordance with the approved details. For the avoidance of any doubt, the windows shall be of timber material.
Reason: To ensure a satisfactory appearance to the development and to comply with policies DM18, DM29 and DM26 of Brighton & Hove City Plan Part 2 and CP12 and CP15 of the Brighton & Hove City Plan Part One.

4. Notwithstanding the approved plans, prior to first occupation of the development hereby permitted, details of the refuse and recycling storage facilities for the development shall 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 the provision of satisfactory facilities for the storage of refuse and recycling and to comply with Policies DM18 and DM21 of Brighton & Hove City Plan Part 2, policy CP8 of the Brighton & Hove City Plan Part One and Policy WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.

5. The dwellings hereby approved shall be implemented in strict accordance with the internal layouts detailed on the proposed floorplans 151 and 152 received on 4th November 2025, and 153 rev B received on 20th July 2026. 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

6. The hard surface of the external 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 CP8 & CP11 of the

Brighton & Hove City Plan Part One and DM42 and DM43 of the Brighton & Hove City Plan Part Two and SPD16: Sustainable Drainage.

7. Prior to occupation of the development hereby permitted, a scheme for hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be implemented in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. The scheme shall include the following:
- a. details of all hard and soft surfacing to include the type, position, design, dimensions and materials and any sustainable drainage system used;
 - b. a schedule detailing sizes and numbers/densities of all proposed trees/plants and details of tree pit design, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period;
 - c. details of all boundary treatments to include type, position, design, dimensions and materials;

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

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to provide ecological and sustainability benefits, to comply with policies DM22, DM26 and DM37 of Brighton & Hove City Plan Part 2, and CP8, CP10, CP12, CP15 and CP13 of the Brighton & Hove City Plan Part One.

8. The development hereby permitted shall not be first occupied until:
- i) details of external lighting, which shall include details of; levels of luminance, hours of use, predictions of both horizontal illuminance across the site and vertical illuminance affecting immediately adjacent receptors, hours of operation and details of maintenance have been submitted to and approved in writing by the Local Planning Authority.
 - ii) the predicted illuminance levels have been tested by a competent person to ensure that the illuminance levels agreed in part 1 are achieved. Where these levels have not been met, a report shall demonstrate what measures have been taken to reduce the levels to those agreed in part i).

The external lighting shall be installed, operated and maintained in accordance with the approved details and thereafter retained.

Reason: To safeguard the amenities of the occupiers of adjoining properties and protect biodiversity to comply with policies DM20, DM37, CP10 and DM40 of Brighton & Hove City Plan.

9. The development hereby approved shall achieve a minimum Energy Performance Certificate (EPC) rating 'C' for conversion and change of use to residential.

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. None of the residential units hereby approved shall be occupied until each residential unit built has achieved as a minimum, a water efficiency standard of not more than 110 litres per person per day maximum indoor water consumption.
Reason: To ensure that the development is sustainable and makes efficient use of water to comply with policy CP8 of the Brighton & Hove City Plan Part One.
11. No development above ground floor slab level of any part of the development hereby permitted shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods have been submitted to and approved in writing by the Local Planning Authority. This shall include management and maintenance details. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details. The development shall subsequently be implemented, managed and maintained in accordance with the approved scheme. No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the Local Planning Authority.
Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to comply with policies DM41, DM42 and DM43 of the Brighton & Hove City Plan Part Two and CP11 of the Brighton & Hove City Plan Part One and SPD16: Sustainable Drainage.
12. The development hereby permitted shall not be occupied until a written scheme has been submitted to the local planning authority for written approval which demonstrates how and where ventilation (including cooling and heating as required) will be provided to each flat within the development including specifics of where the clean air is drawn from and that sufficient acoustic protection is built into the system to protect end users of the development. The approved scheme shall ensure compliance with Building Regulations as well as suitable protection in terms of air quality and shall be implemented before occupation and retained thereafter.
Reason: To safeguard the amenities of the occupiers of the development and to comply with policies DM1, DM20 and DM40 of Brighton & Hove City Plan Part 2.
13. The development hereby permitted shall be carried out in full accordance with the recommendations within the Noise Impact Assessment (EV2545 01 C), submitted by Evolved Acoustics dated the 23rd of February 2026 received on 13th April 2026, including but not limited to:
- Installation of acoustic glazing and secondary glazing to achieve the sound insulation values specified in the report.
 - Provision of an appropriate mechanical ventilation system to all habitable rooms where reliance on closed windows is required.
 - Controls to ensure the noise level from any mechanical ventilation or associated plant does not cause internal noise levels within habitable rooms to exceed the World Health Organisation (WHO) recommended guideline values, namely:
 - 35 dBA for living rooms during the daytime, and
 - 30 dBA for bedrooms at night.

All noise mitigation measures shall be installed prior to first occupation of the development and thereafter be retained as such.

Reason: To safeguard the amenities of prospective occupiers of the development and to comply with policies DM1, DM20 and DM40 of Brighton & Hove City Plan Part 2.

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

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

15. No development, including demolition, shall take place until a Construction and Demolition Environmental Management Plan (CDEMP) has been submitted to and approved in writing by the Local Planning Authority. The CDEMP shall include:

- (i) Timescales for the Proposed Development including details of any phases and the forecasted completion date;
- (ii) Details of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded and contact details (including details of any considerate constructor or similar scheme);
- (iii) Measures to minimise disturbance to neighbours regarding issues such as noise and dust management, vibration, site traffic, and deliveries to and from the site;
- (iv) Measures to prevent mud/dust from tracking onto the highway;
- (v) Details of hours of construction/demolition including all associated vehicular movements;
- (vi) Details of the construction/demolition compound including plant and material storage and manoeuvring areas;
- (vii) Details of the type, height and siting of any construction/demolition hoardings and boundary treatments;
- (viii) A plan showing construction traffic routes and details of any traffic management/signage;
- (ix) Details of site waste management.

The construction/demolition of the development shall be carried out in full compliance with the approved CDEMP.

Reason: As this matter is fundamental to the protection of amenity, highway safety and managing waste throughout development works and to comply with policies DM20, DM33 and DM40 of Brighton & Hove City Plan Part 2, policy CP8 of the Brighton & Hove City Plan Part One, and WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 and Supplementary Planning Document 03 Construction and Demolition Waste.

