

# **ITEM D**

**61-62 Western Road, Brighton**

**BH2014/02179**  
**Full planning**

**10 DECEMBER 2014**

# BH2014/02179 61, 62 Western Road, Brighton



**Brighton & Hove  
City Council**



Scale : 1:1,250

<b><u>No:</u></b>	<b>BH2014/02179</b>	<b><u>Ward:</u></b>	<b>REGENCY</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>61-62 Western Road Brighton</b>		
<b><u>Proposal:</u></b>	<b>Change of use of part of basement, first, second and third floors from retail (A1) to 20 bedroom managed house in multiple occupation (Sui Generis) including ancillary staff accommodation, alterations to fenestration, installation of air conditioning units, creation of plant room to roof, creation of new entrance onto Stone Street and associated works.</b>		
<b><u>Officer:</u></b>	Liz Arnold Tel 291709	<b><u>Valid Date:</u></b>	04 July 2014
<b><u>Con Area:</u></b>	Regency Square	<b><u>Expiry Date:</u></b>	29 August 2014
<b><u>Listed Building Grade:</u></b>			
<b><u>Agent:</u></b>	Lewis & Co Planning, 2 Port Hall Road Brighton BN1 5PD		
<b><u>Applicant:</u></b>	YMCA Downslink Group, Mr G Smith C/O Lewis & Co Planning 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 in section 11 and the policies and guidance in section 7 and resolves to be **MINDED TO GRANT** planning permission subject to the receipt of no further representations which raise new material planning considerations which have not already been considered within this report, and to the completion of a Section 106 Agreement and the Conditions and Informatives set out in section 11.

## 2 SITE LOCATION & DESCRIPTION

- 2.1 The application relates to a 1920s property located on the southern side of Western Road, on the corner with Castle Street and Stone Street. The four storey, plus basement property, currently has permission to be used solely for retail purposes (although the second and third floor are currently vacant). The building incorporates a shop window across the entire north facing elevation and part of the eastern elevation.
- 2.2 The building comprises decorative plaster work to the north and east facing façades. The third floor appears to be a later addition to the property as are the windows and shopfronts. The roof of the property sits behind a parapet.
- 2.3 The prominent corner property is situated within the Regency Square Conservation Area. There are extensive views into the site and the prominent building is considered to positively contribute to the character and appearance of

the conservation area. The building is therefore considered to be a heritage asset.

### **3 RELEVANT HISTORY**

**BH2004/03424/FP** - Conversion and change of use of first, second and third floors from retail/storage together with construction of two additional floors, all to form 7 residential units. (Ground floor to remain in retail use). Withdrawn 12/01/2005.

### **4 THE APPLICATION**

4.1 Planning permission is sought for the change of use of part of the basement, first, second and third floor levels of the property from retail (Use Class A1) to a 20 bedroom house in multiple occupation with ancillary staff accommodation (1 room).

The proposal would provide the following accommodation within the property;

- basement – retail storage, WC facilities for the retained retail use, pump room, laundry room, cycle storage,
- ground floor – retail (remains unchanged),
- first floor - 6 units of accommodation (with individual lounge and bathroom facilities) including a wheelchair accessible unit, a communal kitchen and lounge area, staff office and staff accommodation (one room),
- second floor – 8 units of accommodation (with individual lounge and bathroom facilities) and a communal kitchen and lounge area,
- third floor – 6 units of accommodation (with individual lounge and bathroom facilities) and a communal kitchen and lounge area.

In order to accommodate the proposed change of use the following alterations would be made:

- a new fire escape adjacent to the retained retail entrance would be created fronting Western Road,
- a new entrance to the proposed upper floor accommodation accessed from Stone Street,
- the replacement of the existing lift,
- the rebuilding of the existing external lift shaft within the existing opening,
- alterations to fenestration including the replacement of windows, the removal/blocking up of window openings,
- the creation of a new goods delivery entrance,
- the replication of existing decorative detailing on the north and east elevations,
- the addition of insulative render to all elevations,
- the removal of a fire escape on the western elevation,
- the replacement of existing railings at third floor level,
- the provision of additional plant at roof level, and
- the provision of additional air conditioning units at roof level.

## 5 PUBLICITY & CONSULTATIONS

### External:

5.1 **Neighbours: Twenty-Five (25)** letters of representation have been received from **Unknown, 20, 34, 35, Flat 2 and Flat 3 41 and 41 Castle Street, Flat 54 Fairways Dyke Road, Unknown, 5, 9, 13, Flat 1, Flat 4, Flat 6 (x2) and 16 Stone Street, 31, 41, 42 and 65-66 Regency Square, The Regency Tavern 32-34 Russell Square, 7 Hungerford Road West Midlands and 8 Church Street Hagley and an Unknown Address objecting to the application for the following reasons:**

- The location chosen is not a suitable spot for a YMCA. Already have many problems with hostels in Regency Square and there are too many HMOs in area. This is a mixed area with many groups who have needs that are overlooked, the elderly, young families, young single people and businesses who struggle with the multiple needs of the large number of tenants of these premises. Another large number of people with specific needs moved to an area already struggling would be reckless. A 20 bed hostel would further threaten the balance of the local community and change the character of the area. Should instead provide much needed accommodation for low paid workers and families in the area.
- Despite Council and local residents attempts to improve appearance of area companies with units fronting Western Road have no regard whatsoever of the residents aspect of Stone Street,
- All residents fought a similar application proposed further along the road in February 2013. This previous application was refused on grounds that this ought to be,
- HMOs do not attract long term residents who will cherish and improve the area, will reduce all the efforts to improve the area. As a transient group how could they ever develop a sense of belonging towards self-fulfilment in this location, should ne more suitably housed,
- Is a prime central location and should stay as a shop as the high street is dying as so many shops down western road are being shut,
- On-street parking demand is high, there is a waiting list for new parking permits,
- Noise from roof top plant,
- The building is a fine piece of semi-Art Deco architecture with extraordinarily fine mouldings on the façade, which would be removed by the proposal. It is highly unlikely that any contemporary craftsman would be able to recreate these designs,
- Overlooking and loss of privacy,
- The existing windows should be replaced with windows that recreate the original designed windows,
- Increased congestion and traffic,
- There has already been continual construction happening on Stone Street for several months. Demolition and construction in respect of the application will further disrupt and disturb neighbours,
- Increased transient pedestrians to street at all times of the day,
- Already over-populated area,

