

<u>No:</u>	BH2023/00839	<u>Ward:</u>	Woodingdean Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	9 The Ridgway Brighton BN2 6PE		
<u>Proposal:</u>	Demolition of existing bungalow and erection of 1no three bedroom bungalow (C3) to rear and 2no three bedroom dwellings (C3) to front with associated works (part-retrospective).		
<u>Officer:</u>	Helen Hobbs, tel: 290585	<u>Valid Date:</u>	12.04.2023
<u>Con Area:</u>		<u>Expiry Date:</u>	07.06.2023
<u>Listed Building Grade:</u>		<u>EOT:</u>	08.11.2023
Agent:	SDR Designs 14 Batemans Road	Woodingdean Brighton BN2 6RD	
Applicant:	Mr Mark Saxby C/o 25 Falmer Road	Rottingdean Brighton BN2 7DA	

1. RECOMMENDATION

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

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Location Plan	1112023/01		20 March 2023
Proposed Drawing	1112023/03	B	19 July 2023
Proposed Drawing	1112023/04	B	19 July 2023
Proposed Drawing	1112023/05	B	19 July 2023

2. Notwithstanding any details shown on the approved plans, no development above ground floor slab level of any part of the development hereby permitted shall take place until details of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):
- Samples/details of all brick, render and tiling (including details of the colour of render/paintwork to be used)
 - samples of all cladding to be used, including details of their treatment to protect against weathering
 - samples/details of all hard surfacing materials
 - samples/details of the proposed window and door.
 - 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 DM18 of Brighton & Hove City Plan Part 2 and CP12 of the Brighton & Hove City Plan Part One.

3. The first floor side windows within Plots 2 and 3 of the development hereby permitted shall be obscure glazed and non-opening, unless the parts of the windows 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 DM20 of Brighton & Hove City Plan Part 2.

4. 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 Policies DM18 and DM21 of Brighton & Hove City Plan Part 2, policy CP8 of the Brighton & Hove City Plan Part One and Policy WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.

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;
- c. details of all boundary treatments to include type, position, design, dimensions and materials;

Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to provide ecological and sustainability benefits, to comply with policies DM22 and DM37 of Brighton & Hove City Plan Part 2, and CP8, CP10, CP12 and CP13 of the Brighton & Hove City Plan Part One.

6. Prior to the commencement of any further development on site (including any further demolition and all preparatory work), a scheme for the protection of the third party trees adjacent to the northern boundary of the site, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an

arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be implemented in strict accordance with the approved details.

Reason: As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area and for biodiversity and sustainability reasons, to comply with policies DM22 and DM37 of Brighton & Hove City Plan Part 2, and CP8, CP10 and CP12/CP13 of the Brighton & Hove City Plan Part One and SPD06:Trees and Development Sites.

7. Prior to any further development commencing on site (including any further demolition and all preparatory work) the protection measures identified in the submitted arboricultural method statement required by condition 6 shall be put in place and retained throughout the construction process. The fences shall be erected in accordance with British Standard BS5837 (2012) Trees in relation to design, demolition and construction - Recommendations and shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences.
Reason: As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area and to provide ecological and sustainability benefits, to comply with policies DM22 and DM37 of Brighton & Hove City Plan Part 2, and CP8, CP10 and CP12 of the Brighton & Hove City Plan Part One and SPD06:Trees and Development Sites.
8. The development hereby approved should achieve a minimum Energy Performance Certificate (EPC) rating 'B' for new build residential development.
Reason: To improve the energy cost efficiency of existing and new development and help reduce energy costs to comply with policy DM44 of the Brighton & Hove City Plan Part Two.
9. None of the residential units hereby approved shall be occupied until each residential unit built has achieved as a minimum, a water efficiency standard of not more than 110 litres per person per day maximum indoor water consumption.
Reason: To ensure that the development is sustainable and makes efficient use of water to comply with policy CP8 of the Brighton & Hove City Plan Part One.
10. At least one bee brick per dwelling shall be incorporated within the external wall of the development hereby approved and shall be retained thereafter.
Reason: To enhance the biodiversity of the site and to comply with Policy DM37 of Brighton & Hove City Plan Part 2, Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.
11. The development hereby permitted shall incorporate at least 6 (six) swift bricks/boxes within the external walls of the development and shall be retained thereafter.
Reason: To enhance the biodiversity of the site and to comply with Policy DM37 of Brighton & Hove City Plan Part 2, Policy CP10 of the Brighton & Hove City

12. The development hereby permitted shall not be occupied until secure, covered cycle parking facilities for the occupants of, and visitors to, the development have been made available for use. The cycle parking 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 DM33 of Brighton & Hove City Plan Part 2, and SPD14: Parking Standards.

