

<b><u>No:</u></b>	<b>BH2017/03884</b>	<b><u>Ward:</u></b>	<b>Rottingdean Coastal Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Rear Of 74 And 76 Greenways Brighton BN2 7BL</b>		
<b><u>Proposal:</u></b>	<b>Erection of 2no four bedroom detached dwellings with associated landscaping and new access. Creation of new vehicle crossover to 74 Greenways.</b>		
<b><u>Officer:</u></b>	Charlotte Bush, 292193	tel:	<b><u>Valid Date:</u></b> 29.11.2017
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	24.01.2018
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	Morgan Carn Partnership Brighton BN1 6FA	Blakers House	79 Stanford Avenue
<b><u>Applicant:</u></b>	Mr A Smith c/o agent		

## 1. RECOMMENDATION

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

### Conditions:

1. The development hereby permitted shall be carried out in accordance with the approved drawings listed below.  
**Reason:** For the avoidance of doubt and in the interests of proper planning.

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location and block plan	1635-P-300		24 November 2017
Site Layout Plan	1635-P302 A		7 February 2018
Elevations Proposed	1635-P-306 A		7 February 2018
Other	ARTIST IMPRESSION 1635-P-309		24 November 2017
Elevations Proposed	1635-P-307		24 November 2017
Elevations Proposed	1635-P-305		24 November 2017
Floor Plans Proposed	1635-P-304		24 November 2017
Floor Plans Proposed	1635-P-303		24 November 2017
Ecology Report	PRELIMINARY ECOLOGICAL APPRAISAL	and Badger Survey Report	24 November 2017

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 development above ground floor slab level of any part of the development hereby permitted shall take place until samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):
  - a) samples of all brick, render and tiling (including details of the colour of render/paintwork to be used)
  - b) samples of all cladding to be used, including details of their treatment to protect against weathering
  - c) samples of all hard surfacing materials
  - d) samples of the proposed window, door and balcony treatments
  - e) samples of all other materials to be used externally

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

**Reason:** To ensure a satisfactory appearance to the development and to comply with policies QD14 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

4. No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

**Reason:** As this matter is fundamental to the acceptable delivery of the permission to prevent the increased risk of flooding and to prevent pollution of controlled waters by ensuring the provision of a satisfactory means of surface water disposal and to comply with policy SU3 of the Brighton & Hove Local Plan.

5. The hard surfaces 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 & CP11 of the Brighton & Hove City Plan Part One.

6. None of the residential units hereby approved shall be occupied until each residential unit built has achieved an energy efficiency standard of a minimum of 19% CO2 improvement over Building Regulations requirements Part L 2013 (TER Baseline).

**Reason:** To ensure that the development is sustainable and makes efficient use of energy to comply with policy CP8 of the Brighton & Hove City Plan Part One.

7. None of the 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 Brighton & Hove City Plan Part One.

8. Prior to first occupation of the development hereby permitted, details of secure cycle parking facilities for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.

**Reason:** To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.

9. No development or other operations shall commence on site until a scheme (hereinafter called the approved protection scheme) which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site, has been submitted to and approved in writing by the Local Planning Authority; no development or other operations shall take place except in complete accordance with the approved protection scheme. Reason: To protect the trees, shrubs and hedges which are to be retained on the site in the interest of the visual amenities of the area and to comply with policies CP12 of the Brighton & Hove City Plan Part One and QD16 of the Brighton & Hove Local Plan.

10. Prior to first occupation of the development hereby permitted, a scheme for landscaping shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:

- a. details of all hard surfacing;
- b. details of all boundary treatments;
- c. details of any proposed trees, including number and species and planting method of any trees
- d. details of the green roof

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

11. No extension, enlargement, alteration or provision within the curtilage of the of the dwellinghouse as provided for within Schedule 2, Part 1, Classes A to 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 and QD27 of the Brighton & Hove Local Plan.

