

<b><u>cottNo:</u></b>	<b>BH2021/00770</b>	<b><u>Ward:</u></b>	<b>Hanover And Elm Grove Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>43-45 Bentham Road Brighton BN2 9XB</b>		
<b><u>Proposal:</u></b>	<b>Conversion of existing building to create 8no studio flats (C3) and 1no two bedroom flat (C3) incorporating single storey rear conservatory extensions, insertion of windows to front &amp; rear elevations, rooflights to east and west roof slopes, new front boundary wall and associated works.</b>		
<b><u>Officer:</u></b>	Joanne Doyle, tel: 292198	<b><u>Valid Date:</u></b>	03.03.2021
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	28.04.2021
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	Lewis And Co Planning 2 Port Hall Road Brighton BN1 5PD		
<b><u>Applicant:</u></b>	Mike Stimpson Properties C/o Lewis And Co Planning 2 Port Hall Road Brighton BN1 5PD		

## 1. RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **REFUSE** planning permission for the following reasons:

1. The proposed development would fail to provide a good mix of units and would represent an overdevelopment of the site by virtue of the number and cramped size of the studio units. The studio units would provide a cramped and oppressive environment and with restricted usability. Further, the size and enclosed nature of the amenity space would be neither useable nor private. The development would fail to achieve a good housing mix and would provide a poor standard of accommodation for future occupants, contrary to policies QD27 and HO5 of the Brighton and Hove Local Plan, Policies DM1 and DM20 of City Plan Part Two, and Policies CP14 and CP19 of City Plan Part One.
2. The proposed development would represent an unneighbourly form of development by virtue of the high concentration of smaller units which would cause unacceptable levels of noise and disturbance to adjoining occupiers. Further, as a result of the addition of rear window openings the development would result in direct and obtrusive views into the rear windows and rear gardens of the extant development to the rear and would be detrimental to the amenity of the future occupiers. The proposed development would therefore consequently be contrary to policies SU10 and QD27 of the Brighton & Hove Local Plan, and Policy DM20 of City Plan Part 2.

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. This decision is based on the drawings received listed below:

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Proposed Drawing	28725/10	DB	3 March 2021
Location and block plan	28725/3	-	3 March 2021

## **2. SITE LOCATION**

- 2.1. The application site relates to a vacant Mission Church Hall positioned in a row of terraces, located on the north side of Bentham Road. The building is approximately two storeys in height, although there are no internal partitions vertically or horizontally, with a steep pitched roof with a gable fronting onto Bentham Road.
- 2.2. The building itself appears Victorian in origin but is not a listed or locally listed. The property is rendered with all front facing window openings blocked up. The building itself is terraced, and is attached to two storey Victorian terraced buildings which front onto the western side of Bentham Road, sloping downhill to the south.
- 2.3. To the rear of the site is a vacant plot, which has consent (granted at appeal) for a new development comprising 8 flats and 1 house(BH2004/00232/FP) with associated rear gardens.
- 2.4. The property is not situated within a conservation area.

## **3. RELEVANT HISTORY**

- 3.1. BH2020/00698 - Conversion of existing building to create 8no. studio flats (C3) and 1no two bedroom flat (C3) incorporating single storey rear conservatory extensions, insertion of windows to front & rear elevations, rooflights to east and west roof slopes, new front boundary wall and associated works. Refused 07.08.2020. The reasons for the refusal were as follows:
  1. The application fails to demonstrate adequate marketing information to justify the loss of the existing Class D1 community facility, contrary to Policy HO20 of the Brighton and Hove Local Plan.
  2. The proposed development fails to respect the character and appearance of the host building by virtue of the position and arrangement of the proposed front window openings and the design and material of the 2no Upvc lean to conservatory structures would not integrate well with the host building resulting in harm to the host building, streetscene and wider area, contrary to policy CP12 of City Plan Part One.

