

<u>No:</u>	BH2021/03806	<u>Ward:</u>	Woodingdean Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	7 Deans Close Brighton BN2 6RN		
<u>Proposal:</u>	Demolition of existing dwellinghouse and erection of 4no. two storey, 3no. bed dwellinghouses (C3), with associated works.		
<u>Officer:</u>	Sonia Gillam, tel: 292265	<u>Valid Date:</u>	12.11.2021
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	07.01.2022
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	13.07.2022
<u>Agent:</u>	JDRM Architects Studio 8 Beaconsfield Studios 25 Ditchling Rise Brighton BN1 4QL		
<u>Applicant:</u>	Karen Kutter 20 Connaught Terrace Hove BN3 3YW		

1. RECOMMENDATION

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

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Location and block plan	2179(11)010	K	10 May 2022
Proposed Drawing	2179(21)000	C	13 April 2022
Proposed Drawing	2179(21)001	C	13 April 2022
Proposed Drawing	2179(21)002	C	13 April 2022
Proposed Drawing	2179(31)000	D	13 April 2022
Proposed Drawing	2179(31)001	C	13 April 2022
Report/Statement	Preliminary Ecological Assessment	Phlorum 10623	23 March 2022
Report/Statement	Biodiversity Net Gain	Phlorum 10623	13 April 2022
Arboricultural Report	Method Statement	Phlorum 10623	12 November 2021

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. No extension, enlargement, alteration of the dwellinghouses or provision of buildings etc incidental to the enjoyment of the dwellinghouse within the curtilage of the of the dwellinghouse(s) as provided for within Schedule 2, Part 1, Classes A - E of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.
Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development to comply with policies QD14, HE6 and QD27 of the Brighton & Hove Local Plan, CP12 and CP15 of the Brighton & Hove City Plan Part One, and DM20, DM21 of the Submission City Plan Part Two.
4. No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any elevation facing a highway.
Reason: To safeguard the appearance of the building and the visual amenities of the locality and to comply with policy QD14 of the Brighton & Hove Local Plan, CP12 of the Brighton & Hove City Plan Part One and DM18 and DM21 of the emerging Brighton & Hove City Plan Part Two.
5. The hard surface hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.
Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policies CP8 and CP11 of the Brighton & Hove City Plan Part One and DM43 of the emerging Brighton & Hove City Plan Part Two, and SPD16.
6. At least one bee brick per dwelling shall be incorporated within the external wall of the development hereby approved and shall be retained thereafter.
Reason: To enhance the biodiversity of the site and to comply with Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.
7. The development hereby permitted shall not commence until full details of existing and proposed ground levels (referenced as Above Ordnance Datum) within the site and on land and buildings adjoining the site by means of spot heights and cross-sections, proposed siting and finished floor levels of all buildings and structures, have been submitted to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved level details.
Reason: As this matter is fundamental to the acceptable delivery of the permission to safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, in addition to comply with policy QD27 of the Brighton and Hove Local Plan, CP12 of the Brighton & Hove City Plan Part

One, and DM18, DM20 and DM21 of the emerging Brighton & Hove City Plan Part Two.

8. No development, including demolition and excavation, shall commence until a 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.
9. The development hereby permitted shall not be commenced (including demolition and all preparatory work) until the protection measures identified in the submitted arboricultural method statement received on the 12 November 2021 are in place and retained throughout the construction process. The fences shall be erected in accordance with British Standard BS5837 (2012) Trees in relation to design, demolition and construction - Recommendations and shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences.
Reason: As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area and to comply with policies QD16 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One and SPD06:Trees and Development Sites.
10. No development shall take place (including any demolition, ground works, site clearance) until a method statement for rescue and translocation of reptiles has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the: a) purpose and objectives for the proposed works; b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used); c) extent and location of proposed works shown on appropriate scale maps and plans; d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction; e) persons responsible for implementing the works; f) initial aftercare and long-term maintenance (where relevant); g) disposal of any wastes arising from the works. The works shall be carried out in accordance with the approved details and shall be retained in that manner thereafter.
Reason: To protect habitats and species identified in the ecological surveys from adverse impacts during construction and to avoid an offence under the Wildlife and Countryside Act 1981, as amended.
11. No development above ground floor slab level of any part of the development hereby permitted shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved details.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to comply with policies SU4 of the Brighton & Hove Local Plan and CP11 of the Brighton & Hove City Plan Part One.