13. Prior to any further development commencing on site, details of the Street Design (including all new highway accesses) shall be submitted to and approved in writing by the Local Planning Authority and the Highway Authority. The Street Design shall include the following:

- measurements and dimensions of the internal access road and accesses and visibility splays onto The Ridgway
- details of how the design complies with the Equalities Act 2010,
- details of how the design has had regard for SUDS guidance and have a scheme of drainage to prevent water run off onto the highway
- details of how emergency vehicles will access the site
- a minimum of 1.2m width footway or if this is not possible due the width of the access route, a delineated footpath
- a scheme of lighting to ensure areas where vehicle traffic is present are illuminated
- a warning sign to alert drivers that pedestrians may be present on the route
- signage at the top and bottom of the ramp warning vehicles of approaching cycles/traffic and giving priority to uphill traffic
- details of a dedicated on-site car parking space to serve Plot 1

The scheme including any new crossovers 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 SA6, CP7, CP9, CP12, CP13 and CP15 of the City Plan Part One and DM33 and DM36 of City Plan Part Two.

14. The development hereby permitted shall not be occupied until the dwellings hereby permitted have been completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) and shall be retained in compliance with such requirement thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy DM1 of Brighton & Hove City Plan Part 2.

15. Prior to any further development commencing on site, 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, shall be submitted to and approved in writing 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 Policies DM18 and DM20 of Brighton & Hove City Plan Part 2 and CP12 of the Brighton & Hove City Plan Part One
16. No extension, enlargement, alteration of the dwellinghouses or provision of buildings etc incidental to the enjoyment of the dwellinghouses, within the curtilage of the of the dwellinghouses as provided for within Schedule 2, Part 1, Classes A - E of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.
Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development to comply with policies DM18/DM21/DM20 of Brighton & Hove City Plan Part 2, and CP12/CP13 of the Brighton & Hove City Plan Part One.
17. 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.
18. Other than demolition works and site clearance, no further development on site 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 policies DM42 and DM43 of City Plan Part and CP11 of the Brighton & Hove 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 Part L - Conservation of Fuel and Power of the Building Regulations 2022 now requires each residential unit built to have achieved a 31% reduction in carbon emissions against Part L 2013.
3. The water efficiency standard required by condition is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.
4. 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 of approximately 5 metres above ground level, and preferably with a 5m clearance between the host building and other buildings or obstructions. Where possible avoid siting them above windows or doors. Swift bricks should be used unless these are not practical due to the nature of construction, in which case alternative designs of suitable swift boxes should be provided in their place where appropriate.
5. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level and preferably adjacent to pollinator friendly plants.
6. To be in line with Policy DM33 of the City Plan cycle parking must be secure, convenient, well lit, well signed and wherever practical, sheltered. The Local Highway Authority's preference is for a purpose-built secure cycle store (e.g., Tri-metal). Alternatively stores made from other materials such as wood must be covered and include a concrete base with Sheffield type stands 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.
7. The applicant is advised that for street design guidance they should at least refer to the Department for Transport's Manual for Streets documents and the Department for Transport's Inclusive Mobility document. Where changes occur, the design is to include footway, carriageway, landscaping, street lighting and surface water drainage designs, construction methods and materials, dimensions, gradients, levels, radiuses, alignment (horizontal and vertical), general arrangement and vehicle swept path analysis drawings for a standard size fire engine, large ambulance, and standard size waste disposal vehicle. The construction shall be carried out in accordance with the approved Section 278

(of the Highways Act 1980) Agreement. The applicant must contact the Highway Authority by e-mail (s278@brighton-hove.gov.uk) at their earliest convenience to avoid any delay and prior to any works commencing on-site and on the adopted (public) highway. An assigned officer telephone number will be supplied in the e-mail response to provide a point of contact regarding the submission and Section 278 (of the Highways Act 1980) Agreement.

