

<u>No:</u>	BH2021/03143	<u>Ward:</u>	Woodingdean Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	39 Crescent Drive North Brighton BN2 6SP		
<u>Proposal:</u>	Demolition of existing dwelling and outbuildings and erection of 4no. new two-storey dwellinghouses (C3) with parking, landscaping and associated works.		
<u>Officer:</u>	Emily Stanbridge, tel: 293311	<u>Valid Date:</u>	26.08.2021
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	21.10.2021
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Lewis And Co Planning SE Ltd 2 Port Hall Road Brighton BN1 5PD		
<u>Applicant:</u>	Mr And Mrs Haskell C/o Lewis And Co Planning 2 Port Hall Road Brighton BN1 5PD		

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	11		26 August 2021
Proposed Drawing	12A		3 November 2021
Proposed Drawing	13		26 August 2021
Proposed Drawing	14		26 August 2021
Proposed Drawing	15		26 August 2021
Proposed Drawing	16		26 August 2021
Proposed Drawing	17A		3 November 2021
Location Plan	01		26 August 2021
Block Plan	10		26 August 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 or other alteration of the dwellinghouse 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 character of the area and for this reason would wish to control any future development to comply with policy QD14 of the Brighton & Hove Local Plan.

4. 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/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 and to comply with policies QD14 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

5. The first floor windows in the western elevation of unit 1 and the eastern elevation of unit 4 of the development hereby permitted shall be obscure glazed and non-opening, unless the parts of the window(s) which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and thereafter permanently retained as such.

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

6. 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 food-bearing plants and 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 comply with policies QD15 of the Brighton & Hove Local Plan and CP12 and CP13 of the Brighton & Hove City Plan Part One.

7. Notwithstanding the plans hereby permitted, the development shall not be commenced until details of the street design have been submitted to and approved in writing by the Local Planning Authority and the Highway Authority. The scheme shall be carried out in full as approved prior to first occupation of the development and shall thereafter be retained for use at all times.

Reason: In the interest of highway safety, sustainability, quality design, the historic environment and public amenity and to comply with policies TR7, TR14, TR18, SU3, SU5, QD25, QD27 of the Brighton & Hove Local Plan and SA6, CP7, CP9, and CP12 of the City Plan Part One.

8. 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.

9. 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.

10. The development hereby permitted shall not be occupied until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out and provided in full in accordance with the approved details prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and to comply with policy QD27 of the Brighton & Hove Local Plan, policy CP8 of the Brighton & Hove City Plan Part One and Policy WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.

11. 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 City Plan Part One.

12. 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 City Plan Part One.
13. A bee brick shall be incorporated within the external wall of each dwelling 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.
14. Eight (8) swift bricks/boxes shall be incorporated within the external walls 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.
15. 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 and CP12 of the Brighton & Hove City Plan Part One.
16. 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 & CP11 of the Brighton & Hove City Plan Part One.
17. The lower half panes of the first floor windows in the oriel window on the southern elevation of the development hereby permitted shall not be glazed otherwise than with obscured glass and thereafter permanently retained as such.
Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

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. Further details of Street Design in relation to condition 7 are required. In addition to dimensions and measurements of the access road, the following must also be included:
 - A minimum of 1.2m width footway along its edge or a delineated pedestrian walkway with warning signs that indicate there may be pedestrians present
 - the access road to be illuminated e.g. lit bollards on either side
3. The applicant is advised that the application of translucent film to clear glazed windows does not satisfy the requirements of condition 5 and 17.
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 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'.

2. SITE LOCATION

- 2.1. This application relates to a detached bungalow situated to the rear (north) of 37 and 39 Crescent Drive North. The topography of the area is such that the application site is elevated behind neighbouring properties and is accessed via a sloping driveway. The surrounding area is residential comprising a mix of detached bungalows and houses of non-uniform appearance.

3. RELEVANT HISTORY

- 3.1. **BH2017/01216:** Demolition of existing house and outbuildings and erection of 5no three bedroom houses (C3) with provision of 8no vehicle parking spaces and associated landscaping, cycle and bin storage. Refused November 2017. Appeal dismissed June 2019.

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for the demolition of the existing dwelling and outbuildings and the erection of 4no. new two-storey dwellinghouses (C3) with parking, landscaping and associated works.

