

<u>No:</u>	BH2026/00784	<u>Ward:</u>	Kempton Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	3 And 4A College Place Brighton BN2 1HN		
<u>Proposal:</u>	Change of use of ground and first floor from commercial (E) to provide 4no self-contained flats (C3) with associated works to include first floor extension to rear mid-section, revised fenestration and installation of recessed balconies.		
<u>Officer:</u>	Oliver Redmond,	<u>Valid Date:</u>	31.03.2026
<u>Con Area:</u>	East Cliff	<u>Expiry Date:</u>	26.05.2026
<u>Listed Building Grade:</u>		<u>EOT:</u>	06.11.2026
<u>Agent:</u>	Lewis And Co Planning SE Ltd 2 Port Hall Road Brighton BN1 5PD		
<u>Applicant:</u>	Mr Simon Yates C/O Lewis And Co Planning SE Ltd 2 Port Hall Road Brighton BN1 5PD		

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	TA 1578/20		31-Mar-26
Proposed Drawing	TA 1578/21		31-Mar-26
Proposed Drawing	TA 1578/22		31-Mar-26
Proposed Drawing	TA 1578/23		31-Mar-26
Proposed Drawing	TA 1578/24		31-Mar-26
Proposed Drawing	TA 1578/25		31-Mar-26
Proposed Drawing	TA 1578/26		31-Mar-26
Proposed Drawing	TA 1578/27		31-Mar-26
Proposed Drawing	TA 1578/28		31-Mar-26
Proposed Drawing	TA 1578/29		31-Mar-26
Proposed Drawing	TA 1578/30		31-Mar-26
Proposed Drawing	TA 1578/31		31-Mar-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, rooflight and balcony treatments
 - e) samples/details of all other materials to be used externally
 Development shall be carried out in accordance with the approved details.
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. The development hereby permitted shall not be occupied until details of secure cycle parking facilities for the occupants of, and visitors to, the development have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.
Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with Policy DM33 of Brighton & Hove City Plan Part 2 and SPD14: Parking Standards.

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

6. 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 Policy DM44 of the Brighton & Hove City Plan Part Two and Policy CP8 of the Brighton & Hove City Plan Part One.

7. The development hereby permitted shall not be occupied until details showing the type, number, location and timescale for implementation of bat boxes have been submitted to and approved in writing by the Local Planning Authority. This shall include a minimum of one bat box. The scheme shall then be carried out in strict accordance with the approved details and shall thereafter be retained.

Reason: To safeguard protected species from the impact of the development and ensure appropriate integration of new nature conservation and enhancement features in accordance 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.

8. If during construction, contamination not previously identified is found to be present at the site then no further development, unless otherwise agreed in writing by the Local Planning Authority, shall be carried out until a method statement identifying and assessing the risk and proposing remediation measures, together with a programme for such works, has been submitted to and approved in writing by the Local Planning Authority. The remediation measures shall be carried out as approved and in accordance with the approved programme.

Reason: To safeguard the health of future residents or occupiers of the site and to comply with Policies DM20, DM40 and DM41 of Brighton & Hove City Plan Part Two.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. Based on current CPZ permit take-up data the development will not be eligible for parking permits. You are advised that details of the development will be passed to BHCC as Traffic Authority so they can determine prior to first occupation if occupiers should be eligible for residents' parking permits.
3. 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.

- 4. Where asbestos is found/suspected on site, it will fall under the Control of Asbestos Regulations 2012, overseen by the Health and Safety Executive. Further information can be found here: HSE: Asbestos - health and safety in the workplace

2. SITE LOCATION

- 2.1. The application relates to 3 and 4A College Place, on the western side of College Place close to its junction with St George's Road. The site has an irregular L-shaped footprint and comprises a long, narrow range extending westwards from College Place together with buildings within the enclosed rear area. The ground and first floors are in commercial use within Use Class E and have most recently been occupied as artists' studios. An existing self-contained flat occupies the second floor.
- 2.2. The surrounding area is densely developed and mixed in character. College Place contains residential properties of varied age and form, while St George's Road provides a range of shops, services and public transport connections. Residential properties closely adjoin the site to the north, west and south, including Nos. 1, 1A, 2, 2A, 4 and 4C College Place and properties in College Mews and St George's Road.
- 2.3. The site lies within the East Cliff Conservation Area. The application building dates from the mid-twentieth century and is not listed. Listed buildings are present within the wider surroundings, including Nos. 6 and 7 College Place, but are physically separated from the application site by intervening development.

