

<u>No:</u>	BH2024/00692	<u>Ward:</u>	Rottingdean & West Saltdean Ward
<u>App Type:</u>	Removal or Variation of Condition		
<u>Address:</u>	7 Saxon Close Saltdean Brighton BN2 8GA		
<u>Proposal:</u>	Application to vary condition 1 of planning permission BH2023/00424 to amend approved drawings for the addition of a basement level.		
<u>Officer:</u>	Rebecca Smith, tel: 291075	<u>Valid Date:</u>	15.03.2024
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	10.05.2024
<u>Listed Building Grade:</u>		<u>EOT:</u>	14.08.2024
<u>Agent:</u>	Turner Associates 2D St Johns Road Hove BN3 2FB		
<u>Applicant:</u>	Investsave Ltd 7 Saxon Close Saltdean Brighton East Sussex BN2 8GA		

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	TA 1398/09	C	15 March 2024
Proposed Drawing	TA 1398/10	D	15 March 2024
Proposed Drawing	TA 1398/11	D	15 March 2024
Proposed Drawing	TA 1398/12	D	15 March 2024
Proposed Drawing	TA 1398/13	D	15 March 2024
Proposed Drawing	TA 1398/14	D	15 March 2024
Proposed Drawing	TA 1398/15	D	15 March 2024
Proposed Drawing	TA 1398/16	D	15 March 2024
Proposed Drawing	TA 1398/17	D	15 March 2024
Proposed Drawing	TA 1398/18	C	15 March 2024
Proposed Drawing	TA 1398/19	B	15 March 2024
Proposed Drawing	TA 1398/20		15 March 2024
Report/Statement	Ecological Report		19 July 2023
Report/Statement	Ecological Report Appendix		19 July 2023
Report/Statement	Heritage Report		13 February 2023

2. The development hereby permitted shall be commenced before 6th September 2026.

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, including (where applicable):
 - a) Samples/details 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/details of all hard surfacing materials
 - d) samples/details of the proposed window, door and balcony treatments
 - e) samples/details of all other materials to be used externally

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

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

4. Prior to occupation of the development hereby permitted, a scheme for landscaping, for both 7 Saxon Close and the new dwelling, shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be implemented in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. The scheme shall include the following:

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

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

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies DM22 of Brighton & Hove City Plan Part Two, and CP12 and CP13 of the Brighton & Hove City Plan Part One.

5. All ecological measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal and Confidential Badger Appendix (David Archer Associates, July 2023) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

Reason: To ensure that the measures considered necessary as part of the ecological impact assessment are carried out as specified, as required by paragraphs 174 and 180 of the National Planning Policy Framework, Section 40 of the Natural Environment and Rural Communities Act 2006, Policy CP10 of the Brighton & Hove City Plan Part One and Policy DM37 of the City Plan Part Two.

6.

- i) No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.
- ii) The archaeological work shall be carried out in accordance with the approved written scheme of investigation and a written record of all archaeological works undertaken shall be submitted to the Local Planning Authority for approval in writing within 3 months of the completion of any archaeological investigation unless an alternative timescale for submission of the report is agreed in advance and in writing with the Local Planning Authority.

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with policies DM31 of Brighton & Hove City Plan Part Two, and CP15 of the Brighton & Hove City Plan Part One.

7. Prior to 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.

8. 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(s) as provided for within Schedule 2, Part 1, Classes A - E of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development to comply with policies Dm20 & DM21 of Brighton & Hove City Plan Part Two, and CP12 of the Brighton & Hove City Plan Part One.

9. The dwelling hereby approved shall be implemented in strict accordance with the internal layouts detailed on the proposed floorplans TA1398/11 C and

TA1398/12 C received on 19th July 2023. 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.

