

<u>No:</u>	BH2023/02789	<u>Ward:</u>	Westdene & Hove Park Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	10 Meadow Close Hove BN3 6QQ		
<u>Proposal:</u>	Demolition of the existing dwellinghouse (C3) and erection of a replacement two-storey dwellinghouse (C3) with parking provision, refuse storage and soft landscaping. (Amended Plans)		
<u>Officer:</u>	Jack Summers, tel: 296744	<u>Valid Date:</u>	17.10.2023
<u>Con Area:</u>	N/a	<u>Expiry Date:</u>	12.12.2023
<u>Listed Building Grade:</u>	N/a	<u>EOT:</u>	13.03.2024
<u>Agent:</u>	Wilbury Planning Ltd Flat 5 61 - 63 Wilbury Road Hove BN3 3PB		
<u>Applicant:</u>	Ruth Byrne C/o Wilbury Planning Ltd Flat 5 61 - 63 Wilbury Road Hove BN3 3PB		

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 and block plan	519-000	-	2 November 2023
Proposed Drawing	519-100	G	5 February 2024
Proposed Drawing	519-101	F	5 February 2024
Proposed Drawing	519-102	F	5 February 2024
Proposed Drawing	519-103	D	5 February 2024
Proposed Drawing	519-201	F	5 February 2024
Proposed Drawing	519-202	E	5 February 2024
Proposed Drawing	519-203	D	5 February 2024
Proposed Drawing	519-204	C	5 February 2024
Proposed Drawing	519-301	B	5 February 2024
Arboricultural Impact Assessment and Method Statement	3170 AIA AMS Meadow Close	1	5 February 2024
Ecological Impact Assessment	LD2926-ECO-REP-002-00-EcIA	01	15 September 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. 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.
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. Access to areas of flat roof, including the biodiverse green roof upon the dwelling hereby approved shall be for maintenance or emergency purposes only and said areas shall not be used as a terrace, patio or similar amenity area.
Reason: In order to protect adjoining properties from overlooking and noise disturbance and to comply with policy DM20 of the Brighton & Hove City Plan Part Two.
5. No extension, enlargement, alteration of the dwellinghouse or provision of buildings etc. incidental to the enjoyment of the dwellinghouse within the curtilage of the dwellinghouse as provided for within Schedule 2, Part 1, Classes A - F 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.
6. The development hereby permitted shall not be occupied until the dwelling hereby permitted has 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.
The 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.
7. Prior to the occupation of the dwellinghouse hereby permitted, and notwithstanding the approved drawings, a scheme for 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 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;
- 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;

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.

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 and CP12 of the Brighton & Hove City Plan Part One; and DM1, DM18, DM20, DM22, DM37 and DM43 of the Brighton & Hove City Plan Part Two.

8. The development hereby permitted shall not be commenced (including demolition and all preparatory work) until the protection measures identified in section 4 of the approved Arboricultural Impact Assessment and Method Statement (by St Aubyn Tree Consultancy received on the 5th February 2024) are in place. 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 and around the site during construction works in the interest of the visual amenities of the area and to comply with policies CP10 and CP12 of the Brighton & Hove City Plan Part One, DM22 and DM37 of the Brighton & Hove City Plan Part Two; and SPD06: Trees and Development Sites.

9. The ecological mitigation and compensation measures set out in sections 5 and 6 of the approved Ecological Impact Assessment (Lizard Landscape Design and Ecology, received on 15th September 2023) shall be implemented in full prior to the occupation of the development hereby approved, and maintained as such thereafter.

Reason: To ensure that the measures considered necessary as part of the ecological impact assessment are carried out as specified, to provide a net gain for biodiversity as required by paragraphs 180 and 186 of the National Planning Policy Framework and Section 40 of the Natural Environment and Rural Communities Act 2006, and to comply with policies CP10 of the Brighton & Hove City Plan Part One and DM37 of Brighton & Hove City Plan Part Two.

10. No development shall take place until an Ecological Design Strategy (EDS) addressing biodiversity compensation and enhancement measures, to include

those recommended in the approved Ecological Impact Assessment (Lizard Landscape Design and Ecology, received on 15th September 2023), the design of the biodiverse green roof, and a minimum of three swift nesting cavities and one bee brick, has been submitted to and approved in writing by the local planning authority.