3. RELEVANT HISTORY

- 3.1. **BH2024/01916** – Prior Approval for change of use of the ground and first floors from commercial use to four self-contained flats under Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015.
Approved 26.09.2024

4. RELEVANT HISTORY AT OTHER SITES

- 4.1. **BH2026/00879** - Land South of 5 College Place, Brighton
Erection of three storey building to provide 2no self contained flats (C3).
Approved 12.10.2026

5. APPLICATION DESCRIPTION

- 5.1. Planning permission is sought for the change of use of the ground and first floors from commercial use (Use Class E) to provide four self-contained flats (Use Class C3). Associated works comprise a first-floor extension above the rear mid-section, alterations to the roof form, revised fenestration and the installation of recessed balconies.
- 5.2. The four additional flats would comprise three one bedroom units and one three-bedroom duplex. Unit 1 would provide approximately 48sqm at ground floor level, Unit 2 approximately 44sqm at first floor level, Unit 3 is as existing, Unit 4 approximately 88sqm over the ground and first floors and Unit 5 approximately 55sqm over the ground and first floors. Unit 4 would also benefit from a ground floor courtyard. Cycle storage areas are indicated within the ground floor layout.
- 5.3. An existing one-bedroom flat at second-floor level, identified as Unit 3, would remain alongside the four additional flats. It does not form part of the proposed change of use. Internal alterations and a small recessed terrace are shown as proposed to this unit. Following development, the building would contain five flats in total.
- 5.4. The most significant external alteration would be the upward extension of the central single storey element to provide first-floor accommodation beneath a pitched roof. The northern elevation would be altered through new windows and recessed balconies, with further changes to openings and rooflights on the east and west elevations. No car parking or soft landscaping is proposed.

6. REPRESENTATIONS

- 6.1. Sixteen (16) representations have been received from ten people objecting to the application for the following reasons:
 - Excessive height, bulk and overdevelopment of a constrained site
 - Harm to the character and appearance of the East Cliff Conservation Area
 - Loss of daylight and sunlight, overshadowing and an overbearing effect
 - Loss of privacy and overlooking from new windows, rooflights, balconies and terraces
 - Loss of outlook and views
 - Noise, dust, disturbance and access difficulties during construction
 - Concern that the submitted daylight and sunlight assessment is incomplete or relies upon inaccurate assumptions
 - Inaccurate plans, measurements, site boundaries and neighbouring building information
 - Concern regarding ownership of land, the external staircase and access arrangements
 - Damage to adjoining property, drainage and the historic courtyard surface
 - Insufficient cycle and car parking and increased pressure on surrounding streets
 - Traffic, servicing, refuse collection, drainage and highway-safety concerns

- Cumulative effects with application BH2026/00879 on the opposite side of the access
- Potential effects on the value of neighbouring property and residents' mental health

7. CONSULTATIONS

Private Sector Housing

- 7.1. The proposed arrangement of the existing second floor flat contains an inner bedroom accessed through an open-plan kitchen and living area, which is considered a higher risk room in the event of fire.

8. MATERIAL CONSIDERATIONS

- 8.1. 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.
- 8.2. 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 2023 and revised October 2024
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan, adopted February 2017

9. RELEVANT POLICIES AND GUIDANCE

The National Planning Policy Framework

Brighton & Hove City Plan Part One:

SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP3	Employment land
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP12	Urban design
CP15	Heritage
CP19	Housing mix
CP20	Affordable housing

Brighton & Hove City Plan Part Two:

DM1	Housing Quality, Choice and Mix
DM18	High quality design and places

DM20	Protection of Amenity
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
DM44	Energy Efficiency and Renewables

Waste and Minerals Plan:

WMP3e Sustainable Design of New Development

Supplementary Planning Documents and other guidance:

SPD12 Design Guide for Extensions and Alterations

SPD14 Parking Standards

East Cliff Conservation Area Study and Enhancement Plan
Nationally Described Space Standard (NDSS)

10. CONSIDERATIONS AND ASSESSMENT

- 10.1. The main considerations in the determination of this application are the principle of the change of use and loss of commercial floorspace, housing delivery and affordable housing, the standard of accommodation, design and heritage impacts, neighbouring amenity, transport and parking, biodiversity, sustainability and other environmental matters.

