

<u>No:</u>	BH2024/00617	<u>Ward:</u>	Coldean & Stanmer Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	8 & 9 Lucraft Road Brighton BN2 4PN		
<u>Proposal:</u>	Erection of two bedroom house (C3) joining 8 & 9 Lucraft Road, incorporating associated roof extensions, removal of existing rear garages to form garden, formation of hardstanding to front, installation of sheds and revisions to front gardens of existing dwellings and associated works.		
<u>Officer:</u>	Charlie Partridge, tel: 292193	<u>Valid Date:</u>	08.03.2024
<u>Con Area:</u>		<u>Expiry Date:</u>	03.05.2024
<u>Listed Building Grade:</u>		<u>EOT:</u>	12.06.2024
<u>Agent:</u>	LF Architecture Ltd Monkyn Pyn Thornwell Road Wilmington BN26 6RL		
<u>Applicant:</u>	Carlyle Estates Ltd 59 Queen Victoria Avenue Thornwell Road Hove BN3 6XA United Kingdom		

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	8/9LR/2019/07		8 March 2024
Proposed Drawing	8/9LR/2019/04	A	8 March 2024
Proposed Drawing	8/9LR/2019/05	A	8 March 2024

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 samples or details of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):

- a) samples of all brick, render and tiling (including details of the colour of render/paintwork to be used)

- b) samples of all cladding to be used, including details of their treatment to protect against weathering
- c) samples of all hard surfacing materials
- d) details of the proposed windows and doors
- e) samples of all other materials to be used externally

Reason: To ensure a satisfactory appearance to the development and to comply with policies DM18 and DM21 Brighton & Hove City Plan Part 2 and CP12 of the Brighton & Hove City Plan Part One.

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

- a) details of all hard and soft surfacing to include type, position, design, dimensions and materials and any sustainable drainage system used;
- b) a schedule detailing sizes and numbers/densities of all proposed trees/plants including details of tree pit design, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period;
- c) details of all boundary treatments to include type, position, design, dimensions and materials;
- d) details of the measures to be taken to protect areas of soft landscaping from encroachment by vehicles using the areas delineated on the approved plans for parking. 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 boundary treatments shall be provided in accordance with the approved details prior to occupation of the development and shall thereafter be retained at all times.

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

5. The hard surface hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.

Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policies CP8 & CP11 of the Brighton & Hove City Plan Part One.

6. Notwithstanding the approved plans, the development hereby permitted shall not be occupied until details of secure cycle parking facilities for the occupants of, and visitors to, the development located at the front of the property 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 Brighton & Hove City Plan Part 2, and SPD14: Parking Standards.

7. The development hereby permitted shall not be occupied until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out and provided in full in accordance with the approved details prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with Policies DM18 and DM21 of Brighton & Hove City Plan Part 2, policy CP8 of the Brighton & Hove City Plan Part One and Policy WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.

8. The development hereby approved should achieve a minimum 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.

9. The development hereby permitted shall not be occupied until it has been built to as a minimum, a water efficiency standard of not more than 110 litres per person per day maximum indoor water consumption.

Reason: To ensure that the development is sustainable and makes efficient use of water to comply with policy CP8 of the Brighton & Hove City Plan Part One.

10. No extension, enlargement, alteration of the dwellinghouse or provision of buildings etc incidental to the enjoyment of the dwellinghouse within the curtilage of the of the dwellinghouse as provided for within Schedule 2, Part 1, Classes A - E of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development to comply with policies DM18 and DM21 of the Brighton & Hove City Plan Part 2, and CP12 and CP13 of the Brighton & Hove City Plan Part One.

11. At least one bee brick shall be incorporated within the external wall of the development hereby approved and shall be retained thereafter.

