

<b><u>No:</u></b>	<b>BH2024/03089</b>	<b><u>Ward:</u></b>	<b>Woodingdean Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>3 Merston Close Brighton BN2 6WJ</b>		
<b><u>Proposal:</u></b>	<b>Demolition of side extension, porch and garage to existing dwelling and erection of 1no new dwellinghouse (C3) to rear with carport and associated landscaping. (Amended Design)</b>		
<b><u>Officer:</u></b>	Jack Summers, tel: 296744	<b><u>Valid Date:</u></b>	14.01.2025
<b><u>Con Area:</u></b>	N/a	<b><u>Expiry Date:</u></b>	11.03.2025
<b><u>Listed Building Grade:</u></b>	N/a	<b><u>EOT:</u></b>	14.05.2025
<b><u>Agent:</u></b>			
<b><u>Applicant:</u></b>	Fairstone Property Holdings Limited 54 Davigdor Road Hove BN3 1RB		

## 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:

- 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	WV3-ELEVS-CP	V4	25-Feb-25
Proposed Drawing	WV3-ELEVS-FE	V4	27-Mar-25
Proposed Drawing	WV3-ELEVS-PC	V1	19-Dec-24
Proposed Drawing	WV3-ELEVS-SE	V4	27-Mar-25
Proposed Drawing	WV3-PLANS-BH	V3	08-Apr-25
Block Plan	WV3-PLANS-BP	V3	08-Apr-25
Proposed Drawing	WV3-PLANS-FP	V4	27-Mar-25
Proposed Drawing	WV3-PLANS-PC	V1	19-Dec-24
Proposed Drawing	WV3-PLANS-PS	V3	08-Apr-25
Detail	WV3-PLANS-TP	V2	27-Mar-25
Proposed Drawing	WV3-SECTS-CL	V2	27-Mar-25
Detail	WV3-SPDS-FD	V2	08-Apr-25
Location Plan	-	-	19-Dec-24
Report/Statement	BNG Small Site Metric	-	19-Dec-24
Report/Statement	BNG Gain Plan	-	19-Dec-24

Report/Statement	Preliminary [Bat] Roost Assessment (Ref: 0203)	-	19-Dec-24
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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:
  - a) samples/details of all brick and tiling
  - b) samples/details of the proposed window, door and balcony treatments
  - c) 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 CP8 and CP12 of the Brighton & Hove City Plan Part One, and DM18 and DM44 of the Brighton & Hove City Plan Part Two.
4. Prior to first occupation of the dwelling hereby permitted, the angled louvres across the entirety of the dormer window of Bedroom 3 shall be installed. The louvres shall thereafter be retained at all times, being repaired and maintained at all times in the event of damage, unless otherwise agreed in writing by the Local Planning Authority.  
**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. 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.
6. No extension, enlargement, alteration of the new dwellinghouse or provision of buildings or hardstandings etc. incidental to the enjoyment of the dwellinghouse within the curtilage of the dwellinghouse as provided for within Schedule 2, Part 1, Classes A, B, E and F of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and

re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

**Reason:** The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development to comply with policies CP12 of the Brighton & Hove City Plan Part One, and DM18, DM20 and DM21 of the Brighton & Hove City Plan Part Two.

7. 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.

8. Prior to the occupation of the dwellinghouse hereby permitted, and notwithstanding the approved drawings, a scheme for landscaping shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:

- a) details of all hard and soft surfacing to include type, position, design, dimensions and materials;
- 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 ensure that the development has an acceptable impact on general flooding and the water environment; 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 and DM37 of the Brighton & Hove City Plan Part Two.

9. Other than demolition works, the development hereby permitted shall not be commenced until a full surface and foul water drainage strategy 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.

10. 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 policies SA6 and CP8 of the Brighton & Hove City Plan Part One, and DM44 of the Brighton & Hove City Plan Part Two.

11. 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 improve the water efficiency of existing and new development and help reduce water wastage to comply with policies SA6 and CP8 of the Brighton & Hove City Plan Part One, and DM44 of the Brighton & Hove City Plan Part Two.

12. The development hereby permitted shall not be occupied until the cycle parking shown on the approved plans has been fully implemented and made available for use. The cycle parking shall thereafter be retained for use at all times.

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

13. The development hereby permitted shall not be occupied until the refuse and recycling storage facilities shown on the approved plans have been fully implemented and made available for use. The refuse and recycling storage facilities shall thereafter be retained for use at all times.

**Reason:** To ensure the provision of satisfactory facilities for the storage of refuse and 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.

14. Prior to the first occupation of the new dwelling hereby permitted, the garage and side extension existing on site shall be demolished in their entirety.

**Reason:** To ensure that sufficient access is provided for residents of the new dwellinghouse, and to comply with policies CP9 of the Brighton & Hove City Plan

Part One, and DM1, DM33 and DM36 of the Brighton & Hove City Plan Part Two.

