

<u>No:</u>	BH2020/01609	<u>Ward:</u>	Hollingdean And Stanmer Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	25 Freehold Terrace, Brighton BN2 4AB		
<u>Proposal:</u>	Demolition of existing light industrial building (B8) and erection of a three storey house in multiple occupation (Sui Generis) with 10 rooms incorporating a 2nd floor roof terrace and associated works (AMENDED PLANS AND DESCRIPTION).		
<u>Officer:</u>	Joanne Doyle, tel: 292198	<u>Valid Date:</u>	16.06.2020
<u>Con Area:</u>		<u>Expiry Date:</u>	11.08.2020
<u>Listed Building Grade:</u>		<u>EOT:</u>	19.03.2021
<u>Agent:</u>	ABIR Architects Ltd Unit 1, Beta House St Johns Road Hove BN3 2FX		
<u>Applicant:</u>	Mr Edwards 25 Freehold Terrace Brighton BN2 4AB		

1. RECOMMENDATION

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

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Report/Statement	Transport Statement	16.09.202	16 September 2020
Location and block plan	0508.PL.001	C	2 February 2021
Proposed Drawing	0508.PL.002	B	2 February 2021
Proposed Drawing	0508.PL.003	B	2 February 2021
Proposed Drawing	0508.PL.004	B	2 February 2021
Report/Statement	Marketing Activities	-	16 June 2020
Report/Statement	Phase 1 Preliminary Risk Assessment	dated Jan 2020	16 June 2020
Report/Statement	Daylight or Sunlight Assessment	3 dated September 2020	25 September 2020

Report/Statement	Transport Assessment	dated June 2021	16 June 2020
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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 development hereby approved shall be implemented in accordance with the proposed layout detailed on the proposed floorplans, drawing no. 0508.PL.001. Rev C, and shall be retained as such thereafter. The layout of the first floor shall be retained as communal space at all times and shall not be used as bedrooms.
Reason: To ensure a suitable standard of accommodation for occupiers and to comply with policy QD27 of the Brighton & Hove Local Plan.
4. The accommodation hereby approved shall only be occupied by a maximum of Eleven (11) persons.
Reason: To ensure a satisfactory standard of accommodation for future occupiers and to comply with policy QD27 of the Brighton & Hove Local Plan.
5.
 - (1) No works pursuant to this permission shall commence 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 in accordance with national guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and BS 10175:2011+A1:2013 - Investigation of Potentially Contaminated Sites - Code of Practice;
And if notified in writing by the local planning authority that the desk top study identifies potentially contaminant linkages that require further investigation then,
 - (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 BS 10175:2011+A1:2013;
And if notified in writing by the local planning authority that the results of the site investigation are such that site remediation is required then,
 - (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 a scheme shall include nomination of a competent person to oversee the implementation of the works.
 - (2) The development hereby permitted shall not be occupied or brought into use until there has been submitted to, and approved in writing by, the local planning authority a written verification report by a competent person approved under the provisions of condition (1)c that any remediation scheme required and approved under the provisions of condition (1)c 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 the verification report shall comprise:

- a) built drawings of the implemented scheme;
- b) photographs of the remediation works in progress;
- c) certificates demonstrating that imported and/or material left in situ is free from contamination.

6. Prior to first occupation of the development hereby permitted, the removal of asbestos containing materials shall be carried out.

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.

7. The scheme shall accord with the standards described in Annex 6 of SPD 11 and shall include a minimum of 3 swift bricks/boxes and 3 bee bricks. The approved scheme shall be implemented in full prior to the first occupation of the development hereby approved and thereafter retained.

Reason: To increase the biodiversity of the site, to mitigate any impact from the development hereby approved and to comply with Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

8. The one accessible unit hereby approved shall be completed in compliance with Building Regulations Optional Requirement M4(3)(2b) (wheelchair user dwellings) and the ground floor unit (B1) hereby approved shall be completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) prior to first occupation and shall be retained as such thereafter. Evidence of compliance 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.

9. 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, policy CP8 of the Brighton & Hove City Plan Part One and Policy WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.

10. 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 City Plan Part One.

11. None of the new build residential units hereby approved shall be occupied until each residential unit built has achieved a water efficiency standard using 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 City Plan Part One.

12. No development above ground floor slab level of any part of the development hereby permitted shall take place until details/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) details/samples of all brick, external walls and roof material including technical specification and details of the colour/paintwork to be used)
- b) details/samples of all cladding to be used, including details of their treatment to protect against weathering
- c) details/samples of all hard surfacing materials
- d) details/samples of the proposed window, door and balcony treatments
- e) details/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 policy CP12 of the Brighton & Hove City Plan Part One.

