

<u>No:</u>	BH2024/01289	<u>Ward:</u>	Rottingdean & West Saltdean Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Land Rear Of 15 Dean Court Road Rottingdean Brighton BN2 7DH		
<u>Proposal:</u>	Demolition of existing garage to facilitate the erection of a 3no bedroom single storey detached dwelling (C3) with associated landscaping works.		
<u>Officer:</u>	Michael Tucker, tel: 292359	<u>Valid Date:</u>	17.06.2024
<u>Con Area:</u>		<u>Expiry Date:</u>	12.08.2024
<u>Listed Building Grade:</u>		<u>EOT:</u>	13.12.2024
<u>Agent:</u>	SDR Designs 14 Batemans Road Woodingdean Brighton BN2 6RD		
<u>Applicant:</u>	TMS Property Holdings Limited 15 Dean Court Road Rottingdean Brighton BN2 7DH		

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
Proposed Drawing	PA.1472024/02	A	23 October 2024
Location and block plan	PA.1472024/02	A	23 October 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 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) Details of all brick, render and tiling (including details of the colour of render/paintwork to be used)
- b) samples/details of all hard surfacing materials
- c) samples/details of the proposed window, door and balcony treatments

d) 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 2 and CP12 of the Brighton & Hove City Plan Part One.

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

5. No extension, enlargement, alteration of the dwellinghouse or provision of buildings etc incidental to the enjoyment of the dwellinghouse within the curtilage of the dwellinghouse as provided for within Schedule 2, Part 1, Classes A - 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 DM20 of Brighton & Hove City Plan Part 2, and CP12 and CP13 of the Brighton & Hove City Plan Part One.

6. Notwithstanding the approved drawings, the development hereby permitted shall not be occupied until a plan detailing the positions, height, design, materials and type of all existing and proposed boundary treatments shall has been submitted to and approved in writing by the Local Planning Authority. 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 and residential amenities of the area and to comply with policies DM18 and DM20 of Brighton & Hove City Plan Part 2, and CP12 and CP13 of the Brighton & Hove City Plan Part One.

7. 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 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 DM18 and DM20 of Brighton & Hove City Plan Part 2 and CP12 of the Brighton & Hove City Plan Part One.

8. The development 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) 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 2.
9. 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 and enhance sustainability, to comply with policies DM44 of the Brighton & Hove City Plan Part Two and CP8 of the Brighton & Hove City Plan Part One.
10. The residential unit hereby approved shall not be occupied until the residential unit built 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.
11. The development hereby permitted shall not be occupied until details of secure cycle parking facilities for the occupants of, and visitors to, the development 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.
12. 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 Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.
13. Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees on land neighbouring the site to the west, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural

method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be implemented in strict accordance with the approved details.

Reason: As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area and for biodiversity and sustainability reasons, to comply with policies DM22 and DM37 of Brighton & Hove City Plan Part 2, and CP8, CP10 and CP12/CP13 of the Brighton & Hove City Plan Part One and SPD06:Trees and Development Sites.

14. The development hereby permitted shall be constructed and occupied as a self-build/custom build dwelling, as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015 for a period of at least three years from the date of the first occupation of the dwelling.

Reason: The development is exempt from biodiversity net gain because it is self-build/custom build residential development.

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 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.
3. The water efficiency standard required 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.
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.

Biodiversity Net Gain

Based on the information available, this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements are considered to apply. These can be found in the Environment Act 2021.

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that, unless an exception or a transitional arrangement applies, the planning permission granted for the development of land in England is deemed to have been granted subject to the condition (“the biodiversity gain condition”) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan in respect of this permission would be Brighton & Hove City Council.

2. SITE LOCATION

- 2.1. The application relates to a plot currently containing a single-storey detached dwelling with roofspace accommodation on the northern side of Dean Court Road. There is a flat-roofed double garage at the northern end of the rear garden, which has a vehicle access onto Northfield Rise. Northfield Rise is a cul-de-sac and has five existing dwellings along it, all on the northern side.
- 2.2. The surrounding area is residential in character, comprising predominantly one- and two-storey detached dwellings set in plots of varying sizes. There is a wide variety of architectural styles in the wider area, however those dwellings on the northern side of Northfield Rise do display some common characteristics with front conservatory elements, rendered elevations and modestly sized front dormers set in pitched roofs.
- 2.3. Land levels rise to the north (rear) of the site.
- 2.4. The site lies outside of the Rottingdean Conservation Area, although the site does form part of the periphery of its setting given the proximity to the northeastern boundary of the conservation area. There are a pair of locally listed buildings to the south on the opposite side of Dean Court Road, and the Grade II listed Tudor Court buildings to the southwest, all on lower ground than the application site.