16. Unless otherwise agreed in advance and in writing with the Local Planning Authority, works associated with the construction of the development hereby permitted including demolition, plant operation and HGVs and other construction vehicles accessing/egressing the site shall only be undertaken between the following hours:
- 8am to 6pm Monday to Friday
 - 9am to 1pm Saturdays
 - no work on Sundays and Bank/Public Holidays
- Reason:** To protect the amenity of local residents and occupiers and the wider area, in accordance with policies DM20 and DM40 of Brighton & Hove City Plan Part 2.
17. Prior to first occupation of the development hereby permitted, details of secure cycle parking facilities for the occupants of, and visitors to, the development shall 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 ensure a satisfactory appearance, to comply with policies CP9, CP12, CP15, DM18, DM26 and DM33 of the Brighton & Hove City Plan Part Two.
18. No development above ground floor slab level shall take place until details of an ecological enhancement strategy including the provision of 11 swift nesting cavities, 11 bee bricks and 1 bat brick/box (all ideally integrated into the building) and incorporation of soft landscaping, has been submitted to and approved in writing by the local planning authority. The content of the strategy shall include the:
- a) purpose and objectives for the proposed works;
 - b) detailed design(s) and/or working method(s) necessary to achieve stated objectives;
 - c) extent and location of proposed works shown on appropriate scale maps and plans;
 - d) timetable for implementation;
 - e) persons responsible for implementing the works; and
 - f) initial aftercare and long-term maintenance (where relevant);
- The works shall be carried out in accordance with the approved details prior to first occupation of the development and all features shall be retained in that manner thereafter.
- Reason:** To ensure that any adverse environmental impacts of the development can be mitigated, compensated and restored and that the proposed design, specification and implementation can demonstrate this, and to provide a net gain for biodiversity as required by Section 40 of the Natural Environment and Rural Communities Act 2006, the National Planning Policy Framework, Policy CP10 of the Brighton & Hove City Council City Plan Part One and Policy DM37 of the City Plan Part Two.
19. All ecological measures and/or works as part of the development shall be carried out in accordance with the details contained in the Preliminary Ecological

Appraisal and Roost Assessment (Arbtech, September 2025) and the Bat Emergence and Re-Entry Survey (Arbtech, May 2026) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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

20. Deemed Biodiversity Gain Plan Condition:
No development (including any demolition, site clearance or enabling works) shall take place until:

- (a) A Biodiversity Gain Plan (BGP) has been prepared in broad accordance with the Statutory Biodiversity Metric and Biodiversity Net Gain Assessment dated October 2025 and prepared by Arbtech Ltd; and
- (b) The BGP has been submitted to and approved in writing by the Local Planning Authority.

Reason: Based on the information available, this permission will require the approval of a Biodiversity Gain Plan by the local planning authority before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply. The effect of paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 is that planning permission granted for the development is deemed to have been granted subject to the condition ("the biodiversity condition"). Also 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.

21. The development hereby permitted shall not be first occupied until a Completion Report, evidencing the habitat enhancements set out in the approved Biodiversity Gain Plan has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development delivers biodiversity net gain in accordance with Schedule 7A of the Town and Country Planning Act, 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.

22. No development (including demolition) approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the Local Planning Authority (LPA). This strategy will include the following components:

- 1. Up to date Preliminary Risk Assessment (PRA) and conceptual model following the results of an exploratory investigation
- 2. A detailed site investigation scheme, based on the results from (1) to provide information for a detailed risk assessment to all receptors that may be affected, including those off-site.

3. A tiered risk assessment using the results of the site investigation referred to in (2).
4. An options appraisal including sustainability and treatability studies of the remediation measures required and how they are to be undertaken.
5. A remediation strategy and verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy are complete and identifying any requirements for longer-term monitoring of pollutant linkages, mitigation, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the LPA. The scheme shall be implemented as approved.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in accordance with policy DM42 of the Brighton and Hove City Plan Part 2

23. Prior to any part of the permitted development being occupied, a Verification Report demonstrating the completion of works set out in the approved remediation strategy (secured by the above condition) and the effectiveness of the remediation shall be submitted to, and approved in writing, by the LPA. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To ensure that the site does not pose any further risk to the land and water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete in accordance with policy DM42 of the Brighton and Hove City Plan Part 2

24. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until further investigation and a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the LPA. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site and to comply with policy DM42 of the Brighton and Hove City Plan Part 2

25. The wheelchair accessible dwelling(s) hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4(3)(2b) (wheelchair user dwellings) prior to first occupation and shall be retained as such thereafter. All other dwellings hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) prior to first occupation and shall be retained as such thereafter. Evidence of compliance from the appointed Building Control body shall be submitted to the Local Planning Authority prior to first occupation.

Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy DM10 of City Plan Part 2.

26. Other than demolition work, no development hereby permitted shall take place until a drainage strategy detailing the proposed means of foul and surface water disposal including a detailed design, associated management and maintenance plan and an implementation timetable, has been submitted to and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved scheme and timetable.
Reason: To ensure adequate foul sewage and drainage treatment is available to serve the development and to comply with policies DM42, DM43 and CP11 of Brighton & Hove City Plan.
27. The development hereby permitted shall not be commenced until a scheme for the provision of the temporary affordable housing has been submitted to and approved by the Local Planning Authority. The scheme shall demonstrate that 100% of the temporary residential accommodation to be provided will be affordable housing and will include details regarding the exact type and tenure of the affordable housing units.
Reason: To ensure the development delivers affordable housing in accordance with Policy CP20 of the Brighton & Hove City Plan Part One and Policy DM1 of City Plan Part Two.
28. The development hereby permitted shall be for temporary accommodation only and shall not be occupied by households other than those nominated by Brighton & Hove City Council pursuant to its functions under Part VII of the Housing Act 1996 (as amended). The dwellings shall not be occupied by any other persons or on a permanent basis without planning permission being first obtained from the Local Planning Authority (LPA), unless otherwise agreed in writing by the LPA.
Reason: To ensure the development delivers affordable housing for people who are homeless or threatened with homelessness, in accordance with Policy CP20 of the Brighton & Hove City Plan Part One and Policy DM1 of City Plan Part 2.
29. The development hereby permitted shall not be commenced until an Employment and Training Strategy has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall be implemented in accordance with the approved strategy.
Reason: To ensure that development contributes to employment and training opportunities in the City and to comply with Policy CP7 of the Brighton & Hove City Plan Part Two.
30. Notwithstanding the approved plans, prior to first occupation of the development hereby approved, details of the proposed photovoltaic array appearance (including protrusion and angle of the PV), siting, layout, number and output shall be submitted to and approved in writing by the Local Planning Authority. The photovoltaic array shall then be installed in accordance with the approved details prior to first occupation of the development.
Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and has an acceptable appearance and to comply with policies CP8, CP12, CP15, DM18, DM26 and DM44 of the Brighton & Hove City Plan.

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. The Biodiversity Gain Plan must relate to development for which planning permission is granted, and specify as a minimum the following matters:
 - i) Information about the steps taken or to be taken to minimise the adverse effect of the development on biodiversity,
 - ii) A completed Metric tool calculation
 - iii) The pre-development biodiversity value of the onsite habitat (shown on scaled plans),
 - iv) The post-development biodiversity value of the onsite habitat (shown on scaled plans),
 - v) Any registered offsite biodiversity gain allocated to the development and the biodiversity value of that gain in relation to the development,
 - vi) Any biodiversity credits purchased for the development.
 - vii) Any such other matters as the Secretary of State may by regulations specify including the requirements of Article 37 C of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended)

Commencing development which is subject to the biodiversity gain condition without an approved Biodiversity Gain Plan could result in enforcement action for breach of planning control.

