

<u>No:</u>	BH2025/01377	<u>Ward:</u>	Rottingdean & West Saltdean Ward
<u>App Type:</u>	Removal or Variation of Condition		
<u>Address:</u>	7 Saxon Close Saltdean Brighton BN2 8GA		
<u>Proposal:</u>	Application to vary conditions 1, 6i and 17 of planning permission BH2024/00692 to allow amendments to approved drawings and to confirm conditions 6i and 17 have been approved.		
<u>Officer:</u>	Rebecca Smith, tel: 291075	<u>Valid Date:</u>	29.05.2025
<u>Con Area:</u>		<u>Expiry Date:</u>	24.07.2025
<u>Listed Building Grade:</u>		<u>EOT:</u>	10.09.2025
<u>Agent:</u>	Lewis And Co Planning SE Ltd Lewis & Co Planning 2 Port Hall Road Brighton BN1 5PD		
<u>Applicant:</u>	My Sales Ltd C/o Lewis And Co Planning 2 Port Hall Road Brighton BN1 5PD		

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	TA1398/10	F	29-May-25
Proposed Drawing	TA1398/11	F	29-May-25
Proposed Drawing	TA1398/12	F	29-May-25
Proposed Drawing	TA1398/13	F	29-May-25
Proposed Drawing	TA1398/14	F	29-May-25
Proposed Drawing	TA1398/15	E	29-May-25
Proposed Drawing	TA1398/16	E	29-May-25
Proposed Drawing	TA1398/17	F	29-May-25
Proposed Drawing	TA1398/18	E	29-May-25
Proposed Drawing	TA1398/19	D	29-May-25
Proposed Drawing	TA1398/20	A	29-May-25
Report/Statement		Planning Statement	29-May-25
Report/Statement		Biodiversity enhancement	25-Jul-25

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

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

3. Notwithstanding any details shown on the approved plans, no development above ground floor slab level of any part of the development hereby permitted shall take place until details of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):

- a) Samples/details of all brick, render and tiling (including details of the colour of render/paintwork to be used)
- b) samples of all cladding to be used, including details of their treatment to protect against weathering
- c) samples/details of all hard surfacing materials
- d) samples/details of the proposed window, door and balcony treatments
- e) samples/details of all other materials to be used externally

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

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

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

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

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

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

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

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

6.

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

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

7. Prior to first occupation of the development hereby permitted, details of secure cycle parking facilities for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.

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

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

Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development to comply with policies Dm20 & DM21 of Brighton & Hove City Plan Part 2, and CP12 of the Brighton & Hove City Plan Part One.

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

TA1398/12 C received on 19th July 2023. The internal layouts shall be retained as first implemented thereafter.

Reason: To ensure an acceptable standard of accommodation for future occupiers is provided and maintained thereafter and to comply with policy DM1 of the Brighton and Hove City Plan Part Two.

10. The new crossover and access shall be constructed prior to the first occupation of the development hereby permitted.

Reason: In the interests of highway safety and to comply with policies TR7 of the Brighton & Hove Local Plan and CP9 of the City Plan Part One.

11. The vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved and shall be maintained so as to ensure their availability for such use at all times.

Reason: To ensure that adequate parking provision is retained and to comply with policy CP9 of the Brighton & Hove City Plan Part One, policy DM33 of Brighton & Hove City Plan Part 2, and SPD14: Parking Standards.

12. The development hereby permitted shall not be occupied until the dwelling hereby permitted have been completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) and shall be retained in compliance with such requirement thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy DM1 of Brighton & Hove City Plan Part 2.

13. The development hereby approved should achieve a minimum Energy Performance Certificate (EPC) rating 'B' for new build residential.

Reason: To improve the energy cost efficiency of existing and new development and help reduce energy costs to comply with policy DM44 of the Brighton & Hove City Plan Part Two.

14. The residential unit hereby approved shall not be occupied until the building has achieved as a minimum, a water efficiency standard of not more than 110 litres per person per day maximum indoor water consumption.

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

15. Prior to first occupation of the development hereby approved, details of the photovoltaic array referred to on drawing TA1398/10 C shall be submitted to and approved in writing by the Local Planning Authority. The photovoltaic array shall then be installed in accordance with the approved details.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and has an acceptable appearance and to comply with policies CP8 and CP12 of the Brighton & Hove City Plan Part One.

16. At least one bee brick shall be incorporated within the external wall of the development hereby approved and shall be retained thereafter.
Reason: To enhance the biodiversity of the site and to comply with Policy DM37 of Brighton & Hove City Plan Part 2, Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.
17. The development shall take place in accordance with the Ecological Design Strategy received 25th August 2025 and previously approved as the Ecological Design Strategy for this address under application BH2024/02579.
18. The hard surface hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.
Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policies CP8 & CP11 of the Brighton & Hove City Plan Part One.
19. The dwelling hereby approved shall be implemented in strict accordance with the internal layouts detailed on the proposed floorplans TA1398/11 D, TA1398/12 D and TA1398/20 received on 15th March 2024. The internal layouts shall be retained as first implemented thereafter.
Reason: To ensure an acceptable standard of accommodation for future occupiers is provided and maintained thereafter and to comply with policy DM1 of the Brighton and Hove City Plan Part Two.