15. The dwelling hereby approved shall be implemented in strict accordance with the internal layouts detailed on the approved floorplans.

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.

16. All ecological measures and/or works shall be carried out in accordance with the details contained in the Preliminary Roost Assessment (Amethyst Ecology, 26/09/24, Ref. 0203) and in broad accordance with the draft Biodiversity Gain Plan (Fairstone Property Holdings Ltd, 20/12/24) 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, to avoid an offence under the Wildlife and Countryside Act 1981, as amended, and The Conservation of Habitats and Species Regulations 2017, as amended, to provide a net gain for biodiversity as required by paragraphs 187 and 193 of the National Planning Policy Framework, Section 40 of the Natural Environment and Rural Communities Act 2006, and to comply with policies CP10 of the Brighton & Hove City Plan Part One, and DM37 of the Brighton & Hove City Plan Part Two.

17. No development shall take place (including any demolition, ground works, site clearance) until a method statement setting out how protected species will be safeguarded during site clearance and construction has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:

- a) purpose and objectives for the proposed works;
- b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
- c) extent and location of proposed works shown on appropriate scale maps and plans;
- d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- e) persons responsible for implementing the works;
- f) initial aftercare and long-term maintenance (where relevant); and
- g) disposal of any wastes arising from the works.

The works shall be carried out in accordance with the approved details and shall be retained in that manner thereafter.

**Reason:** To protect habitats and species identified in the ecological surveys from adverse impacts during construction, to avoid an offence under the Wildlife and Countryside Act 1981, as amended, and to comply with policies CP10 of the Brighton & Hove City Plan Part One, and DM37 of the Brighton & Hove City Plan Part Two.

18. No development shall take place until an ecological design strategy (EDS) addressing compensation, mitigation and enhancement measures and including at least three swift bricks and one bee brick has been submitted to and approved in writing by the local planning authority. The EDS shall include the following:
  - a) purpose and conservation objectives for the proposed works;
  - b) review of site potential and constraints;
  - c) detailed design(s) and/or working method(s) to achieve stated objectives;
  - d) extent and location /area of proposed works on appropriate scale maps and plans;
  - e) type and source of materials to be used where appropriate, e.g. native species of local provenance;
  - f) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
  - g) persons responsible for implementing the works;
  - h) details of initial aftercare and long-term maintenance;
  - i) details for monitoring and remedial measures; and
  - j) details for disposal of any wastes arising from works.

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

**Reason:** To ensure that any adverse environmental impacts of development activities can be mitigated, compensated and restored; that the proposed design, specification and implementation can demonstrate this; and to provide a net gain for biodiversity as required by Section 40 of the Natural Environment and Rural Communities Act 2006, paragraphs 187 and 193 of the National Planning Policy Framework and policy DM37 of the Brighton & Hove City Plan Part Two.
19. The Biodiversity Gain Plan shall be prepared in accordance with the Excel copy of the Small Sites Metric (SSM) completed by Finn d'Ascoli (Architectural Designer/Project Manager) on 19 December 2024; Proposed BNG Habitat Creation Plan (PBNGHCP, Fairstone Property, 19/12/24, V1, Drawing No. WV3-PLANS-BH); and Draft Biodiversity Gain Plan (DBGP, completed by Finn D'Ascoli of Fairstone Property Holdings Ltd on 20 December 2024).

**Reason:** To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act, 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.

20. Prior to the commencement of the development hereby permitted, a Habitat Management and Monitoring Plan (HMMP) shall be submitted to and approved in writing by the Local Planning Authority. The HMMP shall accord with the Biodiversity Gain Plan and include:
  - i. A non-technical summary
  - ii. The roles and responsibilities of the people or organisations delivering the HMMP
  - iii. The planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan

- iv. The management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the first [occupation or use] of the development
- v. The monitoring methodology and frequency in respect of the created or enhanced habitat
- vi. Provision for the identification, agreement and implementation of contingencies and/or remedial actions where the results from monitoring show that the conservation aims and objectives of the HMMP are not being met.

The created and/or enhanced habitat specified in the approved HMMP shall thereafter be managed and maintained in accordance with the approved HMMP.

**Reason:** To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act, 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.

- 21. Prior to the first occupation of the development hereby permitted, a completion report, evidencing the completed habitat enhancements set out in the approved Habitat Management and Monitoring Plan, shall be submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act, 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.

- 22. Habitat monitoring reports shall be submitted to and approved in writing by the Local Planning Authority in accordance with the methodology and frequency specified in the approved Habitat Management and Monitoring Plan.

The reports shall include (where the results from monitoring show that conservation aims and objectives of the HMMP are not being met) any contingencies and/or remedial action for agreement. Any agreed contingencies or remedial action shall thereafter be implemented in accordance with the approved details.

**Reason:** To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act, 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.

**Informatives:**

- 1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.

2. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level and preferably adjacent to pollinator friendly plants.
3. 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.
4. The drainage strategy required by Condition 10 should include:
  - Proof that sustainable drainage has been considered, including justification as to why forms of sustainable drainage excluded are not considered suitable.
  - Plans showing the location and specifications (including size and capacity) of each feature used for collecting, treating, attenuating, and infiltrating surface water.
  - Calculations demonstrating that the proposed drainage strategy is sufficient to prevent flooding in a 1 in 100 year +40%CC design storm, and that the site's ground infiltration rate is sufficient to deliver this.
  - A maintenance and management plan for each drainage element, listing maintenance tasks required, suggesting frequencies at which they are to be undertaken, and parties responsible for them.
  - Confirmation that the drainage strategy offers sufficient treatment to prevent groundwater contamination, referencing the Simple Index approach in the CIRIA SuDS Manual (C753). As the site is located within a Source Protection Zone, this is particularly important.
  - Correspondence from Southern Water demonstrating that their public sewers can receive the anticipated peak discharge rate.
  - Confirmation of the existing foul drainage layout.
  - Evidence that the existing and proposed sewer infrastructure is suitably sized for the anticipated peak discharge rate.
5. 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>
6. The applicant is advised that Part L - Conservation of Fuel and Power of the Building Regulations 2022 now requires each residential unit built to have achieved a 31% reduction in carbon emissions against Part L 2013.
7. The water efficiency standard required by condition is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where



water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.

8. In order to be in line with Policy DM33 (Safe, Sustainable and Active Travel) cycle parking must be secure, convenient (including not being blocked in a garage for cars and not being at the far end of a rear garden), accessible, well lit, well signed, near the main entrance, by a footpath/hardstanding/driveway and wherever practical, sheltered. It should also be noted that the Highway Authority would not approve vertical hanging racks as they are difficult for many people to use and therefore not considered to be policy and Equality Act 2010 compliant. Also, the Highway Authority approves of the use of covered, illuminated, secure 'Sheffield' type stands spaced in line with the guidance contained within the Manual for Streets section 8.2.22 or will consider other proprietary forms of covered, illuminated, secure cycle storage including the Police approved Secure By Design cycle stores, "bunkers" and two-tier systems where appropriate.
9. The applicant is advised under Part S of the Building Regulations that new dwellings providing a parking space now require an EV charging point.
10. 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](http://www.southernwater.co.uk).
11. 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.
12. The applicant is advised that assessment under the CIBSE TM59 Thermal Model option should be submitted as part of a full Building Regulations application.

### **Biodiversity Gain Plan**

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements built into The Act are considered to apply.

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the "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 is Brighton & Hove City Council.

The Biodiversity Gain Plan must relate to development for which planning permission is granted, and specify the following matters:

- i. Information about the steps taken or to be taken to minimise the adverse effect of the development on biodiversity,
- ii. The pre-development biodiversity value of the onsite habitat,
- iii. The post-development biodiversity value of the onsite habitat,
- iv. Any registered offsite biodiversity gain allocated to the development and the biodiversity value of that gain in relation to the development,
- v. Any biodiversity credits purchased for the development.

Commencing development which is subject to the biodiversity gain condition without an approved Biodiversity Gain Plan could result in enforcement action for breach of planning control

## **2. SITE LOCATION**

- 2.1. The application site is a residential plot occupied by a semi-detached two-storey dwelling at the end of the Merston Close cul-de-sac. The original building has been enlarged with a loft conversion and a single storey rear extension.
- 2.2. Merston Close contains five pairs of semidetached dwellings, within a large residential area at the southern end of Woodingdean, on the edge of the South Downs National Park. The site lies within a groundwater source protection zone but is not subject to any designations or protections. The topography of the land slopes gently up from southwest to northeast across the site, so the neighbouring dwellings on Cowley Drive sit on slightly higher land.
- 2.3. A site visit has not been undertaken in this instance; however, the impacts of the development can be clearly assessed from the plans and photos provided and from recently taken street-level and aerial imagery of the site.

## **3. RELEVANT HISTORY**

- 3.1. **BH2024/02071** Demolition of side extension, porch and garage to existing dwelling and erection of 2no. new dwellinghouses (C3) to rear with carport and associated landscaping. Refused (Appeal in Progress)
  - "1. *The number of proposed dwellings would result in an overdevelopment of the site, and of the area, resulting in a density significantly greater than that of the local built environment. Each new dwelling, due to its design, form and scale, and the size of the site would be highly visible from the surrounding properties, and would appear as an overly tall and heavy addition to the garden landscape, compounding concerns over density. The densification of development within a small cul-de-sac would fail to lead to a cohesive townscape. The development therefore would be*

contrary to policies CP12 and CP14 of the Brighton & Hove City Plan Part One, and DM18 of the Brighton & Hove City Plan Part Two, which together seek to manage the density and appearance of new development with the aim of safeguarding the visual amenity and established character of the local built environment.