The EDS shall include the following:

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

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

Reason: To ensure that the measures considered necessary to compensate for the loss of habitats and enhance the site to provide a net gain for biodiversity as required by Section 40 of the Natural Environment and Rural Communities Act 2006, paragraphs 180 and 186 of the NPPF, and to comply with policies CP10 of the Brighton & Hove City Plan Part One and DM37 of Brighton & Hove City Plan Part Two.

11. Other than demolition works, the development hereby permitted shall not be commenced 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 development shall subsequently be implemented in accordance with the approved details.

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 the Brighton & Hove City Plan Part Two.

12. Other than demolition works, the development hereby permitted shall not be commenced until a foul water drainage strategy, including details of existing and proposed methods of foul water management, has been submitted to and approved in writing by the Local Planning Authority.

The development shall subsequently be implemented in accordance with the approved details.

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 foul water

disposal and to comply with policies DM42 and DM43 of the Brighton & Hove City Plan Part Two.

13. Piling or other foundation designs using penetrative methods shall not be carried out other than with the written consent of the local planning authority.
The development shall be carried out in accordance with the approved details.
Reason: To ensure that the proposed development does not harm groundwater resources in line with paragraph 174 of the National Planning Policy Framework (NPPF) and Position Statement N6 of the 'The Environment Agency's approach to groundwater protection', and to comply with policy DM42 of the Brighton & Hove City Plan Part Two.
14. No development shall take place until a Contamination Risk Management Plan (CRMP) has been submitted to and approved in writing by the Local Planning Authority.
The CRMP shall include:
 - a) A scheme for the storage of hazardous substances required on site during the delivery and construction period;
 - b) A scheme for the refuelling of plant machinery and vehicles on site during the delivery and construction period;
 - c) Confirmation that the contractor(s) will carry out the development in accordance with best practice guidance with regards to environmental contamination.The construction shall be carried out in accordance with the approved CRMP.
Reason: As this matter is fundamental to the protection of groundwater from the risks of contamination associated with the development, and to comply with policies DM40 and DM42 of the Brighton & Hove City Plan Part Two.
15. Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises shall not exceed the existing LA90 background noise level. The Rating Level and existing background noise levels are to be determined as per the guidance provided in BS4142:2014-A1:2019 (or the relevant updated Standard). In addition, there should be no significant low frequency tones present.
Reason: To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies DM20 and DM40 of the Brighton & Hove City Plan Part Two.
16. The development hereby approved should achieve 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.
17. The 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 water and to comply with policies SA6 and CP8 of the Brighton & Hove City Plan Part One.

18. Notwithstanding the proposal hereby permitted, prior to the first occupation of the development hereby permitted, details of secure cycle parking facilities for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority.

The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy DM33 of the Brighton & Hove City Plan Part Two and SPD14.

19. The development hereby permitted shall not be occupied until a dropped kerb has been created in front of the proposed driveway linking the dwellinghouse with the carriageway of Meadow Close, as shown on the Proposed Site Plan 519-100-G.

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.

20. 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. 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.
3. The applicant is advised that under Part 1 of the Wildlife and Countryside Act 1981 disturbance to nesting wild birds, their nests and eggs is a criminal offence. The nesting season is normally taken as being from 1st March - 30th September so trees and scrub on the site should be assumed to contain nesting birds between these dates, unless a recent survey has been undertaken by a

competent ecologist to show that it is absolutely certain that nesting birds are not present. The developer should take appropriate steps to ensure nesting birds, their nests and eggs are not disturbed and are protected until such time as they have left the nest. Planning permission for a development does not provide a defence against prosecution under this Act.

