

<b><u>No:</u></b>	<b>BH2025/01008</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>Land East Of 5 Nolan Road Brighton BN2 6RS</b>		
<b><u>Proposal:</u></b>	<b>Demolition of existing garage and erection of 1no. one storey, two bedroom dwelling (C3) with associated landscaping.</b>		
<b><u>Officer:</u></b>	Rebecca Smith, tel: 291075	<b><u>Valid Date:</u></b>	03.06.2025
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	29.07.2025
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	15.11.2025
<b>Agent:</b>	RSP Architects Ltd. RSP Architects Ltd 1 Westbourne Grove Hove BN3 5PJ		
<b>Applicant:</b>	C/O RSP Architects 1 Westbourne Grove Westbourne Gardens Hove East Sussex BN3 5PJ		

## 1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **GRANT** planning permission subject to the following Conditions and Informatives:

### Conditions:

1. The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

**Reason:** For the avoidance of doubt and in the interests of proper planning.

Plan Type	Reference	Version	Date Received
Location and block plan	01	C	03-Jun-25
Proposed Drawing	05		10-Oct-25

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):
- details of all brick, render and tiling (including details of the colour of render/paintwork to be used)
  - details of all cladding to be used, including details of their treatment to protect against weathering
  - details of all hard surfacing materials

- d) details of the proposed window, door and balcony treatments
- e) 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 CP15 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, DM20 and DM21 of Brighton & Hove City Plan Part Two, and CP12 of the Brighton & Hove City Plan Part One.

- 6. The dwelling hereby approved shall be implemented in strict accordance with the internal layouts detailed on the proposed floorplans 05 received on 10th October 2025. 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.

- 7. The hard surface of the external landscaping 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 and DM42 and DM43 of the Brighton & Hove City Plan Part Two and SPD16: Sustainable Drainage.

- 8. Prior to occupation of the development hereby permitted, a scheme for landscaping 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;
- d. a scheme of biodiversity and ecological measures to be incorporated into the landscaping design.

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 provide ecological and sustainability benefits, to comply with policies DM22 and DM37 of Brighton & Hove City Plan Part 2, and CP8, CP10, CP12 and CP13 of the Brighton & Hove City Plan Part One.

9. The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development at all times.

**Reason:** To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy DM33 of Brighton & Hove City Plan Part 2, and SPD14: Parking Standards.

10. The development hereby permitted shall not be occupied until the redundant vehicle crossover at the entrance to the site (adjacent to the substation on Nolan Road) has been converted back to a footway by raising the existing kerb and footway.

**Reason:** In the interests of highway safety and to comply with policies DM33 of Brighton & Hove City Plan Part 2, CP9 of the Brighton & Hove City Plan Part One.

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

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

12. 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.
  
13. The dwelling hereby approved shall be occupied until each 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.
  
14. Prior to the installation of any air source heat pump, details of the Microgeneration Certification Scheme (MCS) 020 assessment shall be provided to the Local Planning Authority for approval. Where the MCS020 assessment does not meet the noise criteria set out then full details of the proposed unit(s) and details of anti-vibration mounts and other noise attenuation measures shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved and thereafter maintained as such.  
**Reason:** To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies DM20 and DM40 of Brighton & Hove City Plan Part 2.
  
15.
  1. No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the local planning authority:
    - (a) A desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with industry best practice guidance such as BS 10175:2011+A2:2017 - Investigation of Potentially Contaminated Sites - Code of Practice and BS 5930 Code of Practice for Ground Investigations;  
 And if notified in writing by the local planning authority that the desk top study identifies potentially contaminant linkages that require further investigation then,
    - (b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS 10175:2011+A2:2017;  
 And if notified in writing by the local planning authority that the results of the site investigation are such that site remediation is required then,
    - (c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such a scheme shall include nomination of a competent person to oversee the implementation of the works.
  2. The development hereby permitted shall not be occupied or brought into use until there has been submitted to, and approved in writing by, the local planning authority a written verification report by a competent person

approved under the provisions of condition (1)c that any remediation scheme required and approved under the provisions of condition (1)c has been implemented fully in accordance with the approved details (unless varied with the written agreement of the local planning authority in advance of implementation). Unless otherwise agreed in writing by the local planning authority the verification report shall comprise:

- a) built drawings of the implemented scheme;
- b) photographs of the remediation works in progress;
- c) certificates demonstrating that imported and/or material left in situ is suitable for use.

