

<b><u>No:</u></b>	<b>BH2017/03648</b>	<b><u>Ward:</u></b>	<b>St. Peter's And North Laine Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>7 Howard Terrace Brighton BN1 3TR</b>		
<b><u>Proposal:</u></b>	<b>Change of use and part demolition of existing storage buildings (B8) to form of 1x one bed flat, 1x two bed flat, 2x three bedroom houses, cycle storage and associated works.</b>		
<b><u>Officer:</u></b>	Sonia Gillam, tel: 292265	<b><u>Valid Date:</u></b>	03.01.2018
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	28.02.2018
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	DowsettMayhew Planning Partnership 63A Ship Street Brighton BN1 1AE		
<b><u>Applicant:</u></b>	Colston Trustees Ltd C/O DowsettMayhew Planning Partnership 63A Ship Street Brighton BN1 1AE		

## 1. RECOMMENDATION

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

### Conditions:

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Sections Proposed	20	B	31 May 2018
Elevations Proposed	21		31 May 2018
Existing Elevations	07	A	31 May 2018
Location and block plan	01	A	30 May 2018
Roof Plan Proposed	10	A	10 May 2018
Floor Plans Proposed	11	B	10 May 2018
Floor Plans Proposed	12	B	10 May 2018
Elevations Proposed	13		1 November 2017
Sections Proposed	14	B	31 May 2018
Sections Proposed	15	D	31 May 2018
Elevations Proposed	17	B	31 May 2018
Elevations Proposed	18	D	31 May 2018
Elevations Proposed	19	C	10 May 2018
Elevations Proposed	16	B	31 May 2018

2. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.  
**Reason:** To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
  
3. The glazing to all external facades of the buildings shall meet sound levels as set out in table 4 of BS8233:2014.  
**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.
  
4. The hardstanding area as shown on the proposed plan TA 1084/11A received on 11 May 2018 shall not be used for the parking of motor vehicles or for the delivery of goods.  
**Reason:** To safeguard the amenities of the occupiers of the site and nearby properties and to comply with policy QD27 of the Brighton & Hove Local Plan.
  
6. No development above ground floor slab level of any part of the development hereby permitted shall take place until samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):
  - a) samples of all brick, render and tiling (including details of the colour of render/paintwork to be used)
  - b) samples of all cladding to be used, including details of their treatment to protect against weathering
  - c) samples of all hard surfacing materials
  - d) details of the proposed window, door and balcony treatments
  - e) samples of all other materials to be used externally
 Development shall be carried out in accordance with the approved details.  
**Reason:** To ensure a satisfactory appearance to the development and to comply with policies QD14 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.
  
7. The development hereby permitted shall not be commenced until there has been submitted to and approved in writing by the Local Planning Authority:
  - (a) a desk top study documenting all the previous and existing land uses of the site and adjacent land and the nature of any hazards and physical constraints and identifying any gas or chemical analysis which might be necessary in accordance with national guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and BS10175:2011+A1:2013 -Investigation of Potentially Contaminated Sites - Code of Practice;  
and, unless otherwise agreed in writing by the Local Planning Authority,
  - (b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175:2011+A1:2013;  
and, unless otherwise agreed in writing by the Local Planning Authority,
  - (c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed

and proposals for future maintenance and monitoring. Such scheme shall include the nomination of a competent person to oversee the implementation of the works.

**Reason:** As this matter is fundamental to the acceptable delivery of the permission to safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.

8. The development hereby permitted shall not be occupied or brought into use until there has been submitted to the Local Planning Authority verification by the competent person approved under the provisions of part (c) in condition 7 above that any remediation scheme required and approved under the provisions of part (c) above has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Unless otherwise agreed in writing by the Local Planning Authority such verification shall comprise:
- a) as built drawings of the implemented scheme;
  - b) photographs of the remediation works in progress; and
  - c) certificates demonstrating that imported and/or material left in situ is free from contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under part (c) of condition 7 above.

**Reason:** As this matter is fundamental to the acceptable delivery of the permission to safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.

9. Prior to first occupation an adequate ventilation system shall be installed to ensure that the residential units have access to clean air drawn from outside the building without it being necessary to open windows.

**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.

10. Within 6 months of commencement of the development hereby permitted or prior to occupation, whichever is the sooner, a scheme shall be submitted to the Local Planning Authority for approval 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. The approved scheme shall be implemented before occupation.

