

<u>No:</u>	BH2024/00947	<u>Ward:</u>	Westdene & Hove Park Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	15 Shirley Avenue Hove BN3 6UN		
<u>Proposal:</u>	Demolition of existing dwelling and erection of two storey dwelling house (C3), with associated landscaping.		
<u>Officer:</u>	Jack Summers, tel: 296744	<u>Valid Date:</u>	16.04.2024
<u>Con Area:</u>		<u>Expiry Date:</u>	11.06.2024
<u>Listed Building Grade:</u>		<u>EOT:</u>	11.09.2024
Agent:	Turner Associates 2D St Johns Road Hove BN3 2FB		
Applicant:	Mr & Mrs Stuart Whyte 15 Shirley Avenue Hove BN3 6UN		

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	TA1524/01	-	16 April 2024
Proposed Drawing	TA1524/10	A	4 June 2024
Proposed Drawing	TA1524/11	-	16 April 2024
Proposed Drawing	TA1524/12	A	4 June 2024
Proposed Drawing	TA1524/13	-	16 April 2024
Proposed Drawing	TA1524/14	A	4 June 2024
Proposed Drawing	TA1524/15	A	4 June 2024
Proposed Drawing	TA1524/16	A	4 June 2024
Proposed Drawing	TA1524/17	A	4 June 2024
Proposed Drawing	TA1524/18	A	4 June 2024
Proposed Drawing	TA1524/19	A	4 June 2024
Proposed Drawing	TA1524/20	A	4 June 2024
Arboricultural Report	Arboricultural Implications Assessment	-	14 June 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. Notwithstanding 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 of the Brighton & Hove City Plan Part Two.

4. The following first floor level windows hereby permitted shall be obscure glazed and non-opening, unless the parts which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and thereafter permanently retained as such.

- The two windows serving bathrooms on the front (north) elevation
- The two windows serving the landing on the front (north) elevation
- The window servicing 'bed 2', on the side (west) elevation

Reason: To safeguard the privacy of the occupiers of neighbouring properties and to comply with policy DM20 of the Brighton & Hove City Plan Part Two.

5. With the exception of the first floor terrace hereby approved (shown as J on approved drawing TA1524/10/A), access to any areas of flat roof hereby approved shall be for maintenance or emergency purposes only and the areas of flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.

Reason: In order to protect adjoining properties from overlooking and noise disturbance and to comply with policy DM20 of the Brighton & Hove City Plan Part Two.

6. Other than demolition, the development hereby permitted shall not commence until full details of existing and proposed ground levels (referenced as Above Ordnance Datum) within the site and on land and buildings adjoining the site by means of spot heights and cross-sections, proposed siting and finished floor levels of all buildings and structures, have been submitted to and approved in writing by the Local Planning Authority. The development shall then be implemented in accordance with the approved level details.

Reason: As this matter is fundamental to the acceptable delivery of the permission to safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, in addition to comply with policies CP12 of the Brighton & Hove City Plan Part One, and DM18 and DM20 of Brighton & Hove City Plan Part Two.

7. No extension, enlargement, alteration of the dwellinghouse(s) or provision of buildings etc. incidental to the enjoyment of the dwellinghouse within the curtilage of the dwellinghouse(s) as provided for within Schedule 2, Part 1, Classes A and B 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.

8. 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.

9. Prior to the occupation of the development 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 DM18, DM20, DM22, DM37 and DM43 of the Brighton & Hove City Plan Part Two.

10. The development hereby permitted shall not be commenced (including demolition and all preparatory work) until the protection measures identified in the submitted Arboricultural Implications Assessment by David Archer

Associates received on the 14th June 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.