**Reason:** To safeguard the health of future residents or occupiers of the site and to comply with policies DM41 and DM20 of the Brighton & Hove City Plan Part 2.

16. No development above ground floor slab level of any part of the development hereby permitted shall take place until a Noise Mitigation Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall demonstrate the current noise levels associated with the existing substation adjacent and shall include proposed noise mitigation measures to protect prospective residents of the dwelling hereby approved. The Plan shall demonstrate how the recommended noise criteria in noise sensitive spaces and external amenity areas of the development as contained within the World Health Organisation (WHO) (1999): Guidelines for Community Noise and in the BS8233:2014: 'Guidance on Sound Insulation and Noise Reduction for Buildings' has been taken into account, and shall consider and include where appropriate the following measures to meet the necessary noise levels in the habitable rooms within the development:

- Acoustic treatment to the boundary with the electricity sub station
- Acoustic treatment to the habitable rooms
- Details of any air source heat pumps/alternative ventilation

The agreed Plan and associated mitigation shall be implemented prior to first occupation of the dwelling and retained thereafter.

**Reason:** To safeguard the amenities of the new residents and to comply with policies DM20 and DM40 of the Brighton and Hove City Plan.

17. 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.

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 advice regarding permeable and porous hard surfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens'.
3. The applicant is advised to contact the Council's Streetworks Team (permit.admin@brighton-hove.gov.uk 01273 290729) for necessary highway approval from the Highway Authority prior to any works commencing on the adopted highway to satisfy the requirements of the condition.
4. The applicant is advised under Part S of the Building Regulations that new dwellings providing a parking space now require an EV charging point.
5. 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.
6. The applicant is advised that the above condition on land contamination has been imposed because the site is known to be or suspected to be contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer.  
To satisfy the condition a desktop study shall be the very minimum standard accepted. Pending the results of the desk top study, the applicant may have to satisfy the requirements of part (b) and part (c) of condition 16 above.  
It is strongly recommended that in submitting details in accordance with this condition the applicant has reference to Land contamination risk management (LCRM) - GOV.UK <https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm>
7. The applicant is advised to consult with the sewerage undertaker to agree a drainage strategy including the proposed means of foul water disposal and an implementation timetable. Please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel 0330 303 0119), or [www.southernwater.co.uk](http://www.southernwater.co.uk)
8. 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.

## **2. SITE LOCATION**

- 2.1. The application site is a parcel of land located on the southern side of Nolan Road in Woodingdean. The surrounding area largely features suburban housing. The site currently contains a single storey garage structure, which is boarded up, but was in last known use for storage of building materials. The planning history shows a previous use of site included a garage used for vehicle repairs. There is currently a vehicle crossover and handstand to the front of the site.
- 2.2. The surrounding area is characterised by a mix of two-storey dwellings and chalet bungalows with small front gardens and driveways with predominantly good-sized rear gardens. There is a clear and established building line, with a reasonably uniform pattern of rear gardens and plot sizes.
- 2.3. There are no listed or locally listed buildings within the vicinity of the site, and the site is not within a Conservation Area. It is also not covered by any relevant Article 4 Directions. There is an electrical substation immediately adjacent between the proposed site and 5 Nolan Road.