## PLANNING COMMITTEE LIST- 10 DECEMBER 2014

- Poor lighting,
- A YMCA for homeless people means that the area will become less safe and local residents will feel less secure. Will become as less desirable area to live. Residents would be 16-25 year olds, statistics show that crime rates are highest amongst this demographic group,
- Will result in more rubbish on the street. The Council and police appear to have little focus on the state of the street from a health or safety aspect. The street is consistently dirty, it has trains of commercial bins and is also a favoured nesting ground for rats. There is insufficient suitable space for communal bins to serve existing residents. A further 20 people would make the problem even more insupportable. Council are in the process of removing the industrial bins that litter one end of the street,
- Neighbouring apartments are high value apartments,
- Agree with Council's conservation advisor with regard to the applicants' cavalier treatment of this extremely prominent and sadly neglected building, which by virtue of its size and prominence plays such an important part in the local landscape. The applicant lacks any appreciation of their responsibility to preserve the many original and distinctive architectural features of the premises and also to ensure that any new features marry with the existing fabric. The proposed new fenestration is clearly both inappropriate and unimaginative. The window openings form an integral part of the buildings original steel framed design and any new work should be carefully designed to be harmonious,
- Additional noise disturbance at a hours of the day and night,
- There is a planning application for a similar block on Castle Street/Stone Street on the west side. This would result in Stone Street being book-ended by student/hostel/homeless accommodation on a street which already contains a brothel with all the adverse and intimidating traffic associated with it. Area, especially Stone Street is plagued with anti-social behaviour, something the police are familiar with. Further cheap hostel-type accommodation can only add to the area's further deterioration,
- 5 employees for 20 homeless people is not enough,
- Goods delivery should not be on Stone Street as it is too narrow for lorries and would cause disturbance to local resident, including illegal parking with engines running,
- Disturbance, noise, fumes and vibrations generated by refuse collection vehicles,
- Conflicting information regarding no. of bikes, documents refer to 8 and 20,
- No amenities provided for proposed residents,
- Windows and render should not be replaced as sits is within a Conservation Area,
- The existing main entrance is onto Western Road. New entrance would be onto Stone Street which would affect a large number of residents in Stone Street and Castel Street. In view of this all residents of Stone Street should have been consulted, and
- The plant room and air conditioning will be noisy to local residents,

5.2 **Brighton & Hove Heritage Commission:** Although do not object to the change of use object to the changes to the important east and north facades. The

proposed replacement windows design could be more in keeping with the original style. Suggest either a bronze or black finish to the exterior of the fenestration in order to enhance the overall appearance of the building and its status on this corner and conspicuous site. Being a Conservation Area would recommend that a softer colour than white is used, which is the preset colour of the building. The external plaster work should not be touched but restored and all insulating should be carried out from inside. The cornices are an extreme feature of the building and should be retained without exception. The modern brickwork infill on the ground floor east facade should be reinstated with similar plaster work feature of the above floors and the 1980s window intrusion removed. There is an interesting overhang to the ground floor cornice above the fascia would advise that overhang to be uncovered by removing the bulk fascia board which is presently Lang both sides of the shopfront. Agree that the lattice Romano style iron work is replaced with an identically designed structure which is perhaps galvanised. Although with no listed protection the iron balustrading with probably a brass or bronze hand rail to the staircase should be retained. Request that the "Historic Street Name Plate Project" is attached to the application in respect of signage for Castle Street and Stone Street.

- 5.3 **CAG:** Whilst the group welcome the restoration of the building, attention was drawn to certain flaws within the application namely the railings on the third floor should be replaced as original; the windows facing east and north should be retained as existing and any double glazing should be installed internally. With regards to the rendered area, insulation should be delivered internally and the design features on the façade should be retained and refurbished where necessary. Suggest that the small modern window at the bottom left of the east elevation should be removed. Unhappy with the proposals for the rear elevation due to the lack of details provided.
- 5.4 **Keeper of the National Archive of Historic Windows:** The presently existing windows are architecturally incorrect of the 1960s and 70s. This is an important 1920s building with neoclassical detailing. Whilst do not disagree with the principle of replacement, having examined the plans and the proposed window design, advise that the proposal are not suitable. Photograph of 1926 and 1928 indicate that the original fenestration consisted of steel casement windows of two mullions creating three sections with transom lights above. The steel casements had margin lights typical of commercial buildings of this type of the 1920s.
- 5.5 **Regency Square Area Society: Object.** The building is a very distinguished and highly unusual structure, suffering from neglect. The current application is not adequate to a building of such quality. The application provides almost no detail about how the visible external structure will be treated. Replacement window frames should replicate the original design. It would almost certainly be impossible to find anyone to create an accurate reproduction of the existing decorative features. The shopfront is currently of poor quality, there is no detail at all as to how the proposed shopfront should look. Doors should use designs appropriate to the overall style of the building. This building is of real quality and is situated in a neglected part of the Regency Square Conservation Area. A well restored building would help this area to recover its character and help in economic recovery to this part of Western Road. Believe the application should

be refused and that a better researched and more specific application be submitted.