13. The terrace area hereby permitted shall not be used between the hours of 23:00 and 07:00 on Mondays to Sundays, including Bank or Public Holidays.

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

14. The development hereby permitted shall not be occupied until details of the acoustic privacy screenings and planting screening to the terrace area have been submitted to and approved in writing by the Local Planning Authority. The privacy screens shall be provided in accordance with the approved details prior to occupation of the development and shall thereafter be retained at all times. The planting screening to the roof terrace hereby shall remain in perpetuity and shall only be replaced with other plant screening of similar size

Reason: To safeguard the privacy of the occupiers of the property and adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

15. The western elevation windows at first and second floor serving bedroom 7 and communal room of the development hereby permitted shall be obscure glazed and non-opening, unless the parts of the window(s) which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and thereafter permanently retained as such.

Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

16. The western elevation windows at second floor serving bedroom 8 of the development hereby permitted shall be tinted so as to obscure any in-coming views, and thereafter permanently retained as such.
Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
17. No development, including demolition and excavation, shall commence until a Site Waste Minimisation Statement and Site Waste Management Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details approved.
Reason: To maximise the sustainable management of waste and to minimise the need for landfill capacity and to comply with policy WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan.
18. The development hereby permitted shall not be occupied until the new/extended crossover and access has been constructed.
Reason: In the interests of highway safety and to comply with policies TR7 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One.
19. The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development 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.

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 (X) 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) and the Environment Agency website (www.environment-agency.gov.uk).

3. 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.
4. The water efficiency standard required under condition 23 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.
5. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.
6. Swift bricks/boxes can be placed on any elevation, but ideally under shade-casting eaves. They should be installed in groups of at least three, at a height above 5m height, and preferably with a 5m clearance between the host building and other buildings or obstructions. Where possible avoid siting them above windows or doors. Swift bricks should be used unless these are not practical due to the nature of construction, in which case alternative designs of suitable swift boxes should be provided in their place.
7. The planning permission granted includes a vehicle crossover which requires alterations and amendments to areas of the public highway. All necessary costs including any necessary amendments to a Traffic Regulation Order (TRO), the appropriate license and application fees for the crossing and any costs associated with the movement of any existing street furniture will have to be funded by the applicant. Although these works are approved in principle by the Highway Authority, no permission is hereby granted to carry out these works until all necessary and appropriate design details have been submitted and agreed. The crossover is required to be constructed under licence from the Head of Asset and Network Management. The applicant is advised to contact the Council's Streetworks Team (permit.admin@brighton-hove.gov.uk 01273 290729) for necessary highway approval from the Highway Authority prior to any works commencing on the adopted highway to satisfy the requirements of the condition.

2. SITE LOCATION

- 2.1. The application site relates to a purpose-built two storey commercial building comprising c.323sqm in total of workshop/warehouse on the ground floor and storage/offices at first floor, located on the south side of Freehold Terrace at its western end.

- 2.2. Freehold Terrace and the immediately surrounding area was historically an area which was mainly industrial in character. The area has been subject to change and redevelopment over the years, with conversions from industrial to residential. To the west of the site is a six storey building containing student accommodation (redevelopment completed in 2019). There are residential properties to the east and south, and to the north two flatted buildings of three and four storey height.

3. RELEVANT HISTORY

- 3.1. Relevant planning permissions within the immediate vicinity of the site:
- 3.2. **BH2014/01637-** (Land 54 Hollingdean Road & 46 Freehold Terrace and 52 Hollingdean Road Brighton)- Demolition of all buildings at 54 Hollingdean Road and erection of a part 3, 4, 5 and 6 storey building (plus basement) to form 205 student rooms (181 cluster bedrooms, 19 studios and 5 accessible rooms) with kitchen and common room facilities, cycle storage and refuse facilities. Associated works include photovoltaic panels on the roof of 6th storey, roof gardens on 3rd, 4th and 5th storeys and general planting and landscaping of grounds. Demolition of 46 Freehold Terrace and erection of a 4 storey building comprising 8 affordable housing units. Change of use and refurbishment of 52 Hollingdean Road from A1 retail with residential above to form an associated management suite including reception, offices, toilets, laundry facilities and staff kitchen. Approved 06.11.2015.

