

<b><u>No:</u></b>	<b>BH2022/01281</b>	<b><u>Ward:</u></b>	<b>Rottingdean Coastal Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>22 The Cliff Brighton BN2 5RE</b>		
<b><u>Proposal:</u></b>	<b>Demolition of existing dwelling and erection of 2no part three, part four storey five bedroom houses (C3) together with associated parking, garaging and landscaping.</b>		
<b><u>Officer:</u></b>	Joanne Doyle, tel: 292198	<b><u>Valid Date:</u></b>	29.04.2022
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	24.06.2022
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	
<b>Agent:</b>	ECE Architecture Limited 64-68 Brighton Road Worthing BN11 2EN		
<b>Applicant:</b>	Mr Neil Moffett Focus House Ham Road Shoreham-By-Sea BN43 6PA		

This application was deferred from Planning Committee in September as the meeting could not go ahead.

## 1. RECOMMENDATION

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

Conditions:

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Block Plan	PL02	P01	13 April 2022
Proposed Drawing	PL03	P2	15 July 2022
Location Plan	PL01	P01	15 July 2022
Proposed Drawing	PL04	P2	15 July 2022
Proposed Drawing	PL05	P2	15 July 2022
Proposed Drawing	PL06	P2	27 July 2022
Proposed Drawing	PL07	P2	15 July 2022
Proposed Drawing	PL08	P2	15 July 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 development above ground floor slab level of any part of the development hereby permitted shall take place until details/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) details/samples of all render, including technical specification and details of the colour/paintwork to be used)
- b) details/samples of all cladding to be used, including details of their treatment to protect against weathering
- c) details/samples of all hard surfacing materials
- d) details/samples of the proposed window, door and balcony treatments
- e) details/samples of all other materials to be used externally

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

**Reason:** To ensure a satisfactory appearance to the development and to comply with Policies CP12 of the Brighton & Hove City Plan Part One and DM18 of the Proposed Submission City Plan Part 2.

4. 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 Policies CP8 of the Brighton & Hove City Plan Part One and DM44 of the Proposed Submission City Plan Part 2.
5. The development hereby permitted shall not be occupied until the dwelling hereby permitted have been completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings), other than the stepped pedestrian access route to the 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 Policies HO13 of the Brighton & Hove Local Plan and DM1 of the Proposed Submission City Plan Part 2.
6. The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development at all times.  
**Reason:** To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with Policies TR14 of the Brighton & Hove Local Plan and DM33 of the Proposed Submission City Plan Part 2, and SPD14.
7. The development hereby permitted shall not be occupied until, a car park layout plan has been submitted to and approved in writing by the Local Planning Authority. This should include details of proposed cycle parking, car parking, electric vehicle parking and charging and visitor parking. The approved scheme 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 the development provides for the needs of all occupants and visitors to the site, to ensure the provision of satisfactory facilities for all users and to comply with CP9 of City Plan Part One and DM33 of the Proposed Submission City Plan Part 2.

8. The development hereby permitted shall not be occupied until the new/extended crossover and access has been constructed.

**Reason:** In the interests of highway safety and to comply with policies TR7 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One and DM33 of the Proposed Submission City Plan Part 2.

9. The vehicle parking area(s) 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 and shall be maintained so as to ensure their availability for such use at all times.

**Reason:** To ensure that adequate parking provision is retained and to comply with policy with CP9 of City Plan Part One and DM33 of the Proposed Submission City Plan Part 2.

10. A bee brick shall be incorporated within the external wall of the development for both units hereby approved and shall be retained thereafter.

**Reason:** To increase the biodiversity of the site, to mitigate any impact from the development hereby approved and to comply with Policy CP10 of the Brighton & Hove City Plan Part One and SPD11 Nature Conservation and Development.

11. Three swift bricks / boxes shall be incorporated within the external wall of the development for both units hereby approved and shall be retained thereafter.

**Reason:** To increase the biodiversity of the site, to mitigate any impact from the development hereby approved and to comply with Policy CP10 of the Brighton & Hove City Plan Part One and SPD11 Nature Conservation and Development.

