

<u>No:</u>	BH2021/04096	<u>Ward:</u>	Patcham Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Land To The West Of 149 Ladies Mile Road Brighton BN1 8TB		
<u>Proposal:</u>	Erection of 4no. four-bedroom, two-storey dwellinghouses (C3), with landscaping, parking, new access and vehicle crossovers. (Amended Plans)		
<u>Officer:</u>	Emily Stanbridge, 293311	tel: <u>Valid Date:</u>	19.11.2021
<u>Con Area:</u>		<u>Expiry Date:</u>	14.01.2022
<u>Listed Building Grade:</u>		<u>EOT:</u>	15.06.2022
<u>Agent:</u>	Darby Architectural Ltd 84 Westbourne Street Hove BN3 5FA		
<u>Applicant:</u>	Legal-Link Limited C/o Darby Architectural Ltd 84 Westbourne Street Hove BN3 5FA		

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	P.01C		13 May 2022
Proposed Drawing	P.02C		13 May 2022
Proposed Drawing	P.03C		13 May 2022
Proposed Drawing	P.04C		13 May 2022
Proposed Drawing	P.05C		13 May 2022
Proposed Drawing	P.06C		13 May 2022
Proposed Drawing	P.07C		13 May 2022
Block Plan	P.01C		13 May 2022
Location Plan	01C		13 May 2022
Proposed Drawing	P.08 B		13 May 2022
Proposed Drawing	P.09B		13 May 2022
Proposed Drawing	P.10 B		13 May 2022

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(s) as provided for within Schedule 2, Part 1, Classes A-E of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.
Reason: The Local Planning Authority considers that further development could cause detriment to the 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 shall commence until full details of existing and proposed ground levels (referenced as Ordinance 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 & Hove Local Plan and CP12 of the City Plan Part One

5. Prior to occupation of the development hereby permitted, a scheme for landscaping shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be implemented in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. The scheme shall include the following:
 - a. details of all hard and soft surfacing to include the type, position, design, dimensions and materials and any sustainable drainage system used;
 - b. a schedule detailing sizes and numbers/densities of all proposed trees/plants including food-bearing plants, and details of tree pit design, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period;
 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.

6. Notwithstanding the proposal hereby permitted, prior to the first occupation of the development 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, SPD 14 Parking Standards and CP9 of the City Plan Part One.

7. 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, cladding, render and tiling (including details of the colour of render/paintwork to be used)
 - b) samples of all hard surfacing materials
 - c) details of the proposed windows, doors, balconies and railings treatments
 - d) 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 policy 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. The new crossovers and access points 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 CP9 of the City Plan Part One.

10. The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policy QD27 of the Brighton & Hove Local Plan.

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 of the dwellings 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. Twelve (12) 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. No development shall take place until an ecological design strategy (EDS) addressing enhancement of the site for biodiversity, including the provision of a minimum 8 trees, biodiverse green roofs, swift bricks/boxes (minimum one per residential unit) and bee bricks (one per residential unit), has been submitted to and approved in writing by the local planning authority. The EDS shall include the following:

- a) purpose and conservation objectives for the proposed works;
- b) review of site potential and constraints;
- c) detailed design(s) and/or working method(s) to achieve stated objectives;
- d) extent and location /area of proposed works on appropriate scale maps and plans;
- e) type and source of materials to be used where appropriate, e.g. native species of local provenance;
- f) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- g) persons responsible for implementing the works;
- h) details of initial aftercare and long-term maintenance;
- i) details for monitoring and remedial measures;
- j) details for disposal of any wastes arising from works.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To provide a net gain for biodiversity as required by Section 40 of the Natural Environment and Rural Communities Act 2006, paragraphs 174 and 180 of the National Planning Policy Framework, and Policy CP10 of the Brighton & Hove City Council City Plan Part One.

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 planning permission granted includes a vehicle crossover which requires alterations and amendments to areas of the public highway. All necessary costs including any necessary amendments to a Traffic Regulation Order (TRO), the appropriate license and application fees for the crossing and any costs associated with the movement of any existing street furniture will have to be

funded by the applicant. Although these works are approved in principle by the Highway Authority, no permission is hereby granted to carry out these works until all necessary and appropriate design details have been submitted and agreed. The crossover is required by law to be constructed under licence from the Highway Authority. The applicant must contact the Council's Streetworks team(permit.admin@brightonhove.gov.uk 01273 290729) prior to any works commencing on the public highway.