4. The applicant is reminded that all species of bats are fully protected under the Wildlife and Countryside Act 1981, as amended, and The Conservation of Habitats and Species Regulations 2017, as amended, making them European Protected Species. Under the Regulations, it is an offence to: deliberately kill, injure, disturb or capture bats; damage or destroy their breeding sites and resting places (even when bats are not present); or possess, control or transport them (alive or dead). Under the Act, it is an offence to intentionally or recklessly: disturb bats while they occupy a structure or place used for shelter or protection; or obstruct access to a place of shelter or protection. Planning consent for a development does not provide a defence against persecution under these Regulations or this Act.
5. The applicant is advised to refer to the information in Supplementary Planning Document 11: Biodiversity and Nature Conservation on how best to achieve a biodiverse roof. Habitat design and species mix should be selected to support diverse habitats of local relevance, such as chalk grassland species, rather than sedum monocultures which have immediate aesthetic appeal but limited value to biodiversity. The use of native species of local provenance is encouraged. Thin substrate sedum systems do not maximize the biodiversity potential of green roofs and would not merit Good condition within the Defra Biodiversity Metric. Brown roofs, landscaped with exposed substrates and a varied topography, supporting nectar and pollen rich flowering plants, are also a good alternative and can provide new habitat for invertebrates and other wildlife species such as birds.
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 hard surfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens'.
8. 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.

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: www.hse.gov.uk/asbestos
10. 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>
11. 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.
12. 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.
13. In order to be in line with Policy DM33 (Safe, Sustainable and Active Travel) cycle parking must be secure, convenient (including not being blocked in a garage for cars and not being at the far end of a rear garden), accessible, well lit, well signed, near the main entrance, by a footpath/hardstanding/driveway and wherever practical, sheltered. It should also be noted that the Highway Authority would not approve vertical hanging racks as they are difficult for many people to use and therefore not considered to be policy and Equality Act 2010 compliant. Also, the Highway Authority approves of the use of covered, illuminated, secure 'Sheffield' type stands spaced in line with the guidance contained within the Manual for Streets section 8.2.22 or will consider other proprietary forms of covered, illuminated, secure cycle storage including the Police approved Secure By Design cycle stores, "bunkers" and two-tier systems where appropriate.
14. The applicant is advised under Part S of the Building Regulations that new dwellings providing a parking space now require an EV charging point.
15. 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.

16. 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.
17. 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.
18. The applicant is advised that assessment under the CIBSE TM59 Thermal Model option should be submitted as part of a full Building Regulations application.

2. SITE LOCATION

- 2.1. The application site contains a single storey detached dwellinghouse at the eastern end of the Meadow Close cul-de-sac. The building is flanked by no.9, a dormer bungalow set far back in its plot, and no.11, a larger two-storey dwelling. The rear of the site abuts the southwestern boundary of the Tongdean Conservation Area. The site is within a groundwater source protection zone.
- 2.2. At the time of the site visit the land had been cleared of vegetation and the dwelling was unoccupied. The site has been physically subdivided from a collection of land parcels known as the 'Land Adjoining 11 Meadow Close' and '36 Tongdean Avenue' by close-boarded timber fencing. This land falls outside the application site and does not form part of the proposed development.

3. RELEVANT HISTORY

- 3.1. **M/2454/53** Detached semi-bungalow. Approved

4. RELEVANT HISTORY AT OTHER SITES

- 4.1. **BH2023/02742 - no.17B Meadow Close** Demolition of existing dwellinghouse (C3) and erection of a new detached two-storey plus lower ground-floor dwellinghouse (C3), with associated landscaping and access. Under Consideration

- 4.2. **BH2018/03707 - no.3 Meadow Close** Demolition of existing three bedroom bungalow (C3) and erection of 4 bedroom two storey dwelling (C3). Approved
- 4.3. **BH2018/02359 - no.3 Meadow Close** Demolition of existing three bedroom bungalow (C3) and erection of 4 bedroom two storey dwelling (C3). Refused - Appeal Allowed
- 4.4. **BH2017/01594 - no.17B Meadow Close** Demolition of existing bungalow and erection of a two storey three bedroom house (C3). Approved
- 4.5. **BH2017/00767 - no.7 Meadow Close** Erection of additional storey with associated alterations and single storey rear extension. Approved