3.2. BH2010/00733 - Conversion of existing building to form 4 studio flats, 2no 1 bed flat and 1no 2 bed flat including insertion of additional windows to front and rear and rooflights to North and South roofslopes. Refused 06.05.2010. The reasons for the refusal were as follows:

1. The plans submitted as part of this application are inconsistent and thus fail to provide a sufficient level of information to allow for a full and considered determination of the application.
2. The application fails to demonstrate adequate marketing information to justify the loss of the existing Class D1 community facility. As such the proposal would be contrary to Policy HO20 of the Brighton and Hove Local Plan.
3. The proposed development would represent an overdevelopment of the site by virtue of the number and cramped size of units 1, 2, 3, 5 & 6. Therefore the proposal would be contrary to policy HO4 of the Brighton and Hove Local Plan.
4. The proposed development would cause an unacceptable impact on the living conditions of the future occupiers by virtue of poor levels of natural light received to the habitable rooms opening onto the rear lightwell. Therefore the proposal would be contrary to policy QD27 of the Brighton & Hove Local Plan.
5. The proposed development would cause additional noise and disturbance to adjoining occupiers by virtue of the overdeveloped nature of the proposal and thus would be contrary to policies SU10 and QD27 of the Brighton and Hove Local Plan.
6. The proposed development fails to respect the character and appearance of the host building by virtue of the removal of part of the rear wall, the creation of the rear lightwell, and the number, size and position of the proposed window openings resulting in harm to the host building, streetscene and wider area. Therefore, the proposal would be contrary to policies QD1, QD2, QD5 and QD14 of the Brighton and Hove Local Plan.
7. The proposed development fails to provide adequate external private amenity space for each of the proposed units and as such would be contrary to policy HO5 of the Brighton and Hove Local Plan.
8. The proposed development fails to demonstrate adequate compliance with lifetime homes criteria and as such would be contrary to policy HO13 of the Brighton and Hove Local Plan.
9. The proposal fails to demonstrate how the development would be efficient in the use of energy, water and materials and as such would be contrary to policy SU2 of the Brighton and Hove Local Plan.

3.3. BH2008/03599 - Conversion and extension of existing building to form 8 studio flats and 1no. 3-bed unit including insertion of additional windows to front and rear and roof lights on North and South roof slopes. Refused 17.03.2009. The reasons for the refusal were as follows:

1. The application fails to demonstrate adequate marketing information to justify the loss of the existing Class D1 community facility. As such the proposal would be contrary to Policy HO20 of the Brighton and Hove Local Plan.
2. The proposed development would represent an overdevelopment of the site by virtue of the number and cramped size of the units, particularly

having regard to the dominance of studio units. Therefore the proposal would be contrary to policy HO4 of the Brighton and Hove Local Plan.

3. The proposed development would cause additional noise and disturbance to adjoining occupiers by virtue of the overdeveloped nature of the proposal and thus would be contrary to policies SU10 and QD27 of the Brighton and Hove Local Plan.
4. The proposed development would cause loss of privacy and overlooking to the development permitted to the rear of the site and as such would be contrary to policy QD27 of the Brighton and Hove Local Plan.
5. The proposed development fails to respect the character and appearance of the host building by virtue of the rear extension and the number, size, position and materials of the proposed window and door openings resulting in harm to the host building, streetscene and wider area. Therefore, the proposal would be contrary to policies QD1, QD2, QD5 and QD14 of the Brighton and Hove Local Plan.
6. The proposed development fails to provide adequate external private amenity space for each of the proposed units and as such would be contrary to policy HO5 of the Brighton and Hove Local Plan.
7. The proposed development fails to demonstrate adequate compliance with lifetime homes criteria and as such would be contrary to policy HO13 of the Brighton and Hove Local Plan.
8. The proposed development fails to provide adequate cycle parking in accordance with adopted standards and as such the proposal would be contrary to policies TR1 and TR14 of the Brighton and Hove Local Plan and SPG4 'Parking Standards'.
9. The proposed development fails to provide adequate refuse and recycling storage provision and as such would be contrary to policy SU2 of the Brighton and Hove Local Plan.
10. The proposal fails to demonstrate how the development would be efficient in the use of energy, water and materials and as such would be contrary to policy SU2 of the Brighton and Hove Local Plan.

