

<u>No:</u>	BH2025/01589	<u>Ward:</u>	Patcham & Hollingbury Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	80 Overhill Drive Brighton BN1 8WJ		
<u>Proposal:</u>	Erection of two storey, three bedroom detached dwelling house (C3) to side of existing property, with removal of existing garage and provision of parking for both dwellings.		
<u>Officer:</u>	Helen Hobbs, tel: 01273 290585	<u>Valid Date:</u>	24.06.2025
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	19.08.2025
<u>Listed Building Grade:</u>		<u>EOT:</u>	17.10.2025
<u>Agent:</u>	Turner Associates 2D St Johns Road Hove BN3 2FB		
<u>Applicant:</u>	Mrs Susan Tanner 34 Westfield Avenue South Saltdean Brighton BN2 8HT		

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 be **MINDED TO GRANT** planning permission subject to the receipt of no further representations raising additional material considerations not already considered here within the re-consultation period ending 3.03.2026 and 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	TA1576/01	B	22-Jan-26
Proposed Drawing	TA1576/10	D	22-Jan-26
Proposed Drawing	TA1576/11	B	22-Jan-26
Proposed Drawing	TA1576/12	C	22-Jan-26
Proposed Drawing	TA1576/13	B	22-Jan-26
Proposed Drawing	TA1576/14	B	22-Jan-26
Proposed Drawing	TA1576/15	B	22-Jan-26
Proposed Drawing	TA1576/16	B	22-Jan-26
Proposed Drawing	TA1576/17	B	22-Jan-26

2. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

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

3. Notwithstanding any details shown on the approved plans, no development above ground floor slab level of any part of the development hereby permitted shall take place until details of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):
- a) Samples/details of all brick, render and tiling (including details of the colour of render/paintwork to be used)
 - b) samples/details of all hard surfacing materials
 - c) samples/details of the proposed window and door
 - d) samples/details of all other materials to be used externally

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

Reason: To ensure a satisfactory appearance to the development and to comply with policies DM18 and DM21 of Brighton & Hove City Plan Part 2 and CP12 of the Brighton & Hove City Plan Part One.

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

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with Policies DM18 and DM21 of Brighton & Hove City Plan Part 2, policy CP8 of the Brighton & Hove City Plan Part One and Policy WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.

5. No extension, enlargement or other alteration 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 for this reason would wish to control any future development to comply with Policies DM20 and DM21 of Brighton & Hove City Plan Part 2 and CP12 and CP15 of the Brighton & Hove City Plan Part One.

6. 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;

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.

- 7. The development hereby permitted shall not be occupied until details of secure cycle parking facilities for the occupants of, and visitors to, the development as well as additional facilities for the existing dwelling at 80 Overhill Drive, have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.

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

- 8. 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.

- 9. None of the residential units 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.

- 10. All ecological measures and/or works should be carried out in accordance with the mitigation measures in sections 4.5-4.8 of the Preliminary Ecological Appraisal (Ref: 813/TurnerAss/Tanner/80OverhillDr/PEA, Environmental Assessment Services Ltd, June 2025), 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 protect species and habitats from adverse impacts during construction and to avoid an offence under the Wildlife and Countryside Act 1981, as amended and the Conservation of Habitats and Species Regulations 2017, as amended.

11. No development shall take place (including any demolition, ground works, site clearance) until a precautionary working method statement for the protection of reptiles and terrestrial mammals has been submitted to and approved in writing by the local planning authority.
Reason: To protect species from adverse impacts during construction and to avoid an offence under the Wildlife and Countryside Act 1981, as amended.
12. No development shall take place until an ecological design strategy (EDS) addressing ecological compensation and enhancement, to include soft landscaping of value to wildlife, green roof specifications and the provision of bat roosting features, bee brick(s) (or other artificial invertebrate habitat where the incorporation of bricks is not feasible) and a minimum of three swift bricks/boxes, has been submitted to and approved in writing by the local planning authority. The EDS should be informed by measures recommended in the Preliminary Ecological Appraisal (Ref: 813/TurnerAss/Tanner/80OverhillDr/PEA, Environmental Assessment Services Ltd, June 2025). The EDS shall be implemented in accordance with the approved details.
Reason: To ensure provision of measures considered necessary to compensate for the loss of habitats and enhance the site for biodiversity as required by Section 40 of the Natural Environment and Rural Communities Act 2006, paragraphs 187 and 193 of the NPPF (December 2024) and local policy.
13. The development hereby permitted shall not be commenced (including demolition and all preparatory work) until the protection measures for the off site trees identified in the submitted Tree Protection Plan submitted on 24th June 2025 are in place and retained throughout the construction process. The fences shall be erected in accordance with British Standard BS5837 (2012) 'Trees in Relation to Design, Demolition and Construction – Recommendations' and shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences.
Reason: As this matter is fundamental to protecting the trees which are to be retained on the site during construction works 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 and CP12 / CP13 of the Brighton & Hove City Plan Part One and SPD06:Trees and Development Sites.
14. The development hereby permitted shall not be first occupied until the extended crossover and access has been constructed.
Reason: In the interests of highway safety and to comply with policies DM33 of Brighton & Hove City Plan Part 2, and CP9 of the Brighton & Hove City Plan Part One.
15. 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 height levels of all buildings and structures, have been submitted to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved level details.

