

<u>No:</u>	BH2023/02290	<u>Ward:</u>	Goldsmid Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	61 Goldstone Lane Hove BN3 7BB		
<u>Proposal:</u>	Demolition of existing bungalow and erection of 2no three storey detached dwellinghouses (C3), with centralised vehicular crossover and associated car parking, landscaping, bin and cycle storage.		
<u>Officer:</u>	Jack Summers, tel: 296744	<u>Valid Date:</u>	31.08.2023
<u>Con Area:</u>	N/a	<u>Expiry Date:</u>	26.10.2023
<u>Listed Building Grade:</u>	N/a	<u>EOT:</u>	13.12.2023
<u>Agent:</u>	Lewis And Co Planning SE Ltd 2 Port Hall Road Brighton BN1 5PD		
<u>Applicant:</u>	Galega Ltd C/O Lewis And Co Planning SE Ltd 2 Port Hall Road Brighton BN1 5PD		

1. RECOMMENDATION

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

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Location Plan	01	A	31 August 2023
Block Plan	04	-	15 August 2023
Proposed Drawing	05	A	24 October 2023
Proposed Drawing	06	A	24 October 2023
Proposed Drawing	07	-	15 August 2023
Proposed Drawing	08	B	21 October 2023
Proposed Drawing	09	B	24 October 2023
Proposed Drawing	10	-	15 August 2023
Proposed Drawing	11	-	15 August 2023
Proposed Drawing	12	-	15 August 2023
Proposed Drawing	13	A	17 October 2023

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 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.
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 and DM21 of the Brighton & Hove City Plan Part Two.
4. No extension, enlargement, alteration of the dwellinghouses or provision of buildings etc. incidental to the enjoyment of the dwellinghouse within the curtilage 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 CP12 of the Brighton & Hove City Plan Part One, and DM18, DM20 and DM21 of the Brighton & Hove City Plan Part Two.
5. 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). 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.
Each dwelling shall be retained in compliance with the requirement thereafter.
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 the Brighton & Hove City Plan Part Two.
6. The dwellings hereby approved shall be implemented in strict accordance with the internal layouts detailed on the proposed floorplans. The internal layouts shall be retained as first implemented thereafter.
Reason: To ensure an acceptable standard of accommodation for future occupiers is provided and maintained thereafter and to comply with policy DM1 of the Brighton and Hove City Plan Part Two.
7. Prior to the occupation of the development hereby permitted, and notwithstanding the approved drawings, a scheme for hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:
 - a) details of all hard and soft surfacing to include type, position, design, dimensions and materials;
 - 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;
- c) details of all boundary treatments to include type, position, design, dimensions and materials;
- d) details of measures that have been taken to ensure the building is accessible for persons of all abilities; and
- e) details of surfacing and drainage measures to ensure surface water run-off is managed within the site.

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. The approved landscaping shall be implemented in accordance with the approved details in the first planting season after completion or prior to first occupation of the development, whichever is the sooner and thereafter maintained.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area; to safeguard the residential amenities of local residents; to ensure that the development is accessible for all persons; and to comply with policies CP10, CP11, CP12 and CP13 of the Brighton & Hove City Plan Part One; and DM18, DM20, DM22, DM37, DM42 and DM43 of the Brighton & Hove City Plan Part Two.

8. Prior to the first occupation of the development hereby permitted, the 2no bee bricks (shown on drawing no.08 B) and 4no swift bricks (shown on drawing no.09 B) shall be installed.

The 2no bee bricks and 4no swift bricks shall thereafter be retained in place.

Reason: To enhance the biodiversity of the site and to comply with policies CP10 of the Brighton & Hove City Plan Part One, DM37 of the Brighton & Hove City Plan Part Two, and Supplementary Planning Document SPD11: Nature Conservation and Development.