- 3.4. BH2004/00232/FP - Erection of new block of 8 flats and 1 house (amendment to BH2003/02022/FP). Refused 13.08.2004. Allowed on appeal.

#### **4. APPLICATION DESCRIPTION**

- 4.1. Planning permission is sought for the conversion of the existing building to create eight studio flats (C3) and one two-bedroom flat (C3) incorporating two single-storey rear extensions, the insertion of windows to the front and rear elevations, rooflights to east and west roof slopes, a new front boundary wall and associated works.
- 4.2. As noted above, this application follows a number of previously-refused applications on the site. The main reasons for the refusal of these applications were failure to justify the loss of the existing Class D1 community facility, the overdevelopment of the site, amenity concerns for existing neighbours and future occupiers, and design concerns. An outline application on the site for the erection of six two storey houses was approved in 1981 but not implemented.

- 4.3. The most recently refused application (ref. BH2020/00698) sought the same development as is presently proposed. The current application seeks to overcome the reasons given for the refusal of that application, and has the same internal layout and number of units, but some amendments to the rear elevation.

## 5. REPRESENTATIONS

- 5.1. Thirty Seven (37) letters of representations have been received objecting to the proposal for the following reasons:

- Overdevelopment
- Out of character
- Overconcentration of units
- Cramped accommodation
- Potential access from Carlyle Street could compromise security
- Traffic and parking pressure
- Building should be used as a community based building
- Converted to a family dwelling
- Poor design
- No regard for the amenity of existing residents or future residents
- No real guarantee of affordable housing
- Not location for high density
- Out of character
- Noise and disturbance
- Air Quality
- Waste/recycling issues
- Litter problems
- Loss of privacy and overlooking
- There is an Elm tree at the front of the building
- There have been sightings of bats within the building and foxes on site
- No real change from previous reasons for refusal
- Alleyway will be a security risk
- Ecology
- Environmental impact
- Dwelling types do not reflect local needs
- Type of accommodation offers no investment in the community
- This application and the approved development to the rear are linked
- Lack of sustainable qualities
- Already a number of HMOs in area

- 5.2. Brighton Housing Trust have made a representation in support of the proposal for the following reasons:

- Landlord has for many years let properties to people on low incomes including clients of Brighton Housing Trust
- Affordable units
- Provides much needed housing for local people

- 5.3. **Ward Councillor Gibson** supports the proposal and has requested that the application be heard at Planning Committee.
- 5.4. **Ward Councillor Powell** has objected to the proposal and has requested that the application be heard at Planning Committee.

## 6. CONSULTATIONS

- 6.1. **Policy: Comment**  
Consider that there is now sufficient justification for the loss of community facilities. However, the re-submitted proposals do not appear to address the previous concerns regarding quality of residential accommodation and external amenity space.
- 6.2. **Sustainable Transport: Objection**  
We are unable to recommend approval of this application as it does not provide:
- car parking on site which may result in overspill parking to the local area and have an unacceptable impact on the highway.
  - a refuse and recycling collection point at the front of the site and therefore bins may be left on the highway (footway) causing obstruction to pedestrians.
- 6.3. The Highway Authority has also recommended a condition for secure cycle parking and that sustainable transport contributions via CIL are considered for this proposal if approved.
- 6.4. **Environmental Health: No objection**
- 6.5. **Arboriculture: Objection**  
Further information required on how the development will impact vegetation and the mature Elm to the front of the site.

## 7. MATERIAL CONSIDERATIONS

- 7.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report
- 7.2. The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016);
  - Brighton & Hove Local Plan 2005 (retained policies March 2016);
  - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
  - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
  - Shoreham Harbour Joint Area Action Plan (JAAP) 2019.