Reason: As this matter is fundamental to the acceptable delivery of the permission to safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, in addition to comply with Policies DM18 and DM20 of Brighton & Hove City Plan Part 2 and CP12 of the Brighton & Hove City Plan Part One.

16. 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.

17. No development (including any demolition, site clearance or enabling works) shall take place until:

- (a) A Biodiversity Gain Plan (BGP) has been prepared in broad accordance with the submitted documents; and
- (b) The BGP has been submitted to and approved in writing by the Local Planning Authority.

Reason: Based on the information available, this permission will require the approval of a Biodiversity Gain Plan by the local planning authority before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply. The effect of paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 is that planning permission granted for the development is deemed to have been granted subject to the condition ("the biodiversity condition").

18. The development hereby permitted shall not be first occupied until a Completion Report, evidencing the habitat enhancements set out in the approved Biodiversity Gain Plan and Habitat Management and Monitoring Plan, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development delivers biodiversity net gain 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.

19. 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.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant is advised that Part L – Conservation of Fuel and Power of the Building Regulations 2022 now requires each residential unit built to have achieved a 31% reduction in carbon emissions against Part L 2013.
3. The water efficiency standard required 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.
4. The planning permission granted includes a vehicle crossover which requires alterations and amendments to areas of the public highway. All necessary costs including any necessary amendments to a Traffic Regulation Order (TRO), the appropriate license and application fees for the crossing and any costs associated with the movement of any existing street furniture will have to be funded by the applicant. Although these works are approved in principle by the Highway Authority, no permission is hereby granted to carry out these works until all necessary and appropriate design details have been submitted and agreed. The crossover is required to be constructed under licence from the Head of Asset and Network Management. 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.
5. The applicant is advised that under Part 1 of the Wildlife and Countryside Act 1981 disturbance to nesting wild birds, their nests and eggs is a criminal offence. The nesting season is normally taken as being from 1st March – 30th September so trees and scrub on the site should be assumed to contain nesting birds between these dates, unless a recent survey has been undertaken by a competent ecologist to show that it is absolutely certain that nesting birds are not present. The developer should take appropriate steps to ensure nesting birds, their nests and eggs are not disturbed and are protected until such time as they have left the nest. Planning permission for a development does not provide a defence against prosecution under this Act.
6. The applicant is advised that advice regarding permeable and porous hardsurfaces can be found in the Department of Communities and Local Government document ‘Guidance on the permeable surfacing of front gardens’.

7. The Biodiversity Gain Plan must relate to development for which planning permission is granted, and specify as a minimum the following matters:
 - i) Information about the steps taken or to be taken to minimise the adverse effect of the development on biodiversity,
 - ii) A completed Metric tool calculation
 - iii) The pre-development biodiversity value of the onsite habitat (shown on scaled plans),
 - iv) The post-development biodiversity value of the onsite habitat (shown on scaled plans),
 - v) Any registered offsite biodiversity gain allocated to the development and the biodiversity value of that gain in relation to the development,
 - vi) Any biodiversity credits purchased for the development.
 - vii) Any such other matters as the Secretary of State may by regulations specify including the requirements of Article 37 C of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended)

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 relates to a large triangular shaped plot currently containing a two-storey semi detached dwelling, with sizeable garden areas to the rear and side. It is located at the northern end of Overhill Drive in a part of the road forming a cul-de-sac. A footpath providing access to Patcham Infant School is located along the northern boundary of the site.
- 2.2. The site is not within a Conservation Area.