11. One or more bee bricks 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 policies CP10 of the Brighton & Hove City Plan Part One, DM37 of the Brighton & Hove City Plan Part Two, and Supplementary Planning Document SPD11: Nature Conservation and Development.
12. No development above ground floor slab level of any part of the development hereby permitted shall take place until details of the construction of the green roofs have been submitted to and approved in writing by the Local Planning Authority. The details shall include a cross section, construction method statement, the seed mix, and a maintenance and irrigation programme. The roofs shall then be constructed in accordance with the approved details and shall be retained as such thereafter.
Reason: To ensure that the development contributes to ecological enhancement on the site and in accordance with policies CP10 of the Brighton & Hove City Plan Part One, and DM37 of the Brighton & Hove City Plan Part Two.
13. Three or more swift bricks/boxes shall be incorporated within the external surface of the development hereby approved and shall be retained thereafter.
Reason: To enhance the biodiversity of the site and to comply with policies CP10 of the Brighton & Hove City Plan Part One, DM37 of the Brighton & Hove City Plan Part Two, and Supplementary Planning Document SPD11: Nature Conservation and Development.
14. Other than demolition works, the development hereby permitted shall not be commenced until surface and foul water drainage schemes 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.

15. Piling or other foundation designs using penetrative methods shall not be carried out other than with the written consent of the local planning authority.
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.
16. No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:
- a) The phases of the Proposed Development including the forecasted completion date(s);
 - b) A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme);
 - c) A scheme of how the contractors will minimise disturbance to neighbours regarding issues such as noise and dust management, vibration, site traffic, and deliveries to and from the site;
 - d) A scheme for how the contractors will operate whilst avoiding environmental contamination, with particular regard for groundwater;
 - e) Confirmation that spill-trays will be used when refuelling plant or vehicles on the site;
 - f) Details of hours of construction including all associated vehicular movements;
 - g) Details of the construction compound;
 - h) A plan showing construction traffic routes;
- The construction shall be carried out in accordance with the approved CEMP.
Reason: As this matter is fundamental to the protection of amenity, highway safety and the water environment, and managing waste throughout development works and to comply with policies CP8, CP9 and CP13 of the Brighton & Hove City Plan Part One, DM20, DM33, DM35, DM40 and DM42 of the Brighton & Hove City Plan Part Two, and WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 and Supplementary Planning Document 03: Construction and Demolition Waste.
17. The residential development hereby approved shall not be operational until it has achieved as a minimum, an Energy Performance Certificate (EPC) rating 'B'.
Reason: To improve the energy cost efficiency of existing and new development and help reduce energy costs to comply with Policy DM44 of the Brighton & Hove City Plan Part Two.
18. The residential unit development hereby approved shall not be occupied until it has achieved a water efficiency standard of a minimum of not more than 110 litres per person per day maximum indoor water consumption.
Reason: To ensure that the development is sustainable and makes efficient use of energy and water and to comply with policies SA6 and CP8 of the Brighton & Hove City Plan Part One.

19. The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development at all times.
Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy DM33 of the Brighton & Hove City Plan Part Two and SPD14.
20. 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 to comply with policies CP8 of the Brighton & Hove City Plan Part One; DM18 and DM21 of Brighton & Hove City Plan Part Two, and WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant is advised that the application of translucent film to clear glazed windows does not satisfy the requirements of Condition 4.
3. For clarification, the areas of flat roof referenced in Condition 5 includes the areas marked as 'green roof' adjoining bedrooms 1 & 2 and atop the garage but does not include the area marked 'terrace' adjoining bedroom 1 at first floor level.
4. 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.
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. 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
8. 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>
9. 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.
10. 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.
11. The applicant is advised under Part S of the Building Regulations that new dwellings providing a parking space now require an EV charging point.
12. The applicant is advised to contact permit.admin@brighton-hove.gov.uk if they wish to suspend parking outside the application site during the delivery and construction period.
13. 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.

14. 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.
15. 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 is a single storey over basement, detached dwellinghouse (C3) in a back land location surrounded by the gardens of properties fronting Shirley Drive to the north, Bennett Drive to the south, and Shirley Avenue to the west.
- 2.2. It has a fairly sprawling footprint and is spread out across its curtilage. There is significant hard landscaping across the site, with a paved back garden on the south side of the building, and vehicle hardstanding along the north edge. There are a number of trees within the curtilage, mostly clustered along the southern boundary.
- 2.3. The wider area is dominated by residential development in a variety of designs including single and two-storey dwellings, but primarily detached and in spacious plots.
- 2.4. A site visit was undertaken in May 2024.