Informatives:

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

2. SITE LOCATION

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

3. RELEVANT HISTORY

- 3.1. **BH2024/02579** - Application for approval of details reserved by condition 6 i) (archaeological written scheme of investigation) and 17 (ecological design strategy) of application BH2024/00692 (original permission BH2023/00424). Approved 10.12.2024
- 3.2. **BH2024/00692** - Application to vary condition 1 of planning permission BH2023/00424 to amend approved drawings for the addition of a basement level. Approved 12.08.2024
- 3.3. **BH2023/00424** - Erection of 1no detached part 1/part 1.5 storey three-bedroom dwelling (C3) with associated parking, bin store and landscaping on land at 7 Saxon Close, including subdivision from 7 Saxon Close. Approved 07.09.2023
- 3.4. **BH2022/03233** - Partial demolition and remodelling of the existing dwelling and erection of 1no four-bedroom dwelling and 1no three-bedroom dwelling (C3). Withdrawn
- 3.5. **BH2010/01380** - Erection of single storey rear extension at the lower ground floor (basement) level. Approved 07.09.2010

4. APPLICATION DESCRIPTION

- 4.1. The application is seeking planning permission to vary Condition 1 of BH2024/00692 (the plans condition) to allow for changes to the approved plans which include:
- A new excavated patio area to the front of the property and an enlarged patio to the rear at basement level
 - New balustrading around the patio areas
 - Alterations to the stepped access and changes to fenestration
 - Alterations to the garden layout including new stepped access from basement to ground level
 - Revised conditions on archaeology and ecology which are updated where acceptable details have already been approved under previous applications.
- 4.2. It should be noted that the majority of the development proposed already benefits from the planning permission BH2024/00692 which was approved on 12th August 2024 following a decision by the Planning Committee.

5. REPRESENTATIONS

- 5.1. Representations have been received from 5 people, objecting to the proposed development for the following reasons:
- Increased traffic
 - Detrimental effect on property values
 - Noise

- Overdevelopment/overcrowding
- Restriction of view
- Too close to boundary
- Lack of communication with neighbours
- No consideration for retaining wall between Tumulus Road and Saxon Close.
- Heat pump too close and will cause a disturbance,
- Loss of sea view.
- Poor design
- Inappropriate height of development
- Likely to increase pavement parking.
- Removal of turning head a concern.
- Loss of amenity and privacy.
- Noise during construction.

5.2. Full details of representations received can be found online on the planning register.

6. CONSULTATIONS

None undertaken

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

8. RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One:

SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP8	Sustainable buildings

CP9	Sustainable transport
CP10	Biodiversity
CP12	Urban design

Brighton & Hove City Plan Part Two:

DM1	Housing Quality, Choice and Mix
DM18	High quality design and places
DM20	Protection of Amenity
DM21	Extensions and alterations
DM22	Landscape Design and Trees
DM31	Archaeological Interest
DM33	Safe, sustainable and active travel
DM37	Green Infrastructure and Nature Conservation

Supplementary Planning Documents:

SPD11	Nature Conservation & Development
SPD12	Design Guide for Extensions and Alterations
SPD14	Parking Standards

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to whether it is acceptable in terms of design, appearance and residential amenity to amend the previously approved plans to include the proposed changes. These would be to permit additional excavation to the front of the dwelling and already approved basement to create a patio and alter the approved front elevation, including the stepped access to the dwelling. There are also amendments to the landscaping at the rear to include steps up from a basement level patio to the rear rather than the sloping lawn as currently approved.

Principle of the Development:

- 9.2. The principle of building a house on the side/rear garden of 7 Saxon Close was first established with the approval of BH2023/00424 (approved by Planning Committee on 6th September 2023). As noted above the approved plans were then varied to include basement level accommodation comprising of a bedroom and ensuite with access to the rear garden. This was approved under BH2024/00692 (approved by Planning Committee on 7th August 2024).

Design and Appearance

- 9.3. The proposed alterations to the plans approved under BH2024/00692 are to retain the footprint of the basement but with external changes comprising of excavations to facilitate a patio to the front of the property (with void above) and a patio to the rear of the basement level with stairs up to the garden level.
- 9.4. The proposed front patio area will be served by bi-fold doors from the basement hallway. At ground floor level there will be balustrading around the stairs and entrance to the property to prevent falls into the void, further details of this balustrading are secured through the materials condition. The addition of a balustrade is not considered detrimental to the streetscene.