3. In order to be in line with Policy TR14 of the Brighton & Hove Local Plan 2005 cycle parking must be secure, convenient, well lit, well signed and wherever practical, sheltered. The Highway Authority's preference is for a purpose-built secure cycle stores (e.g.Tri-metal). Alternatively stores made from other materials such as wood must be covered and include a concrete base or wall with Sheffield type stands/ wall anchors to ensure the main frame of the bicycle can be securely stored. All must be spaced in line with the guidance contained within the Manual for Streets section 8.2.22
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. 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.
6. If protected species are encountered during development, work should stop immediately and advice should be sought from a suitably qualified ecologist as to how to proceed.

2. SITE LOCATION

- 2.1. This application relates to a plot of land to the west of 149 Ladies Mile Road, formerly known as the Dharma School. The site is situated on the northern side of Ladies Mile Road. The site formerly comprised outside play space relating to the former school, consisting largely of a hardstanding/playground. The school ceased operation in July 2020. The existing building at 149 Ladies Mile Road is now in use as a nursery.
- 2.2. The streetscene is residential in character with Mackie Park situated to the rear of the site. The site is not located within a Conservation Area.

3. RELEVANT HISTORY

- 3.1. PRE2020/00198: Redevelopment for residential use (5no. dwellings) following demolition of existing building. Written response provided November 2020.

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for the erection of four dwellings, comprising two semi-detached pairs, with landscaping, vehicle crossovers and parking. The properties would be two storeys in height when viewed from the streetscene but due to the topography of the site, would also benefit from a lower ground floor ground floor, appearing as three storeys in height from the rear.

5. REPRESENTATIONS

- 5.1. Nineteen (19) letters of representation have been received objecting to the proposals for the following reasons:
- Additional traffic
 - The site reduces the play are for children of the school/nursery
 - A covenant over the existing site.
 - Overdevelopment
 - Insufficient off-street parking
 - Properties would be out of keeping with neighbouring bungalows
 - Overshadowing
 - Loss of privacy
 - Lack of infrastructure
 - Trees have already been removed from the site
 - Impacts upon the adjacent nursery
 - Overbearing impact
 - The properties are of an inappropriate height
 - The site should provide a community use
- 5.2. **Councillors Alistair McNair and Councillor Anne Meadows** object to the development. Please see comments attached.

6. CONSULTATIONS

- 6.1. **City Parks** No objection There is no direct impact on Mackie Park to the rear.
- 6.2. **Ecology** No objection subject to condition
- 6.3. **Natural England** No comment
- 6.4. **Planning Policy** Original comments 20.12.2021
The proposal would result in the permanent loss of designated open space and the applicant has not sought to justify the loss. Further information should therefore be sought, including confirmation of whether any active marketing of the site has been undertaken, in order to comply with policy CP16.

Further comments following additional information 07.02.2022

- 6.5. It is considered that the loss of open space in this instance can be justified on the basis that the current use of the site is not currently publicly accessible and does not serve an open space purpose. It is also recognised that the retention of a proportion of the open space for use by the nursery opens up the open space to more use by nursery attendees thus making it more accessible.
- 6.6. **Sustainable Transport** No objection subject to conditions
- 6.7. **Southern Water** No objection subject to condition
- 6.8. **Urban Design Officer** Recommendations made to improve the design of the dwellings

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 2

Policies in this Plan do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since 23 April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications. Some policies have gained further weight following the CPP2 examination hearings and publication of the Post Hearing Action points by the Inspector (INSP09) and Main Modifications for consultation March 17th (BHCC44 Schedule of Main Modifications).