12. Notwithstanding any details shown on the approved plans, no development above ground floor slab level of any part of the development hereby permitted shall take place until samples/ details of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):
- a) Samples/details of all brick, render and tiling (including details of the colour of render/paintwork to be used)
 - b) samples of all cladding to be used, including details of their treatment to protect against weathering
 - c) samples/details of all hard surfacing materials
 - d) samples/details of the proposed window, door and balcony treatments
 - e) samples/details of all other materials to be used externally

Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD14 of the Brighton & Hove Local Plan, CP12 of the Brighton & Hove City Plan Part One and DM18 and DM21 of the emerging Brighton & Hove City Plan Part Two.

13. Prior to first occupation of the development hereby permitted 8 (eight) swift bricks/boxes shall be incorporated within the external walls of the development and shall be retained thereafter.

Reason: To enhance the biodiversity of the site and to comply with Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

14. None of the 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.

15. 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 DM21 of the Submission City Plan Part 2, policy CP8 of the Brighton & Hove City Plan Part One and Policy WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.

16. 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 approved landscaping shall be implemented in accordance with the approved details in the first planting season after completion or first

occupation of the development, whichever is the sooner. The scheme shall include the following:

- a. details of all hard and soft surfacing to include the type, position, design, dimensions and materials and any sustainable drainage system used;
- b. a schedule detailing sizes and numbers/densities of all proposed trees/plants including food-bearing plants, and details of tree pit design, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period;
- c. details of all boundary treatments (including those between each new property and to neighbouring properties) to include type, position, design, dimensions and materials;

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.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD15 and QD16 of the Brighton & Hove Local Plan, CP12 of the Brighton & Hove City Plan Part One and DM22 and DM43 of the emerging Brighton & Hove City Plan Part Two, and SPD06, SPD11 and SPD16.

17. 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 policies TR14 of the Brighton & Hove Local Plan and DM36 of the emerging Brighton & Hove City Plan Part Two, and SPD14 Parking Standards.

18. The amended crossover and access shall be constructed prior to the first occupation of the development hereby permitted.

Reason: In the interests of highway safety and to comply with policies TR7 of the Brighton and Hove Local Plan, CP9 of the Brighton & Hove City Plan Part One and DM33 of the emerging Brighton & Hove City Plan Part Two.

19. The vehicle parking areas shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved and shall be maintained so as to ensure their availability for such use at all times.

Reason: To ensure that adequate parking provision is retained and to comply with policy CP9 of the Brighton & Hove City Plan Part One and SPD14: Parking Standards.

20. Prior to occupation, a "lighting design strategy for biodiversity" shall be submitted to and approved in writing by the local planning authority. The strategy shall: a) identify those areas/features on site that are particularly sensitive for badgers and bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and b) show how and where external lighting

will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places. All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the planning authority.

Reason: Many species active at night (e.g. bats and badgers) are sensitive to light pollution. The introduction of artificial light might mean such species are disturbed and /or discouraged from using their breeding and resting places, established flyways or foraging areas. Such disturbance can constitute an offence under relevant wildlife legislation.

21. No development above ground floor slab level of any part of the development hereby permitted shall take place until an ecological design strategy (EDS) addressing mitigation for impacts on Honeysett Local Wildlife Site, compensation for the loss of habitats and enhancement of the site to provide measurable biodiversity net gain, to include the recommendations in the Preliminary Ecological Appraisal (Phlorum, March 2022) and the Biodiversity Net Gain Assessment (Phlorum, April 2022) and provision of intensive/biodiverse green roofs, has been submitted to and approved in writing by the local planning authority. The EDS shall include the following: a) purpose and conservation objectives for the proposed works; b) review of site potential and constraints; c) detailed design(s) and/or working method(s) to achieve stated objectives; d) extent and location /area of proposed works on appropriate scale maps and plans; e) type and source of materials to be used where appropriate, e.g. native species of local provenance; f) timetable for implementation demonstrating that works are aligned with the proposed phasing of development; g) persons responsible for implementing the works; h) details of initial aftercare and long-term maintenance; i) details for monitoring and remedial measures; j) details for disposal of any wastes arising from works. The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To ensure that any adverse environmental impacts of development activities can be mitigated, compensated and restored and that the proposed design, specification and implementation can demonstrate this, and to provide a net gain for biodiversity as required by Section 40 of the Natural Environment and Rural Communities Act 2006, paragraphs 174 and 180 of the National Planning Policy Framework, and Policy CP10 of the Brighton & Hove City Council City Plan Part One