3. RELEVANT HISTORY

- 3.1. **3/92/0292(F)** Retention of dwelling without complying with conditions imposed on planning permission 3/92/0217(F) Refused - Appeal Allowed
Permitted development rights were restricted by condition 2 which states:
Notwithstanding the provisions of the Town and Country Planning General Development Order 1988 (or any order revoking or re-enacting that Order) no development as defined under Classes A, B, C and E of Part 1, Schedule 2 to the Order shall take place without the permission of the local planning authority.
- 3.2. **3/92/0217(F)** Demolition and reconstruction of unsound sections of building, alterations and extensions to form bungalow. (Retrospective) Approved
Permitted development rights were restricted by condition 2 which states:
Notwithstanding the provisions of the Town and Country Planning General Development Order 1988 (or any order revoking or re-enacting that Order) no development as defined under Classes A, B, C, D, E, F, G and H of Part 1, Schedule 2 to the Order shall take place without the permission of the local planning authority.

- 3.3. **3/92/0127(F)** Alterations and extensions to existing bungalow (Amendments to approved application 3/91/0598(F) Approved
- 3.4. **3/91/0598(F)** Alterations and extensions to front, sides and rear and formation of pitched roof. Approved
- 3.5. **M/10948/64** New bathroom extension. Approved
- 3.6. **M/6947/60** Erection of 3-bed bungalow with garage. Approved
Permitted development rights were not restricted by planning condition at the time this permission was granted.

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought to demolish the existing dwelling and erect a new detached four-bedroom dwelling, with associated landscaping and a separate garage block. The dwelling would be part one-, part two-storey, as well as a small lower ground floor level. The dwelling would be modern in appearance with a mono-pitched roof design. It would have two single storey elements, one including a planted green roof and solar panels, the other a green roof and small terrace. The flat-roofed garage in the north-eastern corner of the site would also have planted green roof with solar panels, with a covered carport alongside.
- 4.2. The lower floors would be finished in painted render while the upper floor would be finished in vertical boarding, and.

5. REPRESENTATIONS

- 5.1. Ten (10) representations have been received, objecting to the proposal on the following grounds:
 - Out of keeping with the local area: two-storey height, metal not tiled roof.
 - Character of the local area should be preserved to the same degree as a conservation area.
 - Would not create a net increase in housing.
 - Detrimental impact on the amenity of local residents: loss of privacy, overshadowing, if granted permission should require visual shielding to prevent overlooking.
 - Lack of information on submitted drawings, including spot heights.
 - Permission for the original dwelling on this land was only granted on the basis that it would stay as single storey. [Officer note: no evidence of this has been established].
 - Detrimental impact on property value. [Officer note: not a material planning consideration].

6. CONSULTATIONS

Internal

- 6.1. **Arboriculture Team - Verbal** - No Objection subject to tree and ground protection measures condition
- 6.2. **Local Highway Authority** - No Objection subject to Construction Environment Management Plan condition
- 6.3. **Planning Urban Design Officer** - No Objection subject to Whole Life Carbon Assessment, and External Materials Schedule conditions
- 6.4. Sustainability Team - No Objection
- 6.5. **Sustainable Drainage Team** - No Objection subject to surface and foul water drainage strategies condition
- External*
- 6.6. **East Sussex Fire & Rescue** - No Comment
- 6.7. **Southern Water** - No Objection subject to prohibition of piling condition, and use of spill trays and adherence with best practice guidance to avoid environmental contamination during the build process

7. MATERIAL CONSIDERATIONS

- 7.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report.
- 7.2. The development plan is:
 - Brighton & Hove City Plan Part One (adopted March 2016)
 - Brighton & Hove City Plan Part Two (adopted October 2022)
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013)
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017)
 - Shoreham Harbour Joint Area Action Plan (adopted October 2019)