3. RELEVANT HISTORY

- 3.1. **BH2021/01118** - Removal of existing side pitched roof and rear pitched roof conservatory, with the erection of a single storey dummy pitched roof side/rear extension. Approved 20/05/2021
- 3.2. **BH2004/03074/OA** - Demolition of existing garage. Erection of a detached dwelling house. Refused 26/11/2004, appeal dismissed

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for the subdivision of the plot and demolition of the existing garage to facilitate the erection of a 3no bedroom single storey detached dwelling (C3) with associated landscaping works. The dwelling would be accessed from Northfield Rise and would have an on-site parking space, utilising the existing crossover. The dwelling would be finished in facing brick and would have tiled hipped roof.
- 4.2. The plans have been amended since the initial submission to remove previously proposed first-floor accommodation and to reduce the bulk of the roof from a gabled form to a hip.

5. REPRESENTATIONS

- 5.1. The application was first advertised in June 2024. **Thirteen (13)** letters of objection were received, summarised as follows:
 - Overdevelopment of the plot
 - Loss of amenity due to overshadowing and overlooking, compounded by difference in land levels
 - Previous application refused and dismissed at appeal
 - No other houses on this side of Northfield Rise
 - Impact on Rottingdean Conservation Area
 - Design is not in keeping
 - Impact on trees
 - Disturbance and nuisance during construction
 - Errors within the supporting documents
 - Increased amount of hardstanding raises surface water flooding concerns
- 5.2. **Councillor Fishleigh** objected to the application and asked for it to be determined at planning committee. A copy of the representation is attached to this report.
- 5.3. Following the receipt of amended drawings in October 2024, the application was readvertised. **Two** letters of objection have been received, raising the following points:
 - The amended plans do not overcome the concerns previously raised
- 5.4. Note - at the time of writing, the readvertisement of the amended plans is ongoing. Councillors will be notified if any further representations are received.
- 5.5. Full details of representations received can be found online on the planning register.

6. CONSULTATIONS

- 6.1. **East Sussex Fire and Rescue:** No comment received

6.2. **Environmental Health:** No comment received

6.3. **Rottingdean Parish Council:** Objection

6.4. **Sustainable Transport:** No objection

Verbal comment - No objection to the removal of the garage as there appears to be space retained for on-site parking without overhanging the footway. There may be some increase in trip generation, but this is unlikely to be to a significant extent. Further details of cycle parking should be secured by condition.

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, revised October 2024);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
- Shoreham Harbour Joint Area Action Plan (adopted October 2019).
- Rottingdean Neighbourhood Plan

8. POLICIES

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
CP15	Heritage

Brighton & Hove City Plan Part Two

DM1	Housing Quality, Choice and Mix
DM18	High quality design and places
DM20	Protection of Amenity
DM22	Landscape Design and Trees

DM27	The Setting of Heritage Assets
DM33	Safe, Sustainable and Active Travel
DM37	Green Infrastructure and Nature Conservation
DM43	Sustainable Drainage
DM44	Energy Efficiency and Renewables

Supplementary Planning Documents:

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

Rottingdean Neighbourhood Plan:

S1	Spatial Framework
H2	Design

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the principle of the development, the design and appearance of the proposed dwelling and the impact upon neighbouring amenity. The standard of accommodation to be provided and transport matters are also material considerations.

Background

- 9.2. A previous outline planning application (BH2004/03074/OA) for a "detached dwelling house" was refused in 2004. All matters were reserved. The reasons for refusal were:
1. *The proposal is considered over development of what may reasonably be expected to be achieved upon a site of this scale and layout, leading to a loss of residential amenity by way of loss of privacy and overlooking to neighbouring dwellings and amenity spaces. This is contrary to policies ENV1, ENV2, ENV3, ENV6 of the Brighton Borough Local Plan, QD2, QD3, QD27 of the Brighton and Hove Local Plan Second Deposit Draft.*
 2. *The proposal fails to meet the key neighbourhood principles of design and does not enhance the positive qualities of the neighbourhood by failing to take into account the layout and spacing of the area. This is contrary to policies ENV1 of the Brighton Borough Local Plan and QD2 Brighton and Hove Local Plan Second Deposit Draft.*
- 9.3. This application was subsequently dismissed at appeal. The Inspector found that the proposed plot size would not be out of character, but in dismissing the appeal did also consider that a dwelling in this location would be incongruous in the streetscene and that there would be the potential for a significant loss of privacy for occupiers of no. 15, as well as significant overlooking into the appeal site itself. The Inspector did not consider there to be a likely impact on other nearby neighbours in terms of overlooking.