**Reason:** This condition is imposed in order to allow the Traffic Regulation Order to be amended in a timely manner prior to first occupation to ensure that the development does not result in overspill parking and to comply with policies TR7 & QD27 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One and SPD14: Parking Standards.

11. Prior to the first occupation of the development hereby permitted the redundant vehicle crossover on Howard Terrace shall have been converted back to a footway by raising the existing kerb and footway.

**Reason:** In the interests of highway safety and to comply with policies TR7 of the Brighton and Hove Local Plan and CP9 of the City Plan Part One.

12. The development hereby permitted shall not be occupied until details of secure cycle parking facilities for the occupants of, and visitors to, the development have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.  
**Reason:** To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan and SPD14: Parking Standards.
13. 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 and policy CP8 of the Brighton and Hove City Plan Part One.
14. None of the new build residential units hereby approved shall be occupied until each residential unit built has achieved an energy efficiency standard of a minimum of 19% CO2 improvement over Building Regulations requirements Part L 2013 (TER Baseline).  
**Reason:** To ensure that the development is sustainable and makes efficient use of energy to comply with policy CP8 of the Brighton & Hove City Plan Part One.
15. None of the new build residential units hereby approved shall be occupied until each residential unit built has achieved as a minimum, a water efficiency standard of not more than 110 litres per person per day maximum indoor water consumption.  
**Reason:** To ensure that the development is sustainable and makes efficient use of water to comply with policy CP8 of the Brighton & Hove City Plan Part One.
16. The development hereby permitted shall not be occupied until the new build dwellings hereby permitted have been completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) and shall be retained in compliance with such requirement thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.  
**Reason:** To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan
17. The development hereby permitted shall not be occupied until a plan detailing the positions, height, design, materials and type of all existing and proposed boundary treatments shall has been submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be provided in accordance with the approved details prior to occupation of the development and shall thereafter be retained at all times.

**Reason:** To enhance the appearance of the development in the interest of the visual and residential amenities of the area and to comply with policies QD15 and QD27 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

18. Prior to occupation of the development hereby permitted, a scheme for landscaping shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:
- a. details of all hard and soft surfacing to include type, position, design, dimensions and materials;
  - b. details of all boundary treatments to include type, position, design, dimensions and materials;
  - c. details of all proposed planting to all communal areas and/or all areas fronting a street or public area, including numbers and species of plant, and details of size and planting method and location of any trees.

All hard landscaping and means of enclosure shall be completed in accordance with the approved scheme prior to occupation of the development. All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

**Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD15 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant is advised that the above condition on land contamination has been imposed because the site is known to be or suspected to be contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer. To satisfy the condition a desktop study shall be the very minimum standard accepted. Pending the results of the desk top study, the applicant may have to satisfy the requirements of part (b) and part (c) of condition 7 above. It is strongly recommended that in submitting details in accordance with this condition the applicant has reference to Contaminated Land Report 11, Model Procedures for the Management of Land Contamination. This is available on both the DEFRA website ([www.defra.gov.uk](http://www.defra.gov.uk)) and the Environment Agency website ([www.environment-agency.gov.uk](http://www.environment-agency.gov.uk)) and <http://webarchive.nationalarchives.gov.uk>

3. The applicant is advised that the scheme required to be submitted by Condition 10 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.
4. The applicant is advised that the proposed highways works should be carried out in accordance with the Council's current standards and specifications and under licence from the Streetworks team. The applicant should contact the Streetworks Team (01273 290729).
5. The applicant is advised that accredited energy assessors are those licensed under accreditation schemes approved by the Secretary of State (see Gov.uk website); two bodies currently operate in England: National Energy Services Ltd; and Northgate Public Services. The production of this information is a requirement under Part L1A 2013, paragraph 2.13.
6. The water efficiency standard is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.

## **2. SITE LOCATION & APPLICATION DESCRIPTION**

- 2.1 The application site comprises a two storey end of terrace building fronting the southern side of Howard Terrace. There is a single storey store building and a two storey pitched roof building to the rear of the site which comprises storage floorspace at ground floor level and ancillary offices located on a mezzanine level. There is an undercroft vehicular access which runs along the western side of the terraced property and the side of No. 6 Howard Terrace.
- 2.2 The rear building is in warehouse use at ground floor level with offices above. The rooms to the two storey building to the south of the site fronting the road are empty/ used as storage.
- 2.3 The application seeks consent for the demolition of existing rear storage buildings (B8) to form 2x three bedroom houses, and the change of use of the building fronting the road to form 1x one bed flat, 1x two bed flat with cycle storage and associated works.
- 2.4 Amended plans have been received during the life of the application which has reduced the number of dwellings to the rear of the site from three to two, and proposes two flats to the building fronting the road, rather than a single dwellinghouse.