3. The applicant is advised that this planning permission does not override the need to go through the Local Highway Authority's (LHA) Approval in Principle (AIP) process for all necessary works (including temporary works) adjacent to (that is, within 3.66m) and within the highway (including under and over). Nor does it override the need to gain any appropriate highway licences prior to the commencement of any construction works. To avoid delay the applicant must contact the Council's Civil Engineering team (transport.projects@brighton-hove.gov.uk 01273 294570) and Streetworks team (permit.admin@brighton-hove.gov.uk 01273 290729) well in advance of planned start of works.
4. To align with Policy DM33 of the Brighton & Hove City Plan Part Two, 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. The Highway Authority will not usually approve vertical hanging racks as they are difficult for many people to use and considered to be contrary to local policy and the Equality Act 2010. The LHA 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. We will also consider other proprietary forms of covered, illuminated, secure cycle storage including the 'slide cycle in' type cycle store seen in railway stations, the 'lift up door' type cycle store, the metal Police approved 'Secure-By-Design' types of

cycle store, the cycle 'bunker' type store and the 'two-tier' type system seen at railway stations. Provision should be made for tricycles, reclining cycles and cargo bikes.

5. The LHA has assessed this application and determined that the development would not currently be eligible for residents parking permits. Details of the development will be passed to BHCC as Traffic Authority so they can reassess this decision prior to first occupation. At that point, if you disagree with this categorisation, you will have the right to provide evidence that there is capacity in the surrounding streets for the likely parking demand of this development. For details on how to do this please contact transport.dcapps@brighton-hove.gov.uk
6. 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.
7. 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>
8. The applicant should be aware that whilst the planning permission may be granted, should any complaints be received with regards to noise, odour, fumes or vibration, this does not preclude this department from carrying out an investigation under the provisions of the Environmental Protection Act 1990.
9. The water efficiency standard required by condition is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.
10. 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.
11. The applicant is advised that a formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Southern House, Sparrowgrove,

Otterbourne, Hampshire, SO21 2SW (tel 0330 303 0119), or www.southernwater.co.uk

12. Buildings/structures and vegetation within and in proximity to the site offer potential habitat for nesting birds. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use of being built. Planning consent for a development does not provide a defence against prosecution under this Act.
13. The applicant is reminded that all species of bats are fully protected under the Wildlife and Countryside Act 1981, as amended, and The Conservation of Habitats and Species Regulations 2017, as amended, making them European Protected Species. Under the Regulations, it is an offence to: deliberately kill, injure, disturb or capture bats; damage or destroy their breeding sites and resting places (even when bats are not present); or possess, control or transport them (alive or dead). Under the Act, it is an offence to intentionally or recklessly: disturb bats while they occupy a structure or place used for shelter or protection; or obstruct access to a place of shelter or protection. Planning consent for a development does not provide a defence against prosecution under these Regulations or this Act.

2. SITE LOCATION

- 2.1. The application site 1 Barrack Yard Brighton BN1 1YA (also known as the Old Slipper Baths) is situated on the eastern side of Barrack Yard located in the North Laine Conservation Area and an Archaeological Notification Area (ANA). To the east are located the gardens and rear elevations of the Grade II listed Nos 20, 21 and 22 Marlborough Place and the King and Queen Hotel (14,15 and 16 Marlborough Place).
- 2.2. It currently comprises a vacant three storey building which has a flat central roof and then drops to the north and south with a hipped roof design. The roof and building has been substantially altered/expanded over its existence.
- 2.3. The building was last used for a combination of community (nursery) and sports related facilities (sports massage establishment). These uses ceased in the last two years. The site and building is owned by Brighton and Hove City Council (BHCC) and located on the approach to the Prince Regent Swimming Complex (PRSC), which is directly to the south.

3. RELEVANT HISTORY

- 3.1. PRE2020/00191 Pre-app advice sought for development of the existing building into 3 storey mixed use scheme on the site, retaining the majority of the ground floor existing nursery (with proposed single storey extension). Residential entrances to ground floor, and 7 total 2bed apartments proposed on 1st and 2nd

floor of existing building. Internal structure and walls to be retained as much as possible. Advice issued 14/12/2020

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for the conversion and extension of the existing building to provide 11no. flats for temporary accommodation. Alterations to fenestration are proposed, and provision of refuse and cycle storage building, communal external space and associated landscaping.
- 4.2. The applicant is BHCC and the flats would remain in BHCC ownership post completion. They would be offered to persons on the housing register as temporary accommodation for people who are homeless or at risk of homelessness while awaiting a permanent housing allocation, and will be offered at a below market rent by BHCC to occupiers and are all therefore considered to be "affordable housing".
- 4.3. During the course of the application various amendment have been made to scheme to improve the appearance in the public realm and reduce the harmful impacts to heritage assets. The elements are detailed below in the Design and Heritage section of the report, but relate primarily to the roof and window materials, and removal of proposed inset balconies.

5. REPRESENTATIONS

- 5.1. **Three (3)** representations have been received objecting to the development for the following reasons
 - Extra storey/roof enlargement will restrict views and overshadow neighbours with a loss of outlook and overlooking from the development.
 - Noise and lack of car parking provision
 - Temporary accommodation will cause community safety issues and affect the character and reputation of the area.
 - The site is located in proximity to licensed venues and will increase complaints regarding noise of these premises that contribute to the nighttime economy.
- 5.2. **One (1)** representation has been received in commenting on the development for the following reasons:
 - Highlighting potential issues with access/transport during construction and when occupied in relation to the Prince regents Leisure Centre. They request that any approval has suitable conditions to mitigate any impacts.

6. CONSULTATIONS

Internal

- 6.1. **Archaeological Officer:** No Objection
No significant archaeological remains are likely to be affected by the proposals.

- 6.2. **Culture & Creative Industries:** Comment
Due to proximity to several night-time entertainment business activities, including music venues, recommend that the actions recommended by the acoustic report around ventilation and glazing are implemented as planning conditions, and that planning officers consider the impact of the documented noise factors on potentially vulnerable residents when assessing what additional conditions may be required.
- 6.3. **Ecologist:** No Objection
The site is unlikely to have significant ecological impacts on designated wildlife sites and trees to the rear will be retained and protected.
- 6.4. A preliminary bat survey was undertaken and concluded negligible suitability for roosting bats. The site has low suitability to support badgers, hedgehogs, reptile/amphibians. It has potential to support small numbers of common nesting birds.
- 6.5. Appropriate mitigation and enhancement should be secured via condition. The site can offer onsite habitat to meet statutory Biodiversity Net Gain (BNG). Conditions are required to ensure compliance with the submitted Preliminary Ecological Appraisal and BNG assessment and the submission of a Biodiversity Enhancement Strategy (BES). Soft landscaping should be incorporated and bat/bird/bee nesting boxes should be provided.
- 6.6. **Environmental Health Team:** No objection
The Noise Impact Assessment (NIA) was assessed and contaminated land concerns reviewed. Conditions required in relation to Noise Levels, Soundproofing, mechanical ventilation and contaminated land.
- 6.7. **Heritage:** Comment (update as per 21/09/2026)
(Written update): Concern regarding the form of roof as this will cause harm to the host property and surrounding Conservation area. Homogenous materials to the roof welcomed and zinc no objection. Refuse store could be improved in appearance and impact. Welcome new timber windows instead of upvc replacement and removal of the inset balconies. Application should be determined on merits and balanced view of heritage harm against the benefits. Recommend conditions for further details of materials, refuse store, and solar panels to roof to ensure suitable appearance.
- 6.8. **Strategic Housing & Development:** No objection
Compliant with CP20 as provides 100% affordable housing. Strategic Housing & Development supports this application which will provide much needed council owned Temporary Accommodation in the city.
- 6.9. **Local Employment Scheme, Skills & Employment:** Comment
An Employment & Training Strategy must be submitted for approval at least 1 month prior to commencement of the development. The Council's template is required to cover all relevant phases of the project. The Strategy should set how the developer, contractor (and their sub-contractors), as well as any other relevant agents will collaborate in order to meet the Local Employment Scheme's

objectives. A financial contribution towards skills and training is required (£4,200) prior to commencement.