2. *The upper floor windows of the proposed dwellings would offer harmfully intrusive views into the rear gardens of nos.59 and 61 Cowley Drive, significantly reducing the privacy enjoyed by occupants and detrimentally impacting on the desirability of the gardens as private amenity spaces. Furthermore, the physical presence of the proposal, due to its form and scale, alongside its proximity to the boundaries with neighbouring properties, would appear overbearing and create an unacceptable sense of enclosure for residents of no.4 Merston Close and nos.57-61 (odds) Cowley Drive. These effects would amount to an unacceptable detrimental impact on the residential amenity of local residents, contrary to policy DM20 of the Brighton and Hove City Plan Part Two, which aims to safeguard the amenity of residents from new development."*

- 3.2. **BH2024/01631** Demolition of side extension, porch and garage to existing dwelling and erection of 3no new dwellinghouses (C3) to rear with carport and associated landscaping. Refused

- "1. *The number of proposed dwellings would result in an overdevelopment of the site and creation of a density significantly greater than that of the local built environment. This would result in a cramped form of development that would erode the spacious character of the area. Furthermore, each new dwelling, due to its height and materiality, would be highly visible from the surrounding properties, and would appear as an overly tall and heavy addition to the garden landscape, compounding concerns over density. The densification of development within a small cul-de-sac would fail to lead to a cohesive townscape. The development therefore would be contrary to policies CP12 and CP14 of the Brighton & Hove City Plan Part One, and DM18 of the Brighton & Hove City Plan Part Two, which together seek to manage the density and appearance of new development with the aim of safeguarding the visual amenity and established character of the local built environment.*
2. *The upper floor windows of the proposed dwellings would offer harmfully intrusive views into the rear windows of nos.3 and 4 Merston Close, and the rear gardens of nos.57-61 (odds) Cowley Drive, significantly reducing the privacy enjoyed by occupants and detrimentally impacting on the desirability of the gardens as private amenity spaces. Furthermore, the physical presence of the proposal, due to its form and scale, alongside its proximity to the boundaries with neighbouring properties, would appear overbearing and create a sense of enclosure for residents of no.4 Merston Close and nos.57-61 (odds) Cowley Drive. These affects [sic] would amount to an unacceptable detrimental impact on the residential amenity of local residents, contrary to policy DM20 of the Brighton and Hove City Plan Part Two, which aims to safeguard the amenity of residents from new development.*
3. *The central dwelling hereby proposed would fail to provide a gross internal area that would meet the minimum requirement of the Nationally Described*

*Space Standard. It is considered that the dwelling would therefore provide a cramped and unacceptable standard of accommodation for future residents and would be contrary to policy DM1 of the Brighton and Hove City Plan Part Two, which seeks to ensure that residential development achieves a high standard of accommodation.”*

#### **4. APPLICATION DESCRIPTION**

- 4.1. Planning permission is sought for the demolition of the existing garage and extension, and erection of a single dwellinghouse and associated car port to the rear of no.3 Merston Close.
- 4.2. The proposed dwelling has a pitched roof form and two front dormer windows, with rooflights to the rear. The eaves height is some 4.2m and ridge height some 6.7m. The downstairs is laid out with a kitchen/diner, utility room, living room and study, and the upstairs contains three bedrooms and a bathroom.
- 4.3. External materials for the new dwelling include cream and grey brickwork, slate roof tiles and aluminium fenestration.
- 4.4. A car port, cycle parking and refuse/recycling store is at the front of the new dwelling, adjacent to an annex within the neighbouring site, and an area for Biodiversity Net Gain has been earmarked for the north corner of the application site.
- 4.5. The design has been amended during the application lifetime, decreasing the number of bedrooms so the building is suitably subservient to the existing dwelling; increasing the amount of garden space retained by the existing dwelling; and adding dormer windows to the roofscape to improve the outlook for future residents.

#### **5. REPRESENTATIONS**

- 5.1. Eight (8) representations have been received, objecting to the proposal on the following grounds:
  - Disruption during the building process
  - Unsuitable site access for emergency vehicles and waste collection
  - Increased highway safety risks, and noise, from additional traffic
  - Loss of pre-existing habitat in garden
  - Disruption to the tenanted annex at no.2 Merston Close
  - Light pollution to gardens
  - Lack of consultation
  - Electric vehicle charging points will not be used
  - Cycle parking will not be used
  - Lack of information regarding drainage
  - Lack of need for additional housing in the area

## 6. CONSULTATIONS

### Internal

#### 6.1. Arboriculture Team **No Objection subject to condition**

The loss of unprotected trees previously on the site is noted. In the event planning permission is minded to be granted it should be subject to protection of the retained apple tree, and a scheme for mitigation planting.

#### 6.2. Local Highway Authority **No Objection subject to condition**

No objection in principle, but it should be confirmed that the access arrangements are agreed with the neighbouring property owner\*. In the event permission is minded to be granted, cycle parking and a Construction Environment Management Plan should be secured by condition.