5. REPRESENTATIONS

- 5.1. **Seven (7)** letters of representation have been received objecting to the proposed development on the following grounds:

- The proposal does not address the reasons for refusal of the previous application
- The development is still an overdevelopment of the site
- The intensity of the occupancy remains significantly increased
- The proposed vehicular access remains unchanged
- There is a lack of on-site parking
- Local road safety
- The total living area of each unit has increased
- The appearance and size of the proposed dwellings is out of character
- Overspill parking
- Noise and disturbance from additional car movements
- The proposed houses would not be affordable
- Overshadowing
- Overlooking
- Disabled access is limited throughout the site particularly rear gardens, through the properties and parking spaces
- The access road is not pedestrian friendly
- Drainage issues
- Disruption during construction
- Loss of privacy
- Access is not pedestrian friendly

6. CONSULTATIONS

- 6.1. **Highways** No objection subject to conditions
- 6.2. **Policy** No Comment
- 6.3. **Private sector housing** No comment
- 6.4. **Southern Water** No objection

7. MATERIAL CONSIDERATIONS

- 7.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report
- 7.2. The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016)
 - Brighton & Hove Local Plan 2005 (retained policies March 2016);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);

- Shoreham Harbour Joint Area Action Plan (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
CP12	Urban design
CP10	Biodiversity
CP14	Housing density
CP19	Housing mix

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

TR7	Safe Development
TR14	Cycle access and parking
QD15	Landscape design
QD16	Trees and hedgerows
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes

Brighton & Hove City Plan Part 2 (Proposed submission October 2020)

Policies in the Proposed Submission City Plan Part 2 do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since 23 April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications. The weight given to the key CPP2 policies considered in determining this application is set out below where applicable.

DM18	High quality design and places
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

Supplementary Planning Documents:

SPD11	Nature Conservation & Development
SPD14	Parking Standards

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to principle of residential development on site, the impact of the dwelling on the design and appearance of the site and the surrounding area, the standard of accommodation provided, the impact on neighbouring amenity, the sustainable transport impacts and sustainability of the proposed development.
- 9.2. Policy CP1 sets out the housing targets for the plan period with a provision target of 13,200 new homes for the city up to 2030. The council's most recent housing land supply position against this minimum target was published in the SHLAA Update 2020 and shows a five-year housing supply shortfall of 342 (equivalent to 4.7 years of housing supply).
- 9.3. However, on 24 March 2021 the City Plan Part One reached five years since adoption. 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. In addition, following an amendment to the standard method set out in national planning practice guidance, from 16 June 2021 onwards Brighton & Hove is required to apply an additional 35% uplift as one of the top 20 cities in the urban centres list.
- 9.4. The local housing need figure for Brighton & Hove using the standard method (including the 35% uplift) is 2,331 homes per year which gives a five-year housing supply shortfall of 6,604 (equivalent to 2.2 years of housing supply).
- 9.5. 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).

Principle of development

- 9.6. The principle of residential development on the site was accepted under the previous application (BH2017/01216). The specific impacts of the 4 additional dwellings however are considered below in full.

Design and Appearance

- 9.7. City Plan Policy CP14 of the Brighton & Hove Local Plan allows for infill development within the city when a high standard of design is achieved, and the resulting development would make a positive contribution to the surrounding area and that emphasises and enhances the positive characteristics of the local neighbourhood.
- 9.8. The current application proposes the erection of 4 dwellings which comprise two semi-detached pairs. The current scheme follows a previous refusal on the site

for the addition of 5 dwellings in 2017 (which was later dismissed 2019) which comprised a semi-detached pair and a terrace of three properties.