12. Prior to first occupation of the development hereby permitted a scheme to enhance the nature conservation interest of the site shall have been submitted to and agreed in writing by the Local Planning Authority. The scheme shall accord with the standards described in Annex 6 of Supplementary Planning Document 11 'Nature Conservation and Development' and shall be implemented in full prior to the first occupation of the development hereby approved.  
**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.
13. Mitigation measures and recommendations as described in 'Section 4: Potential impact and Recommendations' section of 'Preliminary Ecological Appraisal and Badger Survey Report' submitted on the 24 Nov 2017 shall be carried out in full.  
**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.
14. Should any protected species be discovered during construction, all works on site are to stop immediately. An Ecological Design Strategy (EDS) addressing the rescue and protection of all protected species must be submitted to and approved in writing by the Local Planning Authority before works can recommence on site. 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 the 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 aftercare and long terms maintenance;
  - i) details for disposal of any wastes arising from works.
- The EDS shall be implemented in accordance with the approved details and timetable agreed under (f) above and all features shall be retained in that manner thereafter.  
**Reason:** To ensure that any adverse impacts of development activities can be mitigated, compensated and restored and that the proposed design, specification and implementation can demonstrate this and to comply with Policy CP10 of the Brighton & Hove City Plan Part One and QD18 of the Brighton & Hove City Plan Part One.
15. No development above ground floor slab level of any part of the development hereby permitted shall take place until details of the parking spaces including

run-over strips and surrounding walls is submitted and approved by the Local Planning Authority.

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

16. The new/extended crossovers and accesses 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 & Hove Local Plan and SA6, CP1, CP9, CP12, CP13 and CP15 of the City Plan Part One.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant is advised that 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' which can be accessed on the DCLG website ([www.communities.gov.uk](http://www.communities.gov.uk)).
3. The applicant is advised that under Part 1 of the Wildlife and Countryside Act 1981 disturbance to nesting birds, their nests and eggs is a criminal offence. The nesting season is normally taken as being from 1st March - 30th September. The developer should take appropriate steps to ensure nesting birds, their nests and eggs are not disturbed and are protected until such time as they have left the nest.
4. The applicants are advised that badgers may be present on site. Badgers and their setts are protected under the Protection of Badgers Act 1992. It is a criminal offence to kill, injure or take badgers or to interfere with a badger sett. Should a sett be found on site during construction, work should stop immediately and Natural England should be contacted on 0300 060 0300.
5. 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](http://www.southernwater.co.uk)
6. The applicant is advised that an agreement with Southern Water, prior to commencement of the development, the measures to be undertaken to divert/protect the public water supply main. Please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel 0330 303 0119), or [www.southernwater.co.uk](http://www.southernwater.co.uk)

7. The planning permission granted includes vehicle crossovers which require 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 Highway Authority. The applicant must contact the Streetworks Team (permit.admin@brighton-hove.gov.uk 01273 290729) at their earliest convenience to avoid any delay and prior to any works commencing on the adopted (public) highway.

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

- 2.1 The application relates to a plot of land behind two neighbouring properties located on the eastern side of Greenways in Ovingdean. Both properties are of a detached form although no. 76 is connected to no. 78 via side garages relating to each property. Both properties within the application site have been previously extended by way of side/rear extensions.
- 2.2 The wider area comprises bungalows and two storey properties set in deep plots, apart from a few exceptions in which the plots have been subdivided and backland developments constructed. The properties within the vicinity of the site along Greenways have prominent pitched or hipped roof forms.
- 2.3 The land rises from the highway to the rear boundaries of the site and continues to rise to the properties located on Ainsworth Avenue to the rear of the site.
- 2.4 A boundary of the South Downs National Park is located opposite the site on the western side of Greenways, and surrounds the built up area of Ovingdean. The site is not within a conservation area.

## **3. RELEVANT HISTORY**

**BH2017/01199** - Erection of 4no semi-detached dwellings with associated new access driveway and parking. Appeal APP/Q1445/VV/17/3179143 for non-determination Dismissed 02/11/2017.

