

<u>No:</u>	BH2023/01254	<u>Ward:</u>	Westdene & Hove Park Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	17 Old Shoreham Road Hove BN3 6NR		
<u>Proposal:</u>	Erection of a two storey dwelling (C3) over ground and lower ground floors on land to rear of existing care home (C2) and demolition of two storey west wing, erection of single storey rear extension, revised fenestration and alterations to an existing rear external fire escape, erection of summer house to rear, landscaping and associated works to the care home and access to the dwelling to the rear. (part retrospective).		
<u>Officer:</u>	Joanne Doyle, tel: 292198	<u>Valid Date:</u>	29.06.2023
<u>Con Area:</u>		<u>Expiry Date:</u>	24.08.2023
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	DK Architects 9 Hove Park Villas Hove BN3 6HP		
<u>Applicant:</u>	Mr Khalid Chaudhry 19 Winborne Grove Watford WD17 4JE		

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
Proposed Drawing	P7	F	26 June 2023
Proposed Drawing	P8	F	26 June 2023
Proposed Drawing	P9	F	26 June 2023
Location Plan	190502/S0	C	29 June 2023
Block Plan	190502/P0	C	26 June 2023
Proposed Drawing	P1	J	17 November 2023
Proposed Drawing	P2	G	15 November 2023
Proposed Drawing	P3	F	26 June 2023
Proposed Drawing	P4	F	26 June 2023

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 dwellinghouses, within the

curtilage of the of the dwellinghouses 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 for this reason would wish to control any future development to comply with policies DM20 of Brighton & Hove City Plan Part Two.

4. The development hereby approved should achieve a minimum Energy Performance Certificate (EPC) rating 'B' for new build residential development.
Reason: To improve the energy cost efficiency of existing and new development and help reduce energy costs to comply with policy DM44 of the Brighton & Hove City Plan Part Two.
5. 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.
6. One bee brick or more shall be incorporated within the external wall of the dwelling and one bee brick or more shall be incorporated within the external wall of the rear extension hereby approved and shall be retained thereafter.
Reason: To enhance the biodiversity of the site and to comply with Policy DM37 of Brighton & Hove City Plan Part 2, 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 incorporate at least 2 (two) swift bricks/boxes within the external wall of the dwelling and at least 2 (two) swift bricks/boxes within the external wall of the rear extension hereby approved and shall be retained thereafter.
Reason: To enhance the biodiversity of the site and to comply with Policy DM37 of Brighton & Hove City Plan Part 2, Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.
8. 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.
Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policies CP8 & CP11 of the Brighton & Hove City Plan Part One.
9. Access to the flat roof over the dwelling hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.

Reason: In order to protect adjoining properties from overlooking and noise disturbance and to comply with policy DM20 of Brighton & Hove City Plan Part Two.

10. 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 DM33 of Brighton & Hove City Plan Part 2, and SPD14: Parking Standards.

11. The vehicle parking area 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.

Reason: To ensure that adequate parking provision is retained and to comply with policy CP9 of the City Plan Part One.

12. 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 Policies DM18 and DM21 of Brighton & Hove 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.

13. The ground floor windows (serving lounge and dining room) located on the eastern elevation of the dwelling hereby permitted shall be obscure glazed and thereafter shall be permanently retained as such.

Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with Policies DM20 and DM21 of Brighton & Hove City Plan Part Two.

14. 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 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 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 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 provide ecological and sustainability benefits, to comply with policies DM22 and DM37 of Brighton & Hove City Plan Part 2, and CP8, CP10, CP12 and CP13 of the Brighton & Hove City Plan Part One.

15. 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 (including the boundary garden spaces) shall have 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 protect the appearance of the development in the interest of the visual amenities of the area and to safeguard the privacy of the occupiers of the existing care home and adjoining properties and ensure sufficient amenity space is retained for the occupiers of the care home and to comply with policies CP12 of the Brighton & Hove City Plan Part One and DM20 and DM21 of the Brighton & Hove City Plan Part Two.