- 9.9. This previous application (BH2017/01216) was refused on design grounds. The first reason for refusal of the application stated:
'The proposed development is of a scale and nature beyond that which would reasonably be expected in a back land location. The increase in the number of dwellings combined with the elevated position of the site would result in the over intensification of the site and a dominant appearance. As such the proposal represents an over development of the site which is out of keeping with the prevailing pattern of development in the immediate area. The development therefore fails to reinforce local distinctiveness to the detriment of the character of the area, contrary to CP12 of the Brighton and Hove City Plan Part One.'
- 9.10. The previous officer report considered that the proposed development of 5 additional dwellings was of a scale that would appear as a secondary frontage. It also raised concern that the plot sizes were out of keeping with what is typical for the areas, highlighting the overdevelopment of the site.
- 9.11. This application was the subject of an appeal. Within the appeal decision the appeal inspector noted that Crescent Drive North streetscene comprises a mixture of bungalows and houses of which most are detached, but that semi-detached houses could be seen within close proximity of the site and therefore the inclusion of a pair of semi-detached properties had precedent.
- 9.12. The inspector continued to note that roof forms and materials vary within the street and that architectural styles are not uniform. Aesthetically it was considered that the proposal would not look out of place.
- 9.13. The principle of back land development was also accepted by the inspector who stated:
'The site lies in back land, behind numbers 37 and 41 but that is not without precedent: the adjoining development at number 35 includes one house in the back land, more or less aligning with those proposed in the appeal. The eastern boundary of the site abuts Treetops Close, a development which includes four houses facing Crescent Drive North but also seven in the back land behind them. At the western end of the street is Bush Close, a closely-packed development of bungalows in the back land behind numbers 7 and 9 Crescent Drive North.'
- 9.14. The inspector continued to note that whilst plot sizes would be smaller than typical for the area, this is in part due to the promotion of the efficient and effective use of development sites across the city within policies CP12 and CP14 of the Brighton and Hove City Plan Part One. Whilst no objection was raised by the appeal inspector in relation to the impact of the proposals on the character or appearance of the area, the small plot sizes and consequently limited outdoor space were considered contrary to policy HO5.
- 9.15. The current application reduces the number of dwellings on the site and the impact on the plot sizes, specifically in relation to the outdoor amenity provisions, is considered in full below.

- 9.16. The overall design of each property is to remain as previously proposed with no significant changes to the character and appearance of the dwellings with the exception of some minor changes to the fenestration openings.
- 9.17. It is acknowledged that the scale of each property has increased in width given the reduction in units across the site. Whilst this does not result in a significant reduction in the ratio of built form to open space from the previous application, the frontage width of the properties is more in keeping with neighbouring properties that front Crescent Drive North within the immediate area of the application site.
- 9.18. It is noted that owing to the loss of a unit from the previous scheme, each plot and host property has increased in scale. Visually this is not considered to result in any further significant harmful impact than the proposal considered by the inspector, to which no harm was identified to the character and appearance of the wider area.
- 9.19. It is considered that given the constraints of the site and to protect the visual amenity of the area, that permitted development rights be removed from these properties.
- 9.20. Taking into account the Inspectors comments in the appeal relating to the earlier refused scheme and the amendments made to the scheme following the earlier refusal and dismissal at appeal, it is considered that the proposals is in accordance with policies CP12 and CP14 of the Brighton and Hove City Plan Part One.

Standard of accommodation

- 9.21. The 'Nationally Described Space Standards' (NDSS) were introduced by the Department for Communities and Local Government in 2015 to establish acceptable minimum floor space for new build developments. Although these space standards have not been formally adopted into the Brighton and Hove City Plan, Draft City Plan Part 2 proposes to adopt them and indicates a direction of travel on behalf of the LPA. The NDSS provide a useful guideline on acceptable room sizes that would offer occupants useable floor space once the usual furniture has been installed. The NDSS identifies a minimum floor space for a single bedroom as measuring at least 7.5m², and a double bedroom should measure at least 11.5m².
- 9.22. The Local Planning Authority considers both quantitative and qualitative issues raised with regards to the standard of accommodation for future occupiers.
- 9.23. The proposed development results in the creation of 4no. four-bedroom properties which is intended for 7 occupiers. Each property features an identical layout which comprises a living area to the front with a kitchen/dining area to the rear at ground floor and four bedrooms and a family bathroom at first floor level.
- 9.24. Each habitable room would benefit from adequate levels of light, outlook and ventilation. An indicative floor plan has also been provided which demonstrates

how the primary living areas would allow for sufficient circulation space and useable floor area for future occupiers following the placement of furniture items likely to be required by future occupiers.