9. No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:
 - a) The phases of the Proposed Development including the forecasted completion dates;
 - b) A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme);
 - c) A scheme of how the contractors will minimise disturbance to neighbours regarding issues such as noise and dust management, vibration, site traffic, and deliveries to and from the site;
 - d) Details of hours of construction including all associated vehicular movements;
 - e) Details of the construction compound;
 - f) A plan showing construction traffic routes;
 - g) A scheme of how contractors will follow best practice guidance with regards to environmental contamination;
 - h) Details of how hazardous substances will be stored on/within the site; and

- i) Details of how vehicles/plant machinery will be refuelled on/within the site; The construction shall be carried out in accordance with the approved CEMP.
Reason: As this matter is fundamental to the protection of amenity, ground water, highway safety and managing waste throughout development works and to comply with policies CP8, CP9 and CP13 of the Brighton & Hove City Plan Part One, DM20, DM33, DM35, DM40, DM42 and DM43 of the Brighton & Hove City Plan Part Two, and WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 and Supplementary Planning Document 03: Construction and Demolition Waste.
10. If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority), shall be carried out until a method statement identifying and assessing the risk and proposing remediation measures, together with a programme for such works, shall be submitted to the Local Planning Authority for approval in writing. The remediation measures shall be carried out as approved and in accordance with the approved programme.
Reason: To safeguard the health of future residents or occupiers of the site and to comply with policy DM41 of the Brighton & Hove City Plan Part Two.
11. The residential development hereby approved shall not be operational until it has achieved as a minimum, an Energy Performance Certificate (EPC) rating 'B'.
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.
12. The residential development hereby approved shall not be occupied until it has achieved a water efficiency standard of a minimum 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 energy and water and to comply with policies SA6 and CP8 of the Brighton & Hove City Plan Part One.
13. 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 policy DM33 of the Brighton & Hove City Plan Part Two and SPD14.
14. The development hereby permitted shall not be occupied until the new crossover and access has been constructed.
Reason: In the interests of highway safety and to comply with policies CP13 of the Brighton & Hove City Plan Part One and DM33 of the Brighton & Hove City Plan Part Two.

15. The development hereby permitted shall not be occupied until the refuse and recycling storage facilities shown on the approved plans have been fully implemented and made available for use.

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 recycling and to comply with policies CP8 of the Brighton & Hove City Plan Part One, DM20 of the Brighton & Hove City Plan Part Two, and WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant should be aware that whilst the requisite planning permission may be granted, this does not preclude the Council from carrying out an investigation under the Environmental Protection Act 1990, should any complaints be received.
3. 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: www.hse.gov.uk/asbestos
4. The applicant should be aware that the site may be 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>
5. 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.
6. 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.
7. The applicant is advised under Part S of the Building Regulations that new dwellings providing a parking space now require an EV charging point.

8. The applicant is advised to contact permit.admin@brighton-hove.gov.uk if they wish to suspend parking outside the application site during the delivery and construction period.
9. 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 to be constructed under licence from the Head of Asset and Network Management. The applicant is advised to contact the Council's Streetworks Team (permit.admin@brighton-hove.gov.uk 01273 290729) for necessary highway approval from the Highway Authority prior to any works commencing on the adopted highway to satisfy the requirements of the condition.
10. 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, Yeoman Road, Worthing, West Sussex, BN13 3NX (tel 0330 303 0119), or www.southernwater.co.uk.
11. The applicant is advised that following the simplified assessment method under Part O of the 2022 Building Regulations is unlikely to achieve the required standard unless it is a single dwelling. In addition, single façade flats, dwellings adjacent to noise and pollutants are unlikely to achieve the required standard of Part O.
12. The applicant is advised that assessment under the CIBSE TM59 Thermal Model option should be submitted as part of a full Building Regulations application.
13. The new building regulations will come into force for building regulation applications made on or after 15th June 2022. The new requirements will not apply to applications made prior to June 15th, providing building work have commenced before 15th June 2023 on all aspects of the application. This gives 1 year's grace to allow commencement.

2. SITE LOCATION

- 2.1. The application site is a plot of land on the eastern side of Goldstone Lane currently occupied by a detached bungalow. The bungalow shares the streetscene with three pairs of three-storey semidetached dwellings to the south,

while to the north (on the corner of Old Shoreham Road) there is a single mixed use dwelling/health centre, featuring a contemporary flat roof design.