DM1	Housing Quality, Choice and Mix
DM18	High quality design and places

DM19	Maximising Development Potential
DM20	Protection of Amenity
DM22	Landscape Design and Trees
DM26	Conservation Areas
DM33	Safe, Sustainable and Active Travel
DM36	Parking and Servicing
DM37	Green Infrastructure and Nature Conservation
DM44	Energy Efficiency and Renewables

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP12	Urban design
CP14	Housing density
CP16	Open space
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
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:

SPD06	Trees & Development Sites
SPD11	Nature Conservation & Development
SPD14	Parking Standards

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the principle of the development, the visual impact of the development on the character and appearance of the wider area, the standard of accommodation provided and any potential impact on the amenities of neighbouring properties, in addition to transport and sustainability issues.

Principle of development

- 9.2. Policy CP1 in City Plan Part One sets a minimum housing provision target of 13,200 new homes for the city up to 2030. However, on 24 March 2021 the City Plan Part One reached five years since adoption. 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. The local housing need figure for Brighton & Hove using the standard method is 2,311 homes per year. This includes a 35% uplift applied as one of the top 20 urban centres nationally. The council's most recent housing land supply position is published in the SHLAA Update 2021 which shows a five-year housing supply shortfall of 6,915 (equivalent to 2.1 years of housing supply). As the council is currently unable to demonstrate a five year housing land supply, increased weight should be given to housing delivery when considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).

- 9.3. The proposal seeks to provide 4 dwellings on a site that was previously used as open space (school playground) by the former Dharma School which occupied the building at 149 Ladies Mile Road.
- 9.4. The application site consists of privately-owned designated open space of the school grounds and sports pitch typology. The proposal would result in the permanent loss of 957 sqm of the open space and therefore Policy CP16 applies.
- 9.5. City Plan policy CP16 states that "the council will require the retention of and seek better, more effective and appropriate use of all existing open space". Policy criteria 1a to 1d set out circumstances whereby planning permission resulting in loss of open space would be permitted including:
 - a) Loss results from a development allocation in a DPD
 - b) Site is not part of a playing field and loss is necessary to bring about enhancements to public open space offer as a whole
 - c) Development is ancillary to the use of open space
 - d) Site is:
 - o physically incapable of meeting city's wider open space needs;
 - o is not part of the beach or playing field; and
 - o in accordance with the Open Space Study Update is of poor quality without potential for improvement and there is a surplus of open space within the locality. The importance of the site to the local community must be tested through appropriate marketing.
- 9.6. In this instance criteria (a) (b) and (c) do not apply.
- 9.7. As the site is not part of the beach or playing field, the proposal must satisfy the first and third criteria of policy point (d).
- 9.8. It is acknowledged that the current use of the site means it is not currently publicly accessible and does not currently serve a physical or visual open space purpose. The current state of the site is poor, as identified following a qualitative assessment under the Open Space Update 2011. This same assessment also identified that the site is not situated in an area of deficit.
- 9.9. It is also recognised that the retention of a proportion of the open space for use by the nursery occupants is making it more accessible than is currently the case.

- 9.10. Having regard to this, it is considered unnecessary for the applicant to carry out marketing for the open space in these circumstances. It is considered that the loss of this green space can be justified in this case based on the combination of these factors.

Design and Appearance

- 9.11. CPP1 Policy CP12 expects all new development to raise the standard of architecture and design in the city, establish a strong sense of place by respecting the character of existing neighbourhoods and achieve excellence in sustainable building design and construction. It encourages the effective use of land and allows for densities to be increased providing that no harm results to the character of the area and that the scheme overall represents good design.
- 9.12. Ladies Mile Road is predominantly residential in character, however there is little cohesive architectural style within the area with properties varying in height, material and design. Properties are typically set back from the street, behind front gardens or hardstandings and with commensurate rear gardens to each dwelling. To the west of the site there are predominantly bungalows, with several featuring extensions at roof level. Further westwards along Ladies Mile Road are two-storey terraced properties. Immediately to the south and east of the site are two-storey properties, also with roof additions. Given the varying height of buildings, it is considered that the two-storey appearance of the dwellings from within the streetscene is acceptable. The dwellings are also appropriately set back from the road with off-street parking to the front, as is a feature of the area.
- 9.13. The overall plot sizes of the dwellings proposed are considered acceptable. Whilst smaller than those adjacent to the northern side of Ladies Mile Road, the plots are comparable with properties located at the north western end of Sunnydale Avenue, located within the immediate vicinity of the site.
- 9.14. Since the initial submission of this application, various amendments have been made to improve the external appearance of the buildings. The original design of the dwellings was not considered appropriate to the wider context of Ladies Mile Road, featuring a dominant front gable which is not a strong feature of the surrounding area. This has since been removed from the scheme and simpler elevations are now proposed. Amendments were also sought to provide a consistent eaves and ridge level to each pair of houses to replicate the appearance of other semi-detached properties within the road which again, is considered to improve the appearance of the scheme.
- 9.15. Owing to the topography of the site, which slopes down towards the north, the new dwellings have been able to take advantage of the change in land levels by incorporating a lower ground floor level. The result of this is that the properties will appear as three storeys at the rear. The dwellings however are stepped in mass to the rear so the properties won't present a solid design. Views of the rear elevations are also limited to the rear gardens of adjacent properties. Views from the north towards the site are obscured by existing trees along the boundary of Mackie Park and the northern boundary of the site.