Reason: To enhance the biodiversity of the site and to comply with Policy DM37 of Brighton & Hove City Plan Part 2, Policy CP10 of the Brighton & Hove City

12. Three (3) swift bricks/boxes shall be incorporated within the external walls of the development hereby approved and shall be retained thereafter.
Reason: To enhance the biodiversity of the site and to comply with Policy DM37 of Brighton & Hove City Plan Part 2, Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.
13. No development (other than demolition) shall take place until details of the foundations and measures to ensure the protection of the aquifer have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details.
Reason: To safeguard the fresh and foul water infrastructure in the vicinity of the site, in accordance with Policy DM42 of Brighton & Hove City Plan Part 2.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant 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>
3. 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.
4. Swift bricks/boxes can be placed on any elevation, but ideally under shade-casting eaves. They should be installed in groups of at least three, at a height of approximately 5 metres above ground level, and preferably with a 5m clearance between the host building and other buildings or obstructions. Where possible avoid siting them above windows or doors. Swift bricks should be used unless these are not practical due to the nature of construction, in which case alternative designs of suitable swift boxes should be provided in their place where appropriate.
5. The applicant is advised that advice regarding permeable and porous hardsurfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens'.

6. 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.
7. 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.

2. SITE LOCATION

- 2.1. The application site is located between two sets of semi-detached houses (Nos 8 and 9) on the southern side of Lucraft Road. The buildings are brick built, with hipped roofs and bay windows. The first floor on number 9 Lucraft Road is tile hung, while only the first-floor part of the bay is tile hung for number 8.
- 2.2. The application site comprises the driveway shared by numbers 8 and 9 Lucraft Road and the area to the rear currently containing two flat-roofed garages.

3. RELEVANT HISTORY

- 3.1. **BH2019/01279: 8 Lucraft Road** Certificate of lawfulness for proposed hip to gable loft alterations incorporating 4no front rooflights and rear dormer. Approved 21.05.2019
- 3.2. **BH2019/01280: 9 Lucraft Road** Certificate of Lawfulness for the proposed erection of a hip to gable extension, rear dormer, and 4no. rooflights to the front roof slope. Approved 24.05.2019
- 3.3. **BH2019/02666** Erection of two bedroom house (C3) joining 8 & 9 Lucraft Road, Brighton incorporating associated roof extensions, removal of existing rear garages to form garden, formation of hardstanding to front, installation of sheds and revisions to front gardens of existing dwellings and associated works. Refused 02.03.2020 for one reason:
"The proposed dwelling would create a terrace of five houses in a street which is otherwise uniformly semi-detached dwellings. The proposed dwelling would be significantly narrower than and out of proportion with the other properties on the street. By joining to the two adjacent sets of semi-detached dwellings, the differing material finishes would be linked together and would appear to lack coherence in the design and finish of the resultant terrace. The proposed development would overall represent an uncharacteristic addition that would fail to reflect the character of the street scene. For these reasons the application is

contrary to policy CP12 of the Brighton and Hove City Plan Part One, and QD5 of the Brighton and Hove Local Plan.”

Allowed on Appeal 09.03.2021.

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for the erection of a new two-bedroom dwelling (C3 use class) between an existing semi-detached pair, creating a five-house row of terraced properties.
- 4.2. Permission is also sought for the removal of the rear garages to form a rear garden, the formation of hardstanding to the front for parking, the installation of sheds and revisions to the front gardens of the existing dwellings and associated works.

5. REPRESENTATIONS

- 5.1. Twenty (20) letters (including one from a ward councillor) have been received objecting to the proposed development for the following reasons:
 - Additional traffic/parking issues
 - Noise
 - Overdevelopment - not enough space for an additional house
 - Overshadowing
 - Restriction of view
 - Impact on the community – inconsiderate to existing residents, impact on quality of life
 - Detrimental to character and appearance of street through creating a terrace in semi-detached area, replacing garden with hardstanding, disrupting visual harmony.
 - Inadequate ground stabilisation, utility distribution, parking space allocation and drainage for another house
 - Unattractive development/poor design
 - Would remove rainwater soak-aways increasing severity of flooding
 - Inappropriate height of development
 - Would create more student accommodation rather than housing families
 - Only benefit is financial gain for the developers
 - Undesirable precedent
 - Impact on wildlife/biodiversity

6. CONSULTATIONS

- 6.1. **Southern Water: 23.04.2024**
Groundwater Protection Zones
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. Also provided details for protection of public sewers by developer and noting a formal application may be required to connect to the public sewer.

7. MATERIAL CONSIDERATIONS

7.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report.