3. RELEVANT HISTORY

None identified.

4. RELEVANT HISTORY OF OVERHILL DRIVE

- 4.1. **BH2011/02385** 78 Overhill Drive (Directly Opposite Application Site). Erection of a two-storey residential dwelling with associated external alterations. Approved 13.01.2012

5. APPLICATION DESCRIPTION

- 5.1. The application seeks permission for the subdivision of the plot and to erect a new two storey, three-bedroom dwelling to the northern side of the existing dwelling. An existing attached side garage is proposed to be demolished, and

off-street parking would be provided for both the existing and proposed dwelling at the front of the site.

- 5.2. Revisions have been made during the course of the application. These revisions include;
- Setting the proposed dwelling 750mm further away from the shared boundary with 80 Overhill Drive
 - Reduced the depth of the house at the rear by 750mm
 - Lowered the height of the proposed eaves by 500mm so that they are more in keeping with 80 Overhill Drive.
 - Addition of a pitched roof, to replace the originally proposed flat roof, and
 - An additional ramped access from the front round to the rear of the dwelling for level access
- 5.3. The proposed dwelling would be a detached two storey property with a hipped roof finished with white render and a concrete tiled roof. The dwelling would have a projecting two storey bay window with a front hardstanding and rear amenity space. At the rear would be two storey projecting flat roofed feature extending beyond the rear roof eaves.

6. REPRESENTATIONS

- 6.1. Representations have been received from **Seven 7** people, objecting to the proposed development for the following reasons:
- Lack of parking
 - Increase in traffic
 - Poor design
 - Overdevelopment
 - Noise and disruption during construction
 - Safety to pedestrians using the twitten during construction
 - Safety and safeguarding of the nearby primary school
 - Loss of privacy
 - Loss of trees which has already taken place
 - Loss of light and overshadowing
 - Poor consideration for water drainage
- 6.2. Full details of representations received can be found online on the planning register.

7. CONSULTATIONS

Internal:

- 7.1. **Arboriculture:** Comment
The submitted tree survey and tree protection plan refer to offsite trees. There is evidence at the site of the trees which have already been removed on the site, and they appear to have been semi-mature trees. The loss should be addressed through the Preliminary Ecological Appraisal which should be assessed by the

County Ecologist. Tree protection measures for nearby offsite trees have been shown on the tree protection plan, and these should be in situ prior to any groundwork.

7.2. **Sustainable Transport:** Comment

Acceptable in highway terms subject to conditions relating to cycle parking and the new/extended crossover.

External:

7.3. **Ecology:** Comment

The information provided is satisfactory and enable the LPA to determine that whilst the proposed development could have an impact on biodiversity, those impacts can be mitigated through the application of planning conditions.

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

8. MATERIAL CONSIDERATIONS

8.1. 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.

8.2. 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).

9. 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
CP13	Public streets and spaces
CP14	Housing density

Brighton & Hove City Plan Part Two:

DM1	Housing Quality, Choice and Mix
DM18	High quality design and places
DM20	Protection of Amenity
DM22	Landscape Design and Trees
DM33	Safe, sustainable and active travel
DM36	Parking and servicing
DM37	Green Infrastructure and Nature Conservation
DM43	Sustainable Drainage
DM44	Energy Efficiency and Renewables

Supplementary Planning Documents:

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

10. CONSIDERATIONS & ASSESSMENT

- 10.1. The main considerations in the determination of this application relate to the principle of the development, the impact on the character and appearance of the site, streetscene and the surrounding area, impact on neighbouring amenity, transport issues, impact on trees and biodiversity issues.

Principle of the Development

- 10.2. 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 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 2,487 homes per year. A 20% buffer is then applied to this figure to reflect the most recent Housing Delivery Test measurement (published in December 2024) for the council being less than 85%.
- 10.3. The council's most recent housing land supply position is published in the SHLAA Update 2025 which shows a five-year housing supply shortfall of 10,442. This is equivalent to 1.5 years of housing supply.
- 10.4. 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).