- 9.25. At first floor the property comprises 4 bedrooms which vary in size from 8.6sqm to 15.9sqm. Each of the bedrooms proposed would meet or exceed the standards within the NDSS for either a single or double bedroom. Each bedroom would also provide sufficient floor space for the placement of likely furniture items.
- 9.26. Policy HO5 requires the provision of private useable amenity space in new residential development. The previous application (BH2017/01216) was dismissed at appeal with the planning inspector raising concerns with the lack of private amenity space for each unit as a result of the overall plot size.
- 9.27. The appeal decision stated:
'Plot sizes would be smaller than typical in the area... this would manifest itself in two ways. Firstly, the rear gardens would be very small, exacerbated by their steep slope and (in the case of the westernmost unit) by an awkward configuration. It would also be manifest in the cramped and rather unsatisfactory parking provision.... In this case, the proposal does not accord with up-to date development plan policies CP14(6), HO5 and QD27.'
- 9.28. It is acknowledged that each of the properties has increased in scale and that the properties now form four-bedroom semi-detached properties rather than the three bedrooms previously proposed. This increase in occupancy levels places an additional need for further amenity space.
- 9.29. In order to address the above concerns, the number of dwellings on the site has been reduced from 5 to 4. This has therefore resulted in larger plot sizes for each proposed dwelling and plots of a greater width than those in the refused scheme. In addition to the larger plot sizes, the application proposes to make the rear gardens more useable through excavation works to the rear which allows for a level patio area and levelled grassed area accessed via steps.
- 9.30. By example, the plot width of the properties located to the centre of the site have increased from between 5.5m-6.5m to 8m. In addition, by example of the increase to the rear amenity spaces proposed, the rear amenity space of property 2 shown on the current and previous plans has increased in size from approximately 85sqm to 101sqm.
- 9.31. It is therefore considered that the resultant amenity space proposed for each property is considered to be commensurate to the units proposed in line with policies HO5 and QD27 of the local plan. Furthermore, whilst the gardens areas remain smaller than what is typical for the surrounding area, it is acknowledged that three additional new dwellings would be created thereby benefitting the councils housing land supply which is of benefit that is considered to outweigh the acknowledged slightly smaller gardens and ensures a efficient and effective use of the site in accordance with policy. Therefore on balance the proposal is considered to be in accordance with policies CP12 and CP14.

Impact on Amenity:

- 9.32. 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.
- 9.33. The previous planning application on the site (BH2017/01216) featured two separate reasons for refusal relating to adverse amenity impacts of the development upon neighbouring occupiers. Reason for refusal 2 of the previous application stated:
'The increase in the number of households from a single dwellinghouse to a terraced group of five properties each with first floor fenestration would significantly increase the intensity of the occupancy of the site, resulting in an increase in over-looking and loss of privacy to adjacent occupiers, particularly No's 37 and 41 Crescent Drive North contrary to Policy QD27 of the Brighton and Hove Local Plan.'
- 9.34. This earlier application was the subject of an appeal and in relation to the above reason for refusal, the planning inspector considered that:
'The proposed dwellings would be set slightly further back than the existing and so would improve upon the current situation in terms of distance but not in terms of numbers. The impression of overlooking would be greater because the proposed dwellings would have oriel windows glazed on three sides with no special privacy features. Nevertheless, the separation involved would meet normal standards for privacy and would be greater than that proposed between the two dwellings currently under construction at number 35 Crescent Drive North.'
- 9.35. The inspector therefore concluded that the proposals would not cause unacceptable loss of privacy to the residents of numbers 37 and 41 Crescent Drive North in accordance with policy QD27 of the Local Plan.
- 9.36. The glazing to the front (south) elevation of the new dwellings is broadly similar to that previously proposed. The proposed oriel window is of an increased width, providing three panes over the two previously proposed. The agent has confirmed that the obscure panels to the lower half of the first floor front facing 3 sided window will be retained as obscurely glazed. In addition, the right-hand window at first floor level has reduced in height but has increased in width. This window also now serves a bedroom rather than the bathroom previously proposed. The views achieved from the current scheme are not considered to be substantially different from those under the previous scheme which the inspector considered to be acceptable. Further, the number of overall windows at first floor has been reduced owing to the reduction in the number of units on the site.
- 9.37. The scheme is therefore not considered to result in significant adverse harm to the amenities of neighbouring occupiers by way of overlooking or loss of privacy. Whilst the new dwellings would each feature a balcony to the rear, no objection was raised to this element of the scheme under the previous application nor by

the planning inspector. It is acknowledged that views from each balcony will allow for views within the site however this overlooking would be mutual and not significantly harmful.