12. Prior to occupation of the development hereby permitted, a scheme for landscaping shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be implemented in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. The scheme shall include the following:

- a. details of all hard and soft surfacing to include type, position, design, dimensions and materials and any sustainable drainage system used;
- b. a schedule detailing sizes and numbers/densities of all proposed trees/plants including details of tree pit design, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period;

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, CP12 and CP13 of the Brighton & Hove City Plan Part One and DM18 and DM22 of the Proposed Submission City Plan Part 2.

13. The development hereby permitted shall not be occupied until a plan detailing the positions, height, design, materials and type of all existing and proposed boundary treatments shall have been submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be provided in accordance with the approved details prior to occupation of the development and shall thereafter be retained at all times.  
**Reason:** To safeguard the privacy of the occupiers of the adjoining properties and to comply with Policies QD27 of the Brighton & Hove Local Plan and DM20 of the Proposed Submission City Plan Part 2.
14. The first floor windows in the western and eastern side elevations of the units, serving ensuites, 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 properties and to comply with Policies QD27 of the Brighton & Hove Local Plan and DM20 of the Proposed Submission City Plan Part 2.
15. Access to the flat roofs of the buildings (apart from the annotated terrace areas) shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.  
**Reason:** In order to protect adjoining properties from overlooking and to comply with Policies QD27 of the Brighton & Hove Local Plan and DM20 of the Proposed Submission City Plan Part 2.
16. The development hereby permitted shall not be occupied until details of 1.7m privacy screens, to be provided on the rear, second floor terraces of both units, adjacent to the western and eastern site boundaries respectively, have been submitted to and approved in writing by the Local Planning Authority. The privacy screens shall be provided in accordance with the approved details prior to occupation of the development and shall thereafter be retained at all times.  
**Reason:** In order to protect adjoining properties from overlooking and noise disturbance and to comply with Policies QD27 of the Brighton & Hove Local Plan and DM20 of the Proposed Submission City Plan Part 2.
- 17.
- i) The development hereby permitted shall not be commenced until a Heritage Statement drawing on the results of a Historic Environment Record Consultation Report which has been submitted to and approved by the Local Planning Authority.
  - ii) A written record of any archaeological works undertaken shall be submitted to the Local Planning Authority within 3 months of the completion of any archaeological investigation unless an alternative timescale for submission of the report is first agreed in writing with the Local Planning Authority.
- Reason:** To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with policy HE12 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

18. No extension, enlargement, alteration or provision within the curtilage of the 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 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 CP12 and QD27 of the Brighton & Hove Local Plan and DM20 of the Proposed Submission City Plan Part 2.

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

**Reason:** To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with Policies QD27 of the Brighton & Hove Local Plan, CP8 of the Brighton & Hove City Plan Part One and WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan and DM21 of the of the Proposed Submission City Plan Part 2.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant is advised that Part L - Conservation of Fuel and Power of the Building Regulations 2022 now requires each residential unit built to have achieved a 31% reduction in carbon emissions against Part L 2013.
3. The water efficiency standard required under condition 5 is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.
4. The applicant is advised that Part O of Building Regulations 2022 has been introduced. This standard is aimed at designing out the need for mechanical air conditioning systems in dwellings that would otherwise be prone to overheating and limiting unwanted solar gains. There are optional methods to demonstrate compliance through the Building Regulations.

5. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.
6. Swift bricks / boxes can be placed on any elevation, but ideally under shade-casting eaves. They should be installed in groups of at least three, at a height above 5m height, and preferably with a 5m clearance between the host building and other buildings or obstructions. Where possible avoid siting them above windows or doors. Swift bricks should be used unless these are not practical due to the nature of construction, in which case alternative designs of suitable swift boxes should be provided in their place.
7. The applicant is advised that 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'.
8. The applicant is advised that a formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel 0330 303 0119), or [www.southernwater.co.uk](http://www.southernwater.co.uk)
9. The applicant is advised to contact the East Sussex County Archaeologist to establish the scope for the Heritage Statement as required by the archaeology condition.