8. 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 conduct 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@brighton-hove.gov.uk 01273 290729) prior to any works commencing on the public highway.
9. Where asbestos is found/suspected on site, it will fall under the Control of Asbestos Regulations 2012, overseen by the Health and Safety Executive. Further information can be found here: <https://www.hse.gov.uk/asbestos/>.
10. The applicant should be aware that the site is in a radon affected area. If the probability of exceeding the Action level is 3% or more in England and Wales, basic preventative measures are required in new houses, extensions, conversions and refurbishments (BRE2011). Radon protection requirements should be agreed with Building Control. More information on radon levels is available at <https://www.ukradon.org/information/ukmaps>.
11. The applicant is advised under Part S of the Building Regulations that new dwellings providing a parking space now require an EV charging point.
12. For the avoidance of any doubt, only the location plan (not block plan on the same drawing) 1112023/01 submitted on 20/3/23 is approved.
13. The applicant is advised to consult with the sewerage undertaker to agree a drainage strategy including the proposed means of foul water disposal and an implementation timetable. Please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel 0330 303 0119), or www.southernwater.co.uk

2. SITE LOCATION

- 2.1. The application relates to the site of a former detached bungalow on the eastern side of The Ridgway. The plot slopes up from the front to the rear. Attached to the northern side of the bungalow is a garage with a side driveway. The Ridgway slopes from the north up to the south. There are mature trees adjacent to the

site's northern boundary (outside the site) that are covered by Tree Preservation Orders (TPOs).

- 2.2. The area is suburban and residential in character, and is made up of dwellings of varying scales and design.
- 2.3. Since the time of the Officer's site visit, the LPA have been notified that the bungalow has been demolished and the site cleared.

3. RELEVANT HISTORY

- 3.1. BH2022/03144 Demolition of existing bungalow to facilitate the erection of 2no four bedroom, two storey semi-detached dwellings and 2no four bedroom, two storey detached dwellings with associated works. Withdrawn 06.02.2023.

4. APPLICATION DESCRIPTION

- 4.1. The application seeks permission for the demolition of the existing bungalow and the erection of a pair of three bedroomed semi-detached dwellings at the front of the site and a three-bedroom bungalow to the rear of the site.
- 4.2. The proposed development has been amended during the life of the application and a re-consultation with neighbouring properties has taken place. The main revisions included;
 - Reducing the number of dwellings from four to three;
 - Removal of the rear balconies from the front two dwellings;
 - Excavation of the front two plots to set them down lower in the plot.
- 4.3. As noted above, demolition works have been undertaken on site so the application is in part retrospective, but this is not a material consideration in determining it.

5. REPRESENTATIONS

- 5.1. Nine (9) letters have been received objecting to the proposed development for the following reasons:
 - The impact on trees
 - Loss of privacy
 - Increase in noise
 - Increase in pollution
 - Increase in traffic/road accidents
 - Access for emergency vehicles would be restricted
 - Overdevelopment
 - Increase in parking
 - Inaccessible access
 - Overlooking from the balconies

- Unattractive design
- 5.2. Five (5) letters were received following the re-consultation, restating similar concerns and raising the following additional concern;
- The reduction in dwellings has not addressed concerns.
- 5.3. **Councillor Simson** objects to the application. A copy of this objection is attached to this report.