7.2. The development plan is:

- Brighton & Hove City Plan Part One (adopted March 2016);
- Brighton & Hove City Plan Part Two (adopted October 2022);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
- Shoreham Harbour JAAP (adopted October 2019).

8. RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One:

SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP11	Flood risk
CP12	Urban design
CP13	Public streets and spaces
CP14	Housing density
CP19	Housing mix

Brighton & Hove City Plan Part Two:

DM1	Housing Quality, Choice and Mix
DM18	High quality design and places
DM20	Protection of Amenity
DM21	Extensions and alterations
DM33	Safe, sustainable and active travel
DM36	Parking and servicing
DM37	Green Infrastructure and Nature Conservation
DM43	Sustainable Drainage
DM44	Energy Efficiency and Renewables

Supplementary Planning Documents:

SPD11	Nature Conservation & Development
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9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the principle of development in this location; the design and appearance of the proposed dwelling; the impact on amenity for both the potential future occupants of the property as well as the existing neighbouring buildings; the standard of accommodation, the biodiversity of the site and; transport implications of the development.

- 9.2. A site visit was not undertaken, but it was considered that the proposal could be assessed adequately based on site photographs provided, along with aerial photographs and streetview.

Principle of the Development:

- 9.3. Policy CP1 in City Plan Part One sets a minimum housing provision target of 13,200 new homes for the city up to 2030. However, on 24 March 2021 the City Plan Part One reached five years since adoption. National planning policy states that where strategic policies are more than five years old, local housing need calculated using the Government's standard method should be used in place of the local plan housing requirement. The local housing need figure for Brighton & Hove using the standard method is 2,333 homes per year. This includes a 35% uplift applied as one of the top 20 urban centres nationally.
- 9.4. The council's most recent housing land supply position is published in the SHLAA Update 2023 which shows a five-year housing supply shortfall of 7,786 (equivalent to 1.7 years of housing supply).
- 9.5. 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). The scheme would make a small but positive contribution towards housing supply in the city which must be given increased weight.
- 9.6. Further, the proposed development would create a new residential dwelling in an area characterised by residential development, so is considered acceptable in principle.
- 9.7. In considering the acceptability of the scheme, and as set out above, the previous, identical scheme that was approved on appeal must be given considerable weight. As is set out in more detail below, the issues considered in approving that scheme have not changed so significantly since its approval in 2021 that refusal would now be warranted, particularly noting the planning permission only lapsed in March 2024.

Design and Appearance:

9.8. There are no differences between the current application and the application approved at appeal (BH2019/02666).

9.9. In determining the appeal, the planning inspector noted that:
“The appeal site is amidst a group of semi-detached properties and the proposal would result in closing of the space between two pairs of semi-detached properties and the formation of a terrace row. There are however other terrace rows on Lucraft Road that I was able to see at the time of my visit. Although there is a side road that separates the nearest terrace row from the group of semi-detached buildings that the appeal site forms part of, I do not agree with the Council's views that this side road provides a clear demarcation between the different types of dwellings, as there are various other driveways that can be seen in the streetscene which separate different buildings

From the drawings and other submissions, I can see the width of the proposed dwelling allows it to incorporate a bay window and a door which are adequately spaced across the frontage of the proposed property. These features on the front elevation would also be visually separated from the doors and windows of the properties to either side, responding to the existing regular pattern of development. I do not therefore consider that the proposal would create a disjointed rhythm or appear as an uncharacteristic addition in this regard.”

9.10. It was concluded in the appeal decision that *“the proposal would not have an unacceptable detrimental impact on the character and appearance of the area”*.

9.11. The planning inspector's decision must hold significant weight in the determination of this application. In light of the recent appeal decision, it is considered that it would not be reasonable to refuse permission for the proposed dwelling. As noted by the Inspector above, the design is considered to be appropriate and in keeping with the character of the area and adjacent properties. The scheme is therefore considered acceptable in terms of its design and an appropriate addition to the streetscene, in accordance with Policy CP12 of the City Plan Part One and DM21 of City Plan Part 2.

Impact on Amenity:

9.12. Policy DM20 of the City Plan Part Two states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.

9.13. The proposed dwelling would be located between two existing buildings and would follow the established building line. Because of this it would not result in any loss of light to front or rear windows due to overshadowing.