- 7.3. Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

## 8. **POLICIES**

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP1	Housing Delivery
CP2	Sustainable economic development
CP3	Employment Use
CP7	Infrastructure and developer contributions
CP8	Sustainable Buildings
CP9	Sustainable transport
CP10	Biodiversity
CP12	Urban design
CP14	Housing Density
CP16	Open Space
CP18	Healthy city
CP19	Housing Mix
CP20	Affordable housing

#### Brighton & Hove Local Plan (retained policies March 2016):

TR4	Travel plans
TR7	Safe Development
TR14	Cycle access and parking
SU9	Pollution and nuisance control
SU10	Noise Nuisance
QD15	Landscape design
QD16	Trees and hedgerows
QD18	Species protection
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development
HO9	Residential conversions and the retention of smaller dwellings
HO13	Accessible housing and lifetime homes

#### Brighton & Hove City Plan Part Two (CPP2) (emerging)

Policies in the Proposed Submission City Plan Part 2 do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since 23 April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications. The weight given to the key CPP2 policies considered in determining this application is set out below where applicable.

DM1 - Housing Quality, Choice and Mix

DM3 - Residential conversions and the retention of smaller dwellings

DM20 - Protection of Amenity

DM21	Extensions and alterations
DM22	Landscape Design and Trees
DM33	Safe, Sustainable and Active Travel
DM40	Protection of the Environment and Health - Pollution and Nuisance

Supplementary Planning Documents:

SPD06	Trees & Development Sites
SPD11	Nature Conservation & Development
SPD12	Design Guide for Extensions and Alterations
SPD14	Parking Standards

## 9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the loss of the existing use, the principle of the proposed use, the impact upon neighbouring amenity, the standard of accommodation which the units would provide in addition to transport issues and the impact upon the character and appearance of the property and the surrounding area.

**Principle of Development:**

- 9.2. This application seeks to convert a former church hall to a residential use, providing nine dwellings. The provision of new housing is therefore a key consideration.
- 9.3. Policy CP1 sets out the housing targets for the plan period with a provision target of 13,200 new homes for the city up to 2030. The council's most recent housing land supply position against this minimum target was published in the SHLAA Update 2020 and shows a five-year housing supply shortfall of 342 (equivalent to 4.7 years of housing supply).
- 9.4. However, on 24 March 2021 the City Plan Part One reached five years since adoption. National planning policy states that where strategic policies are more than five years old, local housing need calculated using the Government's standard method should be used in place of the local plan housing requirement. In addition, following an amendment to the standard method set out in national planning practice guidance, from 16 June 2021 onwards Brighton & Hove is required to apply an additional 35% uplift as one of the top 20 cities in the urban centres list.
- 9.5. The local housing need figure for Brighton & Hove using the standard method (including the 35% uplift) is 2,331 homes per year which gives a five-year housing supply shortfall of 6,604 (equivalent to 2.2 years of housing supply).
- 9.6. As the council is currently unable to demonstrate a five year housing land supply, increased weight should be given to housing delivery when considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).



- 9.7. Because a community facility would be lost, namely the former Congregational Mission Church Hall, Local Plan policy HO20 applies which seeks the retention of community facilities with four exceptions, namely:
- a. The community use is incorporated, or replaced within a new development;
  - b. The community use is relocated to a location which improves its accessibility to its users;
  - c. Existing nearby facilities are to be improved to accommodate the loss; or
  - d. It can be demonstrated that the site is not needed, not only for its existing use but also for other types of community use.
- 9.8. Where the loss is justified, the policy notes that priority will be given to residential and mixed use schemes which may provide 'live work' and, or starter business units to meet identified local needs.
- 9.9. The information submitted with the application states that the original use as a community facility (church) ceased in 1975 and that it has subsequently been used for other purposes, including a St John's Ambulance HQ and the occasional storage of building materials.
- 9.10. Saved Policy HO20 in the 2005 Local Plan states that planning permission will not be granted for development proposals, including changes of use, that involve the loss of existing community facilities (which includes church halls). The policy allows for a number of specific exceptions. Options a-c do not apply in this case, whilst option d requires that it can be demonstrated that the site is not needed, not only for its existing use but also for other types of community use. The policy also states that where an exception applies, priority will be attached to residential and mixed use schemes.
- 9.11. One of the reasons for refusal of the previous application BH2020/00698 was that insufficient marketing information had been provided to demonstrate that criterion d of Policy HO20 had been met. The applicant states that the property was extensively marketed by Wilkinsons Estate Agents for approximately 3 years without attracting interest from potential occupiers within the D1 use class, but that Wilkinsons have ceased trading and it is not possible to obtain any historical marketing information.
- 9.12. Policy DM9 in CPP2 also now carries significant weight as a material planning consideration and sets out slightly different criteria from HO20, with at least one of the listed circumstances required to be met to justify the loss of any community facilities.
- 9.13. Criterion b) requires demonstration that the facility is no longer needed and suitable alternative provision with sufficient capacity is available in a location easily accessible to users of the facility. In this case, the building has not been in community use for over 30 years which itself provides evidence that it is no longer needed, whilst the applicant lists several other community halls and a church within easy walking distance of the site. In these circumstances, it is considered that there is sufficient evidence to satisfy Policy DM9(b) and that further evidence of marketing is not required.