## **2. SITE LOCATION**

- 2.1. This application relates to a single two storey dwellinghouse on the southern side of The Cliff. It features a large, expansive width, dormers to the front and rear, integral garage and a large rear conservatory and is fairly traditional in design. The site history suggests it was originally built as a bungalow but has been extended over the years. To the rear is a large tennis court which leads to a lower garden level which extends onto a lower garden area with pedestrian access to/from Marine Drive (the A259) to the south. The gradient of the land slopes significantly from north to south.
- 2.2. The surrounding area is characterised by predominantly large, detached properties of varying design, characterised by two and three storey dwellings of various types and styles.

## **3. RELEVANT HISTORY**

- 3.1. None for the site, but relevant planning permissions within the immediate vicinity of the site:

- 3.2. BH2018/02625 (45 The Cliff): Remodelling of property incorporating two storey extension to front and side elevations, part one part two storey extension to rear elevation, alterations to existing roof to create a third storey with a flat roof, enlargement of existing front garage with glass balustrade above, new balconies to front and side elevations, revised fenestration and other associated works. Approved 23.11.2018.
- 3.3. BH2015/02818 (12 The Cliff): Demolition of existing three bedroom house and erection of five bedroom house. Approved 26.10.2015.

#### **4. APPLICATION DESCRIPTION**

- 4.1. The application seeks planning permission for the demolition of an existing dwelling at the site and the erection of two part three-, part four-storey, five-bedroom houses (C3) together with associated parking, garaging and landscaping.
- 4.2. During the course of the application, the proposal has been amended in response to concerns raised by officers over design. These include lowering the overall height of the dwellings by 600mm, and replacing the green roof and metal cladding from the upper floors with white render.

#### **5. REPRESENTATIONS**

- 5.1. **Sixteen (16)** letters of representation have been received objecting to the proposal for the following reasons:
- Overdevelopment
  - Overcrowding
  - Height will dwarf the adjoining houses
  - Materials inappropriate
  - Insufficient parking
  - Parking / traffic issues
  - Out of character
  - Out of keeping
  - Cramped and narrow plots / gardens
  - Adverse visual impact on the landscape and locality
  - Design issues
  - Bulk / massing
  - Out of scale
  - Overbearing
  - Overshadowing
  - Loss of privacy and overlooking
  - Loss of light
  - Restricted views
  - Noise nuisance
  - Developer trying to maximise profit
  - Lack of notification

- Loss of habitat
- Lack of information re. archaeological impacts
- Exceeds permitted boundary separation.

5.2. **Brighton Swifts** have commented to recommend that the swift / boxes condition is attached to the permission.

5.3. **Councillor Fishleigh** requests that if the application is recommended for approval the application should be heard at Planning Committee. A copy of Councillor Fishleigh's representation is appended to this report.

## 6. CONSULTATIONS

### 6.1. **Brighton and Hove Archaeological Society: Comment**

The application site lies within an area of intense archaeological sensitivity. The Brighton and Hove Archaeological Society would suggest that the County Archaeologist is contacted.

### 6.2. **County Archaeology: Comment**

This application site lies within an Archaeological Notification Area therefore the project may affect heritage assets with historic or archaeological interest. In this instance we consider that the scale of the development would warrant the submission, with the planning application, of a Heritage Statement drawing on the results of a Historic Environment Record Consultation Report, rather than a full desk based assessment and/or evaluation survey.

### 6.3. **Southern Water: Comment**

Southern Water requires a formal application for a connection to the sewer to be made.

### 6.4. **Sustainable Transport : No Objection**

Subject to recommended condition.

## 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 JAAP (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
CP10	Biodiversity
CP11	Flood Risk
CP12	Urban design
CP14	Housing Density
CP19	Housing Mix

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

TR7	Safe Development
TR14	Cycle access and parking
SU5	Surface water and foul sewage disposal infrastructure
SU9	Pollution and nuisance control
SU10	Noise nuisance
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
HE12	Scheduled ancient monuments and other important archaeological sites

#### Brighton & Hove City Plan Part Two

The Inspector published her Final Report into the Examination of the City Plan Part Two 19 July 2022. The Report is a material consideration. The Inspector has concluded that with her recommended changes (the schedule of changes as appended to the Report) that Plan is sound and can be adopted. The Inspector's report concludes the examination of City Plan Part Two. City Plan Part Two policies, as amended by the Inspector's schedule of Main Modifications, can be afforded significant weight but they will not have full weight until the City Plan Part Two is formally adopted.