5. APPLICATION DESCRIPTION

- 5.1. Planning permission is sought to demolish the existing bungalow and erect a two storey five bedroom detached dwellinghouse, with associated landscaping.
- 5.2. The main section of the dwelling is two storeys and features a crown roof-form. There is a centrally spaced main entrance under a porch on the front elevation, and a feature gable to either side. There is a single-storey wing to the side/rear of the building running along the shared boundary with no.9, that features a biodiverse green roof. The dwelling is placed closer to the front of the site, behind a front garden and driveway, with a larger rear garden taking up the rest of the land.
- 5.3. The design of the dwelling has been amended during the lifetime of the application due to concerns for the amenity of residents of no.9, overdevelopment of the plot, and an inadequate provision of soft landscaping. The height and length of the rear (northern) wing has been reduced, and the front hardstanding has been partially replaced with a landscaped garden. The site boundary adjacent to no.9 has also been corrected in response to concerns raised through the public consultation.

6. REPRESENTATIONS

- 6.1. **Six (6)** representations have been received, **objecting** to the proposal on the following grounds:
- Overdevelopment
 - Too close to, and too tall in relation to the boundary with no.9
 - Detrimental impact on amenity due to loss of light/overshadowing from single storey rear wing.
 - Could set a harmful precedent.
 - Unsuitable subdivision of land to create driveway access to adjacent plot.
 - Detrimental impact on property value
 - Inaccuracies in the site boundary
 - Inaccuracies in the 3D imagery

- 6.2. **Four (4)** representations have been received, **supporting** the proposal on the following grounds:
- Replacement of the poorly maintained dwelling with a new well-designed family dwelling
 - Traditional design
 - Generous plot
 - Positive addition to the streetscene

7. CONSULTATIONS

7.1. **Arboriculture:** No objection subject to condition.

The proposed mitigation in the form of landscaping is considered to be insufficient to offset the loss to biodiversity that has occurred; a robust landscaping scheme should be secured by condition that shows planting more significant than is shown on the proposed site plan.

- 7.2. The tree protection measures for off-site trees are acceptable and should be secured by condition.

7.3. **Ecology:** No objection subject to conditions.

The information provided is satisfactory and enables the Local Planning Authority to determine that whilst the proposed development is likely to have an impact on biodiversity, those impacts can be mitigated through the application of planning conditions requiring development in compliance with the details with the Ecological Impact Assessment; and requiring the submission and approval of an Ecological Design Strategy.

7.4. **Heritage:** No objection.

The proposed development is anticipated to have a neutral impact on the Tongdean Conservation Area.

7.5. **Policy:** No Comment

7.6. **Southern Water:** No objection subject to conditions/informative.

- 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.

- 7.7. Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

7.8. **Sustainable Drainage:** No objection subject to condition.

No Objection subject to the submission of the following information, which may be secured through one or more conditions:

- A surface water drainage strategy
- A foul water drainage strategy
- Proof that the foul water connection to be used can accept peak discharge rates
- Evidence that a formal application for foul water discharge has been made to Southern Water

7.9. **Transport:** No objection subject to conditions.

No Objection subject to conditions securing the new vehicle crossover, boundary treatments, a car park layout plan, and surface water drainage details.

8. MATERIAL CONSIDERATIONS

8.1. 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.

8.2. 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.

9. RELEVANT POLICIES & GUIDANCE

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
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
DM42 Protecting the Water Environment
DM43 Sustainable Drainage
DM44 Energy Efficiency and Renewables

East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan (WMP)

WMP3 Implementing the Waste Hierarchy

Supplementary Planning Documents

SPD03 Construction & Demolition Waste
SPD06 Trees & Development Sites
SPD11 Nature Conservation & Development
SPD14 Parking Standards
SPD16 Sustainable Drainage
SPD17 Urban Design Framework

Conservation Area Character Statements

Tongdean (2008)

10. CONSIDERATIONS & ASSESSMENT

10.1. The main considerations in the determination of this application relate to the principle of development; the design and appearance of the proposed development; the potential impacts on the amenities of local residents; the standard of accommodation that would be offered to future residents on highway safety/capacity and biodiversity.

10.2. A visit was undertaken in November 2023 to the application site itself and the garden of the adjacent property, no.9.