22. A landscape and ecological management plan (LEMP) shall be submitted to, and approved in writing by, the local planning authority prior to occupation of the development. The content of the LEMP shall include the following: a) description and evaluation of features to be managed; b) ecological trends and constraints on site that might influence management; c) aims and objectives of management; d) appropriate management options for achieving aims and objectives; e) prescriptions for management actions, together with a plan of management compartments; f) preparation of a work schedule (including an

annual work plan capable of being rolled forward over a five-year period; g) details of the body or organisation responsible for implementation of the plan; h) ongoing monitoring and remedial measures. The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plans shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: Biological communities are constantly changing and require positive management to maintain their conservation value. The implementation of a LEMP will ensure the long term management of habitats, species and other biodiversity features.

23. The development hereby permitted shall not be occupied until the dwelling hereby permitted has 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, and DM1 of the emerging Brighton & Hove City Plan Part Two.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant is advised that advice regarding permeable and porous hardsurfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens'.
3. 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 where appropriate.
4. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.

5. The applicant is advised that Part L – Conservation of Fuel and Power of the Building Regulations 2022 now requires each residential unit built to have achieved a 31% reduction in carbon emissions against Part L 2013.
6. The water efficiency standard required 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.
7. The applicant is advised that a formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel 0330 303 0119), or www.southernwater.co.uk
8. In order to be in line with Policy TR14 of the Brighton & Hove Local Plan 2005 cycle parking must be secure, convenient, well lit, well signed and wherever practical, sheltered. The Highway Authority's preference is for covered Sheffield type stands spaced in line with the guidance contained within the Manual for Streets section 8.2.22.
9. 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.
10. The applicant is advised under Part S of the Building Regulations that new dwellings providing a parking space now require an EV charging point.
11. The applicant is advised that assessment model under the CIBSE TM59 Thermal Model method to comply with Part O of the 2022 Building Regulations should be submitted as part of a full Building Regulations application.

2. SITE LOCATION

- 2.1. The application relates to a relatively large plot on the north-eastern side of Deans Close, a residential cul-de-sac in the Woodingdean area of Brighton. The site currently houses a bungalow with a freestanding garage to the rear. There is a large rear garden with dense vegetation which rises up steeply to the rear. The Honeysett Local Wildlife Site (LWS) lies adjacent to the western boundary, although the site itself is not designated for its nature conservation interest

3. RELEVANT HISTORY

- 3.1. **PRE2021/00052** Options for a development of multiple dwellings on the site of an existing dwelling-house. Advice given 28/4/21.
- 3.2. The proposed number of units has been reduced and an ecology buffer retained following the advice.

4. APPLICATION DESCRIPTION

- 4.1. The application seeks permission for the demolition of the existing dwellinghouse and the erection of 4no. two-storey, three-bedroom dwellinghouses (C3), with associated works.
- 4.2. Amended plans have been received during the life of the application which amend the site and parking layout and provide a larger buffer for the adjacent LWS.

5. REPRESENTATIONS

- 5.1. **Thirty-one (31)** letters have been received objecting to the proposed development. The main grounds for objection are as follows:
- Overdevelopment/ cramming
 - Poor design
 - Impact on wildlife
 - Overshadowing
 - Overlooking and loss of privacy
 - Vehicular access and parking
 - Increased traffic/ highway safety
 - Noise and disturbance
 - Lack of garden space
 - Loss of trees/ green space
 - Light pollution
 - Impact on local infrastructure

- 5.2. After a re-consultation following the receipt of amended plans received on 13/05/22: Thirteen (13) further letters have been received. No further grounds for objection to those already set out above were noted.
- 5.3. Objections re developer greed/ profit, disturbance from the build, and loss of views are noted, however are not material planning considerations.
- 5.4. A letter of representation has been received from **Councillors Dee Simson and Steve Bell** objecting to the proposed development. A copy of the letter is attached to the report.