**BH2016/05006** - Erection of 4no semi-detached dwellings with associated new access driveway and parking. Refused 17/08/2016

**BH2013/04327** - Demolition of existing dwellings and erection of 2no four bed dwellings and 2no 3 bed dwellings. (Amended Scheme). Approved 16/12/2014

**BH2013/01213** - Erection of 2no five bedroom detached dwellings with associated landscaping and new access. Refused 21/06/2013

## **4. REPRESENTATIONS**

4.1 Eight (8) letters have been received objecting to the proposed development for the following reasons:

- Over development of the site
- Overshadowing, overlooking and loss of privacy to neighbouring residents as well as increased disturbance
- Increased traffic
- Rear garden development adversely affects the semi-rural nature of the Ovingdean triangle
- Appearance is not in-keeping with the existing properties and proposed properties are still fairly large in comparison to the properties at the front
- roof gives the impression of 3 stories rather than 2
- The distant views impact of looking into the village will be significant
- The proposed properties would deplete the green space overlooked by the South Downs National Park
- This will set a precedent for other back garden development
- An appeal for 4 houses on this site was recently dismissed because of the impact on neighbours. There have been several other applications for this site that have been refused
- Increased parking demand
- Scheme doesn't reflect existing character of spaces between properties
- Previous approved scheme has now expired and is therefore invalid
- Other refused applications for similar scheme in the near vicinity
- No pathways along the driveway
- Disturbance from construction

4.2 Ovingdean Residents & Preservation Society (ORPS)

- The site has already been cleared of all vegetation so the ecological report is meaningless
- Application won't make a significant dent in the housing target
- Previous approval made no mention of how the development would affect the character of the area which has been mentioned in recent appeal dismissals
- The proposed development would have an adverse effect on all the adjoining properties with consequent loss of privacy and overlooking.

4.3 **Wealden District Council**

The proposed development may have an adverse impact on the Ashdown Forest SAC, Lewes Downs SAC and Pevensey Levels.

## 5. CONSULTATIONS

5.1 **Sustainable Transport:** No objection

The proposed changes to pedestrian access arrangements onto the adopted (public) highway are deemed acceptable.

Footways in the vicinity of the site have been improved but there are still footways and bus stops along Greenways that for the applicant's benefit need footway improvements to extend the transport network. Developer obligations

should be sought for installing dropped kerbs and Kassel kerbs at the northbound bus stop opposite Beacon Hill to make the footway and bus stop accessible. This is to improve access to and from the site to the various land uses in the vicinity of the site.

The proposed includes 2 secure cycle parking spaces for each dwelling, which is considered acceptable, however further details on the proposed facilities are required.

The site is outside of a controlled parking zone so there is free on-street parking available as well as free on-street disabled parking bays in the vicinity of the site. Blue Badge holders are also able to park, where it is safe to do so, on double yellow lines for up to 3 hours in the vicinity of the site. Therefore in this instance the Highway Authority would not consider the lack of dedicated for sole use on-site disabled car parking to be a reason for refusal.

The applicant is not proposing any significant alteration to their current servicing and delivery arrangements.

The applicant is proposing changes to vehicle access arrangements onto the adopted (public) highway and for this development this is deemed acceptable in principle. The New/extended crossover condition and informative must be attached to any permission granted regarding the existing and proposed vehicle crossovers as the existing crossover will require extending. Further details of the driveway/hardstanding including the proposed surface water drainage details are required as there are concerns regarding the vertical alignments of the proposed access road particularly as it will be a shared surface as there is no separate footway and request that the longitudinal alignment is not steeper than 8% (1 in 12) (the latest proposal is still for a steeper 1: 10) and the cross fall (to deal with intensive rain) is between 1.5% (1 in 75) and 2.5% (1 in 40) at least for the benefit of wheelchair users. Amendments are required to the design of the proposed access road to achieve the aforementioned gradients and supply of surface water drainage details demonstrating that surface water will not flow off the site and onto the adopted (public) highway to avoid refusal.

The applicant is proposing 2 car parking spaces for each 3 plus bedroom property within the Outer Area. For this development of 2 residential units the maximum car parking standard is 3 spaces (1 per unit and 1 visitor space). Therefore the proposed level of car parking (four spaces) is not in line with the maximum standards however as the proposed dwellings are set back from the nearest on-street parking spaces on Greenways and up a hill this 1 extra space is deemed acceptable.

The car parking spaces have items alongside them and would recommend that if the wall between the side of the spaces and the dwellings is not essential that it is replaced by a run-over strip to ease parking, ease getting in and out of the vehicle, reduce the risk of the vehicle hitting the wall when manoeuvring.