6. CONSULTATIONS

Internal:

- 6.1. **Arboriculture (verbal):** Comment
The applicant has not provided a tree survey, however the provided photographs show the majority of vegetation on site removed pre-submission. This loss of biodiversity could be compensated with mitigation planting.
- 6.2. The proposed access road appears to be within the root protection zone of the 3rd party trees covered by TPO 1997/6. Further information is therefore required regarding the impact of the development on these trees.
- 6.3. Protection measures would include an exclusion zone compliant with BS5837. Further information should be required by condition including a Method statement and Tree protection plan prior to the commencement of works, and the method statement should state all service runs to be located outside of the root protection zone for the TPO trees.
- 6.4. **Environmental Health:** Comment
Informatives are suggested to ensure that potential asbestos in the building is addressed prior to demolition and to notify the applicant that the site is within a radon affected area and that Radon protection requirements should be agreed with Building Control.
- 6.5. **Sustainable Transport:** No Objection subject to the inclusion of the following conditions:
- Street Design
 - New/extended Vehicle Crossover
 - Cycle Parking Scheme
 - Boundary Treatment (if cycle parking is not relocated to the front in a suitable position preventing overparking)

External:

- 6.6. **Southern Water:** Comment
Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant.
- 6.7. It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership.

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 City Plan Part Two (adopted October 2022);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
 - Shoreham Harbour JAAP (adopted October 2019).

8. RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One:

SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP12	Urban design
CP13	Public streets and spaces
CP14	Housing density
CP19	Housing Mix

Brighton & Hove City Plan Part Two:

DM1	Housing Quality, Choice and Mix
DM18	High quality design and places
DM19	Maximising development potential
DM20	Protection of Amenity
DM22	Landscape Design and Trees
DM33	Safe, sustainable and active travel
DM36	Parking and servicing
DM37	Green Infrastructure and Nature Conservation
DM43	Sustainable Drainage
DM44	Energy Efficiency and Renewables

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD06	Trees & Development Sites
SPD12	Design Guide for Extensions and Alterations

9. **CONSIDERATIONS & ASSESSMENT**

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

Principle of the Development:

- 9.2. Policy CP1 in City Plan Part One sets a minimum housing provision target of 13,200 new homes for the city up to 2030. However, on 24 March 2021 the City Plan Part One reached five years since adoption. National planning policy states that where strategic policies are more than five years old, local housing need calculated using the Government's standard method should be used in place of the local plan housing requirement.
- 9.3. The local housing need figure for Brighton & Hove using the standard method is 2,328 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 2022 which shows a five-year housing supply shortfall of 7,711 (equivalent to 1.8 years of housing supply).
- 9.4. The net increase of two additional dwellings on the site would therefore make a small but positive contribution to the City's housing target.
- 9.5. City Plan Policies CP14 and DM19 encourage effective use of sites and there is no objection in principle to increasing the density on this site. There are no objections to the demolition of the existing building, which is not listed or protected, however the replacement development should seek to provide a good standard of design and should not detract from the streetscene or the prevailing character or appearance of the surrounding area. The design and appearance of the development is considered below.
- 9.6. Policies CP19 and DM1 of the City Plan require that proposals have regard to housing mix considerations and have been informed by local assessments of housing demand and need. Usually a mix of unit sizes would be sought which reflects the housing needs of the city. The scheme would provide solely three-bed units which given the small scale of the development and suburban location is considered acceptable.
- 9.7. The proposal would provide family-sized homes which would make a small but valuable contribution towards the city's housing supply, and this is welcomed and given weight in the planning balance.

Design and Appearance:

- 9.8. City Plan Policies CP12 and DM18 expect all new development to raise the standard of architecture and design in the city, establish a strong sense of place by respecting the character of existing neighbourhoods and achieve excellence in sustainable building design and construction.
- 9.9. As mentioned above, policies allow for density of development to be increased where appropriate, and the existing plot is substantially larger than the average size of the plots within the immediate vicinity. It is therefore felt that the subdivision of the site into three new plots is acceptable. There is quite a degree of variety of plot and dwelling sizes in the locality, and the proposed plots would be of a similar scale and layout on average as neighbouring plots within the vicinity of the site. The street frontage widths and plot sizes are comparable and would not appear cramped, and would retain the suburban character of the neighbourhood. The plot sizes are considered appropriate to serve the scale and type of dwellings proposed, subject to 'permitted development' rights being removed by condition to ensure the scale of development remains appropriate for the locality.
- 9.10. The front two plots would form a pair of semi-detached properties that would sit within the streetscene of The Ridgway. During consideration of the application, discussions took place with the applicant in reference to the design and appearance of the proposed dwellings, particularly in relation to the modern design and slightly unusual roof form which incorporates sloping roofs leading to a lowered area of flat roof along the ridgeline. The modern design approach is not objected to in principle and examples of modern development within the area have been noted.
- 9.11. However the roof form/shape would be an unusual feature within the streetscene and is not typical of the streetscene. In addition, the proposal is for use of contemporary materials - part composite vertical clad elevations and metal grey roof. Revisions have been accepted which involved setting the development lower within the site, which ensures that the roof heights are more in keeping with the streetscene and topography, and ensures the proposed dwellings would not compete with the eaves height of the adjoining property to the south. The set-down would also ensure that the dwellings do not appear unduly dominant.
- 9.12. The rear plot and design of the dwelling, by the nature of it being single storey and set down from the existing ground level would not be highly evident from the streetscene or surrounding properties.
- 9.13. It is acknowledged that the existing streetscene is varied and there are a number of examples of contemporary development and varied materials within the immediate vicinity. In this context, whilst there are some reservations regarding the design, on balance it is considered that the design and appearance of the dwellings would not cause harm to the character and appearance of the area, and would accord with relevant policies.
- Landscaping and the Impact on Trees:
- 9.14. The site was former garden land and has been cleared of the majority of vegetation, works which can be undertaken without planning permission. This

loss can be mitigated by appropriate planting/landscaping schemes. Further information is requested by condition. The provision of open parking forecourts is characteristic of the locality.

- 9.15. The site adjoins a number of protected trees which are located adjacent to the northern border of the site. The applicant has not provided a tree survey to assess the impact of the access road or development on these neighbouring trees. The Arboriculture Officer has advised that prior to any construction works on site that a method statement and Tree protection Plan are submitted to ensure that appropriate protection measures are in place to ensure that no harm is caused to these trees.
- 9.16. Subject to condition, it is considered the proposal would comply with policy DM22.
- 9.17. Policy DM20 of City Plan Part 2 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.
- 9.18. The site is bordered by a number of residential properties.
- 9.19. The properties most likely to be affected by plot 1 (located at the rear of the site) would be no. 11A The Ridgway, 4 Bush Close, 2, 2a, 2b, 2c, and 2d Balsdean Road as these properties all adjoin the rear and side boundaries of the site. The bungalow would be positioned approximately 2.8m from the southern side boundary, 5.4m from the northern side boundary and 8.4m from the rear boundary. The rear garden of the existing site continually slopes up to the rear. The ground level would be excavated by approximately 1.5m. The level of excavation coupled with the separation distances ensures that the proposed bungalow would not be unduly dominant or harmful in terms of an overbearing impact, loss of light or overshadowing to the adjoining properties. The existing boundary treatments provide a further level of screening.
- 9.20. Given the siting and height of the window and door openings, no loss of privacy or overlooking is likely to occur from the proposed bungalow.
- 9.21. The properties most likely to be affected by plots 2 and 3 (located at the front of the site) are No. 7 and No. 11 The Ridgway as the proposed semi-detached buildings would be built on building line of The Ridgway. Due to the gradient of the road, No. 7 is set at a lower level than the application site. The proposed dwellings would be set approximately 5.5m from main dwelling at No. 7. Within the side elevation of No. 7 facing the development there is a high level side window which appears to be a secondary window. This separation distance ensures that the additional height of the proposed dwellings would not result in any significant harm in terms of overshadowing, overbearing impact or any loss of light or detrimental impacts to this existing side window.
- 9.22. The neighbouring property No. 11 is set at a higher level than the existing site and would have a separation distance of approximately 3.8m. The neighbouring

property has a side dormer with a number of primary windows. To ensure that the dormer windows remain unaffected the proposed dwellings have been set down and therefore the height of the development would not unduly impact on these neighbouring windows.