4. APPLICATION DESCRIPTION

- 4.1. The application seeks consent for the demolition of the existing light industrial building (B8) and erection of a three storey building in multiple occupation (Sui Generis) with 10 rooms incorporating a 2nd floor roof terrace and associated works.
- 4.2. During the course of the application the proposal was amended from 13 rooms to 10 rooms to improve the standard of accommodation by increasing the size of the communal spaces. In response to Highways comments amendments have been made to the cycle provision/bin store and disabled parking.

5. REPRESENTATIONS

- 5.1. Five (5) letters of representations have been received objecting to the proposal for the following reasons:
- Building work disruption
 - Overdevelopment
 - Overdevelopment of student accommodation
 - Traffic and parking issues
 - Dust, noise and light pollution
 - Impact on services

- Access tight
 - Increased footfall
 - Road not large enough
 - Freehold Terrace already over occupied
 - Overlooking and noise from roof terrace
 - Overshadowing
- 5.2. **Councillor Hill** has objected to the proposal on the grounds of; loss of employment use, the mix of units, potential to become 'student area', question the 10% threshold, poor standard of accommodation, loss of privacy issues, overdevelopment and requested that the application be heard at Committee if approved (comments attached).
- 5.3. Two (2) (One on behalf of Barry Parker Town Planning Ltd) additional representations have been received following re-consultation objecting to the proposal for the following reasons:
- Overcrowding
 - No more space
 - Parking issues
 - Noise impact
 - Loss of amenity
 - Loss of privacy and overlooking

6. CONSULTATIONS

- 6.1. **Air Quality Officer** No objection
The site is outside the air quality management area and is unlikely to generate sufficient traffic contributions to warrant a detailed air quality assessment.
- 6.2. **Policy:** No objection
No objection subject to consultee responses and consideration of the CP21 tests being met.
- 6.3. **Private Sector Housing:** Comment
The HMO Standards should be adhered to.
- 6.4. **Sustainable Transport:** Awaiting third comment.
Additional comment 29.10.2020 Objection
The applicant has not addressed the concerns raised apart from amending the doors to the refuse store to close inwards and in addition a Road Safety Audit should be submitted.
- Initial comment 08.07.2020 Objection
- 6.5. Issues over pedestrian footway width, disabled parking area, cycle parking, refuse store (including the access doors that open outwards), the assessment of delivery/servicing and car parking analysis on surrounding streets.
- 6.6. **Environment Agency:** No objection subject to risk assessment condition.

6.7. **Southern Water:** No objection subject to recommended conditions.

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. RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part Two

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- Significant Weight
DM18	High quality design and places- Limited weight
DM20	Protection of Amenity- Significant weight
DM21	Extensions and alterations- Significant weight
DM22	Landscape Design and Trees- Significant weight
DM33	Safe, Sustainable and Active Travel- Significant Weight
DM36	Parking and Servicing- Significant weight
DM40	Protection of the Environment and Health - Pollution and Nuisance- Significant weight

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
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DA3	Lewes Road Area
SA6	Sustainable Neighbourhoods
CP1	Housing delivery
CP3	Employment Land
CP7	Infrastructure and developer contributions
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP11	Flood risk
CP12	Urban design
CP19	Housing mix
CP20	Affordable housing
CP21	Student Housing and Housing in Multiple Occupation

Brighton & Hove Local Plan (retained policies March 2016)

TR7	Safe Development
TR14	Cycle access and parking
TR18	Parking for people with a mobility related disability
SU9	Pollution and nuisance control
SU10	Noise nuisance
QD5	Design - street frontages
QD14	Extensions and alterations
QD15	Landscape design
QD16	Trees and hedgerows
QD18	Species protection
QD27	Protection of amenity
HO13	Accessible housing and lifetime homes
HO15	Housing for people with special needs

Supplementary Planning Documents

SPD11	Nature Conservation and 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 provided 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. The application is for the demolition of a light industrial building and the erection of a three storey building in multiple occupation (Sui Generis).
- 9.3. 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.