**Internal:**

- 5.6 **City Clean:** The section of Western Road is included in the Council's communal refuse and recycling collection area. The nearby refuse and recycling containers for 61-62 Western Road are behind on Stone Street, Castle Street, further along Western Road, on either side of the entrance to Hampton Road and also at the bottom of Spring Street. This area of the City is unlikely to revert to door to door collections again but in terms of future proofing, would recommend that space for bins are provided.
- 5.7 **Environmental Health (Air Quality):** Have no objections on grounds of air quality. There are no residential units fronting Western Road at basement and ground floor level which is favourable. Highest exposure of future residence to prevailing pollution will be first floor at the front.
- 5.8 **Environmental Health:**  
(Original comments 22/07/2014) Due to Defra noise mapping indicating high levels of road traffic noise on Western Road, technical noise data is required to show that new residents will not be affected. There is also a need for information in regards to how noise from the ground floor retail store, as well as plant and machinery will be managed to ensue that it will not have a negative impact on residents. Without the noise data and information about plant and the retail store, there is insufficient data on which to comment.
- 5.9 (Comments 29/08/2014 following receipt of an Acoustic Report) Recommend approval subject to conditions.
- 5.10 (Additional comments 20/11/2014 following query from Case Officer regarding the provision of proposed new lift and plant room). Approve subject to conditions.
- Heritage:**
- 5.11 (Original comments 22/08/2014) Recommends refusal. The submitted Design and Access Statement fails to identify the building, which is considered to positively contribute to the character and appearance of the Conservation Area, as a heritage asset and consequently the necessary research and/or investigation into the history of the building which would inform the proposal has not been undertaken. Therefore, the local planning authority cannot make an informed decision regarding the acceptability of the proposal.
- 5.12 Notwithstanding the above; the existing windows are not of historic or architectural merit and whilst their proposed replacement is considered to be acceptable in principle; as explained in the Council's SPG11, the proposal should seek to reinstate windows to the original design, pattern and material.
- 5.13 The application offers the opportunity to enhance and better reveal the significance of the heritage asset and its setting; and contrary to the Framework, the proposed design of the replacement windows would detract from the aesthetic

## PLANNING COMMITTEE LIST- 10 DECEMBER 2014

significance of the building and would fail to contribute to the local character and distinctiveness of the immediate context.

- 5.14 (Comments 15/09/2014 following receipt of additional image) Analysis of the building must be carried out in order to confirm what the historical accurate window design is. The windows shown in the provided image are not in accordance with the historic photograph seen and would not be minded to support the proposed design unless there is evidence to suggest that the window design is historically accurate.
- 5.15 (Comments 29/10/2014 following receipt of e-mail from agent) The drawing showing draft fenestration details which was sent in an email from the agent Paul Burgess on 20/10/2014 show an appropriate design of window.
- 5.16 Drawing no 104 Revision D (Proposed elevations and sections AA and BB) now needs amending and submitting as part of the application. Design details indicating the dimensions, profiles etc of the glass, framing, glazing bars and window cill, head and reveals are also required but these can be controlled by way of condition.
- 5.17 The application offers the opportunity to enhance and better reveal the significance of the heritage asset and its setting; it is therefore desirable to improve the appearance of the shopfront however, it is appreciated that alterations to the shopfront are not proposed as part of the application. Also, it is desirable to reinstate the street names to the building and again this would offer a heritage gain.
- 5.18 It should also be noted that some original internal features, such as the staircase, have survived and such details should be recorded as part of the application.
- 5.19 (Comments 7/11/2014 following submission of amendments) The revised window design is now acceptable in principle however the detailed design which sets out that the glazing bars will be surface applied is inappropriate. The glazing bars must subdivide individual slim double glazed panes.
- 5.20 Also the proposal to clad the proposed plant room on the roof is of concern. A render finish which would echo the finish to the existing principal building would harmonise the building and is considered more appropriate. Again, the detailed design of the structure and roof detail is required.
- 5.21 (Comments 19/11/2014 following receipt of further window details) The submitted addendum to the Design and Access Statement now identifies the building, which is considered to positively contribute to the character and appearance of the conservation area- as a heritage asset. The addendum also includes a photographic record of the original stair and the necessary research into the history of the building to inform and provide justification to support the proposal.
- 5.22 A photograph showing the application building in 1928 shows the original window design and this image included in the James Gray collection has informed the

proposal. Therefore, the Local Planning Authority can make an informed decision regarding the acceptability of the proposal.

- 5.23 The amended design for the windows which matches the design shown in the 1928 photograph is therefore appropriate to the building and will complement and better reveal the architectural integrity and aesthetic significance of the building and this element of the proposal is in accordance with paragraph 137 of the Framework and is welcomed as a heritage gain.
- 5.24 Whilst the windows are detailed to have surface applied glazing bars, a detail which is usually resisted, it is considered that the public benefits of the proposal would outweigh the less than substantial harm and the works which are associated with the proposed new use of the building as residential accommodation will secure its optimum viable use, in accordance with paragraph 134 of the Framework.
- 5.25 With the above in mind, it is also desirable to improve the appearance of the shopfront however, it is appreciated that alterations to the shopfront do not form part of the application.
- 5.26 Also, it is desirable to reinstate the street names to the building and this would offer another heritage gain, however, the Local Planning Authority cannot require this work to be undertaken as part of the application.
- 5.27 The amended drawings now also show a render finish to the proposed roof plant which would echo the finish to the existing principal building. This is an appropriate detail which would harmonise with the building and enable it to appear as a more visually discreet addition to the building.
- 5.28 For the above reasons, it is considered that, on balance, the proposal would serve to preserve, enhance and better reveal the character and appearance of the conservation area and the appearance and setting of the heritage asset. Therefore, the recommendation is to grant planning permission for the works subject to the following conditions.
- 5.29 (Final comments 21/11/2014) Further conditions recommended.
- 5.30 **Housing:** Housing Strategy is committed to maximising the provision of affordable housing in the City and also welcomes the return to use of empty or underused empty property. Sussex YMCA are an existing partner and support them in bidding for funds under the recent HCA (Homes and Communities Agency) Empty Homes Programme, which will provide capital funding towards the scheme.
- 5.31 The affordable housing brief reflects the very pressing need for affordable homes of all kinds in the City. Currently have over 18,000 people on the joint housing register waiting for affordable rented housing an 867 applicants seeking to live in the City through the help to buy (shared ownership) programme.