10. The new crossover and access shall be constructed prior to the first occupation of the development hereby permitted.
Reason: In the interests of highway safety and to comply with policies DM33 of the Brighton & Hove City Plan Part Two and CP9 of the City Plan Part One.
11. The vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved and shall be maintained so as to ensure their availability for such use at all times.
Reason: To ensure that adequate parking provision is retained and to comply with policy CP9 of the Brighton & Hove City Plan Part One, policy DM33 of Brighton & Hove City Plan Part Two, and SPD14: Parking Standards.
12. The development hereby permitted shall not be occupied until the dwelling hereby permitted have been completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) and shall be retained in compliance with such requirement thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.
Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy DM1 of Brighton & Hove City Plan Part Two.
13. The development hereby approved should achieve a minimum Energy Performance Certificate (EPC) rating 'B' for new build residential.
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.
14. The residential unit hereby approved shall not be occupied until the building has achieved as a minimum, a water efficiency standard of not more than 110 litres per person per day maximum indoor water consumption.
Reason: To ensure that the development is sustainable and makes efficient use of water to comply with policy CP8 of the Brighton & Hove City Plan Part One.
15. Prior to first occupation of the development hereby approved, details of the photovoltaic array referred to on drawing TA1398/10 C shall be submitted to and approved in writing by the Local Planning Authority. The photovoltaic array shall then be installed in accordance with the approved details.
Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and has an acceptable appearance and to comply with policies CP8 and CP12 of the Brighton & Hove City Plan Part One.

16. 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 Two, Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.
17. No development shall take place until an ecological design strategy (EDS) addressing enhancement of the site to provide biodiversity net gain, in accordance with the recommendations in the Preliminary Ecological Appraisal (David Archer Associates, July 2023) 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;
 - i) details for monitoring and remedial measures;
 - 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 provide a net gain for biodiversity as required by Section 40 of the Natural Environment and Rural Communities Act 2006, paragraphs 174 and 180 of the National Planning Policy Framework, Policy CP10 of the Brighton & Hove City Council City Plan Part One and Policy DM37 of the City Plan Part Two.
18. 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.
19. The dwelling hereby approved shall be implemented in strict accordance with the internal layouts detailed on the proposed floorplans TA1398/11 D, TA1398/12 D and TA1398/20 received on 15th March 2024. 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.

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. SITE LOCATION

- 2.1. The application site is a two storey detached dwelling with a rear/side garden, located at the end of Saxon Close in Saltdean. The site is irregular in shape, with the main dwelling located along the southern boundary, a large garden along the northern (side) boundary which extend west around the corner along the edge of the hammerhead of the cul-de-sac. The land slopes upwards to the north-west towards the end of the cul-de-sac to the north-west, with dwellings beyond the site on Tumulus Road sitting at a significantly higher level than the application site.
- 2.2. The site is not listed and is not within a conservation area. There are no Article 4 Directions covering the site which are relevant to the proposed development.

3. RELEVANT HISTORY

- 3.1. **BH2023/00424** - Erection of 1no detached part 1/part 1.5 storey three bedroom dwelling (C3) with associated parking, bin store and landscaping on land at 7 Saxon Close, including subdivision from 7 Saxon Close. Approved 07.09.2023
- 3.2. **BH2022/03233** - Partial demolition and remodelling of the existing dwelling and erection of 1no four bedroom dwelling and 1no three bedroom dwelling (C3). Withdrawn
- 3.3. **BH2010/01380** - Erection of single storey rear extension at the lower ground floor (basement) level. Approved 07.09.2010

4. APPLICATION DESCRIPTION

- 4.1. The application is seeking planning permission to vary Condition 1 of BH2024/00424 (the plans condition). As noted above, that permission allowed the erection of a new three-bed dwelling. The present application seeks to amend the approved plans to allow for the proposed new dwelling to include basement level accommodation.
- 4.2. The principle of the development has been approved through the grant of the 2023 permission

5. REPRESENTATIONS

- 5.1. Representations have been received from 11 people, objecting to the proposed development for the following reasons:
- Overdevelopment
 - Not appropriate for a dwelling on the Close
 - Land instability
 - Increased noise and disturbance for neighbours (including during construction)
 - Overshadowing
 - Increased traffic and parking demand
 - Damage to trees and wildlife
 - Too close to the boundary
 - Potential damage to archaeological remains
 - Design is out of keeping with the area
 - Detrimental impact on property value
 - Restriction of view
 - Increased risk of flooding
- 5.2. **Councillor Fishleigh** has objected to the proposal, raising concerns regarding overdevelopment and land destabilisation and has requested that the application be referred to the planning committee for a decision. A copy of her comments are attached to this report.

6. CONSULTATIONS

Internal:

- 6.1. **Sustainable Drainage:** No objection. Accept variation of condition 1.