9.14. However, each dwelling has a door and windows on the side elevations which would be lost to the development. The ground floor of each of the existing dwellings has a secondary access doorway on the side elevation of the property onto the driveway, and a window serving a downstairs toilet. The doors are not the principle means of access to either property so their loss is not considered

to cause harm to the existing properties' access arrangements, but would result in some loss of light to the rooms they serve.

- 9.15. In the case of 8 Lucraft Road, the loss of light from the door would not be harmful as it is not the principal source of natural light. In the case of 9 Lucraft Road, due to the rear ground floor extension that has been constructed on this property, the loss of the door would result in this area having no direct natural light. However, the area is identified as being a utility room, and is therefore not considered as a main habitable area. It would also benefit from some, albeit reduced, levels of light from the large glazed areas at the rear serving the kitchen. The loss of light which could result from the removal of the side doors is therefore not considered overly harmful to the amenity of occupants.
- 9.16. The loss of the windows from the ground floor toilet rooms in 8 and 9 Lucraft Road would not be sufficiently harmful as to warrant refusal on this basis.
- 9.17. There are also side windows on the first floor of the existing buildings but these serve the stairway and as such, not being a main living area, this would not be sufficient to warrant refusal on this basis.
- 9.18. The infilling of the space between the existing properties would result in the loss of some light to the spaces around the properties. However the orientation of the properties is such that the loss of light would be to the front gardens at the north of the site, and as such would not cause significant harm to the private outdoor amenity space of the existing properties.
- 9.19. The proposed building would include first floor rear windows from which it would be possible for additional overlooking onto the neighbouring gardens and towards the rear of properties on Egginton Road. However, in the context of a residential area, the proposed windows would not result in significant additional overlooking compared to the existing situation, and this is not considered to be sufficient to warrant refusal.
- 9.20. An additional two-bed property in this location is not likely to result in a significant increase in comings and goings, noise or other impacts on the existing properties in the area, and one additional 2 bed residential property amongst other residential properties would not result in harm to the amenity of neighbours.
- 9.21. It is considered that for the reasons set out above, the proposed development would not cause significant enough harm to the amenity of neighbours to warrant a refusal of the application on this basis, and would accord with Policy DM20 of City Plan Part Two. Furthermore, the appeal decision made no reference to any harmful amenity impact to the adjacent neighbours as a result of the proposal. It is therefore considered that the Planning Inspector found the proposal acceptable in this regard.

Standard of Accommodation:

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

been adopted into City Plan Part 2 under Policy DM1. The NDSS provides a useful guideline on acceptable room sizes that would offer occupants useable floor space once the usual furniture has been installed. The NDSS identifies a minimum floor space that should be achieved for a single bedroom as measuring at least 7.5m², and a double bedroom should measure at least 11.5m². The minimum floor space requires a head height of above 1.5m.

- 9.23. The proposed dwelling would provide accommodation over two floors. The ground floor would have a living room at the front of the house and a combined kitchen diner at the rear. There would be two bedrooms on the first floor. There would be a shower room on the first floor and an additional toilet on the ground floor.
- 9.24. Bedroom one provides 14.6msq of floor space and is therefore adequate for a double room. Bedroom two offers 9.2msq. This would be suitable for a single occupant. Both rooms also provide built in storage additional to the measured floor space.
- 9.25. The bedroom sizes are therefore suitable for occupation by a total of three people. A two bedroom property for three people built over two storeys should have a minimum floor area of 70msq based on the guidance contained within the NDSS. The proposed property would have a floor area of 72.4msq, and therefore offers sufficient space for the proposed number of occupants.
- 9.26. While the living room is accessed directly from the front door, and the staircase up to the first floor is directly in line with this which results in a reduction of the room in terms of usable space, layout and room for circulation, it is nonetheless considered that the room would provide a suitable standard for the number of potential residents. The provision of private outdoor amenity space is smaller than that allowed for other properties on the street, but the proposed dwelling is smaller than the existing buildings on Lucraft Road and a smaller garden is commensurate with the reduced scale of dwelling.
- 9.27. It is considered therefore that the standard of accommodation provided by the proposed dwelling would be suitable for three occupants as proposed, and would accord with Policy DM1. In addition, no mention of the standard of accommodation was made in the appeal decision, so it is considered that the Planning Inspector found the proposal acceptable in this regard.