16. Tree planting must be minimum extra heavy standard - 16-18 cm nursery stock size. Stock must be home grown nursed specimens avoiding directly imported stock.

Reason: To enable early establishment and clear visibility of replacement boundary vegetation and to reduce the risk of the introduction of pests and diseases and to comply with policies DM22 and DM37 of Brighton & Hove City Plan Part Two.

17. The proposal to mitigate the loss of five trees on site with four *Ulmus lobel* and three *Betula utilis 'Jacquemontii'* shall be carried out in the first planting and seeding season following the first occupation of the building hereby permitted or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become, in the opinion of the Local Planning Authority, seriously damaged or diseased, shall be replaced 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 DM22 and DM37 of Brighton & Hove City Plan Part Two.

18. The dwelling roof shall be a green sedum roof and shall be retained as such thereafter.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to provide ecological and sustainability benefits, to comply with policies DM22 and DM37 of 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 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.
3. The water efficiency standard required under condition 5 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.
4. The applicant is advised that Part O of Building Regulations 2022 has been introduced. This standard is aimed at designing out the need for mechanical air conditioning systems in dwellings that would otherwise be prone to overheating and limiting unwanted solar gains. There are optional methods to demonstrate compliance through the Building Regulations.
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 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. The applicant should be aware that the site may be in a radon affected area. If the probability of exceeding the Action level is 3% or more in England and Wales, basic preventative measures are required in new houses, extensions, conversions and refurbishments (BRE2011). Radon protection requirements should be agreed with Building Control. More information on radon levels is available at <https://www.ukradon.org/information/ukmaps>.

2. SITE LOCATION

- 2.1. The application relates to a detached Residential Care Home 'Loxwood' at 17 Old Shoreham Road, Hove, located on the northern side of Old Shoreham Road. The site includes land to the rear where permission has been granted to provide a new dwelling, currently under construction (ref. BH2019/03758). Works to extend the care home under planning permission BH2021/03206 are also currently under construction.
- 2.2. The present application seeks to amend the vehicular access provided to the dwelling under construction, and because this would be over land to be used as garden space, to move the Care Home boundary 1.5m north to increase rear garden, slightly reducing that provided on the adjacent dwelling site.
- 2.3. There are a number of backland dwellings sited between the rear garden spaces of Old Shoreham Road, Shirley Drive and Shirley Road adjacent and in close proximity to the application site.

3. RELEVANT HISTORY

- 3.1. BH2021/03206- Demolition of two storey west wing, erection of single storey rear extension, revised fenestration and rear external fire escape, erection of summer house to rear, landscaping and associated works. Approved 20.09.2022.
- 3.2. PRE2021/00107- Demolition of two-storey west wing of the existing Care Home, the erection of a single storey rear extension to provide three bedrooms and a new private driveway to serve dwelling to the rear of the Care Home approved under planning application BH2019/03758. Closed.
- 3.3. BH2021/00125- Removal of Conditions 6 and 16 of application BH2019/03758 (Erection of 1no two storey dwelling (C3) over ground & lower ground floors on land to rear of existing care home (C2) relating to (6) accessible and adaptable dwellings and (16) louvres/privacy screening. Approved 17.03.2021.
- 3.4. BH2021/00123- Application for approval of details reserved by conditions 3 (Samples), 10 (Secure cycle parking), 13 (Storage of refuse and recycling) and 14 (Landscaping) of application BH2019/03758. Approved 12.03.2021.
- 3.5. BH2019/03758- Erection of 1no two storey dwelling (C3) over ground & lower ground floors on land to rear of existing care home (C2). Approved 21.09.2020.

Application Description

- 3.6. As noted above, planning permission has already been granted for works to the Care Home, and for the construction of the new dwelling to the rear. This is a significant material consideration in determining this application.