**Planning Policy:**

- 5.32 An initial assessment of the proposal indicates that the concentration of HMOs within 50m of the application site does not exceed 10 per cent. For this reason the current application is considered acceptable against Part (ii) of policy CP21. In addition, the on site management arrangements of the building should help to address amenity concerns raised by residents. The proposed HMO is considered acceptable and will meet a significant need for affordable accommodation for younger people in the city.
- 5.33 The proposal is considered not to raise any concerns in relation to policies SR4 and CP4.
- 5.34 **Planning Contributions (Section 106) Officer:** Policy HO6 of the adopted Local Plan states that new residential development will not be permitted unless the requirement for outdoor recreation space, generated by the development is suitably provided for OR where this is not practicable, contributions to their provision on a suitable alternative site may be acceptable.
- 5.35 The applicant should identify how the generated demand for open space and sport, as shown in the 'ready reckoner' calculation, is to be met or demonstrate why an exception to policy should be made.
- 5.36 Should a financial contribution to alternative 'off site' provision be acceptable the sum due is £24,070.72, as per attached calculator, to be secured via a planning obligation. This assessment is based on 20 x studios and includes the full contribution to be made.
- 5.37 **Private Sector Housing:** Have no comments to make.
- 5.38 **Sustainable Transport:** Recommends approval as the Highway Authority has no objections to the application subject to the inclusion of conditions regarding cycle parking and car free housing.

## 6 MATERIAL CONSIDERATIONS

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."
- 6.2 The development plan is:
- Brighton & Hove Local Plan 2005 (saved policies post 2007);
  - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
  - East Sussex and Brighton & Hove Minerals Local Plan (November 1999); Saved policies 3,4,32 and 36 – all outside of Brighton & Hove;
  - East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only – site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.

- 6.3 The National Planning Policy Framework (NPPF) is a material consideration.
- 6.4 Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF.
- 6.5 The Brighton & Hove City Plan Part One (submission document) is an emerging development plan. The NPPF advises that weight may be given to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies to the policies in the NPPF.
- 6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

## 7 RELEVANT POLICIES & GUIDANCE

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste
SU15	Infrastructure
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD14	Extensions and alterations
QD15	Landscape design
QD16	Trees and hedgerows
QD20	Urban open space
QD27	Protection of Amenity
QD28	Planning obligations
HO5	Provision of private amenity space in residential development
HO7	Car free housing
HO14	Houses in multiple occupation
SR4	Regional shopping centres
HE6	Development within or affecting the setting of conservation areas.

#### Supplementary Planning Guidance:

SPGBH4	Parking Standards
SPGBH9	A guide for Residential Developers on the provision of recreational space

Interim Guidance on Developer Contributions

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD08	Sustainable Building Design
SPD09	Architectural Features
SPD12	Design Guide for Extensions and Alterations

Brighton & Hove City Plan Part One (submission document)

SS1	Presumption in Favour of Sustainable Development
CP4	Retail provision
CP21	Student Housing and Houses in Multiple Occupation

**8 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to the loss of part of the existing retail use, the principle of the conversion to a Sui Generis HMO and the impacts of the proposed external alterations upon the visual amenities of the parent property, the Western Road, Castle Street and Stone Street streetscenes and the wider area including the surrounding Regency Square Conservation Area. The impacts on amenity of neighbouring properties, amenity for future occupiers, impacts upon the highway network and sustainability issues must also be considered.

**Principle of Development:**

- 8.2 The site is located within the primary frontage of the Regional Shopping Centre and as a result policy SR4 of the Brighton & Hove Local Plan and CP4 of the emerging City Plan applies.
- 8.3 Policy SR4 of the Local Plan states that within the defined prime frontages of the regional shopping centre, the change of use of existing Class A1 use shops to Class A2, A3, A4 or A5 uses, will be permitted provided that all of the following criteria are met:
- as a result of the proposal there would not be a significant break in the shopping frontage of more than 10m;
  - it would not result in either the number of non-retail units or the proportion of frontages exceeding 25% of the shopping street(s) to which it relates;
  - it would have a positive effect on the shopping environment of the area by encouraging combined trips and attracting pedestrian activity to the centre; and
  - the development would not be significantly detrimental to the amenities of occupiers of nearby properties or the general character of the area.
- 8.4 The proposal seeks to retain the majority of the existing ground floor retail floorspace whilst converting the upper floors to a HMO. The basement level would be retained for storage for the retail unit, which is welcomed as it is considered this would help ensure that the retail unit in the prime location remains viable.