*\*Agreement over shared access is a civil matter outside the scope of planning, so should not be given any weight in this assessment.*

#### 6.3. Planning Urban Design Officer **No Objection subject to condition**

The proposal is acceptable in principle. Further information should be provided with regards to landscaping/planting, and some changes are recommended with regards to material specifications, but these can be secured by condition.

#### 6.4. Sustainable Drainage Team **No Objection subject to condition**

No objection in principle, but further information should be secured by condition, including:

- Correspondence from Southern Water demonstrating that their public sewers can receive the anticipated peak discharge rate
- Confirmation of the existing foul drainage layout
- Evidence that the existing and proposed sewer infrastructure is suitably sized for the anticipated peak discharge rate
- A full drainage strategy

### External

#### 6.5. County Ecology **No Objection subject to condition**

Whilst the application documentation has not met best practice standards and/or the requirements of the NERC Act and NPPF, it is possible that the risk is capable of being mitigated to acceptable levels by the application of planning conditions which are outlined in this response. It is considered likely that the biodiversity objective of at least 10% biodiversity net gain will be met.

#### 6.6. Southern Water **No Objection**

Any new connections to the public sewerage system will require a New Sewer Connection application (we sometimes refer to this as a Section 106) to be submitted and approved by Southern Water.

## 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)

## 8. **RELEVANT POLICIES & GUIDANCE**

The National Planning Policy Framework (NPPF)  
Planning Practice Guidance (PPG)

### Brighton & Hove City Plan Part One (CPP1)

SS1	Presumption in Favour of Sustainable Development
SA5	The Setting of the South Downs National Park
SA6	Sustainable Neighbourhoods
CP1	Housing Delivery
CP8	Sustainable Buildings
CP9	Sustainable Transport
CP10	Biodiversity
CP11	Flood Risk
CP12	Urban Design
CP14	Housing Density
CP19	Housing Mix

### Brighton & Hove City Plan Part Two (CPP2)

DM1	Housing Quality, Choice and Mix
DM18	High quality design and places
DM19	Maximising Development Potential
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
DM40	Protection of the Environment and Health - Pollution and Nuisance
DM42	Protecting the Water Environment
DM43	Sustainable Drainage
DM44	Energy Efficiency and Renewables

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

WMP3	Implementing the Waste Hierarchy
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RM0 Sustainable Use of Aggregates

Supplementary Planning Documents (SPD)

SPD03	Construction & Demolition Waste (2006)
SPD06	Trees & Development Sites (2006)
SPD11	Nature Conservation & Development (2022)
SPD12	Design Guide for Extensions and Alterations (2020)
SPD14	Parking Standards (2016)
SPD16	Sustainable Drainage (2019)
SPD17	Urban Design Framework (2021)

## **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. Sustainability and biodiversity are also considerations.

Principle of Development

**Creation of Housing**

- 9.2. 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<sup>th</sup> 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 2,498 homes per year. A 20% buffer is applied to this figure to reflect the most recent Housing Delivery Test measurement (published in December 2024) for the council being less than 85%.
- 9.3. The council's most recent housing land supply position is published in the SHLAA Update 2024 which shows a five-year housing supply shortfall of 10,643. This is equivalent to 1.4 years of housing supply.
- 9.4. 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). As such, the provision of one dwelling would make an important, but very minor contribution to the city's housing supply which must be given increased weight in the planning balance.

**Plot Density**

- 9.5. CPP1 policy CP14 states that increases in built density will be acceptable where it is demonstrated that the development would be of high quality and maintain or create a coherent townscape; would respect, reinforce or repair the character of the neighbourhood and contribute positively to its sense of place; include a mix

of dwelling types that reflect local need; be accessible by sustainable transport; be well served by local services and community facilities; and provide outside amenity space. Policy DM19 seeks to ensure developments make effective and efficient use of sites.

- 9.6. A survey of plot and building sizes of the closest properties on Merston Close, Cowley Drive and Donnington Road (50 plots including the application site) has been undertaken. It indicates that the average plot size is some 324m<sup>2</sup> and the average property occupies some 20% of the plot.
- 9.7. The existing plot size serving the current dwelling at 3 Merston Close is large and significantly above average in terms of size at approximately 660m<sup>2</sup>. It can therefore be subdivided into two suitably sized plots: some 485m<sup>2</sup> for the proposed site and 175m<sup>2</sup> for the existing/retained dwelling. The proposed dwelling would occupy around 24% of its plot, which is around the average for the area. Whilst of slightly higher density, it is considered that the proposal would be in keeping with the character of the local area and that overall, the site is able to accommodate a total of two dwellings.

#### Design and Appearance

##### **Demolition**

- 9.8. The removal of the side extension, front porch, and detached outbuilding to facilitate the development is considered to be acceptable in terms of appearance. None of these features are of any notable design merit and there is no objection to the demolition and the associated physical works to the dwelling. The Local Planning Authority has no concerns in this regard.