6. CONSULTATIONS

External:

- 6.1. **Ecology:** No objection subject to conditions relating to biodiversity method statement, lighting design strategy, ecological design strategy and landscape and ecological management plan.
- 6.2. **Southern Water:** No objection subject to SuDS strategy and a formal application for a connection to the public foul sewer to be made by developer.

Internal:

- 6.3. **Arboriculture:** No objection subject to conditions re landscaping and protection of existing trees.
- 6.4. **Environmental Health:** No objection No significant concerns, further comment, or conditions to recommend.
- 6.5. **Private Sector Housing:** No objection Application considered and no comments offered.
- 6.6. **Sustainable Transport:** No objection subject to conditions relating to cycle parking, construction of crossover, surface water drainage and retention of parking area.
- 6.7. **Urban Designer:** No objection subject to condition re replacement tree planting and SuDS strategy. The proposals are considered to be of high-quality design.

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 JAAP (adopted October 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
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP11	Flood risk
CP12	Urban design
CP14	Housing density
CP19	Housing mix

Brighton and 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
QD15	Landscape design
QD16	Trees and hedgerows
QD18	Species protection
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes
NC4	Sites of Nature Conservation Importance (SNCIs) and Regionally Important Geological Sites (RIGS)

Brighton & Hove City Plan Part Two:

Policies in this Plan 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. Some policies have gained further weight following the CPP2 examination hearings and publication of the Post Hearing Action points by the Inspector (INSP09) and Main Modifications for consultation March 17th (BHCC44 Schedule of Main Modifications).

DM1	Housing Quality, Choice and Mix
DM18	High quality design and places
DM20	Protection of Amenity
DM22	Landscape Design and Trees
DM33	Safe, Sustainable and Active Travel
DM36	Parking and Servicing
DM37	Green Infrastructure and Nature Conservation
DM40	Protection of the Environment and Health - Pollution and Nuisance
DM43	Sustainable Urban Drainage

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD06	Trees & Development Sites
SPD11	Nature Conservation & Development
SPD14	Parking Standards
SPD16	Sustainable Drainage

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations relating to the determination of this application are the principle of the proposed development, design and the impact upon the character and appearance of the surrounding area, landscaping, biodiversity/ecology, impact on neighbouring residential amenity, the standard of accommodation and highways implications.

Principle of the Development:

- 9.2. Policy CP1 in City Plan Part One sets a minimum housing provision target of 13,200 new homes for the city up to 2030. However, on 24 March 2021 the City Plan Part One reached five years since adoption.
- 9.3. 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.
- 9.4. The local housing need figure for Brighton & Hove using the standard method is 2,311 homes per year. This includes a 35% uplift applied as one of the top 20 urban centres nationally. The council's most recent housing land supply position is published in the SHLAA Update 2021 which shows a five-year housing supply shortfall of 6,915 (equivalent to 2.1 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 in a residential area within the Built-Up Area Boundary of the City and the existing dwelling is of no significant architectural or historic merit. The plot is significantly larger than the other plots in Deans Close and can comfortably

accommodate more than one dwelling. Therefore, the general principle of a redevelopment and densification of the site to provide additional residential units is accepted and indeed supported by CPP1 Policy CP14: Housing Density.

- 9.6. It is recognised that the creation of 3 additional residential units would make a positive contribution towards the city's housing target as set out in City Plan Policy CP1.
- 9.7. Policy CP19 criterion c. states that sites coming forward as 'windfall' development will be required to demonstrate that proposals have had regard to housing mix considerations and have been informed by local assessments of housing demand and need. Also, criterion d. requires that all new residential development will have regard to the characteristics of existing neighbourhoods and communities to ensure that development makes a positive contribution to the achievement of mixed and sustainable communities. The supporting text to Policy CP19 (paragraph 4.213) sets out the broad mix of housing sizes that should be aimed for across the city as a whole, but the text also makes reference to site suitability (paragraph 4.215) as one of the factors that will determine the range and variety of housing.
- 9.8. This application relates to a small housing development of 4no. three-bed units within a constrained location due to the shape of the site, access, highways and ecology considerations. The surrounding area is made up of family dwellings. It is therefore considered reasonable to justify the provision of solely three bed units in this instance; and would be a welcome addition to the City's housing stock.