**Design and Appearance:**

- 9.14. Policy CP12 of the Brighton & Hove City Plan Part One seeks to ensure that all new development raises the standard of architecture and design in the City. In tandem with this, Policy CP14 seeks to encourage a higher density of development than those typically found in the locality provided developments will, amongst other things, respect, reinforce or repair the character of a neighbourhood and contribute positively to its sense of place.
- 9.15. The existing building is currently in 'shell form' and any internal floors and walls which may have been in place have since been removed. In addition, the existing main floor has a number of holes in the floorboards and the building is in a general state of disrepair. The internal alterations proposed, that is the placement of two new floor levels and the internal subdivision, are not considered to cause any detriment to the host building and are considered acceptable.
- 9.16. The alterations to the front elevation remain the same as the previously refused application BH2020/00698, with the three blocked up window openings to be reinstated, and four new windows to be inserted at ground and second floor levels. However, the second-floor windows and reinstated central window would not relate well to each other, and as such, would result in a somewhat cluttered appearance. If the scheme was otherwise acceptable, it may be that this could be
- 9.17. To the rear, it is proposed to provide four new windows at first and second floor levels along with a door. The size and arrangement of the proposed rear fenestration and the timber material is generally considered acceptable and in keeping with the building.
- 9.18. The design, scale and materials of the rear extensions would integrate well with the host building, and would have rendered walls to match the rear elevation with pitched roof and bay windows. There is no objection to the proposed front boundary treatment with a low rendered wall with pillars and railings. The rooflights would sit appropriately in the roofspace and would not be highly visible and are considered acceptable.
- 9.19. Overall, therefore, the design and appearance of the scheme is acceptable, subject to alterations to the front fenestration which it is considered could be amended if the remainder of the proposal was considered acceptable.

**Standard of Accommodation**

- 9.20. Policy QD27 of the Brighton and Hove Local Plan, and emerging Policy DM20 of CPP2 (which can be given significant weight) aim to secure a good standard of living accommodation for current and future occupiers in all new developments. Accommodation should therefore provide suitable circulation space within the communal spaces and bedrooms once the standard furniture has been installed, as well as providing good access to natural light and air in each habitable room.