- 9.4. The Council's most recent housing land supply position published in the SHLAA Update 2020 shows a five year housing supply shortfall of 342 (equivalent to 4.7 years of housing supply). 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).
- 9.5. The site is situated within Development Area DA3: Lewes Road Area identified in City Plan Part 1 (CPP1). The provision of residential development, and development that meets the needs of local communities is supported in accordance with DA3.3. The site counts as a small benefit of providing additional housing units to the City, and contributes to the City's ongoing five year supply requirements, albeit ten single bed units would be a relatively minor contribution to meeting the five year supply.
- 9.6. The application would result in the loss of employment floorspace and therefore CPP1 policy CP3 applies.
- 9.7. Policy CP3 relates to the protection of employment floorspace and only allows the loss of premises in employment use where it can be demonstrated that the premises are redundant and incapable of meeting alternative employment needs. Where this can be justified, priority is given to alternative employment generating uses or housing. The supporting text paragraph 4.39 sets out various criteria which should be considered to determine whether the site is redundant including requiring submission of marketing evidence.
- 9.8. The applicant has submitted a marketing report which summarises the marketing activities and provides evidence that the site has been suitably marketed in appropriate locations including local newspaper and various online property registers for 18 months since December 2018. The marketing report states that this generated five enquiries, all of which found the premises unsuitable for a range of reasons including configuration, poor access and internal ceiling heights. The marketing report also states that the rent has been reduced over the marketing period from £15/sqft to £12/sqft; this is less than the rents for similar accommodation in the city. The marketing carried out is considered to meet policy requirements.
- 9.9. The application also meets criteria with regards demonstrating redundancy by the quality of the site/layout. The site has poor access for large vehicles in particular: Freehold Terrace is narrow and requires vehicles to mount the pavement to pass parked cars; and access onto Freehold Terrace is via poor access from Pope's Folly, also of narrow width. Various former employment premises on the road have changed to residential uses, and these, in addition to the new development at 54 Hollingdean Road, immediately north of the site, providing 205 purpose-built student rooms, have resulted in the road becoming predominantly residential.

- 9.10. The proposal is therefore in accordance with Policy CP3 of the Brighton & Hove City Plan.
- 9.11. Policy CP21 of the Brighton and Hove Draft City Plan Part One specifically addresses the issue of changes of use to either class C4, a mixed C3/C4 use or to a sui generis House in Multiple Occupation. For the reasons stated within the policy, applications for the change of use to a HMO will not be permitted where more than 10% of dwellings within a radius of 50m of the application site are already in use as a HMO (whether they are Use Class C4, a mix of Use Classes C3 and C4 or Sui Generis). A mapping exercise has taken place which indicates that there are 55 neighbouring properties within a 50m radius of the application property of which 5 properties have been identified as being in HMO use. The percentage of neighbouring properties in HMO use with the radius area is thus 9.09% and the provision of a HMO at the site is acceptable.
- 9.12. As such, the principle of the development is considered acceptable.

Design Scale and Massing:

- 9.13. The proposed building would be three storeys in height and would be contemporary in style, featuring light brown accent brickwork, zinc areas, recessed fenestration constructed in aluminium and a sedum roof. The surrounding area is quite mixed in terms of architectural styles, with traditional brickwork, rendered and clad elevations and the adjacent modern six storey student accommodation development and modern four storey flatted building opposite.
- 9.14. Although the development would be taller than the existing building (approximately 2.2m higher) and that of the neighbouring property adjoining to the east, it would be comparable to the height of other flatted buildings within the vicinity, and is considered appropriate within the context of the adjoining properties, with a stepping up of building heights of the properties from the east to the larger, six storey building to the west. Overall, it is considered that this modern development would not be out of character or scale with its surroundings.
- 9.15. Materials have been secured via condition.

Standard of Accommodation:

- 9.16. Policy QD27 of the Brighton and Hove Local Plan aims 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 good access to natural light and air in each habitable room.
- 9.17. The 'Nationally Described Space Standards' (NDSS) were introduced by the Department for Communities and Local Government in 2015 to establish acceptable minimum floor space for new build developments. Although these space standards have not been formally adopted into the Brighton and Hove

City Plan, Policy DM1 of Draft City Plan Part 2 proposes to adopt them and can now be given significant weight.