9.16. It is acknowledged that some views would be had of the additional massing from the east in particular. In order to reduce this impact, the depth of the ground floor has been decreased by approximately 1.1m since the original submission. In addition, amendments have been made to the materials and fenestration on the side elevation to break up this solid elevation which is considered successful. Further, owing to the height of the boundary fencing, the lower ground floor of the development would be largely obscured from view. Material articulation is also proposed to the front elevation, with the use of timber cladding proposed at first floor level with render below. The amendments made to external appearance of the dwellings are considered to add visual interest to the buildings whilst maintaining a reference to the character and appearance of the wider area.

9.17. The scheme is therefore considered acceptable and in accordance with the policies CP1 and CP12 of the Brighton and Hove City Plan Part One and policies DM1, DM18 and DM19 of the City Plan Part 2 which carry significant weight.

Standard of accommodation

9.18. 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. City Plan Part 2 proposes to adopt these standards as part of emerging Policy DM1, which can be given significant weight, so they are pertinent to the consideration of this application. 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 that should be achieved for a single bedroom as measuring at least 7.5sqm and a double bedroom as measuring 11.5sqm.

9.19. The Local Planning Authority considers both quantitative and qualitative issues raised with regards to the standard of accommodation for future occupiers.

9.20. The overall footprint of each property over three floors would provide a good standard of accommodation, exceeding the minimum space standards for a 4-bedroom, 7-person dwelling and measuring 171sqm each.

9.21. Each habitable room would benefit from adequate light, outlook and ventilation and the overall floor space within the development would allow for sufficient useable floor area with ample space for furniture items likely to be required by future occupants.

9.22. Policy HO5 of the Local Plan, and Policy DM1 of City Plan Part 2 (which can be given significant weight) both require the provision of private useable amenity space in new residential development. The proposed development would provide private external amenity space to the rear of each property by way of a rear garden and patio areas.

9.23. Overall, it is considered that the proposed dwellings would provide an acceptable standard of accommodation for future occupiers and would therefore

accord with the aims of Policy HO5 of the Local Plan, and Policy DM1 of City Plan Part 2.