- 8.5 As part of the application marketing details have been submitted in which the following is stated;
- the subject property formed part of a portfolio of properties whose owner went into receivership around 2009, at a time when the property in its entirety was let to HMV in a lease than ran until 24<sup>th</sup> March 2014. The Receiver initially took the decision to focus on dealing with other properties within the portfolio holding the Western Road site on behalf of the bank collecting rent from HMV. At this time HMV only occupied the basement, ground and first floor level, with the upper floors not being utilised, which are now in a poor state,
  - HMV vacated the site at the latter part of 2012 due to experiencing significant trading problems but re-occupied just the ground floor level in November 2012 until shortly after Christmas 2012,
  - Due to HMV going into Administration in early 2013 they were not liable for repairing the premises to a good condition,
  - Marketing by Fludes commenced in October 2012, in respect of the letting of the whole property and in 2 parts (subject to necessary consent to self-contain the upper parts of the property),
  - 3 different sets of particulars were provided to deal with the various options of utilising the premises,
  - Various interest was generated form a number of retailers however all interested parties only required the ground and basement floor,
  - Marketing of the premises for sale as well as to let commenced in January 2013,
  - In April 2013 a tenancy was granted to a temporary retailer at a rent of £4,000 per calendar month, to provide security to the premises. This retailer still currently occupies the ground and basement level of the property, and
  - The marketing strategy consisted of the distribution of marketing particulars, press advertisements, mailing, the erection of marketing boards on the premises, internet marketing.
- 8.6 It is considered that the marketing strategy has been extensive. Given the marketing of the site undertaken and due to the retention of the existing retail unit with associated storage it is considered that the proposal accords with policy SR4 of the Local Plan and CP4 of the City Plan.
- 8.7 The proposed HMO would provide 20 rooms of affordable accommodation for young people (between the ages of 18 and 35) and would be managed 24 hours a day to provide a management service, safety and security, maintenance and advise to tenants.
- 8.8 Part 2 of policy CP21 of the City Plan relates to the creation of Houses in Multiple Occupation (HMOs) and specifically addresses the issue of changes of use to sui generis HMO uses and states that:
- 8.9 'In order to support mixed and balanced communities and to ensure that a range of housing needs continue to be accommodated throughout the city, applications for the change of use to a Class C4 (Houses in multiple occupation) use, a mixed C3/C4 use or to a sui generis House in Multiple Occupation use (more than six people sharing) will not be permitted where:

- More than 10 per cent of dwellings within a radius of 50 metres of the application site are already in use as Class C4, mixed C3/C4 or other types of HMO in a sui generis use.'
- 8.10 This policy at present has significant weight as the adopted Local Plan is silent on the issue.
- 8.11 A mapping exercise has taken place which indicates that there are currently no HMOs located within a 50m radius of the application site (based upon Council Tax records and HMO Licensing) and therefore the proposed conversion accords with policy CP21. In addition the proposed HMO would have on site management and would be subject to a management plan (discussed below) to address any noise, nuisance and other associated problems that might arise from a large HMO, which should address a number of the concerns raised by local residents in their objections regarding the proposed use and the potential impacts.

**Visual Amenities:**

- 8.12 Policy QD14 of the Brighton & Hove Local Plan states that planning permission for extensions or alterations to existing buildings, including the formation of rooms in the roof, will only be granted if the proposed development:
- is well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area;
  - would not result in significant noise disturbance or loss of privacy, outlook, daylight/sunlight or amenity to neighbouring properties;
  - takes account of the existing space around buildings and the character of the area and an appropriate gap is retained between the extension and the joint boundary to prevent a terracing effect where this would be detrimental to the character of the area; and
  - uses materials sympathetic to the parent building.
- 8.13 In considering whether to grant planning permission for extensions to residential and commercial properties, account will be taken of sunlight and daylight factors, together with orientation, slope, overall height relationships, existing boundary treatment and how overbearing the proposal will be.
- 8.14 The property lies within the Regency Square Conservation Area and therefore the impacts upon this Conservation Area must also be assessed. Policy HE6 states that proposals within or affecting the setting of a conservation area should preserve or enhance the character or appearance of the area and should show:
- a consistently high standard of design and detailing reflecting the scale and character or appearance of the area, including the layout of the streets, development patterns, building lines and building forms;
  - the use of building materials and finishes which are sympathetic to the area;
  - no harmful impact on the townscape and roofscape of the conservation area;

## PLANNING COMMITTEE LIST- 10 DECEMBER 2014

- the retention and protection of trees, gardens, spaces between buildings, and other open areas which contribute to the character or appearance of the area;
  - where appropriate, the removal of unsightly and inappropriate features or details; and
  - the retention and, where appropriate, the reinstatement of original features such as chimneys, chimney pots, gates, railings and shopfronts and small scale architectural details such as mouldings which individually or cumulatively contribute to the character or appearance of the area.
- 8.15 Proposals that are likely to have an adverse impact on the character or appearance of a conservation area will not be permitted.
- 8.16 Since submission of the application the Design and Access Statement has been amended to identify the building as a heritage asset, which is considered to positively contribute to the character and appearance of the Conservation Area. The statement also includes a photograph record of the original stair and the necessary research into the history of the building to inform and provide justification to support the proposal.
- 8.17 A list of the external alterations proposed as part of the conversion to a HMO are listed in section 4 above.
- 8.18 In association with the proposed works it is noted that a new internal staircase between ground and third floor levels at the front of the building would be installed, however, as the property is not listed such internal works do not require permission. The associated new fire escape that would exit onto Western Road, however, does require permission. This new access would comprise of a single Aluminium door within the western most section of the existing north facing shopfront. A new transom level would be created in the related section of the shopfront, level with that above the existing retail unit main entrance.
- 8.19 A photograph showing the building in 1928 shows the original window design and this image, which is included in the James Gray collection, has informed the proposal.
- 8.20 The existing windows are not of historic or architectural merit and whilst their proposed replacement is considered to be acceptable in principle the proposal should seek to reinstate windows to the original design, pattern and material.
- 8.21 The amended design for the proposed aluminium framed windows would match the design of the windows shown in the 1928 photograph and therefore is considered appropriate to the building and would complement and better reveal the architectural integrity and aesthetic significance of the building.
- 8.22 It is noted that the proposed windows would have surface applied glazing bars, a detail which is usually restricted; however it is considered that the overall public benefits of the proposal outweigh the less than substantial harm and the works,

which are associated with the proposed conversion, would secure the optimum viable use of the property.