8. 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

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
DM33	Safe, Sustainable and Active Travel
DM35	Travel Plans and Transport Assessments
DM36	Parking and Servicing
DM37	Green Infrastructure and Nature Conservation
DM42	Protecting the Water Environment
DM43	Sustainable Drainage
DM44	Energy Efficiency and Renewables
DM45	Community Energy

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

WMP3	Implementing the Waste Hierarchy
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Supplementary Planning Documents

SPD03	Construction & Demolition Waste
SPD06	Trees & Development Sites
SPD11	Nature Conservation & Development
SPD12	Design Guide for Extensions and Alterations
SPD14	Parking Standards
SPD16	Sustainable Drainage
SPD17	Urban Design Framework

9. CONSIDERATIONS & ASSESSMENT

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

Principle of Development

- 9.2. The principle of replacing the existing, poorly designed dwelling with another more modern building is considered acceptable and positive, improving the standard of accommodation and building efficiency for its residents. Concern that a net increase in housing would not result is noted, but is not required or necessarily appropriate for this site.

Design and Appearance

- 9.3. It is considered that the replacement of the existing dwelling with a two-storey detached building is acceptable. The existing dwelling has an overextended and sprawling character, and the proposed design makes a more efficient use of the space, freeing up areas for additional landscaping which is supported in terms of appearance. Concerns have been raised in representations over the principle of a two-storey unit, but the area includes a diverse mix of one- and two-storey dwellings, so it is not considered reasonable to object on this basis, particularly as the dwelling is located to the rear of the streetscene.
- 9.4. The increase in height over the existing building ranges from approximately 1.3 to 1.7m, although it is acknowledged that the proposal incorporates significant additional volume at first floor level. However, due to the changes in topography between Shirley Drive and the application site, and its backland locale, the new dwelling would not be highly visible from this highway so would have no significant impact on the local street character. It is likely to only be visible from glimpses between the dwellings on Bennett Drive, so would also have a limited visual impact from the public highway in this direction. Further, the design is considered to be an improvement over the existing building so when viewed, would be a positive visual change to the character of the area.
- 9.5. The mix of flat roof and mono-pitch roof forms would be distinct from the majority of dwellings in the area which feature pitched, tiled rooftops. There is a variety of roof-forms in the area, however, and the LPA has no concerns about the current design in this regard, particularly in this back-land site.
- 9.6. A mix of painted render and boarding for the external walls is considered to be acceptable in principle, and the inclusion of green roofs will soften the appearance of the dwelling in views to the south. Further information is required on the external materials to ensure a satisfactory appearance and will also help to ensure that materials are as sustainable as possible to reduce the carbon emissions of the development; this will be secured by condition.

Impact on Amenities

Overshadowing/Loss of Light

- 9.7. The first floor of the proposed dwelling will cast a greater shadow than the existing building due to the increase in height and bulk at first floor level. However, this will fall primarily on small areas at the rear of the back gardens of no.11 Shirley Avenue, and several properties fronting Shirley Drive, the latter of which sit on higher ground. The maximum height of the building is increasing by approximately 1.3m to 1.7m and it is not considered that any increased shadowing in this instance will be significant.

Loss of Outlook

- 9.8. The proposed dwelling is considered to be sufficiently separated from all neighbouring properties that harmful loss of outlook is not anticipated; the LPA has no concerns in this regard.

Loss of Privacy

- 9.9. Windows at first floor level and the new rear balcony have the potential to impact on the privacy of neighbouring residents by providing harmful views into private

gardens. Though some mutual overlooking in a suburban setting is to be expected, these impacts should be managed where necessary to mitigate overly harmful impacts.