Principle of Development and Loss of Commercial Floorspace

- 10.2. Policy CP3 of the City Plan Part One seeks to retain employment floorspace unless its continued use is demonstrated to be unviable or the premises are unsuitable for employment use. No marketing evidence has been provided to demonstrate that the ground- and first-floor commercial accommodation is redundant.
- 10.3. However, prior approval BH2024/01916 permits the conversion of the same ground- and first-floor accommodation to four flats. The prior approval remains capable of implementation and establishes a realistic fallback under which the commercial floorspace could be lost without a further full planning assessment of the principle.
- 10.4. The current use as artists' studios does not extinguish that permission.
- 10.5. The present scheme would deliver the same number of additional dwellings as the fallback while seeking permission for external works and a different internal arrangement. The fallback attracts substantial weight in this assessment. The proposal would provide four additional homes in a sustainable location at a time when the Council cannot demonstrate a five-year housing land supply. The principle of residential use is therefore acceptable notwithstanding the absence of marketing evidence under Policy CP3.

Housing Delivery and Affordable Housing

- 10.6. The Council's latest published housing-land-supply position identifies a substantial shortfall and approximately 1.5 years of supply. In accordance with the National Planning Policy Framework, increased weight is therefore given to the delivery of housing. The provision of four additional dwellings within an existing building attracts positive weight.
- 10.7. Policy CP20 applies affordable-housing requirements to developments meeting the relevant dwelling threshold. This application proposes four additional dwellings and does not itself meet that threshold. A separate application, BH2026/00879, proposing two flats on land on the opposite side of the access was approved in October 2026. Although the two sites are in the same ownership, they are held under separate titles, are physically divided by the access and neither scheme depends upon the other for access, accommodation or essential infrastructure. Given that the prior approval also provides an independent fallback for four flats within the present building the two proposals are therefore appropriately assessed as separate developments and the affordable-housing threshold is not engaged by this application.

Standard of Accommodation

- 10.8. Policy DM1 of Brighton & Hove City Plan Part Two requires new residential development to provide a good standard of accommodation and meet the Nationally Described Space Standard. The three proposed one-bedroom units would provide approximately 48sqm, 44sqm and 55sqm respectively, exceeding the 37sqm standard for that occupancy. Unit 4 would provide approximately 88sqm over two floors and three bedrooms. This exceeds the 84sqm standard for a three-bedroom, four-person dwelling arranged over two storeys. Its bedrooms would also meet the relevant minimum room areas.
- 10.9. The layouts would provide each proposed unit with dedicated living, cooking and bathroom facilities and sufficient light and ventilation from windows serving principal rooms. Unit 4 would have access to a courtyard and recessed balcony, while Unit 2 would have a recessed balcony. The proposed units without private external space (Units 1 and 3) would be located within walking distance of the seafront and public open spaces. In this dense urban location, and having regard to the fallback permission which provides no private external amenity space, the proposed amenity provision is acceptable.
- 10.10. The existing second floor flat is identified as a one-bedroom unit and is not included among the four additional dwellings. The submitted proposed plan shows an ancillary room of approximately 4.8sqm labelled as a bedroom. Given its limited size, it has not been treated as a bedroom for housing-mix or occupancy purposes. As the units is existing internal alterations and detailed fire safety requirements relating to this existing flat are principally matters for the Building Regulations and housing legislation.
- 10.11. A concern is noted in regards to the provision of the bedrooms to Units 1 and 5 which are below 11m² and are therefore considered as single occupancy. Both units however provide an overall acceptable standard of accommodation and the existing building layout and prior approval permission are considered as

significant in weight and the standard of accommodation provided is considered overall acceptable.

- 10.12. The development would provide an acceptable standard of accommodation in accordance with City Plan Part Two policy DM1.

Design and Heritage

- 10.13. Policies CP12 and CP15 of the City Plan Part One and Policies DM18 and DM26 of the City Plan Part Two require development to achieve a high standard of design and preserve or enhance the character and appearance of conservation areas.
- 10.14. When considering whether to grant planning permission for development in a conservation area the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.
- 10.15. Case law has held that the desirability of preserving or enhancing the character or appearance of a conservation area should be given “considerable importance and weight”.
- 10.16. The application building is a mid twentieth century structure of limited architectural interest within a varied and tightly developed rear townscape. The principal College Place frontage would remain similar with only fenestration alterations proposed, with the larger interventions concentrated within the enclosed rear of the site.
- 10.17. The revised northern elevation (College Place return) would be revised and introduce a more regular arrangement of windows and recessed balconies. The resulting elevation is contemporary but not considered discordant within this mixed context. Views from public streets would be limited and filtered by existing buildings.
- 10.18. The central single storey element at the rear of the existing flat roofed building would be extended upwards (1.8m) by an additional storey with the existing hipped roof altered to a gabled pitched roof with rooflights. Although this would increase its height and visibility, it would remain below and subordinate to the principal three-storey range fronting College Place and the eaves would match the existing pitched roof building to which it is adjoined to the west. The resulting pitched form and tiled finish would reflect the varied roofscape of the surrounding mews and rear buildings.
- 10.19. Other external alterations at the rear of the site include revisions to fenestration (proposed aluminium) which are considered acceptable and facilitate the overall conversion. Details are proposed to be secured by condition.
- 10.20. The nearest listed buildings are separated from the site by intervening development. The proposal would not compete with their scale or materially alter their setting.