- 10.5. The net proposed increase of one additional residential unit on the site would make a small contribution to the City's housing target and this is given appropriate weighting in the consideration of the development.
- 10.6. CP14 allows for subdivision of plots to provide higher density development where this is appropriate, and where the character of the surrounding area is not unduly compromised. The application site is set within a cul-de-sac, which consists of a mix of dwelling sizes and designs. Whilst plot sizes do vary slightly within the vicinity of the site, the application plot, being located at the end of the cul-de-sac is notably larger. It is therefore considered that the plot can comfortably be sub-divided and the addition of a new dwelling, fronting the cul-de-sac, would not appear out of place or incongruous. The principle of the development, to provide a new dwelling, is therefore considered to be acceptable and would not adversely harm the character and appearance or the general pattern of development of the immediate vicinity. Further consideration to the acceptability of the development is given below.

Design and Appearance

- 10.7. Brighton and Hove City Plan Policies CP12 and DM18 (and SPD17) expect all new development to raise the standard of architecture and design in the city, establish a strong sense of place by respecting the character of existing neighbourhoods and achieve excellence in sustainable building design and construction.
- 10.8. The proposed detached dwelling would be two storeys in height and would be detached, set back from the building line of the adjoining pair of semi-detached properties to the south (nos. 82 and 80) by approximately 2m. It would be a maximum of 7.8m wide and have a maximum depth of 10.7m. The proposed ridge height would match that of the existing dwelling on the site.
- 10.9. Due to the layout of this part of Overhill Drive, there is no consistent building line, and the proposed set back would ensure that the proposed dwelling retains an appropriate relationship with the properties directly opposite. This approach is supported and the siting in within the streetscene would not appear out of place. Its end of cul-de-sac siting and positioning ensures that the dwelling does not appear overly dominant or out of keeping.
- 10.10. Since submission, the design of the dwelling has evolved, to include a hipped roof form, which is considered more in keeping with the general character of the area, than the originally proposed flat roof form. The overall general design proposed incorporates neighbouring characteristics, including the two storey projecting elements, material finish and window styles and proportions which are commonly found in the vicinity. The design is considered to be appropriate and would not result in harm to the character of the area.
- 10.11. At the rear a two storey flat roof projection is proposed extending beyond the rear roof line by approx. 3m facilitating additional internal space. Notwithstanding the flat roof element, this projection is considered to be suitably designed and would incorporate a green roof. Given that this projection would not be readily

visible from the public realm this projection is considered acceptable and would cause no harm to the character of the area.

- 10.12. It is acknowledged that the resultant garden areas of the proposed dwelling and the existing dwelling (no. 80) would be slightly smaller than the general scale and layout of adjoining development, however this would not be highly evident from a public vantage point and is considered to be acceptable in this case.
- 10.13. Overall, the proposed dwellings design is considered acceptable and would not adversely harm the character and appearance of the associated plot, streetscene or the surrounding area.

Impact on Amenity

- 10.14. Policy DM20 of the Brighton and Hove City Plan Part Two states that planning permission for development will not be granted where it would cause unacceptable loss of amenity to the proposed, existing, adjacent or nearby users, residents or occupiers.
- 10.15. The nearest residential property to the proposed dwelling is no. 80 Overhill Drive which the application plot currently forms part of. This neighbouring building would be separated by approximately 3.7m on it's eastern side. The footprint of the proposed dwelling would extend a further 4.8m to the rear than the built form of the dwelling at No. 80, however, the separation distance and site orientation (new building would be to the north of the existing) ensures that the proposed dwelling would not impact on the main building of No. 80 in terms of outlook or light to this neighbouring property. There would be some impact on the rear garden area of No. 80, however due to the orientation of the properties and the separation from the shared boundary being 0.8m, any overshadowing or loss of light would not be significant. Any overbearing impacts would only affect a small proportion of the neighbouring garden and is therefore not considered significant enough to warrant refusal.
- 10.16. Ground floor windows would be positioned in the southern elevation, facing No. 80. They are shown to be obscure glazed. It is not considered necessary to condition that these windows contain obscure glazing, as even if clear glazing they would be located at ground floor level and would be screened by the proposed boundary fence which would subdivide the plot and therefore no loss of privacy or overlooking would occur. No upper floor side windows are proposed towards the neighbouring property.
- 10.17. The proposed dwelling would be sufficiently separated from the dwellings on the opposite side of Overhill Drive Nos. 78 and 78a, and therefore the development would not result in any harmful impacts on amenity to these neighbours.