- 9.38. The third reason for refusal of the previous application (BH2017/01216) stated: *'The proposed vehicular access, communal parking area and associated coming and goings would result in a level of activity beyond that which would be reasonably expected in a back garden setting location. Neighbouring occupiers, particularly at No.37 and 41 Crescent Drive North would suffer noise disturbance contrary to Policies SU10 and QD27 of the Brighton and Hove Local Plan.'*
- 9.39. The access to the site runs between the flanks of numbers 37 and 41 Crescent Drive North. In each case their flanks are about 4m from the boundary which comprises a 1.5m fence, supplemented by dense shrubbery at number 41.
- 9.40. In response to this reason for refusal the planning inspector noted the following: *'It is not uncommon for side streets to pass between the flanks of other properties. Further along Crescent Drive North, Bush Close can be seen to pass between numbers 5 and 7 in a more intimate relationship than that proposed in this appeal. So, the arrangement would not necessarily lead to unacceptable noise and disturbance to numbers 37 and 41.'*
- 9.41. The appeal inspector did however note that the parking arrangements, adjacent to No.37 would be unneighbourly as the regular daily use of these spaces would cause a level and frequency of noise and disturbance to No.37 which would be unacceptable.
- 9.42. In order to overcome the harm raised by the planning inspector, the current application has removed the parking spaces previously proposed to the access road. Each of the properties has been marginally set back within the site towards the north, allowing for the reconfiguration of the hardstanding to the front, allowing the provision of 6 parking spaces.
- 9.43. The inspector's comments within the appeal decision carry significant weight and therefore no objection is had to the scheme in relation to the noise impact upon No.37 and 41 Crescent Drive North and the reconfiguration of the parking area addresses the concerns raised in respect of the location of the parking.
- 9.44. The previous application (BH2017/01216) raised no objection in terms of amenity impact on the occupiers of 2 Tree Tops Close or 35A Crescent Drive North. The current scheme is largely similar to that previous and the separation distance from the outer walls of neighbouring properties, in addition to the boundary treatment ensures no direct loss of privacy would result. The current application incorporates a single first floor side window to unit 1 (west) and 4 (east). The windows however serve bathrooms and therefore a condition will be sought to ensure they are obscurely glazed and non-opening. The original scheme included an additional window to the western side elevation of unit 1 to bedroom 2, but this has since been omitted from the scheme.

- 9.45. It is therefore considered that the proposed works are in accordance with Policy QD27 of the Local Plan and DM20 of the City Plan Part 2 which carries significant weight.

Ecology

- 9.46. Policy CP10 of the City Plan Part One seeks to ensure that all new development proposals conserve existing biodiversity, protecting it from the negative indirect effects of development including noise and light pollution.
- 9.47. 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. A condition requiring bee bricks and swift bricks is sought to improve ecology outcomes on the site in accordance with the Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

Sustainable Transport:

Pedestrian and vehicle access

- 9.48. There is concern that pedestrian facilities are not proposed when there is to be an increase in dwellings from one to four sets residents using the access road, that is also quite steep.
- 9.49. It is therefore requested that measures are proposed to reduce the risk of pedestrians using the access road. Therefore, a Street Design condition is sought which, along with dimensions and measurements of the access road, addresses the needs of pedestrian users of the site. This must include a 1.2m width footway or a delineated footpath with warning signs to motorists that pedestrians may be present and a scheme of lighting to ensure it is illuminated.

Cycle Parking

- 9.50. This proposal requires a minimum of 2 spaces per dwelling in accordance with Parking Standards SPD14. There is adequate space at the rear of each property and adequate access to the rear gardens. Full details can be provided via condition.

Car parking

- 9.51. The City Council's SPD14 states that the maximum car parking standard for 3 plus bedroom dwellings within the Outer Area is 1 space per dwelling plus 1 space per 2 dwellings for visitors. Therefore, a maximum of 6 spaces may be proposed. The applicant is proposing the maximum amount therefore this proposal is deemed acceptable.

Vehicle access

- 9.52. The parking spaces are proposed to be served by a private access road. This arrangement for this size and type of development is deemed to be acceptable as there is a turning space that will allow vehicles to enter and exit in a forward gear and space on the carriageway to allow for vehicles to stop and let others pass.

- 9.53. The narrow entrance and carriageway paving should be sufficient to encourage lower driving speeds on site.

Trip generation

- 9.54. It is not deemed that the increase in trips associated with four dwellings or additional cumulative impact from these could be deemed to amount to a severe impact on the surrounding highway network.

Sustainability

- 9.55. Policy CP8 of the Brighton and 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. If the scheme were otherwise considered acceptable, these measures would be sought by condition.

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. 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. Each proposed new dwelling is accessed via three wide shallow steps. Whilst no level access is provided, a 12v supply for a future chair lift is proposed if required in the future.

12. CLIMATE CHANGE/BIODIVERSITY

- 12.1. The proposed development would provide a back-land development which makes an effective use of an existing site. The proposals also incorporate a number of measures that improve the efficiency of the development including cycle parking which reduces the reliance on vehicular transport, the inclusion of nature improvements such as bee bricks and swift boxes and securing energy and water efficiency standards.