6.10. Planning Policy: No Objection

Loss of community facilities justified under DM9 as relocated to the Turner Family Hub. Loss of sports facilities onsite has been incorporated into the use of the adjacent Prince Regent leisure Centre, and the use of the site as residential accommodation by BHCC does not impact the delivery of any future "East Hub" multi-sport & leisure facility, as BHCC will retain control of the building. And therefore, complies with CP17. The provision of affordable housing units is welcomed.

6.11. Sports and Leisure: Comment

No objection to the development subject to not jeopardising of the delivery of the multi-sport leisure hub (East Hub) as per the Sports Facilities Investment Plan (SFIP). Highlight potential issues with access/transport during construction and when occupied. Request that any approval has suitable conditions to mitigate any impacts to swimming pool complex access.

6.12. Sustainable Drainage Strategy: No objection

Further information required by condition :

- Confirmation of foul water disposal method and rates, and consultation with Southern Water
- Plans showing the location and specifications (including size and capacity) of each feature used for collecting, treating, attenuating, and discharging or infiltrating surface water.
- Calculations demonstrating that the proposed drainage strategy is sufficient to prevent flooding in a 1 in 100 year +40%CC design storm.
- A maintenance and management plan for each drainage element, listing maintenance tasks required, suggesting frequencies at which they are to be undertaken, and parties responsible for them
- Proof that any drainage infrastructure proposed for re-use is in an acceptable condition

6.13. Transport Planning: No objection - subject to conditions

(verbal update 13/05/2026) No adverse impacts on highway safety from proposed use. No disabled parking space provision is acceptable if the accessible unit is only occupied by persons who do not have a vehicle. Cycle parking condition and permit free informative required.

6.14. Urban Design Team: Comment

The scheme has evolved following discussions, and the proposal is broadly supported. A pre-commencement planning condition is considered appropriate given the scale of the development and to ensure high quality materials are delivered and the scheme fully meets the design quality expectations set out within Policy CP12, DM18, and SPD17.

External

6.15. Environment Agency: No objection

Advice given regarding drainage.

- 6.16. **Sussex Police: Comment**
Recommendations for the security and management of the future site and residents.

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 updates October 2024);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
 - Shoreham Harbour JAAP (adopted October 2019)

8. RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One:

SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP2	Sustainable Economic Development
CP3	Employment land
CP7	Infrastructure and Developer Contributions
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP11	Flood risk
CP12	Urban design
CP14	Housing density
CP15	Heritage
CP17	Sports Provision
CP18	Healthy City
CP19	Housing mix
CP20	Affordable Housing
SA2	Central brighton
SA6	Sustainable Neighbourhoods

Brighton & Hove City Plan Part Two:

DM1	Housing Quality, Choice and Mix
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DM9	Community Facilities
DM18	High quality design and places
DM19	Maximising Development Potential
DM21	Extensions and alterations
DM20	Protection of Amenity
DM22	Landscape Design and Trees
DM26	Conservation Areas
DM29	The Setting of Heritage Assets
DM33	Safe, sustainable and active travel
DM36	Parking and servicing
DM37	Green Infrastructure and Nature Conservation
DM40	Protection of the Environment and Health - Pollution and Nuisance
DM42	Protection of the Water Environment
DM43	Sustainable Drainage
DM44	Energy Efficiency and Renewables

Waste & Minerals Plan Policy

WMP3d	Minimising and Management Waste During Construction
WMP3e	Waste Management in New Development

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD06	Trees and Development Sites
SPD11	Nature Conservation & Development
SPD14	Parking Standards
SPD17	Urban Design Framework

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations relating to the determination of this application are the principle of the proposed development particularly in relation Planning Policy and Heritage, impact on neighbouring residential amenity, the standard of accommodation proposed, and sustainability, biodiversity and highways implications.

Principle of the development

Loss of Indoor Sports Facilities

- 9.2. Policy CP17.2 seeks the retention of indoor sports facilities and enhancement and improvement of the same. The building has been used for a variety of uses of the years some of which could be considered falling within a sports facility use such as activity studio or wellness centre.
- 9.3. The initial information submitted by the applicant did not address the particular policy requirements and the Policy Team requested further information this regard. Further information has been submitted by the applicant which indicates that sports and leisure facilities that were offered by the Old Slipper Baths before it became vacant in May 2025 have been 'met by the immediately adjacent PRSC, which provides larger, more functional and purpose-designed indoor sporting space, including a dedicated group exercise space'. Therefore, the

development complies with CPP1 Policy CP17.2 in that 'the facilities are to be replaced by improved facilities that help meet the sporting needs of the city and optimise access by sustainable transport modes'.

- 9.4. The applicant has also addressed the issues raised by officers in relation to the potential delivery of any redevelopment to create a larger multi-sport leisure hub 'East Hub' sports centre (as detailed in the Sports Facilities Investment Plan 2021-2031) (SFIP) for the east of the city, whether at the Prince Regent Swimming Complex, or on another site to be identified. They considered that should any future comprehensive hub scheme be progressed, the relationship between the adjoining sites (1 Barrack Yard and the Prince Regent Swimming Complex) can be considered at that stage.
- 9.5. It is noted the Sports and Leisure officers raise no objection to the principle of redevelopment, subject to no loss of the building for future inclusion in an 'East Hub'. The SFIP is a material consideration, although it holds limited planning weight. In terms of planning policy, the site is not formally allocated for an alternative use and there are no grounds to resist the loss of the current (vacant) sports facility or retain a vacant premises in case of future redevelopment. The present proposal does not foreclose those strategic options, as the site would remain in the control and ownership of BHCC - it will be for the council as landowner to decide whether to develop the site for the current residential proposal or retain it for future redevelopment.
- 9.6. On this basis, the loss of indoor sports facilities is considered acceptable in principle and is in accordance with Policy CP17.