- 8.23 As part of the proposed conversion a new plant room would be constructed on the southern side of the flat roof, adjacent to the existing lift shaft. This proposed plant room would measure approximately 3.4m by approximately 3.9m and approximately 2.6m in height. The flat roof of the proposed plant room would be located approximately 1.4m below that of the existing lift shaft.
- 8.24 Since submission of the application the proposal has been amended to replace the formally proposed external cladding of the proposed plant room with a rendered finish, a finish which would echo the finish to the existing principal building. It is considered that the proposed render finish would harmonise with the building and would enable the proposed plant room to appear as a more visually discreet addition to the building.
- 8.25 Insulated render would be applied to parts of the exterior of the property, in a colour to match the existing building.
- 8.26 With respect to the Stone Street elevation an existing window on the western side of the basement level would be enlarged to accommodate the entrance to the proposed HMO whilst an existing window opening located towards the centre of the elevation would be enlarged to accommodate a new retail goods entrance. The existing goods entrance would become a fire escape point for the retail use.
- 8.27 The existing railings associated with the third floor east facing balcony would also be replaced as part of the proposal, with rails to match the existing.
- 8.28 The existing fire escape located on the western elevation would be removed. Existing fire escape access door openings, located at third and second floor levels would be in-filled whilst at first floor a door would be replaced with a new window opening.
- 8.29 Subject to the compliance with recommended conditions, on balance it is considered that the benefit of bringing the upper floor levels of the property into use would outweigh the less than substantial harm of the details of the proposed external works and as such would serve to preserve, enhance and better reveal the character and appearance of the parent property and therefore would not be of significant detriment to the visual amenities of the related streetscenes and the wider area including the surrounding Conservation Area.

**Impact on Amenity:**

- 8.30 Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.

Future Occupiers

- 8.31 The plans submitted show that each proposed 20 units would comprise a single bed, a sitting/dining area, a sink and a shower room with WC. A communal

kitchen and dining area would be provided at first, second and third floor levels and a laundry at basement level.

- 8.32 The proposed ancillary staff accommodation would be at first floor level and would comprise a single bed, a sink, a sitting/dining area, a WC and shower room and a desk area. A separate office would also be located at first floor level.
- 8.33 A wheelchair accessible unit would be provided on the first floor level. As the application relates to the creation of a HMO the proposal is not subject to policy HO13 however the provision of such a unit is welcomed in addition to the retention of a lift.
- 8.34 All of the proposed units and associated communal areas would be provided with some form of natural light. It is considered that the standard of accommodation proposed is acceptable.
- 8.35 Policy HO5 requires new residential development to provide adequate private and usable amenity space for occupiers, appropriate to the scale and character of the development. None of the proposed residential units would be provided with any external amenity areas however it is not considered that refusal on this basis could be sustained given the City centre location of the site and the site constraints.
- 8.36 Brighton & Hove Local Plan policy HO6 requires that new residential development provides outdoor recreational space, specifying that 2.4 hectares per 1000 population accommodated within the development should be provided. This policy requires the provision of suitable outdoor recreation space to be split between children's equipped play space, casual / informal play space and adult/youth outdoor sports facilities. Such sufficient provision is not proposed as part of the application. In recognition that development schemes will seldom be capable of addressing the whole requirement on a development site, the policy allows for contributions towards the provision of the required space on a suitable alternative site. A contribution towards off-site improvements is therefore recommended to address the requirements of policy HO6. In this case the contribution required towards sport, recreation and open space would be £24,070.72. This requested contribution acknowledges that the proposed accommodation would not provide family accommodation and therefore does not include a contribution towards children and young people play space. The contribution also does not include the proposed staff accommodation as it is not considered that the same member of staff would resident at the property on a permanent basis. Such a contribution could be secured by legal agreement were approval to be recommended.
- 8.37 The property is located on Western Road which has heavy bus use, which raises concerns regarding the level of noise generated by road traffic. Since submission of the application an Acoustic Report has been submitted in which a number of measures are listed to ensure that future residents are protected in respect of noise nuisance, such as the installation of double glazing and the installation of a mechanical ventilation system. A mechanical ventilation system would provide future occupiers with ventilation should they wish to keep windows close due to

noise issues from the busy City centre location. Conditions to ensure that such measures are implemented are recommended.

- 8.38 Conditions can be attached to an approval to ensure that the proposed external plant, lift shaft and air conditioning units do not have a significant adverse impact upon the amenities of future occupiers.

Neighbouring Amenity

- 8.39 Since submission of the application a letter has been received from the YMCA providing further information regarding the proposed use. Within this letter it is stated that the proposal would house people between the ages of 18-35 that may have faced homelessness in the past but would not be currently street homeless and would likely to be already known to the organisation through the existing supported housing. It is stated that tenants would only be moved into the proposed accommodation when they have sufficient life skills and independent living skills, appropriate for the type of accommodation proposed.
- 8.40 It is also stated that any tenants that are deemed to be behaving anti-socially, the YMCA would take appropriate action in accordance with the YMCA existing policies, procedures and protocols, such as warnings and eviction protocols).
- 8.41 The submitted management details states that the property would benefit from 24 hour, 7 days a week staffing presence. It is considered that such management of the property is ensured via a condition attached to an approval.
- 8.42 The objections received regarding overlooking and loss of privacy are noted. The proposal includes the replacement of existing windows within the property, some of which would comprise obscured glazing. Whilst it is noted that internally some of the existing window openings are covered over the actual openings are still present and could be uncovered at any point for use by the current retail use of the site. Overall it is not considered that the proposed conversion would have a significant adverse impact upon the amenities of neighbouring properties with respect to overlooking or loss of privacy, subject to the compliance with recommended conditions regarding the prohibitive use of the existing third floor balcony area and the flat roof of the property.
- 8.43 As set out above the proposal includes the provision of a new lift shaft, a roof top plant room, the provision of a ventilation extract system and the installation of external air conditioning units. The amenities of neighbouring properties from such elements can be protected via the attachment of conditions.
- 8.44 Comments regarding the creation of the main entrance for the proposed HMO onto Stone Street are noted however due to the existing mixed commercial and residential character of the city centre location it is not considered that the provision of such an access point would have a significant adverse impact upon the amenities of neighbouring properties. It is also not considered that the creation of a new fire exit point onto Western Road would have a significant adverse impact upon the amenities of neighbouring properties.