- 2.2. The site is west of the Goldstone Retail Park and just south of Old Shoreham Road and the locally listed Hove Park, within Controlled Parking Zone (CPZ) T and a ground water source protection zone.
- 2.3. The site backs onto residential properties fronting Fonthill Road, that sit on higher ground. The retaining wall at the rear of the application site is approximately 3.0m tall.

3. RELEVANT HISTORY

- 3.1. **PRE2023/00084** Pre-application advice was given in June 2023 for a scheme to demolish the existing bungalow and erect a total of five dwellings on the land: one four-bedroom house, one two-bedroom maisonette and three one-bedrooms flats.
- 3.2. A summary of the advice given was that the principle of demolition of the bungalow and erection of a building up to three storeys in height is considered to be acceptable; however, it was not considered that the plot of land could comfortably accommodate more than two dwellings.
- 3.3. **BH2022/03677** Demolition of existing dwellinghouse (C3) and erection of 3no. three-storey terraced dwellinghouses (C3), each with parking space and vehicle crossover. Associated landscaping, bin and cycle storage. Refused for one reason:
 - “1. *The proposed development is considered to be an overdevelopment of the plot, evidenced by the high proportion of plot coverage, protrusion forwards of the established building line and the cramped nature of the proposed accommodation. The dwellings fail to meet the Nationally Described Space Standards and would fail to provide acceptable sunlight, daylight and outlook for future occupiers. The proposed outdoor amenity space would not be appropriate in quality or size, with Plots 1 and 2 in particular suffering from excessive enclosure by the retaining wall at the rear of the site. As a result of the site layout, the proposed dwellings would therefore fail to achieve a high standard of design and would fail to provide an acceptable standard of accommodation, contrary to Policy CP12 of the City Plan Part One and Policies DM1, DM18 and DM20 of the Brighton and Hove City Plan Part Two.*”
- 3.4. **BH2007/03314** Demolition of existing dwelling and erection of 3 houses with car parking spaces (resubmission of application BH2007/02298). Refused for two reasons:
 - “1. *Notwithstanding inaccuracies on the submitted plans, the proposed development, by reason of its design, size, bulk, scale, footprint and elevated position, would fail to respect the context of its setting and would be out of keeping within surrounding development, representing an incongruous feature that is detrimental to the surrounding area.*”

Furthermore, the proposed development is considered to be a cramped form of development representing an overdevelopment of the site. The proposal is therefore contrary to policies QD1, QD2, QD3, QD5, HO3 and HO4 of the Brighton and Hove Local Plan.

2. *The proposed development would by reason of its height, footprint and site coverage lead to a significant overbearing effect and increased sense of enclosure to neighbouring properties to the detriment of the living conditions of adjoining occupiers. The proposal would therefore be contrary to planning policies QD1, QD2 and QD27 of the Brighton and Hove Local Plan.*

3.5. **BH2007/02298** Demolition of existing dwelling and erection of four 3 storey houses with integral garages. Refused for five reasons:

- “1. *The proposed development, by reason of its design, size, bulk, scale, footprint and elevated position, would fail to respect the context of its setting and would be out of keeping within surrounding development, representing an incongruous feature that is detrimental to the surrounding area. Furthermore, the proposed development is considered to be a cramped form of development representing an overdevelopment of the site. The proposal is therefore contrary to policies QD1, QD2, QD3, QD5, HO3 and HO4 of the Brighton and Hove Local Plan.*
2. *The proposed development would by reason of its height, footprint and site coverage lead to a significant overbearing effect and increased sense of enclosure to neighbouring properties to the detriment of the living conditions of adjoining occupiers. The proposal would therefore be contrary to planning policies QD1, QD2 and QD27 of the Brighton and Hove Local Plan.*
3. *The proposed development would by reason of height, scale, layout, and fenestration detail lead to increased overlooking and consequential loss of privacy to the occupiers of existing adjoining properties to the detriment of neighbouring residential amenity. The proposal would therefore be contrary to planning policies QD1, QD2 and QD27 of the Brighton and Hove Local Plan.*
4. *Policy HO13 of the Brighton and Hove Local Plan requires new residential dwellings to be built to a lifetime homes standard whereby the accommodation can be adapted to meet the needs of people with disabilities without major structural alterations. Insufficient information has been submitted with the application to demonstrate how the requirements of policy HO13 have been met throughout the proposed development.*
5. *Policy SU13 of the Brighton and Hove Local Plan and Supplementary Planning Document 03 Construction and Demolition Waste requires the submission of a Waste Minimisation Statement with the application. This should demonstrate how the elements of sustainable waste management, including demolition and re-use of waste has been incorporated into the scheme. The Waste Minimisation Statement accompanying the application is not considered sufficiently detailed and fails to demonstrate how the elements of sustainable waste management have been incorporated into the scheme, in compliance with policy SU13 and SPD03.”*