- 3.7. The application largely replicates and consolidates the previous permissions, seeking permission for:
- the erection of a two storey dwelling (planning use class C3) over ground and lower ground floors on land to the rear (north-east) of the existing care home (planning use class C2), provision of new vehicular access for the dwelling to the side of the care home; and
 - the demolition of the two storey west wing of the care home, and the erection of a single storey rear extension, revised fenestration and alterations to an existing rear external fire escape, and the erection of a summer house to rear, along with landscaping and associated works to the care home and access to the dwelling to the rear.
- 3.8. The key differences between the extant permissions and the present application are:
- a proposed new vehicular driveway for the dwelling, to be located immediately west of the Care Home rather than using land on the adjacent plot;
 - the increase in garden space provided to the rear (north) of the Care Home to replace that lost to the west, and an associated reduction in garden land provided for the dwelling;
 - minor amendments to the fenestration of the dwelling and omission of external stair to south elevation..

4. REPRESENTATIONS

- 4.1. Ten (10) letters have been received objecting to the proposed development for the following reasons:
- Poor design and materials
 - Unsuitable and not in keeping with the area
 - Concerned and confused by the works to the rear of the Care Home
 - The dwelling to the rear doesn't have a green roof
 - Concerned by the attitude and intentions of the applicant
 - Overdevelopment
 - Concern regards permission given for the development for a land-locked dwelling
 - Overshadowing and loss of light and outlook
 - Overlooking and loss of privacy
 - Impact on residents of Care Home
 - Development too close to adjoining boundaries
 - Loss of home and garden amenity space of Care Home
 - Abuse from developers and builders
 - Scheme is for financial gain by developers
 - Party wall and boundary fence issues
 - Private driveway and access issues
 - Aspect of neighbouring homes changed for the worse
 - Trees and shrubs destroyed
 - Planning laws, regulations and conditions have not been adhered to and works taken place without planning permission

- Driveway to replace garden of Care Home
 - The access is unsafe and not large enough for emergency services
 - Impact on the well-being of neighbouring residents
 - Traffic, cycle and parking impacts
 - Noise and disturbance from building works
 - No safe access for disabled
 - Little regard for social needs of people
 - Original permission based upon a different driveway
 - Safety concerns regarding the quality of the building works
 - New access creates pollution
 - Concerns over consultation
 - Application contains inaccuracies and discrepancies
 - No space for trees
 - Damage to neighbouring properties during build
 - Impact on environment
- 4.2. Issues relating to the conduct of the developer, their financial gain, the acceptability of the previous permissions, and the safety of building works are not material to the determination of this application.
- 4.3. Councillor Bagaeen objects to the application. A copy of this objection is attached to this report.

5. CONSULTATIONS

- 5.1. **Sustainable Transport:** No Objection
subject to the inclusion of the following conditions:
- Cycle parking scheme
 - Retention of parking area
 - Disabled parking
- 5.2. **Arboriculture:** No Objection
Although the tree removal to the frontage is regretted, the property is not within a designated conservation area & the Purple Plums would not be considered suitable for preservation status due to their condition and fairly short remaining life span.
- 5.3. Landscaping should be conditioned.
- 5.4. **Southern Water:** Comment
No objection to the proposal subject to suggested comments and a formal application to be submitted for connection to the public sewer.

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 City Plan Part Two (adopted October 2022);
 - 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. 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
CP13	Public streets and spaces
CP14	Housing Density
CP19	Housing Mix

Brighton & Hove City Plan Part Two

DM1	Housing Quality, Choice and Mix
DM5	Supported Accommodation (Specialist and Vulnerable Needs)
DM18	High quality design and places
DM19	Maximising development potential
DM20	Protection of Amenity
DM21	Extensions and alterations
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 Drainage
DM44	Energy Efficiency and Renewables

Supplementary Planning Documents:

SPD03	Construction and Demolition Waste
SPD06	Trees and Development Sites
SPD11	Nature Conservation and Development
SPD14	Parking Standards

8. CONSIDERATIONS & ASSESSMENT

- 8.1. The main considerations in the determination of this application relate to the acceptability of the amendments to the approved development, namely the principle of the relocated driveway and amended garden provision and their impact on the character of the area, on biodiversity, and the highway.