- 9.4. Since the consideration of the previous application and appeal some twenty years ago, the local development plan has been entirely replaced by the City Plan Part One and Two. National planning policy has also been overhauled with the introduction of the NPPF.
- 9.5. The housing land supply of the city is also a relevant consideration that has changed since the previous application. Policy CP1 of the City Plan Part One sets a minimum housing provision target of 13,200 new homes for the city up to 2030. However, on 24 March 2021 the City Plan Part One reached five years since adoption. National planning policy states that where strategic policies are more than five years old, local housing need calculated using the Government's standard method should be used in place of the local plan housing requirement. The local housing need figure for Brighton & Hove using the standard method is 2,333 homes per year. This includes a 35% uplift applied as one of the top 20 urban centres nationally.
- 9.6. 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).
- 9.7. 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).

Principle of Development:

- 9.8. Policy S1 of the Rottingdean Neighbourhood Plan provides in principle support for infill development within the settlement boundary, subject to meeting other development plan policies.
- 9.9. The plot for the proposed dwelling would be circa 0.032ha in area. This is a comparable size to the previous application which, notwithstanding the dismissal of the appeal, was in isolation considered by the Inspector as acceptable.
- 9.10. The proposal would make a contribution to the housing supply of the city at a time when the LPA is unable to demonstrate a five-year housing supply, and this must be given increased weight in accordance with the NPPF as above.
- 9.11. Accordingly, it is considered that the principle of a new dwelling in this location can be accepted.

Design and Appearance:

- 9.12. As amended, the proposed dwelling would be single-storey in scale, with a hipped roof. The dwelling would be finished in facing brickwork, with a tiled roof and white upvc fenestration. The lower eaves of the dwelling would be comparable in height to the top of the existing garage. The dwelling would be set further forwards than the garage, closer to Northfield Rise. A new front boundary wall and fence onto Northfield Rise is also proposed to replace the existing fence, rising to approximately 1.8m in height.

- 9.13. The proposed design does not attempt to pastiche the appearance of the existing buildings on the northern side of Northfield Rise. This is considered acceptable due to its location on the opposite side of the road and the wide variety of architectural styles present in the wider area. The form and finish of the proposed dwelling would therefore not be incongruous, with facing brick and tiled hipped roofs all being present in the local vernacular.
- 9.14. The amended scheme would have a greater presence in the streetscene than the existing garage, due to its greater size and its more prominent positioning. It is noted that the Inspector raised similar concerns in dismissing the previous appeal scheme, however it is also noted that the character of Northfield Rise has altered during the intervening years, with a further garage development at the far northern end. Furthermore, the level of harm arising from the development is considered to be minimal due to the single-storey scale of the proposed dwelling, the hipped roof form and the use of characteristic material finishes.
- 9.15. No harmful impact on the setting of the nearby Rottingdean Conservation Area or on the setting of the nearby listed and locally listed buildings is anticipated, due to the low scale of the development and the separation between the new dwelling and these heritage assets.
- 9.16. It is considered that as a result of the change in circumstances since the determination of the previous application, including the absence of a five-year housing land supply identified above, the benefits of the proposals are sufficient to outweigh the minimal harm to the streetscene and would tip the balance in favour of the development.
- Impact on Amenity:**
- 9.17. 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.
- 9.18. The neighbours most likely to be directly affected by the proposed development are 15 Dean Court Road (the existing building on the site), 13 and 17 Dean Court Road to the west and east, and 4 Challoners Close the rear garden of which would abut the newly created plot. All these neighbours are on lower ground than the proposed dwelling. Occupiers of 6 - 10 Northfield Rise would also potentially be affected.
- 9.19. Although the distance from the dwelling to the plot boundaries would not be overly generous, the eaves height of the dwelling would be limited to 3m, and the hipped roof would be set at a shallow angle of 35 degrees. As a result no direct impact in terms of overshadowing or sense of enclosure for neighbours is anticipated.
- 9.20. Fenestration would only be at ground floor level and boundary fencing is proposed. As a result, there would be no significant expected impact in terms of overlooking or loss of privacy to the neighbours to the south, east and west.