## **3. RELEVANT HISTORY**

- 3.1. **BH2024/00983** - Demolition of existing garage and erection of 1no. two-storey, three-bedroom dwelling (C3) with associated landscaping. Refused 24.12.2024.  
*Reason for refusal:*
  - 1. *The proposed dwelling, by reason of its height, positioning, and proximity to boundaries, would represent an overbearing and unneighbourly form of development which would cause a pronounced increased sense enclosure, oppressive outlook and overshadowing to 62 Downs Valley Road. The development would significantly harm the residential amenity of the occupiers of this property and would therefore be contrary to policies DM20 of the Brighton and Hove City Plan Part Two.*
- 3.2. **BH2023/01969** - Demolition of existing garage and erection of 1no. two-storey, three-bedroom dwelling (C3) with associated landscaping and new vehicular crossover. Withdrawn 19.09.2023.
- 3.3. **BH2022/00903** Erection of 2no two-storey semi-detached dwellinghouses with associated landscaping. Refused 17.5.2022 for the following reasons:

1. *The proposed dwellings by virtue of their bulk, positioning and overall material appearance would present a poorly designed and sited development with a density that is significantly higher than its surroundings. The excessive density compounds the concerns regarding the overall design and appearance of the dwellings being out of character and an over-development of this plot on Nolan Road. This is contrary to policies CP12 and CP14 of the City Plan Part One, QD14 of the Local Plan, and policy DM18 of the emerging City Plan Part Two.*
  2. *The proposed dwellings, by reason of their overall positioning, density and proximity to boundaries, would result in a significantly harmful impact on the amenity of occupiers of the neighbouring property at 62 Downs Valley Road through an increased sense of overbearing and enclosure. There would also be a reduction in outlook and increased overshadowing from the development. This would be contrary to policies QD14 and QD27 of the Local Plan, and policy DM20 of the emerging City Plan Part Two.*
- 3.4. This application was the subject of an appeal to the Planning Inspectorate. The appeal was dismissed with the Inspector concurring with the Local Planning Authority on both grounds.
- 3.5. **BH2021/03760** Erection of 2no. new two-storey semi-detached dwellinghouses with associated landscaping. Refused 16.12.2021.
- Listed under 62 Downs Valley Road
- 3.6. **84/1109** - Continued use of the lock up garage for general car maintenance and repair. Approved 28.08.1984 (for two years).

#### 4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for the demolition of the existing garage and the erection of a single storey, two-bedroom dwelling (C3), with associated landscaping. The dwelling would be suitable for four occupiers and would comprise a single storey structure with a pitched roof and rear/side amenity area to the east of the main dwelling. The development would be set back from the pavement boundary and from the side and rear boundaries.
- 4.2. The scheme has been amended during the course of the application to reposition the dwelling and change the internal layout to address concerns related to:
  - Increasing separation from the substation,
  - Increased internal floor area to improve standard of accommodation,
  - Roof pitch increased,
  - Removal of parking within the site, and
  - Additional cycle parking, solar panels and an Air Source Heat Pump (ASHP) have been added to the proposal.

#### 5. REPRESENTATIONS



- 5.1. Representations have been received from **6 (six)** individuals, objecting to the proposed development for the following reasons:
- Inappropriate height of development
  - Overdevelopment
  - Overshadowing to no. 62
  - Poor design
  - Too close to the boundary
  - Consultation with Southern water is needed for a suitable connection
  - Site address does not match land registry title
  - Double yellow lines should be applied to the highway if development approved to prevent parking congestion
  - Additional traffic
  - Restriction of view
  - The site is not large enough for what is proposed.
  - Contaminated land
  - Substation not adequately considered
  - Drainage
  - Development has not addressed previous refusal reasons
- 5.2. A representation has been received from **1 (One)** individual, supporting the proposed development for the following reasons:
- Good and sensitive design
  - Site is currently an eyesore and is the perfect site for a new dwelling
  - Applicants have engaged with neighbours
  - Access to the site will be easy and there is always parking on Nolan Road
- 5.3. Full details of representations received can be found online on the planning register.

## **6. CONSULTATIONS**

### Internal:

- 6.1. **Environmental Health:** No objection  
Historically records are inconclusive about potential contamination and preliminary investigations should be undertaken prior to any development commencing.
- 6.2. Due to the close proximity of the site to an existing substation, there is a potential for new receptors to be exposed to low frequency noise. Reducing the impact on amenity requires careful design and extensive incorporation of appropriate mitigation systems, the actual effectiveness of on-site systems will have to be demonstrated to the Local Planning Authority. An acoustic design condition should be applied.
- 6.3. **Sustainable Transport:** Objection  
The transport team have objected to the proposals due to concerns with regard to the visibility from the proposed car parking space. Though the comments do acknowledge that the development would be acceptable without on-site car

parking, subject to the kerb being reinstated. A concern was also raised about the lack of cycle parking on the plans.