##### **Form & Scale**

- 9.9. The proposed dwelling is considered to be acceptable in terms of form and scale. It is two-storey but effectively has the appearance and size of a single storey dwelling with a habitable roofscape, and appears subservient to the main dwelling. It is also positioned primarily behind said dwelling, so would not have a strong visual relationship when viewed from the public highway.
- 9.10. The two dormer windows are modest additions to the roofscape and do not dominate. Given the aforementioned calculations with regards to urban density, it is not considered that the proposal constitutes overdevelopment; this is an uncharacteristically large site and has the space to accommodate an additional dwellinghouse. Appropriately sized outdoor garden amenity space would be provided for both dwellings.
- 9.11. The detached car port is considered to be acceptable in terms of form and scale; it is comparable to the existing garage (to be demolished) and would be sited immediately adjacent to a larger outbuilding in the garden of no.2. It is considered that it would have an acceptable impact on the character of the streetscene.
- 9.12. It is recommended that permission only be granted subject to a condition requiring the submission and approval of existing and proposed ground levels within the site and on adjacent land, to ensure that the dwelling would be suitably



positioned and not appear overly dominant. This would also assist in managing potential impacts on neighbouring amenity.

- 9.13. Furthermore, permission should only be granted subject to a condition removing certain permitted development rights for the new dwelling. Given the significant constraints of the site, alterations that could be possible through the Town and Country Planning (General Permitted Development) Order 2015 (as amended) could have unsuitable impacts on the appearance of the dwelling and/or the amenity of local residents.

**Materiality**

- 9.14. The schedule of materials for the development is limited in colour palette to cream and shades of grey. The LPA is concerned that this would fail to reflect the back garden setting of the development and considers warmer tones would be more appropriate. Final material specifications shall be secured by condition.

**Impact on South Downs National Park**

- 9.15. The proposed development site is approximately 130m from the edge of the South Downs National Park, set within a residential area. It is considered that it would have no impact on the significance of the Park as it would be screened from view.

Impact on Amenities

**Overshadowing/Loss of Light**

- 9.16. Given the relatively low eaves height of some 4.2m and ridge height of some 6.7m, coupled with the physical separation between the proposed dwelling and its site boundary, it is not considered that it would have any significant impacts on natural light provision within the curtilage of any of the surrounding properties, including the current dwelling at no.3.

**Loss of Outlook**

- 9.17. The proposed development is not anticipated to result in harmful loss of outlook for residents of the any of the surrounding properties; the concerns raised from the local consultation are acknowledged but not shared by the LPA due to the separation distance between the proposed development and windows on the surrounding dwellings.

**Noise Nuisance**

- 9.18. The potential impact caused by the building work itself is not a material planning consideration to be given any weight in the assessment of the proposal as it would be short term and small scale. Although some level of disruption is likely, this would be in the short-term only and is not reason to withhold planning permission.
- 9.19. Concerns have also been raised that the vehicle movements associated with the new dwellings would create an unacceptable impact on the amenity of residents. The LPA considers that any impact would be upon occupants of nos.2 and 3 Merston Close, between which the accessway would be routed.

- 9.20. It is considered that there is an existing garage in the location of the proposed car port. Whilst it appears to not have been in use for some time, there is nothing to stop it from being brought back into use, and vehicle movements associated with it would be comparable with those of the proposed scheme. It is not considered therefore that the impact in this regard would reasonably justify planning permission being withheld. This was also not a reason for refusal of previous applications on this site.
- 9.21. Concerns have also been raised that the vehicle movements would have an unacceptable impact on the amenity of reported occupants of an annex in the garden of no.2 Merston Close. It should be noted that no planning permission has been granted for an annex, so it is not clear from the information available whether such a use is lawful. Regardless, impacts on occupants of this have however also been considered.
- 9.22. The LPA does not therefore share the concerns raised that the increase of vehicle movements generated by just one additional dwelling within the Close would have an unacceptable impact on the entire community in terms of noise.

### **Loss of Privacy**

- 9.23. It is considered that views from the first-floor windows of the proposed dwellings have the potential to cause some harm to the amenities of local residents by providing intrusive views into the gardens and windows of the surrounding properties. However, the development is designed to mitigate these impacts to what the LPA considers an acceptable degree.
- 9.24. The dormer window serving the master bedroom faces onto the side and corner of no.2 Merston Close, and the two are separated by ~17m, which is considered to be an acceptable distance to mitigate potential overlooking. The windows on the flank elevation of no.2 are at a distance, and an oblique angle from the proposed bedroom window, and are not considered to be unduly compromised in terms of privacy.
- 9.25. The dormer window serving Bedroom 2 would provide views across the garden and into the rear windows of no.3 Merston Close, so has been designed to be fitted with angled louvres directing views at the flank of no.2, which is not considered to be sensitive from such a distance, which is ~20m from this dormer.
- 9.26. The five rooflights in the rear roof slope, between them, serve the Master Bedroom and its ensuite, the stairwell, and Bedroom 3. The lower cill of these rooflights is at an internal height of ~1.6m and due to their angle most views would be directed upward toward the sky rather than across and downward into neighbouring gardens. This is considered to sufficiently reduce direct overlooking into neighbouring gardens. First floor windows on the closest neighbouring dwellings are at some 23m, which is considered to be sufficient distance and acceptable. There is a ground floor extension on one neighbouring dwelling which is ~6m closer, but this is still considered to be an acceptable relationship.