### 3. RELEVANT HISTORY

#### 7 Howard Terrace

**BH2016/02926** Prior approval for change of use from storage (B8) to residential (C3) to form two residential units. Approved 20.12.2016.

**BH1998/01660/FP** Replacement of existing warehouse building at rear of premises with structure of similar height and realignment of roof pitch. Approved 21 September 1998.

**BN77.1937** Addition of first floor office over existing store. Approved 1 November 1977.

**BN76.2661** Small front extension and shopfront to trade counter. Approved 18 January 1977.

**19.62/980** Alterations to store at rear. Approved 19 September 1962.

**19.59/1012** Change of use of first floor from residential to workshop and store. Approved 30 June 1969.

**9.50/108** Bakery with lower part of existing house used as office, upper self-contained flat. Approved 7 February 1950.

#### 8 Howard Terrace

**BH2017/00737** Demolition of existing storage buildings (B8) and erection of 2no three bedroom terrace dwellings (C3) with associated landscaping. Approved 03.10.2017

**BH2016/02925** Prior approval for change of use from storage (B8) to residential (C3) to form two residential units. Approved 20.12.2016.

**BH2016/00392** Prior approval for change of use from storage (B8) to residential (C3) to form 2no residential units. Refused 7 April 2016.

#### 7-8 Howard Terrace

**BH2007/02088** Demolition of existing storage building and construction of new Class B1 offices at ground floor, with 2 two-bedroom flats at first floor level. Conversion of offices at 7 Howard Terrace to form a three-bedroom two-storey town house. Conversion of rear storage building to form additional office space for the existing rear warehouse/office building. Approved 24 August 2007.

**BH2006/01305/FP** Demolition of existing storage building and construction of new Class B1 offices on ground floor, with 2 two-bedroom flats on first floor and a two-bedroom flat on second floor with roof terrace. Conversion of offices at 7 Howard Terrace to form a one-bedroom ground floor flat and a two-bedroom first floor flat. Conversion of rear storage building to form new B1 offices and refurbishment of existing 2 storey warehouse/office building. Withdrawn 18 July 2006.

#### 4. REPRESENTATIONS

4.1 Fifteen (15) letters has been received objecting to the proposed development; the main grounds for objection are as follows:

- Appearance
- Parking issues
- Increased traffic
- Highway safety
- Overdevelopment of site
- Overlooking and loss of privacy
- Increased noise and disturbance
- Cramped development
- Lack of outside space
- Standard of accommodation
- Lack of affordable homes
- Noise from car workshop adjacent
- Strain on local services
- Inaccurate plans
- Noise and dust from development
- Lack of consultation

4.2 One (1) letter has been received supporting the amended proposed development on the following grounds:

- Good design
- Improvement to streetscene
- Attract a good mix of people
- Communal garden providing additional green space

#### 5. CONSULTATIONS

5.1 **Planning Policy:** No objection It is considered that redundancy is satisfactorily demonstrated in the context of Policy CP3. The additional residential units would make a small but useful contribution towards meeting the city's housing target as set out in City Plan Policy CP1.

5.2 **Environmental Health:** No objection subject to condition re land contamination.

5.3 **Sustainable Transport:** No objection subject to conditions re cycle parking and pedestrian crossing improvements.

5.4 **County Archaeologist:** No objection No significant below ground archaeological remains are likely to be affected by these proposals.

5.5 **Brighton and Hove Archaeological Society:** No objection Unaware of any archaeological deposits that are likely to be affected by this development.

## **6. MATERIAL CONSIDERATIONS**

- 6.1 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
- 6.2 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);
- 6.3 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.

## **7. POLICIES**

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part One

- SS1 Presumption in Favour of Sustainable Development
- CP1 Housing delivery
- CP3 Employment land
- CP7 Infrastructure and developer contributions
- CP8 Sustainable buildings
- CP9 Sustainable transport
- CP12 Urban design
- CP14 Housing density
- CP19 Housing mix

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

- TR7 Safe Development
- TR14 Cycle access and parking
- SU9 Pollution and nuisance control
- SU10 Noise Nuisance
- QD5 Design - street frontages
- QD14 Extensions and alterations
- QD15 Landscape design
- QD27 Protection of amenity
- HO5 Provision of private amenity space in residential development
- HO13 Accessible housing and lifetime homes