- 6.4. There was no concern in relation to the proposed dwelling use of the site, access to the site for pedestrians, trip generation or sustainable travel opportunities.

External:

- 6.5. **UK Power Networks:** Comment

UK Power Networks have commented on the application as there is a substation on the adjacent plot of land. The comments include details of expectations in terms of consultation with them and offering advice about the design of development adjacent to sub stations.

- 6.6. Full details of consultation responses received can be found online on the planning register.

## **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
CP11	Flood risk
CP12	Urban design
CP14	Housing density
CP19	Housing mix

Brighton & Hove City Plan Part Two:

DM1	Housing Quality, Choice and Mix
DM2	Retaining Housing and residential accommodation (C3)
DM3	Residential conversions and the retention of smaller dwellings
DM7	Houses in Multiple Occupation
DM18	High quality design and places
DM20	Protection of Amenity
DM21	Extensions and alterations
DM22	Landscape Design and Trees
DM33	Safe, sustainable and active travel
DM36	Parking and servicing
DM37	Green Infrastructure and Nature Conservation
DM40	Protection of the Environment and Health - pollution and Noise
DM43	Sustainable Drainage
DM44	Energy Efficiency and Renewables

Supplementary Planning Documents:

SPD11	Nature Conservation & Development
SPD12	Design Guide for Extensions and Alterations
SPD14	Parking Standards
SPD17	Urban Design Framework

## **9. CONSIDERATIONS & ASSESSMENT**

- 9.1. The main considerations in the determination of this application relate to the principle of the development, design and its impact upon the character and appearance of the streetscene, the wider area, the impacts on the amenities of adjacent occupiers, the standard of accommodation to be provided, and sustainability, ecology and highways considerations.
- 9.2. Given the recent planning history for the site, the dismissed appeal for two houses on the site (see planning history), is a material consideration. Previous schemes put forward for this site have been refused owing to inappropriate design and/or impacts on neighbouring properties. The below sections will set out how this design has been considered in terms of the external appearance and positioning within the street scene and the impacts on neighbours. The proposal does meet the size and specification to be considered as a family dwelling.

**Principle of the Development:**

- 9.3. Policy CP1 in City Plan Part One sets a minimum housing provision target of 13,200 new homes for the city up to 2030. However, on 24 March 2021 the City Plan Part One reached five years since adoption. National planning policy states that where strategic policies are more than five years old, local housing need calculated using the Government's standard method should be used in place of the local plan housing requirement. The local housing need figure for Brighton & Hove using the standard method is 2,498 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%.

- 9.4. 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.
- 9.5. As the council is currently unable to demonstrate a five-year housing land supply, increased weight should be given to housing delivery when considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).
- 9.6. The proposed development would result in the addition of a new build dwelling on the site. This net increase of one dwellinghouse must be given weight in the overall planning balance, in light of the city's housing supply shortfall.

**Design and Appearance:**

- 9.7. The proposed dwelling would replace the existing dilapidated single storey garage with hardstanding, with a single storey dwelling and landscaping.
- 9.8. The dwelling would be single storey with a pitched roof. The roof would be tiled with grey concrete tiles and rendered gable detail. The dwelling is otherwise proposed to be brick built with UPVC doors and windows. A condition is recommended to secure specific details regarding the proposed material finish which is considered to be in keeping and character with the street scene.
- 9.9. The proposed dwelling would be set in from all boundaries. It would be located at least one metre from the western boundary with the substation and at least 0.95m from the south boundary with garden of 62A Downs Valley Road, located to the rear. To the east it would be set in from the rear boundary of 62 Downs Valley Road. The rear side garden for the new dwelling would adjoin existing gardens at 62 and 62A Downs Valley Road.
- 9.10. The roof would have solar panels on the rear/side roof slopes. There would be four solar panels in total. There would be an Air Source Heat Pump beside the front door to the dwelling, which is to be located in the west facing elevation. Cycle parking would be on the east elevation.
- 9.11. The proposal is considered to sit comfortably within the overall streetscene, which features a mix of two-storey and single storey dwellings. Previous schemes have sought two-storey structures and multiple dwellings within the site. Those previous proposals were considered an overdevelopment of the site. This proposal would not result in an overdeveloped appearance, being a single storey, single dwelling and it has been designed as a single storey to assimilate into the downward slope of Nolan Road.
- 9.12. Whilst there are no concerns in terms of the general design as now amended, there are concerns in terms of both design and amenity if permitted development rights were left unrestricted. It is suggested that a condition is applied to remove