### **Visual/Overbearing Impact**

- 9.27. The proposed dwelling has an eaves height of ~4.2m and ridge height is ~6.7m, and a pitched roof form. It is not considered that it would have a dominant appearance, being effectively a single storey dwelling with habitable roof-space. The gable ends would only be prominent as viewed from the ends of the gardens of nos.2 & 4 Merston Close, and it is not considered that this impact would be significant enough to justify refusal of planning permission in this instance.
- 9.28. The dwelling would be highly visible from the rear windows of no.3 Merston Close, but the distance of ~13m and the single-storey profile of the building are considered to be factors that sufficiently mitigate the impact.

### **Light Nuisance**

- 9.29. Concerns have been raised that the proposed dwelling would result in light nuisance to surrounding residents. It is not considered that the proposed development of one dwelling would lead to significant light spill to the extent that it would result in a material nuisance within this residential area, and it would not be reasonable to refuse planning permission on this basis.

### **Transport Impact**

- 9.30. The development would include a net increase of one dwellinghouse, that would include its own off-street parking. Access for this vehicle would be the same as for the existing garage associated with no.3 Merston Close, and it is not considered reasonable to object on these grounds.
- 9.31. No.3 itself would lose its garage, so there may be overspill parking onto the local highway network, which according to local residents is oversubscribed with existing vehicles. The additional impact of car(s) serving just one dwelling, however, is not considered to constitute the severe impact on highway safety mentioned in paragraph 116 of the NPPF that would justify refusal of planning permission. The Local Highway Authority has also raised no objection to the principle of the development.
- 9.32. It has been asserted in the representations received that future occupants of the new dwellings would not make use of the electric vehicle charging infrastructure and would instead own and operate petrol-driven cars. This may or may not be the case, but all new dwellings have to provide EV chargers under the requirements of the Building Regulations.

### **Cycles**

- 9.33. Occupants of each new dwelling would have access to secure cycle parking that would exceed the minimum requirement in SPD14: Parking Standards; this is considered to be acceptable and will be secured by condition.
- 9.34. The concern raised in the representations received that future occupants would not cycle is speculation and not a reason to not provide cycle parking.

### **Public Transportation**

- 9.35. The site is within walking distance of bus stops on Cowley Drive so well served by public transport.

## Standard of Accommodation - Retained Dwelling

### **Area and Layout**

- 9.36. 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.
- 9.37. The existing dwelling no.3 Merston Close is laid out as a four bedroom, five bed space dwelling over three storeys. It currently provides a GIA of approximately 119m<sup>2</sup>. As a result of the demolition of the side extension and porch, the GIA of the building would be reduced to approximately 103m<sup>2</sup>; this just meets the minimum acceptable area as per the NDSS.
- 9.38. One of the existing bedrooms at first floor level has an area of only approximately 6.5m<sup>2</sup> (including a store that has not been confirmed as serving the bedroom itself). This is significantly short of the 7.5m<sup>2</sup> minimum required in the NDSS. However, this room is not being altered as part of the property development, and it is not considered reasonable to raise strong objection in this instance.

### **External Amenity Space**

- 9.39. The rear garden for no.3 is being reduced from approximately 475m<sup>2</sup> to 80m<sup>2</sup>, a loss of approximately 83%. This would have an impact on the external amenity space available to residents of the property in the context of the existing site, but the original garden was very large and the retained space would still provide acceptable space for activities such as drying clothes, relaxing and for children to play appropriate to the size of the retained dwelling. The reduction in size would not warrant a reason to refuse planning permission on that basis. It should be noted that loss of garden space has not formed a reason for refusal on either of the recent previous planning applications on this site, and this proposal is an improvement over those previous schemes.

### **Privacy**

- 9.40. The first-floor rear windows of the retained dwelling would be separated from the front bedroom window of the closest proposed dwelling by ~13m. This has the potential to cause some harm to the amenity of residents of no.3 Merston Close and was a reason for refusal of the previous application. The applicant has sought to mitigate the impact through the installation of angled louvred on the windows, to remove views directly towards no.3. It is considered that subject to the retention of these being secured by condition, the impact on the privacy of residents of the retained dwelling would be acceptable.

### **Outlook**

- 9.41. The proposed dwelling would be visible in views from the rear windows of the retained dwelling, but given the distance and its modest scale, sufficient outlook is considered to be maintained, and the LPA does not consider that the impact in this regard is unacceptable.

### **Natural Light**

- 9.42. The proposed development is not anticipated to have a significant impact on the natural light to the rear windows or garden of no.3 Merston Close given the orientation of the land; there are no concerns in this regard.