Some views may be proven to be possible over the boundary fence to the first-floor windows of 15 Dean Court Road, however the separation distance here would be approximately 17.5m which is considered acceptable given the proposed dwelling is single storey.

- 9.21. It is noted that the Inspector for the previous appeal did not consider there to be any likely impact on 13 and 17 Dean Court Road in terms of loss of privacy. It is noted that both these properties had first-floor accommodation at this time. For the above reasons relating to the absence of any first-floor fenestration on the proposed dwelling, it is considered that neither of these neighbours would be significantly affected in terms of overlooking.
- 9.22. There may be some increase in overlooking towards 6 - 10 Northfield Rise, however this would be onto the front elevations of these dwellings and at a distance of nearly 30m at the closest point, and is therefore not considered unacceptable.
- 9.23. It should be noted that a condition is recommended to remove permitted development rights, meaning that any future roof extension to provide first-floor accommodation would require approval from the LPA.
- 9.24. The proposed creation of a new dwelling would increase general activity in the area due to the additional occupants, however this is unlikely to be a materially significant degree and would be of a compatible nature to the existing character of the area.
- 9.25. The proposal would result in the loss of a large part of the private outdoor amenity space for 15 Dean Court Road. Some 320sqm would be lost, with 190sqm retained. It is considered that this would remain a functional, useable private space and this would not warrant refusal of the application.

Standard of Accommodation:

- 9.26. The proposed dwelling would provide 103sqm of internal area set over a single storey, with three bedrooms of 12.2sqm, 9.7sqm and 9.5sqm and therefore appropriate for four people. There would be 2.4m of headroom throughout. This would comply with the Nationally Described Space Standard (NDSS) as is required by Policy DM1 of the City Plan Part Two.
- 9.27. Habitable rooms would generally be of regular layouts and proportions allowing space for furniture and circulation, and would have access to natural light and outlook.
- 9.28. There would be a rear garden area of approximately 85sqm, as well as a front garden area of some 50sqm. Whilst of somewhat restricted proportions, this would nevertheless provide useable, private outdoor amenity space for future occupiers in accordance with Policy DM1. It is noted that there are several examples of infill dwellings in the local area with limited amenity areas, such as at 1, 1A and 2 Royles Close, and the proposal would not compare unfavourably to these.

- 9.29. No accommodation is proposed in the loftspace, which in any case would not have sufficient headroom.
- 9.30. On this basis it is considered that the proposed dwelling would provide an acceptable standard of accommodation for future occupiers.

Sustainable Transport:

- 9.31. The proposal is unlikely to result in a significant uplift in trip generation.
- 9.32. The site is not located within a Controlled Parking Zone and the loss of the existing garage could potentially result in an increase in overspill car parking demand. However, the existing dwelling has ample on-site car parking to the front onto Dean Court Road, and the proposal includes an on-site car parking space for the new dwelling (utilising the existing crossover). Accordingly, this would not be unacceptable.
- 9.33. Secure cycle parking for the new dwelling is indicated on the plans in the rear garden. This would not be unacceptable in principle, but further detail is required and can be secured by condition.

Sustainability:

- 9.34. Energy and water efficiency standard in accordance with Policies CP8 and DM44 can be secured by condition.

Other Considerations:

- 9.35. There are a number of mature trees on the western boundary of the site. These are within neighbouring plots but the Root Protection Areas (RPAs) do likely extend into the site. Details of tree protection measures can be secured by condition.
- 9.36. A condition requiring a bee brick has been attached to improve ecology outcomes on the site in accordance with the Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.
- 9.37. In view of the varying levels across the site, it is considered appropriate to secure details of cross sections and spot heights of the existing and proposed land and buildings by condition.

Biodiversity Gain Plan

- 9.38. This scheme was considered exempt from the need to secure mandatory biodiversity net gain under Schedule 7A of the TCPA because it is a self-build development.

10. CONCLUSION

- 10.1. The proposed infill development within the Rottingdean settlement boundary would make a contribution to the housing supply of the city and is considered to be acceptable in principle. Whilst a previous application was refused, this was

many years ago and it is considered that local and national planning policy and circumstances have since changed to a degree that would now result in the planning balance being tipped in favour of the amended scheme. No significant impact upon neighbouring amenity is anticipated, and matters relating to transport, sustainability and arboriculture can be addressed by condition. The application is therefore recommended for approval.

11. EQUALITIES

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.

11.1. 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.

11.2. The applicant has confirmed that the dwelling will be able to meet the Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) as required by Policy DM1 and a suitably worded condition to this effect is recommended.