9.5. There are also proposed changes to the access to the property, The proposed steps to the front doors from the pavement are now proposed to be narrower but retain the space for future chairlift facility. The stairs would now be offset to side of the front door so a turn at the top of the stairs is required to enter the property. This is not considered a significant change in respect of the impact on the appearance of the property and is acceptable.

9.6. Overall, the proposed changes to the design do not significantly alter the design or appearance of the property from the street, when compared to the previous approval. No harm to the character or appearance of the area is considered to result from the proposed changes and the alterations are considered to be compliant with policies CP12 (Urban Design) of the Brighton and Hove City Plan Part One and DM18 (High quality design and places) of the Brighton and Hove City Plan Part Two.

Impact on Amenity:

9.7. The proposed additional basement patio at the front of the dwelling would not impact on neighbouring properties in terms of overlooking or overshadowing as the development would be below ground level. The access doors to the sunken patio would be below ground level so are not considered to impact on the privacy of neighbours. It is noted that there is no access from the proposed front patio to the street as it is fully enclosed. The basement front patio would replace a raised outside terrace area that was previously approved therefore the resultant amenity impacts at the front would be lesser than the approved scheme as any overlooking to the street would be removed as a result of the basement location. Any impacts in terms of noise would be similar to those previously considered acceptable when it was a street level terrace.

9.8. At the rear the changes to remove the sloping lawn from the approved layout and create an enlarged rear patio with steps would have no additional impact upon residential amenity over and above the already approved scheme.

9.9. The proposals are not considered to cause any increased impacts upon neighbouring residential amenity and are considered compliant with policy DM20 of the Brighton and Hove City Plan Part Two.

Sustainable Transport and Accessibility:

9.10. Access to the property would be marginally affected by the proposals as the steps to enter the property at the front would be narrowed to allow for the excavation required. The steps would remain a useable and compliant width and the previously approved space and power supply for a potential future chairlift would still be possible within the layout. This means the property can still be adapted for access for those with reduced mobility.

Archaeology

9.11. Whilst the scheme proposes new excavations the impacts on any archaeological deposits will be monitored through the approved details. A written scheme of investigation has already been approved through the condition process (6i) under application (BH2025/02579) and is required to be adhered to during

construction, the second part of this condition (6ii) requires works to be in accordance with the WSI and that a written record of the archaeological investigation is submitted following completion of the investigation on site.

- 9.12. The archaeological importance of the site would remain protected through the approved WSI and condition requiring development in accordance with the approved details. Therefore, there are no concerns in respect of design and archaeology with the revised proposals.
- 9.13. As the approved WSI has the previously approved plans from BH2024/00692 as part of the approved document it is not considered that this can be carried across to this application due to the inclusion of the plans to be superseded if this application is approved. Therefore a new WSI is required to refer directly to this proposed development with additional excavation.

Conditions:

- 9.14. Conditions previously applied to the erection of a dwelling at this site have been carried over as part of this recommendation. Where the conditions have already been discharged, the wording has been updated to reflect this and to ensure that those approved details are secured. The conditioned matters which have been amended are:
- 1. Plans list (updated to include the amended plans)
 - 17. Ecological Design Strategy, details as per the strategy approved under BH2024/02579. This condition is updated to ensure that the Ecological Design Strategy previously approved is adhered to in the design and construction of the development.
- 9.15. All other conditions have been carried over as previously attached.

Other Matters Including those raised in Representations:

- 9.16. It is noted that the majority of points raised in the public consultation relate to the erection of a property in this location and the above ground level works, already approved and the size and occupation of the proposed dwelling. These objections were previously considered when the dwelling was granted and whilst these objections are noted there remains an extant planning permission which is being amended with this application. This recommendation is considering the changes in addition to what has already been approved.
- 9.17. Impacts on property values are not a material planning consideration.
- 9.18. Impacts of noise during construction are not a material planning consideration, it is accepted that there will be some noise, and disturbance impacts from the construction, but these are not permanent effects of the proposed development.

10. CONCLUSION

- 10.1. The amendments to the proposal in the form of the sunken front patio, balustrading, steps and alterations to the garden and patio layout at the rear are considered to cause no harm to the character and appearance of the area. The

alterations would not cause any harms to neighbouring residential amenity. The amendments are therefore considered to be compliant with policies of the Brighton and Hove City Plan Part One and Brighton and Hove City Plan Part Two.

11. EQUALITIES

11.1. 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.

11.2. 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.

12. COMMUNITY INFRASTRUCTURE LEVY

12.1. Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23 July 2020 and began charging on all CIL liable planning applications on and from the 5 October 2020. It is estimated that the amount of CIL liability for this application is £24,810.63. The exact amount will be confirmed in the CIL liability notice which will be issued as soon as it practicable after the issuing of planning permission.