- 10.21. Subject to approval of the detailed external materials, the development would preserve the character and appearance of the East Cliff Conservation Area and the setting of nearby listed buildings.
- 10.22. The design and appearance of the proposal would comply with policies CP12 and CP15 of the City Plan Part One and Policies DM18 and DM26 of the City Plan Part Two

Impact on Neighbouring Amenities

- 10.23. Policy DM20 of the City Plan Part Two seeks to ensure that development does not cause unacceptable harm through overlooking, loss of privacy, loss of daylight or sunlight, overbearing effects, noise or disturbance to existing or neighbouring occupiers.
- 10.24. The close relationship between the application buildings and surrounding dwellings is acknowledged, as are the detailed concerns raised by residents.
- 10.25. A daylight and sunlight assessment has been submitted addressing nearby properties including Nos. 2, 4 and 4C College Place and Nos. 16-19 St George's Road. Due to the orientation of the site and the scale of development proposed, the most affected properties are considered to be 2 College Place directly adjoining to the south of the site and 4C College Place to the West. The western property is sufficiently separated from the principal roof extension such that any impacts are not considered harmful.
- 10.26. The adjoining southern property has a number of south and west facing windows at first floor which would be in close proximity to the proposed roof extension. The proximity is such that there would be impacts to these windows which would experience effects in terms of a limited outlook to the west which would reduce some of the vertical sky component and a reduction in daylight and sunlight. This is particularly to the immediately adjoining first floor window at the rear of 2 College Place. Whilst some impact is acknowledged the report concludes that the assessed windows would not experience an unacceptable reduction in daylight or sunlight when considered against the relevant Building Research Establishment guidance. Representations received have questioned the assumptions used, the omission of some neighbouring rooms and the absence of a no-sky-line assessment. The drawings also identify some neighbouring levels and internal arrangements as being estimated.
- 10.27. The technical assessment is however considered alongside the submitted sections, the orientation of the site and the existing built form. The raised central roof would be visible from adjoining homes and would reduce some open sky outlook as noted above, however, it would occupy a relatively limited part of the outlook, retain a pitched form and remain below the main College Place building. Properties to the south are separated from the extension by intervening walls and built form as existing, while those to the north and west face an established, tightly enclosed mews environment. It is considered that the proposal would not result in an unacceptable overbearing impact or material loss of daylight sufficient to justify refusal in this context.

- 10.28. New windows, rooflights and balconies would introduce some additional activity within the site. However, the neighbouring buildings to the rear are faced by a largely blank elevation, with no new windows or balconies directly overlooking them. The proposed openings and balconies would principally face towards the internal access and parking area and to the open rear aspects of properties to the west. The proposed rooflights would not provide direct views towards neighbouring accommodation. The proposal would therefore not result in an unacceptable loss of privacy.
- 10.29. The change from commercial studios to four flats would alter the pattern of activity but would be residential in nature and compatible with surrounding uses. The building already benefits from prior approval for the same number of additional flats. Some construction noise and inconvenience would occur, but this would be temporary and is not considered to warrant refusal or a detailed construction-management condition for development of this scale.
- 10.30. It is of note that planning application BH2026/00879 (Erection of three storey building to provide 2 no self contained flats at Land South of 5 College Place) has been approved by Planning Committee 7th October 2026. The potential cumulative effects of the implementation of this application have been considered. The schemes are divided by the access and would retain physical separation and whilst the combined relationship would reduce the outlook and light from the north facing windows of the proposed development, the elevations would be separated by the access road and continue to provide acceptable living conditions for future occupiers of both schemes.