Principle of Development

10.3. The proposed development to replace the existing dwelling with a larger dwelling is considered to be acceptable in principle.

10.4. The physical subdivision of the land with close-board timber fencing has reduced the usable area of the site; however, it still remains large and has a negligible impact on urban density or the character of the area; there are no concerns in this regard.

Design and Appearance

- 10.5. The proposed dwellinghouse would be a substantial enlargement in scale over the existing bungalow; however, it would still be comparable to other dwellings in the streetscene and is considered to be appropriate. The proposed streetscene elevation demonstrates that the overall height and scale of the dwelling would be comparable to both adjacent dwellings. The proposed dwelling makes use of traditional design features such as gable ends, a chimney, and a pitched roof form. Such features are in keeping with the character of the wider area. Permissions have been granted historically along Meadow Close for the erection of two storey dwellings, or for the conversion of bungalows into two storey dwellings, at nos. 3, 7 and 17B.
- 10.6. The single storey rear wing of the building follows the shared boundary with no.9 Meadow Close; the design has been limited in depth to approximately 12m (from the rear of the main body of the dwelling) so that it appears as a more subservient addition to the dwelling and not an overdevelopment of the land. It would be roofed with a biodiverse green roof that could contribute to the biodiversity of the site and would appear more attractive than a grey GRP (or similar) material; this is considered to be important as it would be highly visible from the adjacent property.
- 10.7. At the front of the dwelling would be a hard surfaced driveway and path to the dwelling, and also a landscaped garden; this latter feature was required by the Local Planning Authority and is considered to be important for softening the appearance of the dwelling and achieving a more attractive development within the streetscene. Front gardens contribute positively to the character of the area along the streetscene, and instances where they have been entirely replaced with hardstanding demonstrate why such development is visually unsuitable.
- 10.8. The walls of the dwelling would be finished in a mix of red brickwork, with exposed timber beams, stucco and horizontal timber cladding at first floor level; fenestration is a mix of aluminium and timber framed units; the roof would be finished in clay roof tiles. It is considered that these materials are acceptable in principle, achieving a high quality and traditional design in keeping with the wider streetscene; further details will be secured by condition.
- 10.9. The site backs onto the rear gardens of properties within the Tongdean Conservation Area. The Tongdean Conservation Area Statement (2008) states that: *"The character of the area is that of a well-to-do residential suburb with impressive individual large houses, imposing boundary walls and extensive mature greenery. Its special interest derives from the grouping of individually-designed large houses dating mainly from early 20th century on generous plots, with mature street trees and dense garden and boundary planting."*
- 10.10. It is considered that the development of a dwelling which is of a traditional form and larger scale would preserve the historic significance of the conservation area.

- 10.11. On this basis, the scheme is considered acceptable in design, and in keeping with the appearance of the area, including the heritage features of the adjacent Conservation Area.

Impact on Amenities

- 10.12. The proposed dwelling sits closer to the shared boundary with no.9 and has a greater height than the existing so it is anticipated that the two-storey element would cause some overshadowing of the front/side garden of the neighbouring property. However, given the layout of both plots (taking into account the siting of the garage and driveway on the neighbouring property, and the orientation meaning that most afternoon sunlight would be unaffected) it is not considered that this would lead to significant harm.
- 10.13. Concerns have been raised that the single-storey element of the design, which follows the shared boundary with no.9, would cause harm due to its height and the anticipated loss of sunlight. Spot heights have been taken showing that the ground levels within each curtilage are (approximately) 82.05m above ordnance datum (AOD) in the application site, and between 82.30m AOD and 82.55m AOD in the garden of no.9. The boundary wall height rises from 82.60m AOD to 83.50m AOD. The proposed close board timber fence would have a steady height of 83.50m AOD. The single storey wing has a maximum height of 84.50m AOD, meaning that it would project above the boundary wall and timber fence by 1.00 metre. It is considered that this impact would be less than significant and would not warrant refusal of planning permission.
- 10.14. The plot of no.9 features a rear garden with an area of approximately 450m², and the majority of this would be unaffected by the single-storey element of the proposed development. It is considered that the development would impact upon only a small area of the neighbouring land and is not tall enough to cause significant shadowing. The inclusion of a biodiverse roof will soften and improve the appearance of the development where it would be visible from within the curtilage of no.9.
- 10.15. The proposed dwelling does not include any side-facing windows at first floor level; front and rear-facing windows should not provide any views into neighbouring land therefore the impact on privacy is considered to be acceptable. The guest bedroom window facing onto the garden of no.9 is noted, but views should be prevented by the proposed timber fencing. A condition will be attached restricting access to areas of flat roof for anything other than maintenance or in the event of an emergency. It is considered that access as an amenity space could cause a harmful sense of overlooking for neighbours in adjacent properties.
- 10.16. The proposed development is not anticipated to have any significant detrimental impact on the amenity of residents of no.11 Meadow Close. As abovementioned, there are no side-facing high level windows that might provide harmful views. In addition, the development is directly north of no.11, removing the risk of overshadowing. The development is also separated from the boundary of no.11 by the new access down the south side of the site, meaning the building would not be proximal to any windows or sensitive locations. The amenity space of