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for the demolition of the existing bungalow and the erection of two three-storey, four bedroom detached dwellings. The top floors would sit within crown roofs and include front-facing terraces. Each dwelling would benefit from one off-street vehicle parking space, and the site would be enhanced with hard and soft landscaping.
- 4.2. The scheme has been amended slightly during its lifetime in response to concerns raised by the Local Planning Authority's Urban Design Officer.

5. REPRESENTATIONS

- 5.1. Six (6) representations have been received, objecting to the proposal on the following grounds:
 - Too close to the rear boundary.
 - Loss of privacy, and overshadowing to gardens to the rear.
 - Loss of a view.
 - Proposed fencing might fall down in strong winds.
 - Dwellinghouses would be very dark.
 - Loss of privacy for one another.
 - Loss of on-street parking on Goldstone Lane.
 - Traffic restrictions due to proximity with Old Shoreham Road.
 - Disruption during the delivery and construction phases.
 - Additional traffic.
 - Overdevelopment of the area.
 - No need for more housing.
 - The net gain of a single dwelling will only benefit the developer.
 - Detrimental impact on property value
 - Inadequate consultation with local residents
- 5.2. Two (2) representations have been received, supporting the proposal on the following grounds:
 - The design is in keeping with the local streetscene.
 - The existing bungalow is outdated.
 - The development would have an acceptable impact on neighbouring amenity.

6. CONSULTATIONS

- 6.1. Brighton and Hove Archaeological Society (Comment)
The Brighton and Hove Archaeological Society are unaware of any archaeological deposits that are likely to be affected by this development. However recent excavations along the Sackville Road development have revealed an Iron Age enclosure. It is possible that prehistoric remain may be located a little to the east of this site.

- 6.2. **Southern Water No Objection, subject to conditions**
- Foundation to be designed as shallow as practicably possible. Piling is prohibited.
 - Any hazardous substances required on site to be stored in a bunded and impermeable area to ensure no accidental spills to ground.
 - Contractor to use spill trays when re-fuelling plant and/or vehicles at all times.
 - Contractor to follow best practice guidance with regards to environmental contamination.
- 6.3. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.
- 6.4. **Transport No Objection, subject to conditions**
Supplementary Planning Document 14: Parking Standards sets a maximum of one car parking space per 3-4+ bedroom dwelling. The applicant is proposing two car parking spaces on site; this is acceptable.
- 6.5. However, the applicant is proposing an extensive area of hardstanding which potentially could raise a risk of flooding. The details submitted are not enough to understand how the outfall disposal will be managed. Surface water drainage details should be submitted (with ground levels and slopes). Alternatively, to reduce the risk of flooding the hard surface shall be made of porous materials.
- 6.6. The applicant will also be required to apply for a permission and license for the access/crossover from the Brighton & Hove City Council crossover team. This is a separate process and therefore permission is not guaranteed and any costs relating to the amendments will be at the expense of the applicant.
- 6.7. SPD14: Parking Standards requires a minimum of two cycle parking spaces per unit. The applicant is proposing four cycle parking spaces on site (two per dwelling) in secured cycle stores; this is acceptable.
- 6.8. The proposed changes are unlikely to increase the number of trips to the location and generate significant reason to objection. The most recent data on permit uptake in CPZ T shows uptake at 61.1%.
- 6.9. **Urban Design**
The rear windows have been improved in terms of alignment (over the initial submission), and the inclusion of solar panels is welcomed.
- 6.10. The yellow brickwork is an outstanding concern, as it does not appear to relate well to the character of the wider streetscene; further details of this material should be submitted for assessment, at condition stage.
- 6.11. The patterned sections of brickworks do add some visual interest, but the quality of this will require further assessment, at condition stage.