Transport Parking and Servicing

- 10.31. The site is within a sustainable location close to shops, services and frequent bus routes on St George's Road and Eastern Road. No off-street car parking is proposed. The addition of four flats is unlikely to generate sufficient highway movements over and above the existing commercial use. The previous Prior Approval application was considered acceptable by the Highways Authority and no objection was raised. The scheme is proposed as being car free and without cycle parking. Given the constraints of the site this is considered acceptable. The Highways Authority administer and manage the CPZ within which the application is located and an informative to this effect shall be imposed. The absence of any proposed vehicle or cycle parking would not result in severe residual highway effects or an unacceptable highway-safety impact.
- 10.32. Notwithstanding the above the proposed ground-floor plan identifies internal areas for cycle storage, although the Planning Statement states that no cycle parking is proposed and the precise capacity is unclear. A condition is therefore recommended requiring secure and covered parking for at least four cycles before occupation. Details of refuse and recycling storage are also secured by condition. Subject to these requirements, the proposal is acceptable under Policies CP9, DM33 and DM36 of The Brighton and Hove City Plan Part One and Part Two.

Biodiversity and Biodiversity Net Gain

- 10.33. A preliminary ecological appraisal identified the need for bat survey work because works are proposed to an older roof. The subsequent survey recorded no evidence of bats. An integrated bat roosting feature is nevertheless recommended as a proportionate biodiversity enhancement and is secured by condition.
- 10.34. The application site is occupied by buildings and hardstanding and the development would not affect more than 25sqm of on site habitat. On the information submitted, the proposal is considered to fall within the de minimis exemption from mandatory Biodiversity Net Gain. An informative is recommended confirming that responsibility for demonstrating and relying upon the exemption remains with the applicant.

Sustainability and Environmental Matters

- 10.35. The reuse of the existing building makes efficient use of its embodied carbon and avoids the environmental impacts associated with comprehensive demolition and redevelopment. Conditions are recommended requiring the four additional dwellings to achieve an EPC rating of C or above and the optional water-efficiency standard of 110 litres per person per day.
- 10.36. A preliminary contamination assessment identifies a low risk of contamination and does not recommend intrusive investigation. A precautionary condition is imposed to address any unexpected contamination encountered during construction.

Other Matters

- 10.37. Representations received concerning precise land ownership, rights over the external staircase, party wall matters, access for construction and responsibility for any damage are private legal matters and not material planning considerations in this context. Planning permission does not, however, override third party property rights. The submitted ownership information indicates that the applicant considers the application site to be within their ownership - any necessary notices and agreements remain the applicant's responsibility.
- 10.38. The loss of private views and potential effects on property values are not material planning considerations. Existing drainage and refuse issues in the wider area do not provide evidence that the proposed scheme would result in unacceptable infrastructure impacts, and detailed drainage and building-services requirements would be considered through the Building Regulations and statutory undertakers.

11. EQUALITIES

- 11.1. Section 149(1) of the Equality Act 2010 provides that a public authority must, in the exercise of its functions, have due regard to the need to eliminate discrimination, harassment, victimisation and other prohibited conduct; advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not; and foster good relations between those groups.

- 11.2. Officers have considered the submitted information, consultation response and third-party representations. The development would provide additional housing in an accessible urban location. Subject to the recommended conditions and separate compliance with the Building Regulations, the proposal is not considered to give rise to unacceptable material effects on individuals or identifiable groups with protected characteristics.

12. COMMUNITY INFRASTRUCTURE LEVY

- 12.1. Under the Community Infrastructure Levy Regulations 2010, as amended, Brighton & Hove City Council began charging CIL on liable development from 5 October 2020. The development is CIL liable. The exact amount will be confirmed in a CIL liability notice following the grant of planning permission.

13. CONCLUSION

- 13.1. The proposal would provide four additional dwellings within an existing building in a sustainable urban location. Prior approval BH2024/01916 already permits the conversion of the same ground- and first-floor commercial accommodation to four flats and represents a realistic fallback. Substantial weight is therefore given to the established principle of residential conversion, alongside the contribution to housing delivery at a time of significant shortfall.
- 13.2. The current proposal would improve the mix and amenity of the accommodation when compared with the fallback, principally through the creation of a three-bedroom duplex, courtyard and recessed balconies. The proposed units would meet the relevant space standards on the stated occupancy basis and would provide acceptable living conditions.
- 13.3. The extension and external alterations would increase the height and activity of the enclosed rear parts of the site. The concerns of neighbouring residents regarding daylight, outlook and privacy are acknowledged. However, having regard to the limited extent and subordinate form of the extension, the submitted daylight assessment, the dense existing context and the recommended privacy condition, the development would not result in unacceptable harm to neighbouring amenity.
- 13.4. The works would preserve the character and appearance of the East Cliff Conservation Area and would not harm the setting of nearby listed buildings. Transport, cycle storage, refuse, biodiversity, sustainability and contamination matters can be addressed through the recommended conditions.
- 13.5. The proposal is therefore considered compliant with the development plan when read as a whole and is recommended for approval subject to the conditions set out above.