DM1	Housing Quality, Choice and Mix	
DM18	High quality design and places	DM20 Protection of Amenity
DM20	Protection of Amenity	
DM21	Extensions and alterations	
DM22	Landscape Design and Trees	
DM31	Archaeological Interest	

DM33	Safe, Sustainable and Active Travel
DM40	Protection of the Environment and Health - Pollution and Nuisance
DM43	Sustainable Urban Drainage
DM44	Energy Efficiency and Renewables

Supplementary Planning Documents:

SPD03	Construction and Demolition Waste
SPD09	Architectural Features
SPD11	Nature Conservation and Development
SPD14	Parking Standards
SPD16	Sustainable Drainage

## 9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the principle of the development on site, the design of the new buildings and its impact upon the character and appearance of the streetscene and wider area, the impacts on the amenities of adjacent occupiers, the standard of accommodation to be provided, and sustainability and traffic 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.
- 9.3. 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).
- 9.4. 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).
- 9.5. The application site is in a residential area. The proposed development would result in the loss of a single detached dwelling and the erection of two houses on the site. This net increase of one dwellinghouse must be given weight in light of the city's housing supply shortfall.
- 9.6. Policy CP14 of the CPP1 relating to Housing Density states, among other things: *"Residential development should be of a density that is appropriate to the identified positive character of the neighbourhood and be determined on a case by case basis."*

- 9.7. The policy seeks to prevent the overdevelopment of sites that would result in 'town cramming'.
- 9.8. The development proposes the creation of a new plot, formed from land at no. 22 The Cliff, by separating the plot into two to create two new detached dwellings.
- 9.9. The existing site is relatively large, with a generous width frontage, and a large rear garden sloping down to Marine Drive to the south. Plots in the area vary in width, with the adjoining plots to the east being fairly generous in size, and plots to the west smaller and narrower. The northern side of The Cliff and further west on Cliff Road contains a mixture of narrow and generous plots.
- 9.10. The proposal to sub-divide the existing site into two would create two narrow plots which would be comparable to plots immediately to the west of the site and would follow the general pattern of the area and the narrow plots /shapes, so would be in keeping with the locality and the character of the area.
- 9.11. Given that local planning policies support the principle of a more efficient use of land, and the development would follow the general pattern of the character of the area, the subdivision of the plot in this location would therefore be supported in principle.

**Design and Character:**

- 9.12. CPP1 Policy CP12: Urban Design 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.
- 9.13. The design approach along The Cliff is characterised by two- and three-storey dwellings of various types and styles, with examples of both a traditional and modern design approach. Large, rebuilt and remodelled properties are considered to form part of the character of the area, the most recent application for a remodelled dwelling at no. 45 The Cliff. The southern side of The Cliff features dwellings varying in design, material, scale and rooflines, both traditional and modern.. The northern side of the Cliff is again varied, with a number of examples of modern dwellings including white rendered, Art Deco designs.
- 9.14. The proposed design approach is somewhat Art Deco-led, which is not uncommon within the street and is considered acceptable given the prevailing context. The new dwellings would appear three storeys in height when viewed from the front, with a sunken lower level providing a fourth storey to the rear. The design would include a recessed element to the top floor, incorporating white render, areas of cladding between the window openings, and dark render and aluminium fenestration, providing a contrasting and modern approach to the existing neighbouring properties on either side, which feature brick/rendered elevations and fairly traditional in design.

- 9.15. The submitted plans indicate that the ridge of the dwellings would be a similar height to the adjoining properties and it is therefore considered that the height of the properties respects the scale and character of the streetscene, which features a varied gradient and roofline, and noting the properties on the northern side are in an elevated position.
- 9.16. The footprint of the dwelling would extend slightly inwards (by 1m) than that of the existing dwelling, which would be similar to no. 24 adjoining and therefore there would be no detrimental impact on the streetscene. The front boundary treatment and landscaping of the site would be sympathetic and would not be intrusive within The Cliff streetscene.
- 9.17. Overall, therefore it is considered that the scheme is acceptable in terms of design and appearance. There are a number of examples in the streetscene of modern form and materials, and the principle of re-developing in the manner proposed would be appropriate and in keeping with the streetscene.