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 Joint Area Action Plan (JAAP) 2019.

8. RELEVANT POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One (CPP1)

SS1	Presumption in Favour of Sustainable Development
SA6	Sustainable Neighbourhoods
CP1	Housing Delivery
CP8	Sustainable Buildings
CP9	Sustainable Transport
CP10	Biodiversity
CP11	Flood Risk
CP12	Urban Design
CP13	Public Streets and Spaces
CP14	Housing Density
CP15	Heritage
CP19	Housing Mix

Brighton & Hove City Plan Part Two (CPP2)

DM1	Housing Quality, Choice and Mix
DM18	High quality design and places
DM19	Maximising Development Potential
DM20	Protection of Amenity
DM21	Extensions and alterations
DM22	Landscape Design and Trees
DM29	The Setting of Heritage Assets
DM33	Safe, Sustainable and Active Travel
DM35	Travel Plans and Transport Assessments
DM36	Parking and Servicing
DM37	Green Infrastructure and Nature Conservation
DM40	Protection of the Environment and Health - Pollution and Nuisance
DM41	Polluted sites, hazardous substances & land stability
DM42	Protecting the Water Environment
DM43	Sustainable Drainage

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the principle of development; the design and appearance of the proposed development; the standard of accommodation that would be offered to future residents; and the potential impacts on the amenities of local residents; on highway safety; and on the significance of heritage assets in the vicinity. A site visit was undertaken during the course of the pre-application advice request in June 2023.

Principle of Development

Creation of Housing

- 9.2. Policy CP1 in the 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 2,328 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 2022 which shows a five-year housing supply shortfall of 7,711 (equivalent to 1.8 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). As such, the provision of one dwelling would make an important, but very minor contribution to the city's housing supply.
- 9.5. It has been asserted in the representations received that there is no local need for housing given the major housing developments taking place (or that have been completed and occupied) around the site. This view is not shared by the Local Planning Authority (LPA). The city as a whole faces a significant housing shortage and the creation of two family-suitable dwellinghouses is given significant weight as a material planning consideration.

Plot Density

- 9.6. A survey of plot and building sizes of the closest properties on Goldstone Lane and Fonthill Road (twenty-one plots including the application site) has been undertaken. This demonstrates that the average plot size is 183m² and that on

average, each property occupies 37% of the plot. The application site is significantly above average in terms of plot size (approximately 327m²) and is therefore suitable for subdivision into two suitably sized plots (158m² and 168m²). The proposed dwellings would occupy 41.5% and 39.6% of their respective plots, which is just 4.5% above the average. This being the case, it is considered that the proposed density of development would not be overdevelopment but would be in keeping with the character of the local area and that the site is able to accommodate two dwellings.

Design and Appearance

- 9.7. The proposed development is considered to be acceptable in terms of appearance. With regard to scale and massing, both dwellings would sit comfortably between the adjacent properties at nos.59 and 67 Goldstone Lane. The maximum height is comparable with that of the existing bungalow, and the rhythm of the streetscene would be enhanced as a result of the development as the existing bungalow is something of an anomaly on what is an uncharacteristically wide plot. The increased intensity of development would result in an improved visual connection between the dwellings either side of the application site.
- 9.8. It is acknowledged that that the pair of dwellings would protrude forward of the established building line on Goldstone Lane but the protruding elements would be single storey in height so akin to porches, with the main body of each house sitting within the established building line. The relationship with the streetscene would be similar to that of the existing bungalow, as neither features an open frontage due to the proximity to the public highway.
- 9.9. In terms of external materials, the dwellings would primarily be finished in buff yellow brick. The LPA's Urban Design Officer has raised concern about the potential appearance of the development if an unsuitable brick type is specified. It is considered that buff brick could be acceptable in principle (there is one other example of buff brick just south of the site) but further details will be required by condition. The large facades of blank brickwork have been enlivened with raised (burglar) brick bonding in a contrasting dark brown colour. Other materials include dark grey slate tiles and light grey aluminium window frames, which are considered to be acceptable in principle.
- 9.10. The proposed vehicle access would be comparable in appearance to other examples along Goldstone Lane; there are no concerns in this regard.