Principle of Development:

- 8.2. As noted above, the principle of the extension of the Care Home and the erection of a new dwelling has already been agreed through the grant of planning permission for each of these developments.

Design and Character:

- 8.3. City Plan Policies CP12 and DM18 expect 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.
- 8.4. The proposed dwelling overall would match the design approved under BH2021/00125. Minor changes to the scheme approved, would include some slight fenestration changes (fenestration remaining in the same positions as approved) and the removal of external steps to the southern elevation. This has not prejudiced the design, standards or amenity impact as approved.
- 8.5. The dwelling is contemporary in style, featuring render and brickwork at ground and lower level and aluminium fenestration and a green roof and is considered acceptable in terms of its character and appearance. A materials sample sheet has been submitted as part of this application and the provision of a green roof would be secured via condition.
- 8.6. The key differences in comparison to the previously approved scheme relate to the relocation of the boundary between the dwelling and the Care Home by 1.5m to the north, reducing the external amenity space for the dwelling; and the relocation of the driveway closer to the west.
- 8.7. Whilst the overall plot for the dwelling (including its amenity space) has been slightly reduced in size, two garden areas would be provided, namely a 65m² area off more than 15m depth to the front of the dwelling, along with a 63m² space to the side. The reduction is considered minimal in the context of the site, and the remaining plot would be appropriate for a dwelling of this size, and the predominant pattern of development in the wider area.
- 8.8. The new driveway created would have appropriate boundary treatments (a rendered wall with panelling and a mixture of planting and trees), separating the access from the care home garden, and the residential plot from the care home. It is considered to be acceptable in respect of its design and appearance.

- 8.9. The amended residential development is therefore considered acceptable in terms of its design and proposed plot and the relocation of the southern boundary / new driveway would not compromise the design quality of the approved dwelling or the character and appearance of the surrounding area.
- 8.10. No changes are proposed to the design of the extensions to the Care Home. The provision of the driveway immediately alongside the dwelling is considered acceptable in terms of its impact on the character of the area as this is not an uncommon feature, and would replace that approved immediately adjacent to the west.
- 8.11. On this basis the scheme is considered acceptable in terms of its impact on the character and appearance of the area.

Standard of Accommodation:

- 8.12. Policies DM1 and DM20 of City Plan Part Two aims to secure a good standard of living accommodation for current and future occupiers in all new developments. The dwelling would meet the standards set out in the Nationally Described Space Standards, as set out in its approval.
- 8.13. Policy DM1 of the City Plan Part Two also requires the provision of private amenity space in new development. As noted above, the proposed garden amenity space to the front and side of the dwelling is considered sufficient for the a three-bed dwelling, with private rear and side garden areas to be retained.
- 8.14. The standard of accommodation to be provided for Care Home residents is also considered to be acceptable with the proposed amendments, with a slightly larger garden to be provided to the rear (north), but a smaller area to the side (west). This is considered acceptable, and as noted above, would be separated from the driveway by a rendered wall.
- 8.15. On this basis the scheme is considered acceptable in terms of the standard of accommodation provided.

Impact on Neighbouring Amenity:

- 8.16. Policy DM20 of City Plan Part Two states that planning permission for any development will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents or occupiers.
- 8.17. The impact of the proposed dwelling and works to the Care Home on neighbouring amenity has been considered under previously approved permissions and no significant harm was identified in respect of any loss of light, outlook, or privacy or any overbearing impact.
- 8.18. The applicant has confirmed that the existing boundary treatment to the east (brick wall) has been retained and the existing close boarded fence to the north has been replaced with a fence. The upper section of the western boundary wall has been retained, with the lower section (removed during the demolition of the

west wing) replaced with a rendered wall. The boundary between the access and the Care Home Garden is proposed as a rendered wall with panelling. The proposed boundary treatments between the adjoining garden spaces are intended to be a mixture of planting and trees, including the garden space of the Care Home.