- 9.18. Further, criterion 8 of Policy SA6 outlines the need to deliver balanced communities through the requirement for new residential development to provide an appropriate mix of dwelling sizes and tenure types and, through the emerging City Plan Part Two (DM1 - Housing Quality, Choice and Mix), ensure new housing meets optional technical standards for access and the nationally described space standards.
- 9.19. The arrangement of the layout of the development would achieve the necessary provision for disabled parking, refuse and cycle storage, and would utilise the site to its fullest and is considered appropriate given the physical constraints of the site.
- 9.20. The proposal comprises 10 no. bedrooms. Each room would contain an en-suite shower room with adequate circulation space. In terms of the rooms for the HMO, these would exceed 7.5sqm which would be in line with the guideline for a single bedroom and the double bedroom would exceed 11.5sqm in line with the guidance for a double bedroom. The wheelchair accessible unit at ground floor would be adequate in terms of size and circulation space to cater for this provision.
- 9.21. Each of the rooms would have single aspect north, which means that they are more difficult to ventilate naturally, however the windows which would be openable would be adequate to provide natural ventilation, light and adequate outlook to serve the rooms.
- 9.22. The development is "edge of pavement", having habitable room windows facing directly onto the street. This arrangement is considered acceptable in this instance as it is characteristic of other housing in the surrounding area, notably the four-storey flatted development (46 Freehold Terrace) to the north.
- 9.23. The proposed property could be occupied by up to 11 persons, given the double bedroom at second floor level. It is expected that HMO accommodation of this type provides sufficient communal space for residents to prepare food, dine, and socialise away from their bedrooms. There are 2no. shared kitchen/diner rooms with lounge area on the ground and second floor which measure approximately 51sqm and 47sqm. The kitchen spaces would be adequate in their size and provision for the number of proposed occupants and the inclusion of lounge(s) to allow for relaxation/socialising away from the proposed kitchen/dining areas is welcomed. The provision and quality of communal/shared amenity spaces and kitchen/living/dining spaces for the units is adequate in terms of amount, size and layout. A condition has been attached restricting the use of the communal areas to ensure that alterations to the layout are not made at a later date. The provision of 1no. double room and 10no. single rooms would allow for up to 11 people to occupy the accommodation at one time. A condition has been attached restricting the overall property to 11 bed spaces.

- 9.24. 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. One unit has been provided as wheelchair accessible on the ground floor. Step-free access appears to be achievable to the remaining ground floor unit.

Impact on Neighbouring Amenity:

- 9.25. Policy QD27 of the Brighton & Hove Local Plan, as updated by Policy DM20 of CPP2, 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.
- 9.26. To the rear of the site is the rear gardens of 36-52 Hollingdean Road. To the east of the site is no.24 Freehold Terrace a two storey building with roof accommodation in residential use. To the west of the site is the redeveloped six storey building of student accommodation (54 Hollingdean Road). To the north of the site are two flatted buildings which are three and four storeys in height.
- 9.27. The development would broadly sit upon the footprint of the existing building which is proposed to be demolished. The building would be approximately 2.2m higher than the existing building at its highest point.
- 9.28. The windows to the rear located at second floor level and are proposed to be obscure glazed, so there would be no new opportunities for overlooking to the rear. There would be no window openings to the east elevation. The window openings facing north (front orientation) would not impinge upon the privacy of neighbouring properties. The window openings facing west (side) serving bedrooms at first floor and a small window to the communal area at second floor would offer views toward the six storey building (54 Hollingdean Road) however the windows on this block do appear to have tinted glass. Given the distance of 8m between these windows a condition has been attached to obscure glaze the secondary second floor window and the secondary first floor bedroom window on the west elevation. The first floor large bedroom window has been conditioned to be tinted so that the occupier can see out but there would be no views in, protecting both neighbouring amenity and the amenity of the future occupier.
- 9.29. The terrace area at second floor level would feature acoustic screening to the rear (south) and partial screening to the side (west) which would be adequate to mitigate against overlooking or loss of privacy toward the immediate properties or gardens to the rear. A condition will be attached for details of the privacy screen (ensuring the height) and for the addition of planting screening to the edges of the terrace areas. The addition of the acoustic screening and addition of planting to screen the terrace area would minimise any potential overlooking or noise. A condition has also been attached for the hours of use of the terrace area.

- 9.30. As part of the application a Daylighting Study has been submitted which assesses the impact of the proposal on adjacent properties. The results have determined that there will be no noticeable impact on the daylight received by the windows of 46 Freehold Terrace, Popes Court and 36-52 Hollingdean Road.
- 9.31. The sunlight assessment has shown there will be no noticeable reduction in the amount of sunlight the main living room windows receive.
- 9.32. The overshadowing study to the gardens of 36-52 Hollingdean Road inclusive, has shown the overshadowing will remain relatively unchanged.
- 9.33. On the basis of the above, it is considered that the development is acceptable in terms of impact on the amenity of neighbouring residents, and future residents of the application site.