Impact on Amenities

- 9.11. The potential impacts of the development on the amenities of local residents have been raised as a concern in the representations received, including overshadowing/loss of sunlight, and loss of privacy. These issues shall be addressed in turn.
- 9.12. In terms of the loss of light from the shadows cast by the dwellings, it should be reiterated that the proposed development does not have a greater maximum height than the existing bungalow. However, it is acknowledged that the development increases the built form at the northern end of the site and so would

result in some loss of light to the adjacent property, no.67 Goldstone Lane. However, given the lack of windows and outside amenity space for this property on its south side, it is not anticipated that any significant harm would be caused in this regard.

- 9.13. The development would also cause some shadowing across the rear gardens of properties fronting Fonthill Road. Due to the orientation of the buildings, any loss of light would be restricted to the late afternoon/early evening light and would primarily impact on the west ends of the gardens. Given the differences in land level between properties on Goldstone Lane and Fonthill Road, it is not considered that this overshadowing would be significantly detrimental to the amenities of local residents.
- 9.14. It should also be noted that the previous application on this site (BH2022/03677) was for a larger development that would have an increased impact on the amenities of local residents than the current proposal and was found to be acceptable in this regard.
- 9.15. With regard to the privacy of local residents, the development is considered unlikely to have a significant impact. Front-facing windows (and the terraces at rooftop level) would provide views only across the public highway and the retail park. The dwellings do not include any side-facing windows. The rear-facing windows are limited to the ground and first floor levels and would be no higher than the existing 4.95m high retaining wall on the eastern boundary and therefore no harmful views into the rear gardens of Fonthill Road properties would be created. Views from the first floor windows to the Fonthill Road dwellings themselves may be possible, given the rise in topography, but given the separation distance it is not considered that this would cause any significant harm to privacy. The properties would have a similar relationship to the properties immediately south along Goldstone Lane and Fonthill Road.
- 9.16. It is considered necessary for permission to be granted only subject to a condition removing permitted development rights that might allow for new window openings to be created in the future. It is considered that rooftop-level openings facing east, and north side elevation windows on the northern property could cause harm to the amenities of local residents by reducing their privacy.
- 9.17. The potential impact caused by the building work itself is not reasonable grounds to refuse planning permission. Although some level of disruption is likely, this would be in the short-term only and is not reason to withhold planning permission. Impacts from dust and noise can be mitigated through a Construction Environment Management Plan (CEMP), to be secured by condition, which will also manage the impacts on the smooth running of the public highway and the risk of land contamination. The council will retain the authority to investigate under the Environmental Protection Act 1990, should any complaints of nuisance be received.

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. These standards have been formally adopted into policy DM1 of the CPP2 and can now be given full weight.

- 9.19. Both new residential units would provide a gross internal area (GIA) of approximately 135m². This GIA is measured in conjunction with a qualitative assessment of the usability of the total space in terms of layout and circulation, and the provision of natural light and outlook to determine if a good standard of accommodation would be enjoyed by future residents.
- 9.20. Both dwellings are laid out as four bedroom, seven bed space units over three floors. The NDSS requires such a unit to have a GIA of at least 121m², which the development comfortably exceeds. The habitable rooms are all well laid out and have acceptable outlook.
- 9.21. Concerns have been raised that the dwellings would not receive acceptable natural light. It is acknowledged that the ground floor levels are not anticipated to receive high levels of direct sunlight due to the topography of the site (including 4.95m high rear retaining boundary walls) and the presence of the flank of no.57 Goldstone Lane directly to the south. However, the lounges are dual aspect and the level of light received is considered to be acceptable. Rooms on the first and second floors are considered to receive better levels of light than the ground floor level.
- 9.22. Concerns have also been raised that occupants of the two dwellings would suffer from a lack of privacy from one another. The landscaping condition will include the requirement to submit details of boundary treatments, which will ensure that the private amenity space for each dwelling is suitably separate, which is considered sufficient to overcome potential conflicts in this regard.
- 9.23. Both dwellings shall be subject to a condition requiring that they be built in accordance with the Building Regulations Requirement M4(2) in the interest of accessibility. A further condition shall be included requiring compliance with the approved floor plans; the LPA would wish to manage the layouts of these buildings to ensure that neither building becomes over-occupied to the detriment of the standard of accommodation.