Loss of Community Facilities

- 9.7. Policy DM9 seeks to protect and enhance Community Facilities in the city. The starting point for the policy is that there should be no loss of Community Facilities unless at least one of four detailed criteria are met; namely that new replacement facilities have been provided elsewhere; or the facility is no longer needed and capacity exists in proximity; or the building is no longer suitable for community use; or it is demonstrated that the building is no longer suitable for a community use.
- 9.8. The proposal in this application would convert the building to purely residential use, and the floor space used by Bright Start Nursery which is classed as a Community Facility under policy DM9, would be converted.
- 9.9. The initial information submitted by the applicant did not address the particular policy requirements and the Policy Team requested further information this regard.
- 9.10. In response to issues raised by planning policy officers, the applicant submitted updated reports to demonstrate that the loss of community facility can be permitted as the Bright Start Nursery relocated to an alternative suitable location at the Tarner Family Hub in September 2024 meeting criteria DM9a). It is noted that the Tarner Family hub is approximately 300 metres from the Slipper Baths so easily accessible to the previous users of the nursery. Policy Officers have confirmed the information is suitable and raise no objection.

Loss of Employment Floorspace

- 9.11. The site is located with the city centre, where the council seeks to promote a balanced mix of uses to maintain its vitality and vibrancy (Policy SA2). In addition, Policy CP3 seeks to protect and enhance employment land in the city.
- 9.12. The starting point is that there should be no loss of unallocated employment floor space under CP3.5. However, Planning Policy officers have confirmed that the site does not sit within a Shopping Centre to which Policy DM12 applies (relating to vitality of shopping centres/areas - with retention of Class E uses) and that Policy CP3.5 relates to the loss of Use Classes E(g) (Offices and Industry), B2 (General Industry) and B8 (Storage and Distribution) uses. The current use of the remainder of the building (excluding the Bright Start Nursery at ground floor) was last used for a therapy massage business (Use Class E(c)) (first floor) and residential dwelling (Use Class C3) (second floor). On this basis it is not considered the proposal would lead to the loss of relevant floorspace contrary to policy CP3.5.
- 9.13. Whilst there would be a loss of non-residential uses and replacement with residential, and thus this could impact the vitality/vibrancy of the centre, some of these uses have been relocated and this is balanced against the significant positive benefits of the scheme and delivery of much-needed temporary housing (see section below). On balance therefore, on review of the information provided, it is considered that the loss of Sports and Community Facilities, with the change of the floorspace use for this site has been adequately justified, and there is no objection in principle to the change of use.

Housing Considerations

- 9.14. 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, local housing need calculated using the Government's standard method should be used in place of the local plan housing requirement because the council cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer) and, separately, because the most recent Housing Delivery Test indicates that the delivery of housing is less than 75% of the housing requirement over the previous three years. 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 August 2026) for the council being less than 85%.
- 9.15. 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.
- 9.16. 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 (Policy S3).

- 9.17. The proposal would make a modest but welcome contribution of 11 affordable temporary housing units, which likely fall under a Sui Generis Use Class, and this is given weight within the planning balance given the acute need for housing delivery of all types.

Housing Mix

- 9.18. City Plan policies do not specify a required housing mix, however Policies CP19 and DM1 state that developments will be required to demonstrate that proposals have had regard to housing type and mix considerations and have been informed by local assessments of housing demand and need. The supporting text at paragraph 4.213 indicates the majority of housing need/demand across the city for both market and affordable is for 2 and 3 bedroomed properties at 34% and 31% respectively. The most recent Strategic Housing Market Assessment 2023 indicates that 45-50% of demand for market dwellings is for 2 bedroomed dwellings.
- 9.19. The proposal comprises 7 two-bedroom (64%), and 4 (36%) three-bedroom units.
- 9.20. As the proposal includes a greater proportion of two-bedroom units and contains four three-bed units, it is considered that the mix proposed is acceptable and satisfies the requirements of policy CP19 for this relatively small-scale scheme, which is predominantly aimed at meeting temporary accommodation needs for families.
- 9.21. The Housing Team support the development and confirm the proposal would provide much-needed temporary accommodation for the city.

Affordable Housing Considerations

- 9.22. CPP1 policy CP20 requires an affordable housing contribution on all developments that create 5 homes or more. This policy position is justified by the high housing need in the city combined with the physical restraints of developing. Commuted sums provided for smaller developments or where providing homes on site proves unviable are used to expedite affordable homes elsewhere in the city through a range of initiatives. Current policy requires 40% onsite affordable housing on all developments providing 15 or more dwellings; 30% on site or as a commuted sum between 10-14 dwellings and 20% as a commuted sum only for 5-9 dwellings. This development proposal is for 11 flats, meaning 30% affordable housing - 3 units, is the policy compliant position or a financial contribution in lieu.
- 9.23. The applicant proposes that all of the units would be temporary affordable housing for rent. The applicant has stated that the units would be offered to persons on the BHCC housing register, as Temporary Accommodation while awaiting a permanent housing allocation. A below market rent will be charged to occupiers and all the units are therefore considered to be "affordable housing".
- 9.24. As a council owned building and development, the exact details of the provision shall be secured by condition. It is recommended that 100% affordable provision can be justified in this instance, given the acute need and that the application is

for temporary rather than permanent C3 residential accommodation. This element of the proposal is given significant weight in the planning balance.

- 9.25. It is considered that the principle of bringing forward the redevelopment and the provision of affordable housing is welcome in the context of the lack of housing supply in the city, and compliant with Policies DM1, CP19 and CP20.

Design and Heritage Considerations

- 9.26. City Plan Policies CP12 and DM18 expects all new development to raise the standard of architecture and design in the city, establish a strong sense of place by respecting the character and urban grain of the neighbourhood, and ensure residential development is of a density that is appropriate and achieve excellence in sustainable building design and construction. Policy DM19 seeks to ensure developments make the most effective and efficient use of sites. Heritage focused City Plan Policies CP15, DM26 and DM29 seek to ensure the significance of Heritage assets is preserved or enhanced in relation to development in the City, with exceptions (harm) allowed if justified through the accumulation of public benefits as per the NPPF with a balanced judgement being made by the LPA.
- 9.27. The North Laine Conservation Area is a distinctive and vibrant historic quarter characterised by its irregular nineteenth-century street pattern, tight-knit network of narrow streets, modest Victorian and Regency terraces, and a rich mix of independent shops, cafés, workshops, pubs and homes. Its special character derives less from individual landmark buildings and more from the collective townscape, with small-scale architecture, varied land uses, lively street activity and an authentic, creative atmosphere combining residential, commercial and cultural functions. The area retains the "rich texture of metropolitan life", creating a uniquely diverse and human-scale environment that is both historic and actively used.
- 9.28. The application site is also known as the Old Slipper Baths which was opened in 1895 (previously a barracks) as Brighton's first municipal public baths, providing affordable bathing facilities for residents before indoor bathrooms became commonplace. Operating in this fashion until closure in 1976. It is located on the edge of the North Laine Conservation Area and adjacent to the Valley Gardens Conservation Area to the east and is considered by heritage officers as non-designated heritage asset in their response. As noted within this report, it is also within the setting of other heritage assets (Listed Buildings).
- 9.29. When considering whether to grant planning permission for development in a conservation area the council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. Case law has held that the desirability of preserving a listed building or its setting, or the character or appearance of a conservation area must be given "considerable importance and weight".
- 9.30. The existing building has a three storey, flat and hipped roof form which was last used for a mixed use of residential/commercial/community floorspace. The building fronts onto Barrack Yard and has a private outdoor amenity area to the

side/south. Directly to the south is the Prince Regent Swimming Complex and to the east are located the gardens and rear elevations of the Grade II listed 20, 21 and 22 Marlborough Place and the King and Queen Hotel (14,15 and 16 Marlborough Place). To the west are the gardens and rear elevations of the residential properties of North Place, and to the north are the rear elevations of the residential and commercial properties North Road.