#### **Accessibility**

- 9.43. The removal of the porch would have a minor impact on access to the retained dwelling, but the original entrance appears to be retained so the suitability of the dwelling for wheelchair-users or those with a mobility-related difficulty would not be significantly impacted; the LPA does not wish to object in this instance given this relates to minor alterations to an existing dwelling.

#### **Standard of Accommodation - Proposed Dwelling**

- 9.44. The dwelling would be laid out as a three-bedroom, six-person unit over two floors, and has a 'study' at ground floor level that could be potentially utilised as a fourth bedroom, which is small but accords with the NDSS. Overall, it would provide a gross internal area (GIA) of some 130m<sup>2</sup>; this is in accordance with the NDSS, which seeks at least 115sqm for a 7-person, 4-bed unit over 2-storeys.
- 9.45. In general, it is considered that the property would provide a decent standard of accommodation. It is not ideal that Bedroom 2's outlook is reduced with angled louvres and Bedroom 3's is provided only by rooflights, however given that the main bedroom has full outlook and that the unit overall is spacious and well laid out with good levels of light and meets the NDSS, on balance this is acceptable.

#### **External Amenity Space**

- 9.46. It is considered that the garden area is of adequate size to satisfactorily serve the occupants of the new dwelling.

#### **Accessibility**

- 9.47. 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**

##### **Biodiversity Net Gain (BNG)**

- 9.48. The application is supported by a BNG Plan, detailing how it would be achieved at the north edge of the site. The County Ecologist has been consulted and concluded that the plan is acceptable; therefore, it shall be secured and monitored through the BNG Conditions.
- 9.49. The clearance of the site prior to submission of this application has been noted, but this did not require any formal consent from the LPA. The BNG baseline has been calculated using the pre-clearance site, so a 10% gain on that will be secured, rather than the existing site which is largely empty of biodiversity/habitat.

#### **Bee & Swift Bricks**

- 9.50. 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.

### **Landscaping**

- 9.51. The application site was cleared of the majority of vegetation prior to the submission of the application; it is necessary to include a condition requiring the submission and approval in writing of a landscaping and biodiversity enhancement strategy to ensure that the impact to local biodiversity is successfully mitigated.

### **Arboriculture**

- 9.52. There is reportedly a single unprotected apple tree retained following site clearance; according to the Existing On-Site Habitat plan, this is in the northwest corner of the site and would not therefore be displaced by the development. This tree lies within the area earmarked for BNG and therefore should not be further impacted upon by the development. Its protection during construction can be secured via condition.

### Sustainable Drainage

- 9.53. Limited information with regards to surface and foul water drainage have been submitted with the application, but the Council's Sustainable Drainage Team are satisfied that in principle the development is acceptable. Further information shall be secured by condition, in the interest of minimising the impacts of flooding around the site.

### Sustainability

#### **Energy & Water Efficiency**

- 9.54. 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 maximum indoor water consumption. This can be secured by condition.

#### **Waste & Recycling**

- 9.55. The proposed development shows an indicative location for refuse and recycling bins at the front of the site to the side of the retained dwelling; this is considered to be acceptable in principle. Providing these facilities will ease the sorting of waste generated by the dwelling, reducing the amount of waste that would be sent into landfill in accordance with the waste hierarchy contained within the National Planning Policy for Waste. Installation of these facilities prior to occupation of the dwelling can be secured by condition.

### Other Considerations

- 9.56. It has been raised as a concern in the representations received that the new dwellings would be inaccessible for the emergency services. The dwelling is

approximately 33m into the site, which would be within the reach of fire service hoses. Regardless, matters of fire safety are dealt with through Building Regulations so need not be given significant weight in the planning balance in this instance.

- 9.57. It has been asserted that local residents were inadequately consulted on the development. In accordance with the LPA's consultation processes, all properties with a shared boundary were sent a letter regarding the application. The LPA does encourage developers to communicate with local residents, but they are not under any strict requirement to do so, and this had not been weighed against the application.

#### Conclusion & Planning Balance

- 9.58. The proposed development is considered to be acceptable in principle, and in terms of appearance and the impacts it is anticipated to have on the amenities of local residents and highway safety. The disadvantages of the scheme are not considered to be significant, and can be mitigated through conditions; furthermore, they would not outweigh the benefits of the scheme which include a dwelling suitable for family accommodation, at a time when the LPA cannot demonstrate a 5 Year Housing Land Supply.
- 9.59. Planning conditions will be included in the interests of visual and residential amenity, accessibility, biodiversity and sustainability. For the foregoing reasons the proposal is considered to be in accordance with policies SA6, SA6, CP1, CP8, CP9, CP10, CP11, CP12, CP14 and CP19 of the Brighton and Hove City Plan Part One, and DM1, DM18, DM19, DM20, DM21, DM22, DM33, DM35, DM36, DM37, DM40, 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 £14,658.11. 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.