- 9.21. The Nationally Described Space Standards, although not yet formally adopted by the Council, do provide a useful guide against which to assess the overall unit size and bedroom sizes, particularly as they are referred to in emerging Policy DM1 of City Plan Part 2 (which can be given significant weight).
- 9.22. The proposed development would include the provision of eight studio units and a two-bedroom flat. Four studio flats are proposed at ground floor level, four studio flats at first floor level, and a two-bedroom flat within the roofspace. The number of units and internal layout remains the same as the layout under the previously refused application BH2020/00698.
- 9.23. The proposed residential conversion, providing nine units in a three-storey building, including the roof, is considered to form a poor, contrived and cramped layout, suggesting overdevelopment of the site. It is acknowledged that the gross internal floor area of the studios meets the NDSS's suggested minimum requirement of 37sqm. However, when assessing the indicative layout of the units it is particularly clear that the units would result in a poor standard of accommodation with tight/cramped layouts, limited circulation space, and limited floor space to accommodate the furniture needed. The units are also single aspect and with some units (particularly the front facing studios and the rear units at first floor) featuring small window openings, which would result in oppressive living conditions.
- 9.24. The two-bed units feature sun pipe terminals in the roof to try to gain adequate light. The studio accommodation exhibits a cramped and oppressive layout, with the useable floor area limited when the shower/wc is excluded, and likely to be unable to comfortably accommodate the living accommodation and furniture typically needed, which is shown by the placement of the beds against the other furniture. The small window openings to serve the rooms further adds to the sense of enclosure and a cramped and oppressive environment, limiting the quality of light and outlook. Further, the two rear ground floor studio units have large rear window openings which back onto the rear communal patio, which would likely result in overlooking and loss of privacy by the occupants of the units. This is particularly pertinent given that they are the sole window openings to serve the units.
- 9.25. The two-bed flat within the roofspace is of a size which meets the NDSS's suggested minimum for a four-person, two-bed flat, and would be capable of providing family accommodation. However, this shows that the building could be converted to provide a mix of units with acceptable standard of accommodation. A reduction in units would allow for a reconfiguration of the internal space and an opportunity to provide less cramped, higher quality living conditions.
- 9.26. City Plan Part One Policy CP14 outlines that residential development should still be of a density that is appropriate to the identified positive character of the neighbourhood and be determined on a case-by-case basis. The proposal would not include dwelling types and sizes that reflect identified local needs. Paragraph 4.202 of the supporting text of the policy CP19 (Housing Mix) sets out that, 'the council gives a high priority to the importance of achieving a good housing mix and a choice of housing (in terms of types and sizes of accommodation) in order

to meet the diverse accommodation needs of the local community'. As discussed above this scheme fails to provide a good housing mix, contrary to policy CP19.

- 9.27. Policy HO5 and emerging Policy DM1 of CPP2 require private, useable amenity space to be provided 'where appropriate to the scale and character of the development'. The proposal does not include any private amenity space as part of the proposal but does include a narrow communal open area to the rear which includes refuse and recycling and cycle storage which would make this space fairly redundant as a usable amenity area. The space appears very cramped and would likely be overshadowed and overlooked by both the existing building and the proposed development to the rear. The space would be neither useable nor private. This arrangement is not ideal or considered to be acceptable and therefore a revised scheme would need to assess how the units could achieve some form of external space.
- 9.28. Overall the standard of accommodation proposed is not considered to be acceptable and warrants the refusal of planning permission on these grounds. The units would not provide for a suitable standard of accommodation and would fail to meet the needs of future occupiers, contrary to Local Plan Policies QD27 and H05, and Policies DM1 and CM20 of CPP2 which can be given significant weight.

**Impact on Neighbouring Amenity:**

- 9.29. 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. This is reflected in emerging Policy DM20 of CPP2.
- 9.30. Policies SU9 and SU10 of the Local Plan are concerned with development that could cause pollution and nuisance, for example by way of odours, or which could cause a noise nuisance to occupiers of nearby noise sensitive premises.
- 9.31. The external works and fenestration changes to the front elevation would not result in amenity harm, including in terms of loss of privacy. The proposed rear extensions would not result in overshadowing or loss of light. The positioning of the rooflights would not result in direct views into neighbouring windows.
- 9.32. However, it is considered that the high concentration of smaller units would have a detrimental impact on the neighbouring properties by virtue of increased noise and disturbance, which would be of detriment to neighbouring properties. The use of the site with such a high number of smaller units would result in an unacceptable level of noise and disturbance. Whilst it is acknowledged that occupants would likely come and go at different times of the day, the resultant level of activity and movements would result in harm to the surrounding neighbours, particularly given the constrained nature of the site.

**Impact on Development to the Rear:**

- 9.33. There is an extant, partly implemented planning permission for 8 flats and 1 house (BH2004/00232/FP) on vacant land to the rear of the site fronting Carlyle

Street. The interrelationship between the present proposal and the approved scheme to the rear must therefore be assessed.