- 9.31. During the course of the application the roof design has been altered to remove the inset balconies and the material has changed from predominantly slate and lead, to a full zinc clad roof design. The windows are currently mainly timber sash to the front elevation and these were originally proposed to be replaced with upvc units, all the openings, to all elevations, will now be replaced with new double glazed timber windows. These amendments were made to decrease the visual harm to the host property and surrounding heritage assets. The bin store materials and appearance are not ideal and further details/amendments of the store would be secured by condition to ensure suitability.
- 9.32. The development would retain the current flat roof design to the centre, but remove the hipped roofs to both ends of the building, and replace with a lift shaft enclosure by the central flat roof and a mansard roof design to the remainder - increasing the amount of floorspace at second floor level. The existing light and dark red brick to the elevations would remain with new brickwork to match, as would the existing rendered areas (white/brown) to the side elevations, which would be extended to match. The second floor existing and proposed roof would be finished in a zinc cladding system which would be part shingles (tiles) and part standing seam to the shallow pitched areas. The existing flat roof area has solar panels proposed in the central parts of the roof, set back from the eaves.
- 9.33. Each of the ground floor flats would have an outdoor private amenity area, but none is proposed for the first and second floor units, which has been informed by a desire to minimise the elevation changes to the building (balconies/insets) which would harm the appearance. A shared communal garden area would be provided to the south which would also contain the bike and bin store area. No car parking is proposed as part of the development.
- 9.34. The existing building has seen significant roof alterations over the years and the LPA consider that the site holds value as a historic building whose alterations reflect the changes in use and development in the wider area over the years. It still retains elements of its original appearance and character, partially through the brick facade and timber sash windows that remain to most openings.
- 9.35. The proposed alterations would retain these brick elements and although new windows are proposed these would now be timber sash windows, rather than more modern upvc as were originally proposed, and these elements are welcomed and acceptable to the LPA. The main external alterations from the proposal are to the existing roof form flanking bays, which could see the hipped roof form replaced with a mansard style roof and inset dormers. Mansard roof designs are not considered out of keeping with the roof styles of surrounding buildings with examples to the north and east of the site, situated in their respective conservation areas.

- 9.36. However, this roof design is recognised to cause some harm to the significance of the building, which has been assessed as a Non Designated Heritage Asset (NDHA), as it would remove the hipped roof elements which formed part of the original conversion into 'The Slipper Bath' in the 1890's, and therefore also causes some harm to the North Laine Conservation area as a whole. The harm identified to the NDHA and Conservation Area has been raised by Heritage Officers whom raise some concerns to the development on this basis.
- 9.37. Whilst the harm caused is given considerable weight, in this instance the scale of the harm is not considered to be substantial and it would not seriously affect the building's heritage significance, also noting it is not a designated heritage asset. In line with the 2026 NPPF (HE6 and HE7) the LPA has weighed the harm to the significance against the public benefits of the proposal, which primarily include the provision of 100% affordable temporary housing in family dwellings, for which there is a significant identified need, and that the development would bring an underused and vacant property back into full use. Taking all elements into account, the assessed harm to the significance of heritage assets is considered outweighed by the benefits.
- 9.38. The design and positioning of the new fenestration is considered to be acceptable. The main pedestrian access from Barrack Yard is suitable and reflects the existing design, with existing side entrances retained to provide access at either end to four of the ground and first floor flats. The design also allows for an area of front landscaping immediately adjacent to the highway which is welcome and a redesign of the existing outdoor space to the south which would become communal amenity space for the future residents.
- 9.39. In terms of footprint and siting, it would remain the same, and with the alterations to the roof the development is not considered to appear unduly cramped. The separation between surrounding buildings remains comparative, albeit the roof alteration would alter the outlook and views for some surrounding residents as detailed below. The overall mass would be acceptable in the local context and not appear as an overdevelopment of the site. The proposal would not unduly impact the setting of nearby listed buildings.
- 9.40. In regard to materials, the alterations take cues from the existing building with the matching of existing brick and reinstatement of timber windows to all existing and proposed openings. The roof would have a zinc metal finish (cladding and shingles) giving an appearance which reflects that exemplified on other buildings in proximity to the scheme, which have metal finishes to mansard roofs.
- 9.41. As commented by the Urban Designer and Heritage Officers the design/appearance proposed for the bin and cycle store, which is located to the side of the outdoor amenity area, is not considered optimal - and a condition will be attached for the final design to be approved by the LPA and implemented prior to occupation of the units.
- 9.42. Overall, the proposal is considered to be a suitable development, which although recognised as causing harm to the historical significance of the host property

and surrounding conservation area, primarily through the removal of the hipped roof elements, has public benefits which are balanced by the LPA to outweigh the harm anticipated. The design and appearance of the building is considered to be in accordance with policies CP15 of the Brighton and Hove City Plan Part One and DM18, DM19, DM21, DM26 and DM29 of the Brighton and Hove City Plan Part Two and the Urban Design Framework SPD17.

Standard of Accommodation:

- 9.43. Policy DM20 of the CPP2 seeks to ensure a good standard of amenity for future occupiers of the proposed development and this requirement is one of the core planning principles of the NPPF. Indeed, the updated NPPF requires that all developments provide a 'high' standard of accommodation. This is reflected in Policy DM1 which also adopts the Nationally Described Space Standards (NDSS) for dwellings. The schedule of accommodation is as follows:

Unit	Floor	Unit Type	Gross Internal Area
1	Ground floor	2 bed 3p	69sqm
2	Ground floor	2 bed 3p	70sqm
3	Ground floor	2 bed 3p (M4(3))	76sqm
4	Ground floor	2 bed 4p	75sqm
5	First Floor	2 bed 3p	72sqm
6	First floor	2 bed 3p	68sqm
7	First floor	2 bed 4p	73sqm
8	First floor	3 bed 4p	80sqm
9	Second floor	3 bed 6p	106sqm
10	Second floor	3 bed 5p	87sqm
11	Second floor	3 bed 4p	93sqm

- 9.44. The submitted information shows that the new residential units would meet minimum standards in relation to the NDSS. The gross internal areas of each unit including the sizes of bed space and storage areas show compliance with minimum space standards. This is welcomed and represents a good standard of accommodation for temporary residents. The scheme also incorporates an M4(3) wheelchair accessible dwelling to the rear of the ground floor whilst all other units would be conditioned M4(2) accessible and adaptable dwellings. A lift is proposed to all levels of accommodation, but would not serve units 5 and 8 on the first floor as they are not accessed via the main stairwell entrance.
- 9.45. In addition to the NDSS, consideration must also be given to the standard of accommodation for new residents in relation to light and outlook. The flats would generally have good aspect and light to habitable rooms, although the outlook to the rear ground floor habitable rooms would be reduced due to the proximity to the boundary and height of the existing walls.
- 9.46. Policy DM1 states that all new residential development will be required to provide useable private outdoor amenity space appropriate to the scale and character of the development. Whilst the site is somewhat constrained within the centre of the city, each ground floor unit would benefit from an external private amenity space in the form of a terrace. In addition, a landscaped communal amenity area would be provided to the south of the site for the use of all residents. This is

welcomed. The cycle storage would be to south of site, combined with a communal refuse and recycling space.