Impact on the Public Highway

- 9.24. The proposed development represents a net gain of a single dwelling, and it is considered that the additional impact on the highway from the increased trips to and from the site would not be significant; this view is shared by the Local Highway Authority (LHA).
- 9.25. The creation of a vehicle crossover would result in the loss of on-street parking spaces; the LHA has not objected to the scheme in this regard. The most recent figure for residential permit update in CPZ T is 61.1%, indicating that the any displaced vehicles that would otherwise park on this section of the carriageway could be absorbed elsewhere within the CPZ.

- 9.26. The proposed development includes one vehicle parking space and two cycle parking spaces per dwelling; this is in accordance with SPD14: Parking Standards. A condition shall be included with any permission granted requiring the installation of the cycle parking in the interest of encouraging travel by sustainable means.
- 9.27. The height of the front boundary wall (approximately 0.9m) may cause highway safety concerns. Whilst the width of the crossover may mitigate some of the potential risk, it is considered necessary for further details of the wall to be secured as part of a landscaping condition to ensure safety. A condition shall also be included with any permission granted requiring the construction of the crossover prior to first occupation of the dwelling, in the interest of highway safety.

Other Matters

- 9.28. The Council has adopted the practice of securing minor design alterations to schemes with the aim of encouraging the biodiversity of a site, particularly with regards to protected species such as bumblebees and swifts. Suitably worded conditions would secure an appropriate number of bee bricks and swift bricks within the proposal, along with a landscaping scheme to ensure that suitable soft landscaping is provided across the site that can contribute to the biodiversity of the area.
- 9.29. Drainage details would be required within this condition to ensure that surface water runoff is contained within the site, given its elevated position above Goldstone Lane, and location within a groundwater source protection zone.
- 9.30. Conditions are also proposed to ensure an Energy Performance Certificate (EPC) rating 'B', as required by Policy DM44, and a water efficiency standard of a minimum of not more than 110 litres per person per day maximum indoor water consumption. Solar panel arrays and air source heat pumps on both dwellings will reduce the carbon emissions of the development; this is welcomed. The provision of electric vehicle charging points on both dwellings will also be required under Building Regulations.
- 9.31. The proposed development is approximately thirty metres south of the boundary of the locally listed Hove Park. As a residential development separated from the park by Old Shoreham Road, it is considered that the development would have a neutral impact on the historic significance of this non-designated heritage asset.
- 9.32. Concerns have been raised that the proposed development would have a detrimental impact on property value; the rear boundary fence might blow down in inclement weather; that the development is just for the benefit of the developer; and that the development would result in the loss of a view, but these are not material planning considerations.
- 9.33. It has been suggested that inadequate public consultation has taken place as part of the planning application process. The LPA has advertised the scheme in compliance with its scheme of community involvement: letters have been posted

to properties that share a boundary with the application site, and the application has been advertised on the Council's website.

Conclusion

- 9.34. The proposed development would replace a single dwelling with two family-suitable properties, which can be given significant weight as a material planning consideration given the Council's lack of a five year housing land supply. The dwellings are considered to be of good quality and the development is anticipated to have an acceptable impact on the amenities of local residents and highway safety. Planning conditions shall be included in the interest of residential and visual amenity, accessibility, biodiversity, environmental impacts, sustainability, and highway safety.

10. EQUALITIES

- 10.1. Both dwellings shall be subject to a condition requiring that they be built in accordance with the Building Regulations Requirement M4(2) in the interest of equal accessibility.

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 23rd July 2020 and began charging on all CIL liable planning applications on and from the 5th October 2020. The exact amount will be confirmed in the CIL liability notice which will be issued as soon as is practicable after the issuing of planning permission.