External:

- 6.2. **Brighton & Hove Archaeological Society:** Comment. Site is in an area that has produced a number of important archaeological finds from the prehistoric to Saxon burials. Suggest County Archaeologist view sought.
- 6.3. **County Archaeology:** No objection. No objection subject to previously applied conditions being retained on any approval.

7. MATERIAL CONSIDERATIONS

- 7.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report.
- 7.2. The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016);
 - Brighton & Hove City Plan Part Two (adopted October 2022);

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

8. RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One:

SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP12	Urban design
CP14	Housing density
CP15	heritage
CP19	Housing mix

Brighton & Hove City Plan Part Two:

DM1	Housing Quality, Choice and Mix
DM3	Residential conversions and the retention of smaller dwellings
DM18	High quality design and places
DM20	Protection of Amenity
DM21	Extensions and alterations
DM22	Landscape Design and Trees
DM31	Archaeological Interest
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
SPD12	Design Guide for Extensions and Alterations
SPD14	Parking Standards
SPD17	Urban Design Framework

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to whether it is acceptable to amend the previously approved plans to include basement level accommodation within the proposed dwelling.

- 9.2. The principle of development here has been established through the approval of BH2023/00424. This proposal increases the proposed dwelling from a three-bedroom dwelling to a four-bedroom dwelling through the provision of a basement.

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).
- 9.6. As such, the provision of one dwelling would make a valuable, albeit minor contribution to the city's housing supply which must be given increased weight in considering the application.

Design and Appearance:

- 9.7. The addition of a basement would not change the approved frontage of the dwelling and would only be visible from the rear. No separate access to the basement is proposed, and the detailing would match the remainder of the dwelling and in terms of the wall/door window materials.
- 9.8. The proposed landscaping would remain largely unchanged and would be secured by condition. The slope of the rear garden would change to facilitate garden access from the proposed basement room, but this would not be significant and would not be visible from the street.
- 9.9. Overall, the minor changes to the design are considered acceptable and in accordance with policies DM21 and DM18 of the City Plan Part Two and CP12 of the City Plan Part One.

Standard of Accommodation:

- 9.10. Policy DM1 of CPP2 adopts the Nationally Described Space Standard (NDSS). The council will seek the delivery of a wide choice of high-quality homes which will contribute to the creation of mixed, balanced, inclusive and sustainable communities.

- 9.11. Under the amended floor plans a four-bedroom dwelling is being proposed over three storeys. The minimum space standard under the NDSS for a four bedroom, seven person dwelling is 121m². The proposed dwelling would have an area of 139m². Therefore it is considered suitable for the up to seven persons.
- 9.12. The layout of the ground and first floors is unchanged from the previous application. The basement proposed would provide a further bedroom with an ensuite. The bedroom area would be 21.1sqm and meet the minimum width of 2.55m for a double bedroom as set out in the NDSS.
- 9.13. Accordingly, the proposed layout would accord with DM1 of the City Plan Part Two as the overall size is in excess of the minimum space standard required.

Impact on Amenity:

- 9.14. The proposed basement level would not impact on neighbouring properties in terms of overlooking or overshadowing as the development would be below ground level. The slight increase in proposed occupation is not considered to result in a significant impact compared to what has already been approved.
- 9.15. Accordingly the proposals are considered to meet the aims of policy DM20 of the City Plan Part Two.

Other Matters:

- 9.16. The provision of an additional bedroom, resulting in a four-bedroom dwelling rather than the approved three-bedroom dwelling is not considered to alter vehicle movements to/from the property significantly, or to such a degree that additional car or cycle parking is required.
- 9.17. No concerns regarding impact on drainage have been raised by the Drainage Officers, and there are no concerns regarding land stability in this area.
- 9.18. Matters such as loss of property value and views, structural safety, and the impact of construction works are not material planning considerations.
- 9.19. As noted above this variation follows the previous application which considered all other matters in greater detail. This recommendation has only considered matters which change or have a different impact to that previously considered. Unchanged elements have not been reassessed and any conditions sought previously in relation to matters such as a ecology, transport, sustainability and archaeological have been re-attached to this recommendation even if the consultee has not been asked to comment again.

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 would not give rise to unacceptable material impact on individuals or identifiable groups with protected characteristics.

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 £24,810.63. 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.