- 9.10. Windows on the north and west elevations provide direct close views (trees notwithstanding) into neighbouring gardens that could be harmful. It is considered necessary for these windows be fitted with obscure glazing and be fixed shut to an internal height of 1.7m, to be secured by condition. With these measures, the 'shielding' referred to in representations is not considered necessary.
- 9.11. It is considered that windows on the east and south elevations are sufficiently separated from neighbouring properties, or positioned at a slightly oblique angle, that the detrimental impact on neighbouring privacy would not be significant.
- 9.12. The rear balcony is considered to be sufficiently stepped in from the edge of the flat roof that downward views into the gardens of properties south of the application site would not be significantly harmful, and this is considered to be acceptable. A condition will be attached restricting access to other areas of flat roof for anything other than maintenance or in the event of an emergency. It is considered that access to these spaces for amenity purposes could cause a harmful sense of overlooking for neighbours in adjacent properties.
- 9.13. It is considered necessary to impose a condition removing certain permitted development rights afforded to single dwellings so the LPA can continue to manage items such as the placement of windows that might be installed in the future, in the interest of safeguarding the privacy of neighbouring residents.

Visual/Overbearing Impact

- 9.14. The two-storey element of the development occupies a central position within the plot and is sufficiently removed from any boundary edge, given that the rear gardens of the surrounding properties have depths of between 20 and 30 metres. Views from the east and west (side-on) would be presented with a reduced (albeit higher) depth and it is not considered that this would be so harmful as to warrant a refusal of planning permission.
- 9.15. Views from the north and south would be shielded by trees (both in the application site and neighbouring plots) but these cannot be relied on in perpetuity as they may be removed or die of natural causes. The front/rear profile of the first floor level would be visible from the windows of properties immediately north and south of the site, but it is not considered that this would amount to harm significant enough to warrant refusal. Properties north of the site, fronting Shirley Drive, sit on higher land which helps to mitigate the visual impact from the development; the height of the main ridge is increasing by approximately 1.3m to 1.7m and it is not considered that the visual impact would result in significant harm.
- 9.16. Properties south of the application site, fronting Bennett Drive, sit on lower ground than the proposed dwelling, but it is considered that distance between the properties is sufficient to mitigate the visual harm to an acceptable level.

- 9.17. Concerns have been raised that no data on land level has been submitted. There is a valid concern that without this information, given the difference in levels across the site the LPA could not control the scale of the dwelling and the resulting impact on neighbouring residents. Therefore, levels Above Ordnance Datum shall be secured by condition.

Impact on the Public Highway

Motor Vehicles

- 9.18. Vehicle access to and from the site is unchanged as a result of the proposed development; there is space within the site for a vehicle turning point and vehicles should therefore be able to enter and exit the site in a forward gear. The design includes one garage car space and a covered car port; this is considered to be acceptable for a dwelling of this scale.
- 9.19. It is considered necessary for a Construction Environment Management Plan to be secured by condition to ensure that vehicle safety is managed during the delivery and construction period. The site is accessed down a narrow driveway and there may not be sufficient turning space for large vehicles within the site during parts of the development process. Large vehicles reversing out into the public highway could cause risk for pedestrians and other road users, and it is considered essential that safety measures are clarified and agreed with the LPA in consultation with the Local Highway Authority prior to the commencement of development.

Cycles

- 9.20. There is space for secure cycle parking within the proposed garage; this is considered to be acceptable in principle. A condition will be attached to ensure that this space is maintained as an area for cycle parking in perpetuity.

Pedestrians

- 9.21. The proposed development is not anticipated to result in a significant increase in foot traffic to and from the site, that would be beyond the existing highway infrastructure's capacity to accommodate.
- 9.22. Concerns raised by highway officers over accessibility by fire appliances would be addressed through the Building Regulations process.

Standard of Accommodation

Area and Layout

- 9.23. 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.
- 9.24. The new residential unit is laid out as a four bedroom, eight-person dwelling over three floors and would provide a gross internal area (GIA) of approximately 348m²; this is in accordance with the NDSS. Two other rooms have been

identified that could be used as bedrooms, but this does not lead to any concerns with the GIA and the amount of space that would be available to future residents.

Privacy

- 9.25. The ground floor level of the site (including the garden) would be shielded from external views by the existing boundary fencing. First floor windows are not anticipated to be vulnerable to overlooking from neighbouring sites due to the distance between the proposed development and neighbouring dwellings; the LPA has no concerns in this regard.