Noise:

- 9.47. Policy SA2 seeks to reinforce central Brighton's role as the city's vibrant, thriving regional centre for shopping, leisure, tourism, cultural, office and commercial uses.
- 9.48. Policy DM40 seeks to protect amenity, and states that permission will be granted for development proposals that can demonstrate they will not give rise nor be subject to material nuisance and/or pollution that would cause unacceptable harm to health, safety, quality of life, amenity, biodiversity and/or the environment (including air, land, water and built form). Para 2.307 of DM40 states that sensitive developments/uses should not be located in proximity to significant pollution and / or nuisance generating uses except where appropriate mitigation can be provided by the developer prior to occupation. In accordance with the 'agent of change principle' set out in the NPPF.
- 9.49. The application site is located close to various entertainment venues which operate in the area (principally The King and Queen venue to the rear - south east) and adjacent to the road serving the Prince Regent Swimming Complex. As such, it is reasonable to assume that occupiers of the flats could potentially be exposed to frequent, prolonged, and varying levels of noise associated with the activities at these businesses.
- 9.50. An acoustic report has been submitted with the application addressing concerns regarding the potential noise impacts on future residents from officers and in relation to the 'Agent of Change' principle. This makes various recommendations for the proposed development to ensure that the noise impacts to future residents are acceptable from traffic and surrounding businesses. These include the provision of double glazing, secondary glazing and mechanical ventilation systems, to reduce noise impacts.
- 9.51. Environmental Health Officers have considered the supplied noise assessments are satisfied that with the mitigation measures proposed the development would be suitable for future occupiers. This would mean the mechanical ventilation would be required to the flats as identified above, and the windows to the rear would need to remain closed. This is considered acceptable in this particular application considering the overall standard of accommodation provided, and that the flats are for temporary occupation only, and that only one flat (unit 10) would have all windows facing to the rear.
- 9.52. Overall, the development is considered to deliver eleven residential flats with a suitable standard of residential accommodation, and in reaching this conclusion the LPA has taken into account that the proposed accommodation would be operating on a temporary occupation by future residents.

Impact on Amenity:

- 9.53. Policies DM20 and DM40 of the City Plan Part 2 state that planning permission for any development or change of use will not be granted where it would cause

an unacceptable loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health. Potential impacts from noise and disturbance are also a consideration.

- 9.54. The proposal represents an increase in scale and massing of the roof design compared to the existing building, with potential impacts on neighbouring occupiers in terms of outlook and sunlight and daylight. There is generally a good separation distance between the development and windows in properties to the surrounding properties, with only those to north seeing any appreciable loss in outlook or light due the revised roof design and being circa 3.5m from the existing building footprint. The properties further to the west on North Place and to the east on Marlborough Place are not considered to be affected to any significant degree from the alterations. To the South is the Prince Regents Swimming Complex which is purely commercial in nature and over 15m distance, therefore not affected in any detrimental way from the scale and massing of the development.
- 9.55. Overall whilst the visual impact of the development would give neighbouring occupiers a more developed outlook and be more enclosing to a degree to the north, this is a city centre location with a tight urban grain, and the harm is not assessed as so significant as to warrant refusal of the application. Loss of view is not a material planning consideration.
- 9.56. In regard to privacy, primary outlook from the residential units would be from windows on either the front or the rear elevations, and although the new windows proposed in the Mansard would introduce new views at height, the area already experiences a high degree of mutual overlooking from commercial and residential properties, therefore no significant increased harm from overlooking is anticipated from the proposed development to surrounding residents.
- 9.57. Policy DM40 of the City Plan addresses environmental protection. Representations made on the application concerning noise and disturbance have been considered. The development could create additional activity associated with the site, including comings and goings associated with a residential development, and the occupation of private amenity space. However, this site is in mixed commercial/residential area, and the character of the movements and activities would be comparable with that of neighbouring uses. It is not anticipated that development would increase crime or anti-social behaviour. Sussex Police have not objected to the development.
- 9.58. It is noted that the development is in close proximity to the main vehicular access point into the Prince Regent Swimming Complex and representation has been received that full consideration should be given to the proposed construction works and how they are managed in relation to access and disturbance of the surrounding buildings and residents. The LPA consider that a planning condition to secure a Construction / Demolition Environmental Management Plan CEMP/DEMP offers an opportunity to mitigate the impact of this potential conflict/disturbance. A condition for construction hours would also be attached for the same reason.

- 9.59. Overall, it is not considered that the impact of the proposed development would be so harmful as to warrant a refusal of planning permission. The impacts on the outlook, sunlight and privacy available to neighbouring properties are not considered to be significant to warrant refusal. Whilst some minor impacts have been identified, the location and context of the site needs to be recognised, and these also need to be weighed against the benefits of providing 11 new affordable temporary residential units.

Sustainable Transport:

- 9.60. National and local planning policies seek to promote sustainable modes of transport and to ensure highway safety. The NPPF states that the use of sustainable modes of transport should be pursued. Policy CP9 (2c) of the City Plan is also relevant in that it requires all new major developments to submit a Transport Assessment to identify the likely effects of the demand for travel they create and include measures to mitigate their impacts by reducing car use, implementing agreed travel plans and making appropriate contributions towards sustainable transport measures.
- 9.61. The application is accompanied by a transport assessment. Whilst no on-site car parking is proposed, this concludes that the site is well located for sustainable travel, a car-free residential development is appropriate, and policy-compliant. In terms of trip generation, it is stated that the proposals will reduce vehicle trips compared to the existing uses.
- 9.62. The Transport Team have been consulted on the application and raise no objection to the development. Nevertheless, parking and transport consideration have been consistently raised as an issue from the public consultation on the development. The site lies within the Controlled Parking Zone (CPZ) Zone Z. Surrounding Road car parking demand is high. The site has very good public transport links with Brighton Train Station in close proximity to the north west, and bus and cycle links available on Valley Gardens to the east. The Transport Team have confirmed that the development would be acceptable as car free development, and that with current demand for parking so high, residents would not be eligible for residents parking permits. Given the proposed use as temporary accommodation, the reduced transport demand compared to previous uses and the sustainable location, the transport impacts are considered acceptable and in compliance with City Plan policy.
- 9.63. Cycle parking has been shown towards the south of the site in the form of an enclosed combined cycle and refuse storage area with both vertical storage and external Sheffield stands. The amount of cycle parking proposed (24) is considered acceptable, however the Transport Team do not advocate vertical cycle storage for over 75% of the proposed spaces for accessibility reasons, and have requested amendments to the amount and design. They have also made recommendations in respect of the means of opening to the refuse area of the structure. Further details for the Cycle Parking and Refuse store will be sought by condition.
- 9.64. As noted above, activities during the construction period could potentially contribute to disruption of the existing road network considering the constraints

of the site and close proximity to the Prince Regent Swimming Complex - which has the sole vehicular access via Barrack Yard. Therefore, a planning condition to secure a Construction / Demolition Environmental Management Plan CEMP/DEMP is considered suitable and proportionate.