no.11 is located behind a large garage and rear extension, meaning the new dwelling would be unlikely to be highly visible from within the site.

- 10.17. The inclusion of plant machinery is noted in the design, so it is considered necessary for permission to be granted subject to a condition requiring said machinery to operate within certain noise parameters in the interest of safeguarding the amenities of occupants of the proposed dwelling and nearby properties. The council will retain the authority to investigate under the Environmental Protection Act 1990, should any noise complaints be received.
- 10.18. It is considered essential that certain permitted development rights for single dwellings be removed in the interest of safeguarding the amenities of local residents, in particular occupants of no.9 which the new dwelling is in close proximity to. Some amendments required to the original design that have resulted in a more sustainable form of development could be undone in the future through permitted development rights, such as extending and enlarging the property which could cause overshadowing to the adjacent properties. The Local Planning Authority would wish to remove permitted development rights so that future development would be managed and in accordance with the local development plan; it is considered that this meets the clear justification required by paragraph 54 of the NPPF.
- 10.19. On this basis the scheme is considered acceptable in terms of its impact on the amenity of neighbouring residents.

Impact on the Public Highway

- 10.20. The proposed development would have an insignificant impact on highway safety or capacity. The Local Highway Authority has requested details of front boundary treatments, to ensure that vehicles exiting the site have adequate sightlines. The proposed street elevation shows that the front boundary wall is low and would not impact on highway safety. The proposed development would replace the existing bungalow with a larger dwelling and would likely result in a more intensive occupation of the land; however, this is not anticipated to translate to an impactful increase in trip generation affecting highway safety. The hardstanding provides parking space for at least one vehicle and is considered to be sufficient for a single dwelling.
- 10.21. Permission would be granted only subject to a condition requiring the details of secure cycle parking to be submitted to the LPA for approval prior to occupation, to encourage trips to and from the site by sustainable means and comply with the guidance in SPD14: Parking Standards. It is likely that the garage can provide satisfactory space for an adequate number of cycles.
- 10.22. The proposed dwellinghouse would require a new dropped kerb which would be secured by condition.

Standard of Accommodation

- 10.23. The 'Nationally Described Space Standard' (NDSS) was introduced by the Department for Communities and Local Government in 2015 to establish acceptable minimum floor space for new build developments. This standard has

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

- 10.24. The new residential unit is laid out as a five bedroom ten person dwelling over two floors and would provide a gross internal area (GIA) (discounting the garage space and staircase) of approximately 336m²; this is in accordance with the NDSS. The dwelling would also maintain a large garden area which would provide ample outside amenity space for residents.
- 10.25. The new dwellinghouse will be required by condition to be built in accordance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings); this will ensure that the dwelling is equally accessible for all.