Outlook & Natural Light

- 9.26. All habitable rooms would receive natural light and outlook through proposed windows; the LPA has no concerns in this regard. Obscure glazing is fitted within several north-facing windows, but these serve only two bathrooms and a hallway, and this would not detrimentally impact upon the standard of accommodation for future residents.

Accessibility

- 9.27. 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

- 9.28. As noted above, the existing site has extensive areas of hardstanding, with the existing dwelling having a larger footprint than is now proposed. The present scheme would include larger areas of planting, with the details to be secured by condition. This is considered to be positive in terms of providing biodiversity on site. Further, the scheme would include areas of green roofs which is welcomed in principle, subject to a condition to ensure that opportunities for biodiversity gains are maximised, such as with a biodiverse seed mix.
- 9.29. In addition, the Council has adopted the practice of securing minor design alterations to schemes with the aim of encouraging the biodiversity of a site, particularly with regards to protected species such as bumblebees and swifts. A suitably worded condition will be attached to secure an appropriate number of bee bricks and swift bricks within the proposal in order to help meet the requirements of policies CP10 of the CPP1 and DM37 of the CPP2 as well as Supplementary Planning Document 11: Nature Conservation.

Arboriculture

- 9.30. The site contains several tree species that it would be desirable to maintain in terms of visual amenity and biodiversity value. The submitted Arboriculture Implications Assessment states that five small trees of limited value will be removed, and one further tree pruned, to facilitate the development. The trees to be lost are all category C (low quality and value) and comprise three non-native cabbage palms, a non-native striped maple, and a small hawthorn (*Crataegus*). A lime tree would be pruned to allow access for scaffolding.

- 9.31. The remainder shall be preserved with fencing, among a wider schedule of protection, and planting/landscaping would be secured by condition, as noted above. The LPA considers this to be acceptable and will require the development to take place in accordance with the scheme of protection by condition.

Sustainable Drainage

- 9.32. Given the site's location within a groundwater source protection zone, it is considered necessary for a drainage strategy for the site to be secured by condition to ensure that the development does not cause harm to the water environment, nor contribute to flooding in general.
- 9.33. Southern Water has requested that a prohibition on piling during the construction period be enforced; this is considered essential for safeguarding groundwater and shall be secured by condition.
- 9.34. Southern Water has also requested that spill trays are used when re-fuelling plant/vehicles on the site, and that contractors should be required to follow best practice guidance with regards to environmental contamination; these requirements shall be included in the Construction Environment Management Plan that will be sought by condition.

Sustainability

- 9.35. 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 maximum of not more than 110 litres per person per day indoor water consumption. This can be secured by condition.
- 9.36. The Urban Design Officer has requested a Whole Life Carbon Assessment but this is not considered to be justified either by planning policy, or by the scale of the scheme so a condition requiring this has not been imposed.

Other Considerations

Waste & Recycling

- 9.37. Indicative space for refuse and recycling storage bins are shown on the proposed site plan. The provision of refuse and recycling storage bins on the site will be secured by condition.

Conclusion

- 9.38. On balance, the proposed development is considered to be acceptable in terms of appearance and the limited impact it is anticipated to have on the amenities of local residents, given separation distances, and highway safety. It would replace an existing sprawling building that is somewhat dated in appearance and operation with a more modern dwelling, reducing the hardstanding on site and increasing planting and sustainability. Planning conditions shall be included in the interest of residential and visual amenity; highway safety; accessibility; biodiversity and ecology; sustainability; and the water environment. For the foregoing reasons the proposal is considered to be in accordance with policies SA6, CP8, CP9, CP10, CP11 and CP12 of the Brighton and Hove City Plan Part

One, and DM1, DM18, DM20, DM21, DM22, DM33, DM35, DM36, DM37, DM42, DM43 and DM44 of the City Plan Part Two.

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.

10.3. 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.

11. COMMUNITY INFRASTRUCTURE LEVY

11.1. Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23rd July 2020 and began charging on all CIL liable planning applications on and from the 5th October 2020. It is estimated that the amount of CIL liability for this application is £25,152.84. 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.