permitted development rights for further extensions and alterations to ensure that any future changes to the dwelling are acceptable in terms of design and impacts upon neighbouring properties.

- 9.13. The development of a single storey single dwelling is considered to be commensurate with the overall character of the area, and no concerns are held with regards to design and character and appearance of the proposal. The development is considered to be otherwise sited appropriately within the streetscene and overall plot in accordance with policies CP12 of the Brighton and Hove City Plan Part One and DM18 of the Brighton and Hove City Plan Part Two.

**Standard of Accommodation:**

- 9.14. Policy DM1 of CPP2 adopts the Nationally Described Space Standard (NDSS). The council will seek the delivery of a wide choice of high-quality homes which will contribute to the creation of mixed, balanced, inclusive and sustainable communities.
- 9.15. The proposed dwelling is a two-bedroom, four-person dwelling. The NDSS minimum for a property of this size is 70sqm and the floor area of the proposal would be 73.3sqm so the standard is met, and the proposed unit is considered acceptable with regards to overall floor space. The two bedrooms are both suitable for double occupancy being 13.75sqm and 12.25sqm respectively. The bedrooms exceed the minimum 11.5sqm floor area for a double occupancy room and exceed the minimum widths. The minimum floor to ceiling height internally (2.3m) is also exceeded throughout.
- 9.16. The living space would be as a single space as a combined kitchen/lounge area and sufficient circulation space would be provided. There would be a single bathroom within the proposed layout which is considered acceptable.
- 9.17. The layout of the dwelling includes windows to all habitable spaces which provide sufficient outlook and ventilation.
- 9.18. The proposed dwelling would have a side/rear garden and it is considered to be of a sufficient size for the proposed occupancy of the family dwelling.
- 9.19. The overall layout and siting of the dwelling have been amended since submission to address concerns that the building was located too close to the boundary with the substation and that a bedroom would be sited in such close proximity. In response to these concerns, the dwelling has been repositioned away from the boundary with the substation and the internal layout of the new dwelling reconfigured so that all habitable spaces are positioned as far away from the substation as practical. This has resulted in the second bedroom being situated at the front of the property, overlooking the street.
- 9.20. The amended proposed layout is now considered to be better suited for future occupiers, and it is noted that this has resulted in a slightly larger dwelling. The floor area has increased from 70sqm to 73.3sqm.

- 9.21. In addition to the layout amendments to move the bedroom, an acoustic design condition is recommended. This condition would ensure that the building of the dwelling suitably mitigates the effects of the substation in terms of low-frequency noise and vibration for the benefit of future occupiers.
- 9.22. Overall, subject to the conditions to retain the layout and acoustic design strategy, the proposal is considered to be in accordance with policy DM1 and DM40 of the City Plan Part Two.

**Impact on Amenity:**

- 9.23. Policy DM20 of 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.
- 9.24. The proposed single storey dwelling would adjoin the gardens of 62 and 62A Downs Valley Road and some overlooking of the site could occur from 62 Downs Valley Road due to the sloping topography of Nolan Road.
- 9.25. The single storey nature of the dwelling would not give rise to any harmful overlooking of neighbouring dwellings and gardens as there are no rooflights or windows proposed above ground floor level. 1.8m high boundary fencing is proposed to the rear and sides of the site, which would also prevent any views to/from the dwelling to neighbouring occupiers. The proposal is also not considered to be overbearing to neighbours as the built form of the site is set to the western (substation) side of the plot rather than the boundary with 62 Downs Valley Road to the east. No adverse harm to the amenity of no. 5 Nolan Road is identified due to the positioning of the proposed dwelling in context with this western sited neighbour.
- 9.26. Representations to the application refer to the fact that the site/plot has been vacant for some time and reference the occasional use for storage at the site. Any new use of this site as a new dwelling would not introduce harmful levels of noise nor create additional comings and goings which would be out of character with the area sufficient to warrant refusal of the application.
- 9.27. Overall, the development is considered acceptable in relation to amenity impacts in accordance with policies DM20 and DM40 of the Brighton and Hove City Plan Part Two.