**Standard of Accommodation:**

- 9.18. Policy QD27 of the Brighton and Hove Local Plan, and emerging Policy DM20 of CPP2 (which can be given more weight than policy QD27) aim to secure a good standard of living accommodation for current and future occupiers in all new developments. Accommodation should therefore provide suitable circulation space within the communal spaces and bedrooms once the standard furniture has been installed, as well as providing good access to natural light and air in each habitable room.
- 9.19. The Nationally Described Space Standards (NDSS), although not yet formally adopted by the Council, do provide a useful guide against which to assess the overall unit size and bedroom sizes, particularly as they are referred to in emerging Policy DM1 of City Plan Part 2 (which can be given significant weight).
- 9.20. The new dwellings would have a gross internal floor space of approximately 335.5sqm. For a five-bedroom, eight-bed-space, three-storey dwelling, the NDSS requires a minimum GIA of 134m<sup>2</sup>; it is clear therefore that the proposed dwellings (even for occupation by 10 persons) would significantly exceed this. The properties would consist of 5no double bedrooms, all of which meets the minimum national space standards for a double bedroom, having a minimum of 11.5 sqm floor space. The dwellings would provide generous accommodation throughout, with sufficient levels of natural light and outlook within the properties.
- 9.21. Policy HO5 and emerging Policy DM1 of CPP2 require private, useable amenity space to be provided 'where appropriate to the scale and character of the development'. The development proposes long gardens for each of the dwellings separated by a wall with fencing and hedging with an upper and lower garden level sloping down to Marine Drive. The amenity space provided would be sufficient to serve the dwellings and is therefore in accordance with Policy HO5 and emerging Policy DM1 of CPP2.
- 9.22. Policy HO13 requires all new residential dwellings to be built to Lifetime Homes standards whereby they can be adapted to meet people with disabilities without

major structural alterations. The requirement to meet Lifetime Homes has now been superseded by the accessibility and wheelchair housing standards within the national Optional Technical Standards.

- 9.23. The application proposes ramped access to a transitional landing at the front of the garages where access can be gained to the front entrance. However, the principal pedestrian route from The Cliff is stepped so disabled access is not possible. Therefore a condition has been attached to ensure that with the exception of this access, and given the ability to access the site via the ramped access, the development complies with Requirement M4(2) of the optional requirements in Part M of the Building Regulations.

**Impact on Amenity:**

- 9.24. Policy QD27 of the Brighton & Hove Local Plan and emerging DM20 of City Plan Part 2 (which can be given more weight than the Local Plan policy) state 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.
- 9.25. Policies SU9 and SU10 of the Local Plan, as updated by Policy DM40 of City Plan Part 2 (which can be given more weight than the Local Plan policy) are concerned with development that could cause pollution and nuisance, for example by way of odours, or which could cause a noise nuisance to occupiers of nearby noise sensitive premises.
- 9.26. Given the existing residential character of the property and surrounding area, it is considered that the principle of the proposed residential use is acceptable. The intensification of the use of the site is not considered to result in a significant increase in noise and disturbance.
- 9.27. The general scale and massing of the building would not result in amenity harm toward numbers 20 and 24A The Cliff to the west and east respectively in terms of overshadowing, loss of light, loss of outlook or a sense of enclosure. The proposed new dwellings' footprint would have less of a projection to the boundaries compared with the existing dwelling, and the slight projection to the front and rear would not result in a significant harmful impact on the adjoining properties.
- 9.28. The frontage of the proposed dwellings would reflect the building line established by no.24A to the east and the adjoining garage of no. 20 to the west, and the proposed boundary treatment (given its height and projection) would not result in overshadowing or loss of light. The proposal would add additional bulk and massing to the site, with the overall height increasing by approximately 2.7m over the pitch of the existing dwelling,. However, it would match adjacent dwellings, and would be set back sufficiently to mitigate any potential loss of light or outlook.
- 9.29. The side-facing windows at first floor level would serve ensembles and therefore can be obscure glazed, which would be secured via condition, and views

achievable from the second floor bedroom side window would not be intrusive. The terraced areas to the rear at upper ground floor are not considered likely to result in obtrusive overlooking beyond that already experienced, given sufficient boundary treatment, and any oblique views would not be harmful. The terrace area at second floor level could offer views toward the rear garden spaces of the adjoining properties and therefore the addition of 1.7m high privacy screens would be secured via condition.