Sustainable Transport:

- 9.34. The applicant has demonstrated within its transport assessment that the change of use from the existing use industrial use to HMO is unlikely to increase trips and traffic to the site which Transport Officers consider to be reasonable.
- 9.35. The applicant is proposing to provide a disabled carparking space for the disabled unit on the site by formalising an existing, informal parking space on Freehold Terrace. The Highways Officer has raised concern that the proposed disabled parking bay is not adequate in dimensions or design and that there is poor visibility of the footway when vehicles will be accessing the space. However, the applicant has submitted a revised plan which has reconfigured the bin store/bike store and parking space. The revised location of the disabled space would allow the driver to access this safely/easily. Whilst the bin and bike store doors do open outwards they would not impinge upon the highway itself and therefore would not result in a highway safety issue.
- 9.36. The existing footway surrounding the site is very narrow, and well below recommended widths. The Highways Officer has raised concerns that it is too narrow for inclusive mobility and requested a Road Safety Audit. However, this is an existing situation, which the proposed development would not worsen, so this is not considered reasonable, or sufficient grounds to refuse the application on the basis of either road safety or highway capacity.
- 9.37. In addition, the Highways Officer has raised concern that there are no details of how deliveries to individuals would be managed and requested a Delivery and Service Management Plan to assess how this will be carried out conveniently. This is considered excessive for a building housing a maximum of 11 individuals, and as already noted, would not be justified by any increased impact on the highway network.
- 9.38. The site is not located within a Controlled Parking Zone (CPZ). The applicant is not proposing any on-site car parking spaces other than one disabled parking bay for this development. The Highway Officer has requested that an on-street

parking survey in line with the Lambeth Parking Survey Methodology forecasting the availability of parking in the surroundings streets be submitted. It is though acknowledged that on-site parking (other than the disabled parking) could not be accommodated on this site and the previous use would have had a greater demand and the applicant states that a no-car policy will be operated with clauses in occupants' tenancy agreements which provides sufficient mitigation.

- 9.39. The applicant is proposing a cycle store to accommodate 12 cycle spaces which is sufficient to meet policy requirements. It is noted that Highway Officers still have concerns over the size of the store and the stacking system, but it is also acknowledged that the site is physically constrained, and the provision is covered and secure. It is also of note that there is no adopted guidance regarding cycle parking dimensions.
- 9.40. The Highways Officer has requested a Move in Move Out Management Plan however given the relatively low occupancy of the residents it is not considered necessary in this instance.
- 9.41. Overall, the proposal accords with both planning policy and the NPPF which highlights that *"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe"*. On this basis, the development is considered acceptable in terms of impact on highway capacity and road safety.

Sustainability:

- 9.42. Policy CP8 requires new development to achieve 19% above Part L for energy efficiency, and to meet the optional standard for water consumption. A condition has been attached to secure this.
- 9.43. A refuse and recycling store is being provided close to the main entrance of the site which would be adequate for the scale of development. Refuse and recycling provision has been secured via condition.
- 9.44. Policy WMP3d of the Waste and Minerals Plan requires development proposals to minimise and manage waste produced during construction demolition and excavation. The application has not submitted a Waste Minimisation Statement or Site Waste Management Plan and therefore a condition has been attached to secure this.

Ecology:

- 9.45. 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.
- 9.46. The applicant hasn't submitted a Biodiversity checklist however it is evident that the existing site does not show signs of any protected species being located on site. The proposal will not result in the loss of any mature trees. Overall, the proposal will not have any negative impacts on existing biodiversity on site.

- 9.47. The proposed green roof would have environmental benefits and a condition has been attached to ensure bee bricks/swift boxes would be incorporated within the external wall of the development.

Other Matters

- 9.48. The application has submitted a Preliminary Risk Assessment Phase 1 given the use of the site and the proposed demolition of the current workshop and therefore conditions have been applied in association with contaminated land and asbestos and regards further investigations and risk assessments.

10. COMMUNITY INFRASTRUCTURE LEVY

- 10.1. Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23 July 2020 and began charging on all CIL liable planning applications on and from the 5 October 2020. It is estimated that the amount of CIL liability for this application is £24,325.00. 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

- 10.2. The proposed development would provide ten units of accommodation which would make a contribution to the Council's housing targets. The site is situated in a location where the provision of residential development and development that meets the needs of local communities is supported. The proposal has evolved over the course of the application such that concerns raised have been addressed. There is not considered to be a significant impact on highway capacity or road safety nor neighbouring amenity and the redevelopment of an unused industrial site is considered to be a positive and efficient use of land.
- 10.3. As such it is considered that and in conjunction with appropriate conditions and obligations, the recommendation is to support the application.

11. EQUALITIES

- 11.1. One unit has been provided as wheelchair accessible on the ground floor. Step free access appears to be achievable to the remaining ground floor unit.