Design and Appearance:

- 9.9. City Plan Policy CP12 expects all new development to raise the standard of architecture and design in the city, establish a strong sense of place by respecting the character of existing neighbourhoods and achieve excellence in sustainable building design and construction.
- 9.10. Policies encourages the effective use of land and allows for densities to be increased providing that no harm results to the character of the area and that the scheme overall represents good design.
- 9.11. With regard to built form, appearance and materiality the proposals are considered to be of high-quality design. They are sensitive in scale and their low, asymmetric pitched roofs appear modest and subservient in character to neighbouring buildings. The use of natural, untreated timber cladding is considered to enhance the verdant character of the area and to generate an "outbuilding" typology which suits the backland site. The Council's Urban Designer supports the scheme. Material details/ samples can be secured by condition.
- 9.12. Given the prevailing context, there is no objection to the new dwellings, built in the style and materials proposed. The proposal would be a suitable form of development on this site, which would not harm the character and appearance of the streetscene or that of the wider area, in accordance with policy QD14 of

the Brighton & Hove Local Plan, CP12 of the Brighton & Hove City Plan Part One, and emerging policy DM21 of City Plan Part 2 (which can be given significant weight).

Landscaping and Trees:

- 9.13. Policy DM22 of CPP2 states that development proposals are required to retain, improve and, wherever possible, provide, appropriate landscape elements/landscaping, trees and planting as part of the development.
- 9.14. The applicant has provided an arboricultural impact assessment and an arboricultural method statement which has been assessed by the Council's Arboriculture Officer as outlined below.
- 9.15. Mitigation planting has been proposed for the loss of 5 individual trees within the site along with 4 groups. Given that the existing trees are of low individual quality, the proposed 13 trees are considered acceptable; species, location and pit construction have all been specified. The proposed protection measures for retained trees appear robust and can be secured by condition, along with conditions for a landscaping plan, permeable hardstanding, and SuDS.
- 9.16. It is noted that neighbour representations received refer to the removal of trees from the site in 2021 prior to the submission of the planning application. The Council's Arboriculture Officer advised that an emergency TPO was served in response to the removal works, however the remaining trees did not meet the criteria to justify preservation status. The prior removal of unprotected trees is not considered to be a material constraint to development. As such, subject to the recommended conditions it is considered that the proposal complies with policy DM22 of the City Plan Part 2.

Standard of Accommodation:

- 9.17. Policies DM20 and QD27 seek 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. Indeed, the updated NPPF requires that all developments provide a 'high' standard of amenity for future occupiers, which is a high bar that goes beyond amenity being merely 'adequate' or 'acceptable'.
- 9.18. Although not yet adopted, the Proposed Submission City Plan Part 2 policies indicates direction of travel and some policies have gained weight since consultation. Policy DM1 sets out Nationally Described Space Standards (NDSS) for dwellings and this policy now carries significant weight as a material planning consideration.
- 9.19. Each house would have 3x bedrooms - 2x double (1 at GF and 1 at FF) and 1x single, and measure 108m². This exceeds the minimum space standard of 93m² for a three bed, five-person dwelling. The overall design and layouts would provide good circulation space and levels of light, ventilation, and outlook.
- 9.20. Local Plan Policy HO5 requires the provision of private useable amenity space in new residential development where it is appropriate to the scale and character of the development. A raised, rear garden would be provided for each dwelling,

along with a raised terrace to the front; this is considered appropriate for the size of dwelling. Full details of the landscaping of the external areas is required by condition, including proposed boundary treatments between the new properties and the neighbouring properties.

- 9.21. It is noted that the gardens would be overlooked by surrounding properties which are at a raised land levels to the application site. However, this is not an unusual relationship between properties in this built-up, hilly area of the city, and is therefore considered acceptable in this instance.
- 9.22. A refuse and recycling store is being proposed on-site close to the highway for collection purposes, which is deemed acceptable.