Biodiversity

- 10.26. As noted in the submitted Ecological Impact Assessment (EIA), the site has been cleared of most vegetation prior to the submission of the application, and now offers limited biodiversity value. Google satellite data shows trees and shrubs abundant in the rear garden, and the removal of these is considered likely to have had a detrimental effect on local biodiversity. As such, the proposed development should be granted permission only if it can deliver a net improvement for biodiversity over what was previously on site, in accordance with policies CP10 of the CPP1 and DM37 of the CPP2 as well as Supplementary Planning Document 11: Nature Conservation. This would be secured by condition requiring the submission of an Ecological Design Strategy (EDS) to include details of all landscaping and how it contributes to biodiversity; details of the biodiverse roof atop the single storey wing; and features such as bee/bird/bat bricks/boxes, hedgehog holes, and other such habitat enhancements.

Other Matters

- 10.27. The submitted tree protection measures (for third party trees outside the application site) are considered to be acceptable; compliance with these details would be secured by condition in the interest of safeguarding said trees. Several of these trees lie within the Tongdean Conservation Area and as such benefit from statutory protections.
- 10.28. The site lies within a groundwater source protection zone, and it is important that the proposed development does not have an adverse impact on groundwater or result in increased flood risk. As requested by the Local Highway Authority and Sustainable Drainage team, a sustainable drainage system (SuDS) would be required in the design, secured within the landscaping condition, to ensure that the development is sustainable in this regard. The Sustainable Drainage Team has also requested confirmation of the method of foul water disposal since this information has not been fully clarified within the application. A strategy would be secured by condition.
- 10.29. The team has also requested evidence to be secured by condition that an application for foul water discharge has been submitted by the developer to Southern Water. This is considered to lie outside the remit of planning and would

be addressed through other legislative regimes; therefore, it is not considered necessary for this to be secured by condition.

- 10.30. Southern Water has requested some protective measures to safeguard groundwater due to the fact that the site lies within a groundwater source protection zone; it is considered necessary to restrict the use of piledriving in the construction of the dwelling without the approval of the Local Planning Authority due to the risk of groundwater contamination. A Contamination Risk Management Plan will also be secured by condition to ensure that groundwater is protected during the delivery and construction period.
- 10.31. Policy DM44 requires new build residential buildings to achieve, as a minimum, an Energy Performance Certificate (EPC) rating 'B'. New dwellings are also required to achieve a water efficiency standard of a minimum of not more than 110 litres per person per day maximum indoor water consumption. This can be secured by condition.
- 10.32. Refuse and recycling bins are shown tucked away at the side of the dwelling where they will be easily accessible, and adequate for the needs of a single dwelling; this is in accordance with the guidance in SPD17: Urban Design.
- 10.33. Concerns have been raised that by granting permission for the proposed development a harmful precedent could be established. Each planning application is assessed on its own merits and the decision made in this regard to this application would not automatically set a precedent either for or against similar development in the area.
- 10.34. Concerns have been raised that the 3D images submitted in support of the application are inaccurate in terms of landscaping. These documents are illustrative only and will not form part of the approved documents, and further details on the landscaping itself will be required by condition; therefore, this should not be reason to refuse planning permission.

Conclusion

- 10.35. The proposed development is considered to be acceptable in principle in terms of appearance, the standard of accommodation that would be offered to future residents, and the impacts it is anticipated to have on the amenities of local residents, highway safety, and the Tongdean Conservation Area. Conditions are considered to be necessary with regards to visual and residential amenity; accessibility; highway safety; sustainability; sustainable drainage; biodiversity and ecology; and contamination.
- 10.36. For the foregoing reasons the proposal is considered to be in accordance with policies SA6, CP8, CP10, CP11, CP12, CP13, CP14 and CP15 of the Brighton and Hove City Plan Part One, and DM1, DM18, DM20, DM21, DM22, DM29, DM33, DM35, DM36, DM37, DM40, DM42, DM43 and DM44 of the City Plan Part Two.

11. EQUALITIES

- 11.1. During the determination of this application, due regard has been given to the impact of the scheme in relation to the Equality Act 2010 in terms of the implications for those with protected characteristics, namely age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. There is no indication that those with any of these protected characteristic would be disadvantaged by this development.
- 11.2. The new dwellinghouse will be required by condition to be built in accordance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings); this will ensure that the dwelling is equally accessible for all.

12. COMMUNITY INFRASTRUCTURE LEVY

- 12.1. 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. It is estimated that the amount of CIL liability for this application is £20,532.93. 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.