**Sustainable Transport:**

- 9.28. The application site is within a short walk of bus stops on Downs Valley Road and from Kipling Avenue/Lockwood Crescent. These links connect to the mainline station in Brighton and across the city.
- 9.29. There are a number of representations which are concerned about parking, particularly during school drop off/pick up times owing to the close proximity of Rudyard Kipling Primary School. While it is noted that the community have expressed concerns, parking is unrestricted currently and the Local Highway Authority have not raised parking stress or overspill parking as a concern in their

comments. The additional single dwelling in a residential area is not considered to increase parking stress to any harmful degree.

- 9.30. The Highway Authority have raised no objection to the amendments removing parking from within the site, noting that this would not cause harmful overspill parking. The plans state that the kerb and footway is to be reinstated, this is also secured by condition.
- 9.31. Cycle parking is proposed to be provided on the amended plans and a condition is recommended to ensure that this is implemented prior to first occupation.
- 9.32. Overall, it is not considered that the additional trips and parking generated from the new dwelling would have a harmful impact on the Local Highways network and the development is considered to be in accordance with policies DM33 and DM36 of the Brighton and Hove City Plan Part Two.

**Ecology, Biodiversity and Sustainability:**

- 9.33. The proposal seeks to redevelopment an existing garage and yard. There is no priority habitat on the site currently. The proposal presents an opportunity to increase the ecological outcomes and the biodiversity of the site. A landscaping scheme is recommended to be secured by condition to secure ecological outcomes.
- 9.34. A condition is applied to secure a bee brick within the external envelope of the building. a measure also aimed to improve ecological outcomes at the site, in accordance with policies CP10 of the Brighton and Hove City Plan Part One and DM37 of the Brighton and Hove City Plan Part Two.
- 9.35. The development would make a more efficient use of a site in a sustainable location. Policy CP8 of the Brighton and Hove City Plan Part One requires new development to demonstrate a high level of efficiency in the use of water and energy. CPP2 Policy DM44 requires a minimum Energy Performance Certificate (EPC) rating 'B' for new build residential. A condition is recommended in order to secure these outcomes.

**Other Matters Including Those Raised in Representations:**

- 9.36. There is concern that the site may be contaminated due to it's previous history for vehicle repairs. A condition is recommended to require studies and potential mitigation prior to the commencement of development on site in order to protect future occupiers.
- 9.37. Representations have cited that the application is not described appropriately and should be listed under a different address. The address is considered clear and the application is supported by a site location and block plan with a red line boundary around the application site. It is considered that the site is clearly identifiable with these details and specific address details would be a matter for Street Naming and Numbering once development is completed.
- 9.38. Concerns have been raised about the noise from a new dwelling (addressed above) and noise from the construction. For an application of this scale in this

location, it is not considered that a CEMP (Construction Environmental Management Plan) would be appropriate or necessary. It is considered that any harmful impacts during construction would be a matter under the Environmental Health Act 1990 in this context.

#### **Biodiversity Net Gain**

- 9.39. This scheme was considered exempt from the need to secure mandatory biodiversity net gain under Schedule 7A of the TCPA because it does not impact a priority habitat or habitat of more than 25sqm or 5m of linear habitat.

### **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. Level access would be provided to the new dwelling and a condition regarding compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) is attached should the application be approved.

### **11. COMMUNITY INFRASTRUCTURE LEVY**

- 11.1. Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23 July 2020 and began charging on all CIL liable planning applications on and from the 5 October 2020. 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.