There is not forecast to be a significant increase in vehicle trip generation as a result of these proposals therefore any impact on carriageways will be minimal

and developer contributions for carriageway related improvements will not be sought.

**Further Sustainable Transport comments received on the 08/02/2018 in response to revised plans and design and access statements submitted by the agent on the 07/02/2018.**

The revisions that the applicant has sent through regarding the longitudinal gradient, the cross-fall and the surface water drainage are considered acceptable. The surface water drainage issue is still covered by Local Plan policies SU3 and SU5 and therefore the relevant conditions and informatives to apply to any permissions granted.

**5.2 Ecology: No objection**

There are no sites designated for their nature conservation interest that are likely to be impacted by the proposed development.

The site currently comprises a residential garden with gravel drive and is of relatively low biodiversity value. The boundary hedgerow and trees should be retained where possible and enhanced.

The site has the potential to support breeding birds. Under Section 1 of the Wildlife and Countryside Act 1981 (as amended), wild birds are protected from being killed, injured or captured, while their nests and eggs are protected from being damaged, destroyed or taken. To avoid disturbance to nesting birds, any removal of scrub/trees that could provide nesting habitat should be carried out outside the breeding season (generally March to August). If this is not reasonably practicable within the timescales, a nesting bird check should be carried out prior to any clearance works by an appropriately trained, qualified and experienced ecologist, and if any nesting birds are found, advice should be sought on appropriate mitigation.

The site includes habitat with low potential to support reptiles. Slow worms, grass snakes, common lizards and adders are protected against intentional killing or injuring under Schedule 5 of the Wildlife and Countryside Act 1981, as amended. Whilst it is considered unlikely that reptiles are present, a precautionary approach is recommended, as described in paragraphs 4.14 and 4.15 of the Preliminary Ecological Appraisal and Badger Survey report (The Ecology Consultancy, 07/12/16).

There are mammal holes present on site and in neighbouring properties, one of which is sporadically used by foxes and they could be used by badgers. The fox hole should be retained and protected and best practice working methods should be employed to avoid any animals which may be using the site being trapped or injured during construction. A pre-construction check for badgers should be carried out to assess current use by badgers and to inform appropriate mitigation.

There are local records of hedgehogs and there is suitable habitat on site. It is recommended that a precautionary approach is taken to site clearance and that boundaries are made permeable to wildlife.

The site is unlikely to support any other protected species. If protected species are encountered during development, works should stop and advice should be sought from a suitably qualified and experienced ecologist.

In addition to the mitigation measures discussed above, the site offers opportunities for enhancement that will help the Council address its duties and responsibilities under the NERC Act and NPPF. Opportunities include, but are not limited to, wildlife planting, provision of a green wall, the provision of bird nesting opportunities and wildlife friendly fencing.

In summary, provided the recommended mitigation measures are implemented, the proposed development is unlikely to have an adverse impact on biodiversity and can be supported from an ecological perspective. Opportunities should be sought to enhance the site for biodiversity as recommended to help the Council address its duties and responsibilities under the NERC Act and NPPF.

## **6. MATERIAL CONSIDERATIONS**

6.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report

6.2 The development plan is:

- Brighton & Hove City Plan Part One (adopted March 2016);
- Brighton & Hove Local Plan 2005 (retained policies March 2016);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);

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

## **7. POLICIES**

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development

CP1 Housing delivery

CP2 Sustainable economic development

CP8 Sustainable buildings

CP9 Sustainable transport

CP10 Biodiversity

CP12 Urban design

CP14 Housing density  
CP19 Housing mix

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

TR4 Travel plans  
TR7 Safe Development  
TR14 Cycle access and parking  
SU9 Pollution and nuisance control  
SU10 Noise Nuisance  
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

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste  
SPD11 Nature Conservation & Development  
SPD12 Design Guide for Extensions and Alterations  
SPD14 Parking Standards

**8. CONSIDERATIONS & ASSESSMENT**

8.1 The main considerations material to this application are the principle of development on the site, the impacts of the proposed dwelling on the character and appearance of the street, the impacts on the amenities of adjacent occupiers, the standard of accommodation to be provided, sustainability, ecology and traffic issues.