#### Supplementary Planning Documents:

- SPD03 Construction & Demolition Waste
- SPD12 Design Guide for Extensions and Alterations
- SPD14 Parking Standards

## **8. CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to the principle of the change of use, the impact on the character and appearance of the area, impact on neighbour amenity, standard of accommodation provided, highways and sustainability issues.
- 8.2 The City Plan Part 1 Inspector's Report was received in February 2016. The Inspector's conclusions on housing were to agree the target of 13,200 new homes for the city until 2030 as a minimum requirement. It is against this minimum housing requirement that the City's five year housing land supply position is assessed annually. The most recent land supply position was published in the 2017 SHLAA Update (February 2018) which demonstrates a 5.0 year supply position. The Council can therefore demonstrate an up to date housing supply position in accordance with the NPPF.
- 8.3 Planning Policy:**  
Principle of Development  
The proposal would result in a loss of employment floorspace and City Plan Policy CP3, which seeks to protect employment uses, therefore applies.
- 8.4 It is noted that prior approval was granted through application BH2016/02926 for the change of use from storage (B8) to residential (C3) to form two residential units. A previous application (BH2016/02926) established that the warehouse has operated as B8 storage / warehouse continuously from 1999 until the present day. The granting of the prior approval is a material consideration in the determination of the application as it has already established the principle of the loss of the B8 floorspace as a fall back position.
- 8.5 The proposed development differs from the prior approval as it involves the demolition of the existing rear B8 building rather than conversion, and a greater quantum of new development. The application submission documents refer to the constrained location in a residential area and the poor quality of the existing buildings, together with the fact that the current occupant will be voluntarily vacating on the expiry of the lease.
- 8.6 It is noted that the adjacent property no. 8 Howard Terrace has recent permission for the change of use from B8 to residential. This site has also had a prior approval for the change of use from B8 to C3 residential. As a result of this prior approval application the principle of the loss of this use was not objected to.
- 8.7 Therefore, by virtue of the reasons above, it is considered that the loss of the employment floorspace and the change of use to residential is acceptable in this instance.
- 8.8 Provision of Residential Units  
The additional residential units would make a small but positive contribution towards meeting the city's housing target as set out in City Plan Policy CP1. The

provision of family sized units of two bedrooms and above is also welcomed as an appropriate housing mix in the context of the requirements of Policy CP19.

**8.9 Design and Appearance:**

Policy CP12 of the Brighton and Hove City Plan Part One sets out the design criteria for applications of this nature. This policy requires proposals to raise the standard of architecture and design in the city and respect the character of the city's identified neighbourhoods.

8.10 The NPPF states that good design is a key aspect of sustainable development and that development should function well and add to the overall quality of the area, respond to local character and reflect the identity of the local surroundings.

8.11 The principle of new dwellings on this site is not objected to, however the resulting development should respect its context and should be designed to emphasise and enhance the positive qualities of the local neighbourhood, taking into account the local characteristics in order to accord with design policies in the local plan.

8.12 The proposed dwellings to the rear would not be visible in the streetscene, however they would be visible to occupiers of neighbouring properties. The proposed building would be similar in height and scale to the existing warehouse building. It would comprise of brickwork, a tiled roof and metal window frames. Given the above and the poor quality of the existing warehouse building, the development is appropriate in this location and is therefore considered to be acceptable.

8.13 The rendered building to the front of the site fits in seamlessly to the streetscene which is made up of two storey terraced properties, mainly residential, with some commercial at ground floor level.

**8.14 Amenity for future occupants:**

Standard of accommodation:

Policy QD27 seeks to ensure a good standard of amenity for future occupiers of the proposed development and this requirement is one of the core planning principles of the NPPF (para 17).

8.15 Government has published room and unit sizes which it considers to represent the minimum acceptable size for rooms and units, in the form of their 'Technical housing standards - nationally described space standard', March 2015. Whilst the Council does not yet have a policy requiring compliance with the nationally described space standards, they are a useful point of reference.

8.16 Plot 3 to the rear proposes a three bedroom (1x double and 2x single) dwelling which would measure 84m<sup>2</sup>. As a point of reference, Government's minimum size for a two storey, three-bedroom (four-person) unit is 84m<sup>2</sup>. Plot 4 to the rear proposes a three bedroom (2x double and 1x single) dwelling which would measure 106m<sup>2</sup>. As a point of reference, Government's minimum size for a two storey, three-bedroom (five-person) unit is 93m<sup>2</sup>.