- 9.30. Overall whilst there may be some limited impacts over and above those which exist at the site, the scheme is considered to be acceptable in terms of its impact on neighbouring residents.

**Sustainable Transport:**

- 9.31. The proposed development would not result in a significant increase in trip generation and any impact on the highway would be minimal.
- 9.32. The widening of the existing vehicular access and the addition of a second vehicular crossover is considered acceptable.
- 9.33. The site lies outside of a Controlled Parking Zone. The application is proposing 2 car parking spaces and one garage per dwelling providing a total of 3 spaces per dwelling. This level of car parking exceeds the maximum standards (3 spaces overall for two 5-bedroom units) and therefore a Car Park Layout Plan condition has been attached securing the appropriate level of car parking.
- 9.34. Cycle parking is proposed in the form of a cycle parking store in each garage which is considered acceptable, and the provision has been secured via condition.

**Sustainability:**

- 9.35. Policy CP8 of CPP1 seeks to ensure that development proposals are efficient in the use of energy and water,
- 9.36. At the time the application was submitted, this required new build development to achieve 19% above Part L for energy efficiency, however, since the application was submitted, the Part L has been updated and now requires a higher standard. Since this is now covered under the Building Regulations, an informative to that effect will be attached rather than a condition. A condition, is though recommended to meet the optional standard for water consumption. This above can be secured by condition and informatives.
- 9.37. Refuse and recycling storage would be provided with the garages which is considered sufficient.

**Ecology:**

- 9.38. Policy CP10 of City Plan Part One and policy DM37 of CPP2 seek to ensure that all new development proposals conserve existing biodiversity, protecting it from the negative indirect effects of development including noise and light pollution.

- 9.39. The applicant has submitted a Biodiversity Checklist which shows that the existing site does not show signs of any protected species being located on site. The proposal will not result in the loss of any mature trees. Overall, the proposal will not have any negative impacts on existing biodiversity on site. Full details for the landscaping of the proposed dwellings is required by condition.
- 9.40. A condition has been attached to ensure that bee bricks/swift bricks would be incorporated within the external wall of the development and for opportunities to provide sufficient landscaping within the site.

#### Other Considerations

- 9.41. The proposed development lies within an Archaeological Notification Area and therefore the proposal may affect heritage assets of archaeological interest.
- 9.42. County Archaeology have commented that a Heritage Statement drawing on the results of a Historic Environment Record Consultation Report should be submitted, and the applicant should consult the Historic Environment Record. A condition has been attached to provide this report prior to development.

#### Conclusion:

- 9.43. The scheme makes a small contribution to the Council's housing targets, provides an acceptable standard of accommodation and includes a modern design approach which would be acceptable within the context of the surrounding development. There is not considered to be a significant impact on highways safety nor neighbouring amenity and the proposal for 2no dwellings at the site is considered to be a positive development and therefore the application is recommended for approval subject to conditions.

## **10. EQUALITIES**

- 10.1. New residential buildings are expected to be built to a standard whereby they can be adapted to meet the needs of people with disabilities without major structural alterations. Conditions will be applied to ensure the development complies with Requirement M4(2) of the optional requirements in Part M of the Building Regulations. As already noted, the application proposes ramped access to a transitional landing at the front of the garages where access can be gained to the front entrance. However, the principal pedestrian route from The Cliff is stepped so disabled access is not possible. Therefore a condition has been attached to ensure that with the exception of this access, and given the ability to access the site via the ramped access, the development complies with Requirement M4(2) of the optional requirements in Part M of the Building Regulations.

## **11. COMMUNITY INFRASTRUCTURE LEVY**

- 11.1. 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. It is estimated that the amount of CIL liability for this application is £50,187.66. 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.

## **12. CLIMATE CHANGE/BIODIVERSITY**

- 12.1. The application site is previously developed (brownfield) land, within a sustainable location with good access to public transport links and local facilities. Cycle parking is proposed, reducing reliance on cars. A landscaping scheme would improve the biodiversity of the site. Bee bricks and swift boxes / bricks shall be incorporated within the external wall of the development.