- 8.19. Whilst submitted plans do detail boundary treatment/landscaping, given that the works are part retrospective a condition has been attached requiring full details of the boundary treatment which will ensure that the development would not be visibly intrusive within its surroundings and to safeguard the privacy of adjoining properties.
- 8.20. In respect of the new access to the dwelling, this would be via the creation of a new driveway adjacent to the Care Home (facilitated via the demolition of the west wing of the Care Home) to provide access to the dwelling to the rear. The driveway would be directly adjacent to the Care Home, however, it is unlikely that the number and frequency of occupants using the access way/use of the access would be so intensive as to result in disturbance. It is also noted that the rooms directly adjacent the driveway serve a kitchen and utility room and there is sufficient boundary treatment between the access and Care Home garden area to safeguard amenity. It is acknowledged that currently this access is not used for vehicle access and there would be a degree of noise disturbance, however it is considered that the expected number and frequency of future occupants using the access way would be unlikely to be so intensive as to result in significant harm and noted that it is also adjacent an existing access way to the west which is used by pedestrians/cars of adjoining.
- 8.21. Overall, it is considered that the development would not result in any significant harm to neighbouring amenity, in compliance with policy DM20.

Ecology and Biodiversity:

- 8.22. Policy DM37 of the City Plan Part Two 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.
- 8.23. The applicant has submitted a Biodiversity checklist which shows that the existing site does not show signs of any protected species being located on site. Overall, the proposal will not have any negative impacts on existing biodiversity on site.
- 8.24. A condition requiring bee brick and swift brick/boxes has been attached to improve ecology outcomes on the site. A green roof is proposed which would have environmental benefits and the provision of landscaping on site would ensure biodiversity net gain delivered.

Landscape and Trees:

- 8.25. The site has been cleared of vegetation, but this loss can be mitigated by appropriate planting/landscaping schemes.

- 8.26. The removal of five trees to the rear of the site was agreed through the grant of the previous permission, and whilst their loss is regrettable the proposal includes the planting of a number of trees which is welcomed.
- 8.27. As part of the current application two trees have been felled at the front of the site to provide better access, with four trees retained. The Arboriculture Officer has advised that these trees are not covered by a Tree Preservation Order (TPO) and although the tree removal to the frontage is regrettable, the property is not within a designated conservation area & the Purple Plums would not be considered suitable for preservation status due to their condition and fairly short remaining life span.
- 8.28. Subject to conditions, including a stringent landscaping condition to improve visual amenity and the biodiversity of the site, it is considered the proposal would comply with policy DM22.

Sustainable Transport:

- 8.29. The only change to the previously-agreed development in highway terms would be the altered access. This is considered to be acceptable, with both the Care Home and new dwelling utilising the existing vehicle entrance and dropped kerb off Old Shoreham Road. The application is not proposing changes to the existing access vehicle arrangement onto the adopted (public) highway and therefore there is no objection regarding highways safety.

Other Matters:

- 8.30. Issues have been raised through consultation regarding access rights, party wall disputes and the consultation process. Access rights and boundary wall disputes are a civil matter between two parties and the LPA consider that the approved planning applications were determined under correct procedures and all neighbour consultation addresses for all the recent planning history on the site are all correct and neighbours were consulted.

9. COMMUNITY INFRASTRUCTURE LEVY

- 9.1. 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. The exact amount would be confirmed in the CIL liability notice if the application were recommended for approval.

10. EQUALITIES

- 10.1. New residential buildings are expected to be built to a standard whereby they can be adapted to meet the needs of people with disabilities without major structural alterations. As already noted, building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) could not be complied with in this scheme due to the lack of level access.