Sustainable Transport:

- 9.28. The Local Highways Authority (LHA) was consulted on the previous application. It was considered that the proposed location of the cycle storage in the rear garden would be secure and covered as set out in SPD14, but is not convenient as it is located in the rear garden and only accessible by bringing bikes through the main house. The cycle storage for the two existing properties would be located in the front garden which is more accessible and convenient, however the application is lacking in detail about the nature of the storage in terms of secure and covered. In the previous application, the LHA recommended a condition requiring alternative details and arrangements for the cycle storage for both existing and proposed dwellings. In the appeal decision, the Planning

Inspector concurred with the necessity of securing this via condition. The LHA confirmed that the previous condition requested should be imposed on this application with a slight adjustment to the wording requiring the cycle storage be located at the front of the property.

- 9.29. The impact that the proposed development could have on car parking is unclear. The loss of garages would remove parking opportunities for the existing properties while providing one space for the proposed dwelling, resulting in a net loss of two spaces. Notwithstanding this, while the overall proposed provision would be below the maximum figure as set out in SPD14, the guidance figures represent a maximum figure, and being below this is considered acceptable, subject to the proposals not resulting in other harmful impacts on street parking.
- 9.30. The proposed loss of existing parking spaces has the potential to result in overspill parking on to the street. In the previous application, the LHA requested a parking survey to assess the degree of impact this would be likely to cause. The applicant has not supplied this additional information for either the previous or current applications but it is noted that this was not a reason given for refusing the previous application, and it was not considered to be required by the Planning Inspector in making their decision.
- 9.31. While the site is within a Controlled Parking Zone, this is a light-touch zone, being limited to matchdays/events at the nearby Amex Stadium. This is indicative of the absence of high parking demand generally in the area and it is not considered necessary or proportionate to the potential impacts of the proposed scheme to require this level of additional information, particularly given the Planning Inspector did not consider such information was necessary to approve the previous application for the same development.

Other Matters

- 9.32. Policy CP8 of the Brighton & Hove City Plan Part One requires new development to demonstrate a high level of efficiency in the use of water and energy. Water and energy efficiency measures will be secured via condition.
- 9.33. 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 bees and swifts. Conditions requiring bee and swift bricks have been attached to achieve a net gain in biodiversity and generally improve ecology outcomes on the site in accordance with the Policy CP10 of the Brighton & Hove City Plan Part One, Policy DM37 of the Brighton & Hove City Plan Part Two and SPD11 Nature Conservation and Development.

Conclusion:

- 9.34. The proposal is identical to the previously approved scheme that was allowed on appeal, and would allow the provision of a new dwelling that would make a contribution to the housing supply of the City. Particularly given the Inspector's approval of the previous scheme and acceptance of its impacts on the streetscene and neighbouring amenity, the proposal is considered acceptable and approval is therefore recommended subject to conditions.

10. EQUALITIES

10.1. Section 149(1) of the Equality Act 2010 provides:

- 1) A public authority must, in the exercise of its functions, have due regard to the need to—
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

10.2. Officers considered the information provided by the applicant, together with the responses from consultees (and any representations made by third parties) and determined that the proposal could give rise to material impacts on individuals or identifiable groups with protected characteristics. The proposal would not be accessible for wheelchair users. The main access to the property via the front door would be accessed via a set of steps and no wheelchair ramp has been included in the design. However, given the significant difference between the finished ground level of the proposed dwelling and the ground level outside the dwelling, this lack of accessibility would be difficult to overcome and is therefore not considered to warrant a refusal of the application on this basis.

11. COMMUNITY INFRASTRUCTURE LEVY

11.1. Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23 July 2020 and began charging on all CIL liable planning applications on and from the 5 October 2020. It is estimated that the amount of CIL liability for this application is £3,216.83. The exact amount will be confirmed in the CIL liability notice which will be issued as soon as it practicable after the issuing of planning permission.