- 8.45 The proposed plant room would be located on the southern side of the existing flat roof, adjacent to the existing lift shaft, which is also to be rebuilt as part of the proposal. The height of the proposed plant room would be lower than that of the rebuilt external lift shaft. Due to the existing height and built form of the building it is not considered that the proposal would have a significant adverse impact upon the amenities of the neighbouring properties.
- 8.46 Overall it is not considered that the proposed change of use of associated external alterations would have a significant adverse impact upon the amenities of neighbouring properties.

**Sustainable Transport:**

- 8.47 Policy TR1 requires new development to address the demand for travel which the proposal will create and requires the design of the development to promote the use of sustainable modes of transport on and off site, so that public transport, walking and cycling are as attractive as use of a private car. Policy TR7 requires that new development does not increase the danger to users of adjacent pavements, cycle routes and roads. Policy TR14 requires the provision of cycle parking within new developments, in accordance with the Council's minimum standards as set out in SPGBH4. Policy TR19 requires development to accord with the Council's maximum car parking standards, as set out in SPGBH4.
- 8.48 The Council's Transport Officer considers that the proposed change of use would not significantly increase the associated total person trips above those potentially generated by the existing retail use and as a result no financial contribution relating to trip generation is sought in this instance.
- 8.49 The site is located within one of the City's Controlled Parking Zones (CPZ). The Sustainable Transport Officer has raised no objection in principle to the proposal. The site is in a sustainable location in easy walking distance of local facilities and close to public transport routes. No on-site parking is proposed or possible given the constraints of the site. In accordance with policy HO7, it is considered appropriate to condition that the development is made car free, with future occupiers of the proposed accommodation being made ineligible for parking permits.
- 8.50 The Sustainable Transport Officer has identified that SPG4 requires a minimum of 7 cycle parking spaces to be provided in association with the proposed change of use. The plans submitted show the provision of a two tier bike store at basement level, however the Transport Officer does not consider that the proposed facilities are located within an adequately sized area and therefore it is recommended that a condition is attached to an approval requiring amended cycle storage facilities.

**Sustainability:**

- 8.51 All developments are required to seek to comply with the requirements set out in the Council's adopted Supplementary Planning Document on Sustainable Building Design (SPD08) and policy SU2 of the Brighton & Hove Local Plan.

8.52 In respect of SPD08 the proposal is classified as a major scale non-residential development within an existing building. In order to comply with SPD08 the proposal should result in no additional net annual CO2 emissions, a reduction in water consumption and the minimisation of surface water run-off. It is recommended that a condition be attached to an approval requiring further sustainability details to be submitted.

8.53 The plans submitted show the provision of internal areas for the storage of refuse at basement, first, second and third floor levels. The Council's City Clean Officer has confirmed that there is sufficient communal refuse and recycling within the vicinity of the site, on Stone Street, Castle Street and Western Road. It is however recommended that a condition is attached to an approval to ensure that the proposed on-site facilities are provided prior to occupation.

## **9 CONCLUSION**

9.1 In conclusion it is considered that, subject to the compliance with recommended conditions, the benefit of bringing the upper floor levels of the property into use would outweigh the less than substantial harm of the details of the proposed external works and as such would serve to preserve, enhance and better reveal the character and appearance of the parent property and therefore would not be of significant detriment to the visual amenities of the related streetscenes and the wider area including the surrounding Conservation Area. In addition the proposed standard of accommodation is considered acceptable and subject to the compliance with attached conditions the scheme would comply with the requirements for sustainability, waste management, parking standards and refuse and recycling storage. In addition it is deemed that the proposed HMO would not have a significant adverse impact upon the amenities of neighbouring properties.

## **10 EQUALITIES**

10.1 A wheelchair accessible unit would be provided on the first floor level.

## **11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES**

### **11.1 S106 Heads of Terms**

- £24, 070.72 contribution towards open space and indoor sport, to be spent on;
  - i. Parks/recreation/play space (£13, 333.64) - St Nicholas and/or St Ann's Well Gardens ,
  - ii. Outdoor sport (£5,961.48) - St Ann's Well Gardens and/or Dyke Park,
  - iii. Indoor sport (£3,920)- Prince Regent Swimming Complex and/or King Alfred Leisure Centre, and
  - iv. Allotments (£855.60) - Craven Vale and/or Whitehawk Hill Road

### **11.2 Regulatory Conditions:**

- 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

PLANNING COMMITTEE LIST- 10 DECEMBER 2014

**Reason:** To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

- 2) 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, Block and Site Plans	100	Rev. A	1 <sup>st</sup> July 2014
Existing Floor Plans	101	Rev. A	5 <sup>th</sup> September 2014
Existing Elevations and Section AA	102	Rev. A	5 <sup>th</sup> September 2014
Proposed Floor Plans	103	Rev. F	6 <sup>th</sup> November 2014
Proposed Elevations and Sections AA and BB	104	Rev. G	18 <sup>th</sup> November 2014

- 3) The number of persons residing at the premises shall not exceed twenty one (21) at any one time and each room shall be for single person occupancy only.

**Reason:** To safeguard the amenities of the occupiers of nearby properties and to comply with policy QD27 of the Brighton & Hove Local Plan.

- 4) The external render finish of the proposed roof plant hereby permitted shall match in material, colour and texture to that of the existing building.

**Reason:** To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.

- 5) The proposed lift, the mechanical ventilation, air conditioning units and plant hereby approved, must not exceed noise values laid out in BS8233 for the habitable residential rooms located in the property.

**Reason:** To safeguard the amenities of the future occupiers of the building and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

- 6) 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 a level 5dB below the existing LA90 background noise level. The Rating Level and existing background noise levels are to be determined as per the guidance provided in BS 4142:2014.

**Reason:** To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

- 7) No cables, wires, aerials, pipework (except rainwater downpipes shown on the approved plans) meter boxes, ventilation grilles or flues shall be fixed to or penetrate any external elevation, other than those shown on the approved drawings, without the prior consent in writing of the Local Planning Authority.