Sustainability and Energy Efficiency

- 9.65. City Plan policy CP8 states that the council will seek that all new development incorporates sustainable design features to avoid expansion of the city's ecological footprint in addition policy DM44 requires all major residential and non-residential development to submit an energy statement to provide details of the building fabric efficiency and low and zero carbon technologies and to estimate the CO2 savings that will be achieved.
- 9.66. The supporting Design and Access Statement details how the proposal would repurpose a historic building rather than demolishing and rebuilding, significantly reducing embodied carbon and construction waste, with double glazed windows and energy efficient building design and materials improving overall efficiency of the building. Solar photovoltaic panels are proposed on the flat roof, providing on-site renewable energy while remaining largely hidden from street-level views within the conservation area, and a green roof is proposed to the refuse/cycle store. The exact details of the PV array can be secured via condition to ensure an appropriate visual appearance. An EPC rating of C shall be achieved for all dwellings and will be conditioned. Water efficiency conditions shall also be imposed.
- 9.67. These sustainable measures are welcomed. The proposed development would make efficient use of land in a sustainable location with good access to public transport and local amenities and comply with Policies CP8 and DM44 of the City Plan.
- 9.68. To comply with policies CP11, DM42 and DM43, and reduce environmental impacts and flood risk, the development should aim to incorporate a Sustainable Drainage Strategy (SuDS) and this can be submitted for approval by way of a pre-commencement condition. General drainage details for foul and surface water provision can also be secured via condition.

Land Contamination

- 9.69. Given the previous commercial uses of the site, land contamination conditions are required, as although it is recognised that the existing building footprint remains, the provision of communal and private outdoor amenity areas needs assessment to ensure no uptake of any potential contaminants. This will ensure any potential for land contamination is suitably mitigated against in accordance with policy DM42 of CPP2, and the Environmental Health team and the Environment Agency raise no objection on this basis.

Waste Management

- 9.70. Policy WMP3a of the Waste and Minerals Plan requires proposals for new development to identify the location and provision of facilities intended to allow for the efficient management of waste the location of bin stores and recycling

facilities. These facilities are shown in a designated external space to the south of the building and would be secured by condition.

Ecology and Biodiversity

The Ecologist is in agreement with the recommendations outlined in the Preliminary Ecological Appraisal (PEA), Bat roost assessment and emergence surveys, and Biodiversity Net Gain (BNG) assessment which have been submitted with the application. The measures outlined in these documents are supported and can be secured by condition.

- 9.71. Although the site has low suitability to support foraging and commuting species, the submitted ecological appraisal also includes mitigation for any protected species.
- 9.72. The Council has adopted the practice of securing minor design alterations to schemes with the aim of encouraging the biodiversity of a site, particularly with regards to protected species such as bees, swifts and bats. For this development, 11 bee bricks, 11 swift bricks/boxes and 1 bat roost feature must be secured. The locations can be secured as part of a Biodiversity Enforcement Strategy condition.
- 9.73. Due to the current developed site and the limited amount of new habitat units to be provided onsite (0.01units), and the form in which it is to be provided (mixed scrub and modified grassland), it is not considered that a Habitat Management and Monitoring Plan (HMMP) and a S106 Agreement to secure any associated monitoring costs is required, as there is no 'Significant Onsite' BNG proposed. The scheme will provide an uplift of a 10.27% to onsite BNG which is in excess of the 10% national mandatory BNG required and meets policy requirements of CP10 and DM37.

Trees and Arboriculture

- 9.74. The existing small trees in planters to the southern outdoor area are proposed to be removed and retained during construction works and then replanted to form part of the communal outdoor amenity area. In the event these did not survive the process they would need to be replaced and replanted – a landscaping condition is recommended.

Other Planning Matters

- 9.75. As part of the objectives of City Plan Part 1 Policy CP2 (and SA6 Sustainable Neighbourhoods), major developments are expected to provide direct provision of employment and training initiatives and promote employment for local construction workers. City Plan Part 1 Policy CP7 Infrastructure and Developer Contributions aims to ensure adequate infrastructure including appropriate social infrastructure through the provision of employment, regeneration and training initiatives on major development sites at demolition and construction phases following the Brighton & Hove Local Employment Scheme (BHLES). Therefore, an Employment and Training Strategy is recommended to be secured via condition and can appropriately address this requirement.

Other Matters Raised in Representations

- 9.76. There has been representation made regarding the impact of the construction of the development. Some amount of disruption would be inevitable due to the extent of the demolition required, the size of the replacement building and the proximity of neighbouring properties. The impacts of this can be reduced through a robust DEMP/CEMP which is secured by condition.
- 9.77. Loss of view is not a material planning consideration. However, the impact of the development on the residential amenity has been fully assessed, including the impact on outlook, and no significant impacts have been identified therefore development is considered acceptable in this regard.

10. CONCLUSION

- 10.1. The principle of the development is acceptable; the loss of the community/sports facility has been justified in this instance, and while the proposal would result in a limited degree of heritage harm through the alteration of the building's historic roof form, having undertaken the required balancing exercise, it is considered that the significant public benefits arising from the delivery of 11 affordable temporary homes, together with the re-use of a vacant building, outweigh the identified harm. The proposal is therefore considered acceptable when assessed against the Development Plan as a whole and the National Planning Policy Framework.
- 10.2. The proposed alterations are considered to be of an acceptable design and scale, taking into account the prevailing character of the surrounding area, subject to further details in relation to the materials for the building, and the cycle and refuse store.
- 10.3. The converted building can deliver a good standard of temporary housing overall with access to sustainable transport options. Whilst there will be some impact to neighbouring amenity it would not be so significant to warrant refusal, and the proposal would make effective use of the site.
- 10.4. Any detrimental impacts and shortcomings of the site need to be weighed in the planning balance against the benefits of providing 11 new temporary affordable housing units in the City which has a 1.5 year housing supply. Increased weight needs to be given to housing delivery as a presumption in favour of sustainable development is applied through National Decision-Making Policy S3. For development within settlements this is applied through consideration of Policy S4 which states that "Development proposals within settlements should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in this Framework.". In this case it is considered that the benefits for the proposal, which are significant, outweigh the adverse impacts.
- 10.5. It is therefore considered that the proposed development would not conflict with national and local planning policies, and planning permission is recommended subject to the conditions within this report.

11. BIODIVERSITY NET GAIN

- 11.1. The development would be subject to Statutory Biodiversity Net Gain under Schedule 7A of the Town & Country Planning Act.

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. Level access can be achieved and all floors accessible from the elevator. A wheelchair accessible unit is proposed on the ground floor, and all other units shall meet Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings).

13. COMMUNITY INFRASTRUCTURE LEVY

- 13.1. 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 (if required) 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.