- 8.16 Both new rear dwellings would benefit from sufficient circulation space and a reasonable standard of light and outlook, although it is acknowledged that the light and outlook to the rear of the Plots 3 and 4 would be somewhat impacted by the two storey commercial building to the west and the retained rear/west wall of the existing building.
- 8.17 With regard to the street front building, the proposed two bedroom (1x double and 1x single) first floor flat would measure 64m<sup>2</sup>, and the proposed one bedroom ground floor flat would measure 44m<sup>2</sup>. As a point of reference, Government's minimum size for a one storey, two-bedroom (three-person) unit is 70m<sup>2</sup>, and a one storey, one-bedroom unit is 50m<sup>2</sup>. Therefore both these units are slightly under government standards.
- 8.18 However, again the dwellings would provide an adequate standard of accommodation in terms of sufficient circulation space, light and outlook. On balance the units are considered to provide an acceptable standard of accommodation.
- 8.19 Policy HO13 requires all new residential dwellings to be built to Lifetime Homes standards whereby they can be adapted to meet people with disabilities without major structural alterations. The requirement to meet Lifetime Homes has now been superseded by the accessibility and wheelchair housing standards within the national Optional Technical Standards. This can be secured by condition for both new build units.
- 8.20 Refuse and recycling facilities would be sited near the front of the site which is appropriate.
- 8.21 Outdoor amenity space  
Three of the dwellings would benefit from some private outdoor amenity space commensurate with the size of the units and the location, although it is, again, recognised that the gardens to the northern rear unit would be shaded due to the commercial building to the west. However it is noted that the existing single storey store building would be demolished and a good sized communal garden would also be provided in its place.
- 8.22 Noise  
To protect residents from external environmental noise, including that generated from the adjacent vehicle workshop, the Council's Environmental Health Officer has recommended that the remedial glazing and ventilation measures discussed within the submitted acoustic report are implemented. This can be secured by condition.
- 8.23 Impact on Neighbour Amenity:**  
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.

It is noted that nos. 32-35 Prestonville Road to the west of the site each have a ground floor rear extension which takes up a large part of the rear garden. Potentially there could be views at close proximity of these neighbouring properties and gardens from the dwelling on Plot 4. However revisions to the scheme have been submitted which show the rear/west wall of the existing building retained (or reconstructed to the same height and profile depending on its condition) in order to protect the amenity of the neighbouring occupiers. Clearly as this wall already exists its retention would mean that the existing relationship is maintained with no worsening of light levels or privacy to the existing properties. It is recommended that details of proposed boundary treatments are requested by condition to ensure there are no harmful views from the rear windows.

8.24 The dwelling at Plot 3 would look out onto the wall of the commercial building at nos. 3 and 4 Howard Terrace to the west and would not cause undue overlooking to the properties in Prestonville Road.

8.25 The front windows to the proposed rear building would give views towards the houses and gardens in Howard Terrace, and Chatham Place to a lesser extent. However, again, given the close knit nature of the area, no significant harm is considered to arise in terms of significantly increased overlooking and loss of privacy.

8.26 The building to the front of the site would be unchanged in terms of site and massing and there is not considered to be any adverse impact from the change of use on neighbouring properties.

**8.27 Sustainable Transport:**

The Council's Highways Team has been consulted on the proposed development and has no objections to the scheme.

8.28 There is not forecast to be a significant increase in vehicle trip generation as a result of these proposals therefore any impact on carriageways will be minimal and within their capacity. The application proposed eight cycle parking spaces which is acceptable.

8.29 No car parking spaces are proposed which is deemed acceptable in this case. The site is located within a Controlled Parking Zone (Y). Therefore it is recommended that the site should be made "car free" by restriction of parking permits. It is also recommended that the existing hardstanding area shall not be used for the access or parking of motor vehicles and that the existing vehicular crossover is reinstated to a footpath. These measures can be secured by condition.

**8.30 Sustainability:**

Policy CP8 requires new build development to achieve 19% above Part L for energy efficiency, and to meet the optional standard for water consumption. This can be secured by condition for the new build dwellings.

**8.31 Other Considerations:**

Given the former use of the site, a contaminated land report has been submitted which states that there are a number of areas which warrant further investigation. The Council's Environmental Health officer is satisfied that a phased contaminated land condition can be applied which includes a desk top study, site investigation and remedial measures.

**9. EQUALITIES**

- 9.1 The requirement to meet Lifetime Homes has now been superseded by the accessibility and wheelchair housing standards within the national Optional Technical Standards. Step-free access to the (new-build) dwellings is achievable.