9.34. The approved building is set to the rear of the application site, with rear gardens extending directly to the common boundary. As a result, the present proposal would have little useable outside space for amenity or other provisions. The proposed amenity space would be overshadowed and overlooked by the approved development to the rear. The rear window openings proposed in the present scheme would result in direct and obtrusive views into the rear windows and garden space of the approved development to the rear.

9.35. The proposal would therefore fail to comply with Policy QD27 of the BHLP and policy DM20 of CPP2 (of which can be given significant weight) which seeks to ensure that there would be no significant or adverse impacts or loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.

**Sustainability:**

9.36. A store is being proposed for refuse and recycling at the rear in the yard; however it is unclear where the bins would be placed on collection day. Policy WMP3e of the WMP requires proposals for new development to identify the location and provision of facilities intended to allow for the efficient management of waste. If approval were recommended details of this would be sought as refuse bins must not be left, even temporarily, on the highway as it will cause obstruction to users of the footway.

**Ecology:**

9.37. Policy CP10 of the City Plan Part One seeks to ensure that all new development proposals conserve existing biodiversity, protecting it from the negative indirect effects of development including noise and light pollution.

9.38. The applicant has submitted a Biodiversity checklist which identifies that the existing site does not show signs of any protected species being located on site. Concerns have been raised through consultation that there may be some protected species on site and if approval were recommended further assessment of this would be sought from the applicant and assessed by the ecology consultee. There is a mature Elm tree and located directly to the front of the property. The Arboriculture Officer has raised concern that the development could result in harm to the Elm tree and vegetation at the front of the property with the front boundary wall and associated works being particularly pertinent. No information has been provided on how works will be undertaken without causing a detrimental impact to vegetation in close proximity. If approval were recommended full construction information and methodology could be sought through conditions or revisions sought to ensure the development did not result in a harmful impact to vegetation.

**Sustainable Transport:**

9.39. The proposed change of use to nine dwellings would significantly increase the level of trips to and from the site, though not to a degree considered to compromise highway capacity or road safety sufficiently to warrant refusal. The

development would generate off-site transport impacts, the mitigation of which would be secured via Community Infrastructure Levy which funds identified highway schemes required in the local area. The site is located within Controlled Parking Zone (V) where uptake of parking permits is high. The number of vehicles able to be parked in the area is therefore already limited through the CPZ.

- 9.40. The Highway Authority have concerns that the proposed layout and design of the proposed cycle parking does not provide adequate space to accommodate policy compliant cycle parking. There appears to be sufficient space at the rear in this proposal to accommodate all required cycle parking and if approval were recommended this could be secured via condition.

**Affordable Housing:**

- 9.41. The Planning Statement indicates that all nine proposed residential units will be offered as social rented properties through the Rent Smart Partnership Agreement scheme. This would exceed the affordable housing requirements set out in Policy CP20 which requires a financial contribution equivalent to 20% for schemes of between 5 and 9 dwellings. The provision of additional affordable housing would be welcome and if approval were recommended would be secured through a s106 agreement.

**Community Infrastructure Levy:**

- 9.42. Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23 July 2020 and began charging on all CIL liable planning applications on and from the 5 October 2020. The exact amount will be confirmed in the CIL liability notice which will be issued as soon as it practicable after the issuing of planning permission.

**Conclusion:**

- 9.43. The LPA in accordance with the principles set out in the NPPF and local planning policies seeks to ensure a high standard of amenity of future occupiers of developments. It is clear from the above that in seeking to provide nine units within the building, the development results in a number of compromises, particularly with regard to the overall quality of accommodation being provided and harm to neighbouring amenity. When assessing the indicative layout of the units it is particularly clear that the units would result in a poor standard of accommodation, resulting from a total overdevelopment of the site, with tight/cramped layouts, limited circulation space, limited floor space to accommodate the furniture needed and limited light. The scheme would not provide a suitable mix of unit sizes and thereby compromises the standard of accommodation.

## **10. EQUALITIES**

- 10.1. Access standards are not sought on conversions.