Impact on Amenity

- 9.24. The scheme would most affect the immediate adjacent property directly to the west (135 Ladies Mile Road) and the nursery to the east (149 Ladies Mile Road).
- 9.25. To the south, the properties on the opposite side of Ladies Mile Road are set well within their sites and are a significant distance from the proposed houses. The proposed development would not therefore impact upon the amenity of the residents of these properties.
- 9.26. Owing to the rising land levels in Ladies Mile Road from west to east, the nursery school building (No.149) would be set on a higher land level than the proposed development, so the new dwellings would have ridge heights significantly lower. The proposals would retain a distance of between 7.7m and 9.3m to the rear wall of No.149, the distance increasing towards the north. It is considered that the retained separation distance coupled with the comparative heights of the development ensures that the proposals would not have significant impact on this adjacent building.
- 9.27. It is acknowledged that there may be some impact on the windows located on the rear elevation of No.149 towards the south, but given its nursery use, this is not considered significant.
- 9.28. To the west of the site is No.135, a bungalow with extensions to the rear at ground level and at roof level. The proposed dwellings have been designed so that the step in massing to the rear responds to the built form of this neighbouring occupier. The first-floor element of the scheme does not project beyond the original rear wall of this adjacent occupier and the ground floor element does not project beyond the rear extension to No.135. This ensures that the proposals do not appear as overbearing from this neighbouring occupier. Furthermore, the proposals would retain a distance of 3.6m between the side wall of the most western new build and No.135.
- 9.29. No.135 features two windows within the side elevation facing the application site. The occupier of this property has confirmed that one of the windows is a secondary window to a bedroom whilst the other is the only window to a kitchen.
- 9.30. With regards to the rear-most bedroom window within the side elevation of No.135, the impact of the development is considered acceptable given that a second rear facing window serves this room allowing for sufficient light and outlook. With regards to the kitchen window, it is acknowledged that there will be some impact to this window in terms of loss of light and outlook. However, it is considered common for ground floor windows to have views onto boundary treatments or neighbouring properties. The relationship between the proposals and No.135 would be similar to other properties within the road and what is typical for this type of environment. The window to the neighbouring kitchen is large and whilst some loss of light may occur this is not considered so significant as to warrant the refusal of this application.

- 9.31. The proposed development includes several side windows serving both bathrooms and habitable spaces. A condition is sought to ensure that these are all obscurely glazed and fixed shut. Where the windows serve habitable rooms, these are secondary windows and therefore obscure glazing is appropriate.

Trees, landscaping and ecology

- 9.32. 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.
- 9.33. It is noted that a number of trees/shrubs were removed from the site prior to the submission of this planning application. The application site is not located within a conservation area and the pre-existing trees were not covered by a tree preservation order. Therefore, whilst their loss is regrettable no breach of legislation has occurred. The existing trees to the north of the site on adjacent land will not be harmed as a result of the development.
- 9.34. The site is now of relatively low biodiversity value, albeit limited by its location in an urban area. An informative is attached to advise that if any protected species are encountered during development, then works should stop immediately and advice be sought from a qualified ecologist.
- 9.35. The proposals include wild-flower green roofs which is welcomed. The agent of the application has also committed to providing 8-2 new trees which is also supported. It is considered that planting within the landscape scheme should also use species known to be of value to wildlife. A condition to secure an Ecological Design Strategy is sought to set out the measures that will be implemented to enhance the site for biodiversity.
- 9.36. In addition, 12 swift boxes are recommended to be secured by condition and a further condition is proposed to ensure that bee-bricks are included within the external construction of the dwellings proposed.

Sustainable Transport:

Pedestrian access

- 9.37. A segregated level pedestrian access is proposed for each dwelling, and this is therefore acceptable.

Cycle Parking

- 9.38. The application proposes stores for cycle parking to the rear of each property. However, these are accessed via a number of steps. It is considered that the cycle stores may be more appropriately located to the front of each dwelling.

Vehicle access

- 9.39. The location of the proposed crossovers and hardstands appears are acceptable in principle, with each vehicle entrance considered to have satisfactory highway visibility.

Car Parking

- 9.40. The applicant is proposing one car parking space per dwelling. The layout and amount are deemed acceptable for this size and type of development. The parking retention condition is recommended to be attached to ensure the parking area is retained as part of any future development.

Trip generation

- 9.41. There will be an increase in person and vehicle trips to the site due to the proposed four dwellings. This increase however is not considered to be significant enough to have a severe impact on the local highway network.

Sustainability

- 9.42. Policy CP8 of the Brighton and Hove City Plan Part One require 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. As such a condition is sought to secure these measures.

Community Infrastructure Levy

- 9.43. Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23 July 2020 and began charging on all CIL liable planning applications on and from the 5 October 2020. It is estimated that the amount of CIL liability for this application is £ 105,582.93 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.

10. BIODIVERSITY/CLIMATE CHANGE

- 10.1. The proposals would provide some biodiversity gains through the provision of the swift boxes and bee bricks which are to be secured by condition.

11. EQUALITIES

- 11.1. Each property provides level access. A condition will be sought to secure Part M4 (2) standards.