**8.2 Principle of Development:**

The City Plan Part 1 Inspector's Report was received in February 2016. The Inspector's conclusions on housing were to agree the target of 13,200 new homes for the city until 2030 as a minimum requirement. It is against this minimum housing requirement that the City's five year housing land supply position is assessed annually. The most recent land supply position was published in the 2017 SHLAA Update (February 2018) which demonstrates a 5.0 year supply position. The Council can therefore demonstrate an up to date housing supply position in accordance with the NPPF.

8.3 Planning permission was granted in 2014 (BH2013/04327) for the redevelopment of the entire site of 74 & 76 Greenways for 4 new homes. The application expired in December 2017, but the principle of four dwellings on this site has been established.

8.4 The proposed scheme has been significantly scaled back from the two subsequently refused schemes (BH2017/01199 and BH2016/05006) which were for 4 x semi-detached houses with a total of 8 parking spaces to the rear of the existing houses. These schemes were considered to be an overdevelopment of the plot.

8.5 This current application is for 2 detached dwelling houses in the rear curtilages of 74 & 76 Greenways and similar to the footprint of the previously approved scheme.

**8.6 Design and Appearance:**

A number of backland developments have already occurred in the immediate area, namely nos. 88, 88a, 82, 68 and 99 Greenways, which has resulted in the subdivision of a number of neighbouring and nearby plots. It is noted that the construction of no. 68 was allowed at appeal following the initial refusal of application 97/01711/0A although this pre-dates the current Local Plan & Brighton & Hove City Plan Part One. These examples do not set a precedent for backland development in this area and each proposal must be considered on its merits but they do provide a local context within which the application must be assessed.

8.7 The proposed scheme is for 2 x 4 bedroom detached houses which would be situated either side of a central driveway leading up from Greenways. The drive would be situated in-between 74 and 76 Greenways to a parking area providing off street parking for 4 cars, secure cycle parking facilities and refuse storage.

8.8 The proposed scheme would include excavating the plot so that the two storey houses would appear sunk into the land, and the first floor living accommodation would be at the existing ground level, thereby reducing possible overlooking of the existing properties on Greenways and reducing the visual impact on the streetscene.

8.9 The two proposed dwelling would be the same height as those approved under application BH2013/04327 and the footprint would also be of a similar size. The layout has been revised from the approved scheme so that the two storey element has a more centralised position on the plot with the single storey elements extending out towards the side boundary. This results in the two storey element being located approximately 7m from each side boundary, thereby providing a good level of separation between neighbouring properties.

8.10 The proposed materials including red/brown bricks for the exterior walls, red roof tiles, white aluminium windows, timber entrance doors and sedum green roof to the single storey element are all considered appropriate in this setting. The overall design and appearance of the dwellings is considered acceptable.

8.11 The plot size for each dwellinghouse would be similar to the backland development No.68, 82, 88 and 88a Greenways, and would therefore not appear out of context. Overall the scheme would meet the objectives of City Plan policies CP12 and CP14.

**8.12 Standard of accommodation:**

Each dwelling would provide 4 x double bedrooms (one with en-suite) and a family bathroom to the ground floor. Natural light to these bedrooms would be from the surrounding courtyard lightwell. The first floor would comprise an open plan kitchen/dining living room measuring 66.32m<sup>2</sup>.

8.13 The overall standard of accommodation is considered good and exceeds the minimum space standards for a four bedroom two storey house as set out in the Nationally Described Space Standards, which although not linked to local policies provides a useful guideline against which to assess proposals. All of the bedrooms meet with the minimum requirements for double bedrooms specified in the Standards and provide good access to natural light and ventilation and offer a reasonable outlook.

8.14 The eastern plot would have 173m<sup>2</sup> of private rear garden and the western plot would have 246m<sup>2</sup> of private rear garden. The level of private amenity space is considered acceptable for family dwellinghouses of this size.

**8.15 Impact on Amenity:**

Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.

8.16 The properties most likely to be affected by the proposed development are 68, 74, 76 and 88 Greenways and 28 and 30 Ainsworth Avenue.