Impact on Amenity:

- 9.23. Policy QD27 of the Brighton & Hove Local Plan and emerging Policy DM20 of City Plan Part 2 (which can be given significant weight) state 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.
- 9.24. The properties closest to the site are nos. 6 and 8 Deans Close adjacent. These properties would gain some benefit from the demolition of the existing house as they would no longer have a building sited directly next to the existing neighbouring built form. No. 8 is sited very close to the boundary with the application site and has existing side facing windows. A soft landscaping buffer is proposed to the boundary with no. 8 to mitigate nuisance from activity from the access route. No. 6 is sited further away from the boundary, and it is noted that there is existing foliage/ screening in the control of no. 6. Soft landscaping is also proposed by the applicant.
- 9.25. The properties in Crescent Drive North to the north are some distance away and are at a considerably raised ground level to the application site. However, it is noted that there is a backland dwelling, no. 58A Crescent Drive North, directly to the north of the application site. Notwithstanding this, it is considered that given the differing land levels, orientation, proposed planting and windowless north elevation of the closest proposed dwelling, the development would not lead to such a detrimental impact on this dwelling to warrant refusal of the application.
- 9.26. With regard to Willow Close to the south-east of the site, the proposed properties would appear modest and subservient and the raised land levels of these neighbouring properties and stand-off distances are considered sufficient so as an unacceptably harmful impact on living conditions and neighbour amenity does not occur.
- 9.27. Overall, it is considered that the development has been sensitively designed to mitigate impact on neighbouring dwellings.

Sustainable Transport:

- 9.28. The application proposes six car parking spaces for the four dwellings including a turning head, and this is in line with the maximum standards in SPD14. The Council's Highways Officer is comfortable that the submitted swept path analysis has adequately demonstrated that the layout and turning head work. A communal cycle store is proposed on the access road. This is considered acceptable and can be secured by condition.
- 9.29. The existing vehicle access between No 6 and adjacent to the vehicle access to No 8 is being retained and extended. A footway along the edge of the access road is proposed to access the proposed dwellings. It is noted that the footway starts a few metres into the site and pedestrian access is shared with vehicles at the site's entrance. This arrangement is not ideal, however, the site constraints at the entrance and limited number of dwellings are acknowledged and the Council's Highways Officer does not raise an objection in this instance. Pedestrian dropped kerbs are also being proposed for access to the car park and bin store and this is welcomed.
- 9.30. The increase in trips associated with an additional three dwellings is unlikely to amount to a severe impact on the surrounding highway network. The Council's Highways Officer has no objections to the scheme.

Ecology:

- 9.31. The site is not designated for its nature conservation interest, but Honeysett Local Wildlife Site (LWS) lies adjacent to the western boundary. The LWS supports broadleaved woodland and is particularly important in the urban context as providing a refuge for wildlife including breeding birds and invertebrates and is known to support a badger sett.
- 9.32. Compensatory planting, including native trees and scrub is proposed, as well as the retention and enhancement of an "ecology buffer" in the north-west section of the site, a wildlife corridor along the northern boundary and protection of retained trees. The County Ecologist has advised that this is acceptable, subject to conditions including an Ecological Design Strategy clearly setting out the measures that will be implemented to mitigate and compensate for the impacts of the development and to achieve Biodiversity Net Gain.
- 9.33. The Council has adopted the practice of securing minor design alterations to schemes with the aim of encouraging the biodiversity of a site, particularly with regards to protected species such as bees. Conditions requiring bee bricks and swift boxes have been attached to improve ecology outcomes on the site in accordance with the Policy CP10 of the Brighton & Hove City Plan Part One and SPD11 Nature Conservation and Development.

Sustainability:

- 9.34. The application commits to high efficiency standard in accordance with policy CP8. At the time, the application was submitted, this required new build development to achieve 19% above Part L for energy efficiency, however, since the application was submitted, the Part L has been updated and now requires a higher standard. Since this is now covered under the Building Regulations, an informative to that effect will be attached rather than a condition. A condition, is

though recommended to meet the optional standard for water consumption. This above can be secured by condition and informatives.

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 £24,227.24. 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.

11. EQUALITIES

- 11.1. The requirement to meet Lifetime Homes has now been superseded by the accessibility and wheelchair housing standards within the national Optional Technical Standards. The application commits to provide dwellings that are accessible and adaptable and in accordance with Building Regulations M4(2) for accessibility as required by policy DM1 of the Emerging City Plan Part Two.

12. CLIMATE CHANGE/BIODIVERSITY

- 12.1. The application site is previously developed (brownfield) land, within a sustainable location with good access to public transport links and local facilities. Cycle parking is proposed, reducing reliance on cars. A bee brick and swift bricks should be secured by condition.