- 9.23. In terms of overlooking and loss of privacy, an upper floor window would be positioned within the outer elevations of both new dwellings. These windows serve the stair well. A condition would be attached to ensure that both side windows are obscure glazed and fixed shut, and therefore no overlooking or loss of privacy would occur.
- 9.24. The relationship between the front plots and the rear plot must also be considered. The front to back distances between the plots is approximately 18m and they are separated by a 2m fence. The distance ensures that the dwellings do not impact each other in terms of loss of light, overshadowing or an overbearing impact. The first floor rear windows of plots 2 and 3 would look towards the rear bungalow, however due to the land level changes and the boundary screening, any views into the bungalow would not be overbearing or significantly harmful. The boundary screening also ensures that when the occupiers of plots 2 and 3 are in their rear garden areas no harmful overlooking or loss of privacy would occur.
- 9.25. The proposed access road serving plot 1 would be positioned adjacent to plot 2 as well as the neighbouring property No. 7 The Ridgeway. Whilst there could be an increase in activity as well as noise and disturbance along this boundary, given it only serves one additional unit, it is considered that any increase would not be significant.
- 9.26. Overall, it is considered that the development would not result in any significant harm to neighbouring amenity, in compliance with policy DM20.

Standard of Accommodation:

- 9.27. Policy DM20 of the CPP2 seeks to ensure a good standard of amenity for future occupiers of the proposed development and this requirement is one of the core planning principles of the NPPF. Indeed, the updated NPPF requires that all developments provide a 'high' standard of amenity for future occupiers, which is a high bar that goes beyond amenity being merely 'adequate' or 'acceptable'. Policy DM1 sets out Nationally Described Space Standards (NDSS) for dwellings.
- 9.28. The proposed new accommodation meets these size standards, including bedrooms sizes and widths, and each unit has appropriate levels of light, outlook, ventilation and circulation space. Plots 2 and 3 would have a floor area of 125m² and therefore would be over the minimum standard of 102m². Plot 1 would have a floor area of 114m² and would be over the minimum standard of 95m².
- 9.29. Residential units are required to have private useable amenity space, commensurate to the type of unit. Each unit would be provided with sufficient front and rear garden areas.

- 9.30. Refuse/ recycling facilities have been shown on the plans. However their location is not considered convenient for future occupiers to use. A condition is attached to require further details in relation to the siting of these facilities.

Sustainable Transport:

- 9.31. City Plan policies seek to ensure highway safety and seek to encourage use of sustainable modes of transport. Parking standards are set out on SPD14.
- 9.32. The Local Highway Authority raise no objection to the scheme, subject to condition.
- 9.33. The site is located in a sustainable location close to bus routes and amenities.
- 9.34. It is considered that the addition of 2 further dwellings on this plot would not give rise to a significant increase in trips to and from the site.
- 9.35. The site already has vehicular access and exact details of the access, visibility splays and internal access road/street design can be secured by condition to ensure they are safe for vehicles and pedestrians. This can include suitable widths for emergency vehicles if required.
- 9.36. The provision of 1 on-site parking space per unit for Plots 2 and 3 is considered proportionate and acceptable, and is within SPD14 standards for this scale and type of development. No dedicated parking space is shown for Plot 1 however there is space within the layout design, and this can be secured via condition.
- 9.37. To promote use of sustainable modes, cycle parking serving each unit can be secured via condition.
- 9.38. Subject to condition, the proposal is considered to comply with policies CP9 and DM33 and DM36.

Sustainability:

- 9.39. Energy and water efficiency standards in accordance with Policy CP8 and Policy DM44 can be secured through suitably worded recommended conditions. Use of Sustainable Drainage systems and permeable hard surfacing can also be secured via condition to reduce the risk of flooding.

Other Considerations

- 9.40. A condition requiring at least one bee brick and swift brick/boxes has been attached to improve ecology outcomes on the site in accordance with City Plan Policies CP10 and DM37 and Supplementary Planning Document SPD11 Nature Conservation and Development. In addition, a condition is recommended to ensure the scheme incorporates soft landscaping.

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. CONCLUSION

- 11.1. The proposal is considered acceptable in principle and makes effective use of the site and contributes towards the city's housing supply. Matters relating to density, design, amenity, standard of accommodation, transport and landscape/biodiversity are considered acceptable, subject to the recommended conditions.

12. EQUALITIES

- 12.1. A condition will ensure the proposed dwellings meet adaptable standards in terms of accessibility.