**Reason:** To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.

- 8) Access to the flat roof and third floor balcony, shall be for maintenance or emergency purposes only and the flat roof and balcony shall not be used as roof gardens, terraces, patio or similar amenity areas.  
**Reason:** In order to protect adjoining properties from overlooking, loss of privacy and noise disturbance and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 9) The replacement railings hereby permitted shall exactly match those existing in material, dimensions, method of fixing, painted finish and colour and shall be retained as such thereafter.  
**Reason:** To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.
- 10) The repairs to and replacement of sections of the decorative render detail shall exactly match that of existing in design, profile, colour and texture. The works shall be carried out in strict accordance with the approved details and maintained as such thereafter.  
**Reason:** To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.
- 11) The repairs to the external smooth render finish to the building hereby permitted shall exactly match in material, colour, and texture to that of the existing building and shall be maintained thereafter.  
**Reason:** To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

11.3 Pre-Commencement Conditions:

- 12) Notwithstanding the details submitted, the development hereby permitted shall not be commenced until amended details of secure cycle parking facilities for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted 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 TR14 of the Brighton & Hove Local Plan.
- 13) No development shall take place until full details of all new windows and their reveals and cill and head treatment including 1:20 scale elevation drawings and sections and 1:1 scale sections showing frame and glazing bar profiles have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details and shall be retained as such thereafter.  
**Reason:** To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.
- 14) No development shall take place until further details, including the location, material, colour and appearance of the new vents for the ventilation system to have been submitted to and approved in writing by the Local Planning Authority. No flues or vents shall be positioned on the North facing principal elevation. The works shall be implemented in strict accordance with the agreed details.

- Reason:** To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.
- 15) The development hereby permitted shall not be commenced until details of sustainability measures to reduce the energy and water consumption of the development have been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented prior to occupation and thereafter be retained as such.
- Reason:** To ensure that measures to make the development sustainable and efficient in the use of energy and water are included in the development and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.
- 16) The development hereby permitted shall not begin until such time as a scheme has been submitted to and approved in writing by the Local Planning Authority to provide that the residents of the development, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit.
- Reason:** To ensure that the development is car-free and to comply with policy HO7 of the Brighton & Hove Local Plan.

11.4 Pre-Occupation Conditions:

- 17) Prior to the first occupation of the development hereby approved all habitable rooms on Western Road façade and Castle Street Façade shall be fitted with a mechanical ventilation system as specified in section 5 of Acoustic Associates Sussex Ltd Noise Assessment Report, received on the 6th August 2014, and thereafter permanently retained as such.
- Reason:** To safeguard the amenities of the future occupiers of the building and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 18) Prior to the first occupation of the development hereby approved the replacement glazing hereby approved shall be installed in accordance with the details specified in section 5 of Acoustic Associates Sussex Ltd Noise Assessment Report, received on the 6th August 2014, received on the 6th August 2014, and thereafter permanently retained as such.
- Reason:** To safeguard the amenities of the future occupiers of the building and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 19) Prior to the first occupation of the development hereby approved the Party Walls/Floors between the retained ground floor commercial A1 use and the first floor units hereby approved shall be designed to achieve a sound insulation value of 5dB better than Approved Document E performance standard, for airborne sound insulation for floors of purpose built dwelling-houses and flats, and thereafter permanently retained as such.
- Reason:** To safeguard the amenities of the future occupiers of the building and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.22)
- 20) Prior to the first occupation of the development hereby approved, the replacement windows shall be installed in complete accordance with the details approved with respect of condition 13.
- Reason:** To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.

## PLANNING COMMITTEE LIST- 10 DECEMBER 2014

- 21) Prior to the first occupation of the development hereby approved, a full Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Management Plan shall, as a minimum, include the following details,
- i. refuse and recycling collections,
  - ii. deliveries,
  - iii. complaint procedures,
  - iv. staffing arrangements, and
  - v. details of 24 hour management and security arrangements.

The approved Management Plan shall be implemented as approved from first occupation of the development for the purpose of student accommodation.

**Reason:** To safeguard the amenities of the occupiers of adjoining properties and to comply with polices SU10 and QD27 of the Brighton & Hove Local Plan.

- 22) The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.

**Reason:** To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policy QD27 of the Brighton & Hove Local Plan.

- 23) The development hereby approved shall not be occupied until all new and disturbed surfaces have been made good using materials of matching composition, form and finish to those of the existing building.

**Reason:** To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.

### 11.5 Informatives:

1. In respect of condition 12 the applicant is advised that amended details regarding cycle storage is required as the plans submitted do not shown adequate room to allow convenient use of the proposed to tier storage system.
2. The applicant is advised that the scheme required to be submitted by Condition 16 should include the registered address of the completed development; an invitation to the Council as Highway Authority (copied to the Council's Parking Team) to amend the Traffic Regulation Order; and details of arrangements to notify potential purchasers, purchasers and occupiers that the development is car-free.
3. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) 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. This decision to grant Planning Permission has been taken:
- (i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including Supplementary Planning Guidance and Supplementary Planning Documents:  
(Please see section 7 of the report for the full list); and
  - (ii) for the following reasons:-  
Subject to the compliance with recommended conditions, it is considered that the benefit of bringing the upper floor levels of the property into use would outweigh the less than substantial harm of the details of the proposed external works and as such would serve to preserve, enhance and better reveal the character and appearance of the parent property and therefore would not be of significant detriment to the visual amenities of the related streetscenes and the wider area including the surrounding Conservation Area. In addition the proposed standard of accommodation is considered acceptable and subject to the compliance with attached conditions the scheme would comply with the requirements for sustainability, waste management, parking standards and refuse and recycling storage. In addition it is deemed that the proposed HMO would not have a significant adverse impact upon the amenities of neighbouring properties.