8.17 The side elevations of the two storey element of the proposed dwellings would be situated approximately 27m from No.68 and 23m from No 88. The only windows on the side elevations of the upper floors of the new dwellings would be at high level and therefore will minimise any impact. The front elevations of the proposed dwelling are between 27-29m from the existing dwellings at No. 74 and 76. The degree of overlooking between the existing properties and the proposed properties would therefore be limited, particularly as the first floor windows will be close to the existing ground level given the topography of the site. As a consequence, the rear windows of these neighbouring properties will be screened by fencing and their amenity and privacy would not be overly disturbed.

8.18 To the rear, the dwellings would appear as a single storey dwelling and would have minimal impact on the properties at 28 and 30 Ainsworth Avenue.

8.19 The two properties would still be partially visible from neighbouring properties. However, their scale and bulk have been significantly reduced from the previously refused schemes and the two storey dwellings would not be intrusive or overbearing on the occupiers of the adjoining properties.

8.20 Additionally, the reduction in the number of dwellinghouses from 4 to 2 results in a reduction in the number of cars potentially using the shared driveway between No 74 and 76 Greenways. The expected level of activity from two single dwellinghouses is not considered to be of a degree that would warrant the refusal of this application.

**8.21 Sustainable Transport:**

The proposed changes to pedestrian access arrangements onto the adopted (public) highway are deemed acceptable.

The proposed includes 2 secure cycle parking spaces for each dwelling which is considered acceptable, but further details will be secured by condition.

The application does not propose any significant alterations in highways terms although there will be changes to vehicle access arrangements onto the adopted (public) highway but this is deemed acceptable in principle. The New/extended crossover condition and informative will be applied.

The proposed scheme includes 2 car parking spaces for each 3 plus bedroom property within the Outer Area. The maximum car parking standard is 3 spaces. However as the proposed dwellings are set back from the nearest on-street parking spaces on Greenways and up a hill the additional space is deemed acceptable. There are no dedicated onsite disable parking spaces for this development, but given the provision of off street parking and nearby free on-street parking, this is considered acceptable in this instance.

Although concerns were raised regarding the wall and planting between the allocated parking and the dwellinghouses it is considered that the removal of the wall is not essential to the approval of the overall scheme. However, it is noted that the replacement of the wall with run-over strips would make parking easier and further details of the parking arrangements will therefore be secured by condition.

There is not forecast to be a significant increase in vehicle trip generation and any impact on carriageways will be minimal. Similarly it is considered that any impact from the development on the footway will be minimal. Consequently, developer contributions for carriageway or footway related improvements will not be sought.

The application was revised in accordance with comments from the Sustainable Transport team and the longitudinal gradient has been suitably amended to an acceptable standard that would enable wheelchair access.

8.22 The surface water drainage issue is addressed via a suitably worded condition and informative.

**8.23 Sustainability:**

Policy CP8 of the Brighton & Hove City Plan Part One requires new development to demonstrate a high level of efficiency in the use of water and energy. Policy CP8 requires new development to achieve 19% above Part L for energy efficiency, and to meet the optional standard for water consumption. These measures can be secured via a suitably worded condition. Part of the development also proposes to incorporate a green roof.

**8.24 Landscaping and biodiversity:**

There are no sites designated for their nature conservation interest that are likely to be impacted by the proposed development and the site is of relatively

low biodiversity value. The site has the potential to support breeding birds but overall the habitat has a low potential to support reptiles. Whilst there are some signs of protected species using the site this has been judged to be limited.

Nevertheless, based on the advice of the County Ecologist a precautionary approach has been recommended and appropriate conditions are proposed with regard to mitigation measures and species protection.

The proposed landscaping and green roofs offer opportunities for biodiversity enhancements that will help the Council address its duties and responsibilities under the NERC Act and NPPF.

**9.0 Other matters:**

9.1 Wealden District Council raised an objection to this application based on concern about its potential impact on the Ashdown Forest, Lewes Downs and Pevensy Levels SACs as Natura 2000 (European) sites.

9.2 This application has been considered under the Conservation of Habitats and Species Regulations 2017 (Habitats Regulations) for its potential impacts on the Natura 2000 (European) sites. A pre-screening exercise has been undertaken which has concluded that there is no potential for in-combination “likely significant effects” on European sites and therefore it is not necessary to carry out further appropriate assessment under the Habitats Regulations.

**10.0 EQUALITIES**

10.1 None identified.