Standard of Accommodation

- 10.18. Policy DM20 of the Brighton and Hove City Plan Part Two seeks to ensure a good standard of amenity for future occupiers of the proposed development and this requirement is one of the core planning principles of the NPPF. Indeed, the updated NPPF requires that all developments provide a 'high' standard of amenity for future occupiers, which is a high bar that goes beyond amenity being

merely 'adequate' or 'acceptable'. Policy DM1 of the Brighton and Hove City Plan Part Two sets out Nationally Described Space Standards (NDSS) for dwellings.

- 10.19. The proposed new accommodation meets these size standards, including bedrooms sizes and widths, and each unit has appropriate levels of light, outlook, ventilation and circulation space. The dwelling would have a total floor area of 136sqm, and the plans are annotated to show 3 no. double bedrooms. The proposed dwelling (2 storey, 3-bedroom, 6 person) therefore exceeds the minimum floor space required for a dwelling of this type which is a minimum of 102sqm. The living areas on the ground floor are considered to be well laid out and suitable for the number of potential occupants.
- 10.20. Residential units are required to have private useable amenity space, commensurate to the type of unit. The proposed dwelling would have sufficient private amenity space to the rear and side, which is considered acceptable for the scale of the proposed dwelling.
- 10.21. The existing dwelling, 80 Overhill Drive, would still retain a sufficiently sized rear garden for a three-bed dwelling and the proposed development would therefore not harmfully affect the standard of accommodation retained for the existing dwelling.
- 10.22. Refuse/ recycling facilities are proposed to the front of the dwelling adjacent to the pavement, which is appropriate in this instance. A condition is recommended to ensure such facilities are provided prior to first occupation.

Ecology and Trees

- 10.23. The applicant has provided an updated BNG Assessment which takes into account the site (including trees/shrubs) being cleared prior to the submission of the application. The scheme has also been amended during the life of the application which saw the replacement of the flat green roof with a pitched roof. Revised assessments have been submitted which secure further BNG enhancements elsewhere on the site. The County Ecologist considers the assessment to be acceptable, and conditions are recommended to secure the ecological measures to compensate for the loss of habitats and provide biodiversity enhancements to the site.
- 10.24. The submitted Tree Protection Plan contains acceptable protection measures for protecting the nearby off-site trees. These will be secured by condition.
- 10.25. A number of representations from residents have referenced that prior to the submission of the application, a number of mature trees were felled along the front edge of the application site. These trees were not protected. Whilst it is regrettable that they have been removed, the Arboriculturist raises no objections to the proposal subject to the mitigation measures that have been set out as a part of the application.
- 10.26. The loss of trees formally located within the site has been taken into consideration in the updated BNG assessment, including within the Metric baseline. In order to compensate for the loss of numerous trees, shrubs and

vegetated boundaries, increased boundary planting including trees/shrubs and hedgerows) is required, separate to the BNG requirements. The mitigation measures required are to be secured via conditions (relating to securing the mitigation measures already proposed within the submission as well as ensuring some further ecological compensation and enhancement as required).

Sustainable Transport

- 10.27. The applicant is proposing 2 cycle parking spaces in a store for the proposed new dwelling. Further details would be secured by condition to ensure that the type of store is secure, covered and convenient to use. As the existing garage is being removed to facilitate the proposed new dwelling, a cycle store for the existing dwelling, 80 Overhill Drive would also be secured by condition.
- 10.28. The plans show that there will be one on-site parking space per dwelling, which meets the minimum standards as set out in SPD14 (parking standards). The creation of the driveway for the new dwelling would require an extension of the existing access point. There is no existing crossover due to there being no adjacent footway, however, the access point does abut the public highway and therefore a condition is required for the new/extended crossover.
- 10.29. There will be an increase in trips to and from the site as a result of the proposed development, however, this is unlikely to be significant. There may also be parking overspill, again, this is unlikely to be significant and no objection has been raised in these respects by the Local Highway Authority.

Sustainability

- 10.30. All new development will be expected to improve energy efficiency and achieve greater reductions in CO2 emissions. New residential development should meet the requirements in Policy CP8 Sustainable Buildings, unless superseded by other policy. The amendments to Part L of the Building Regulations effective from 15 June 2022 have introduced a requirement for new residential development to achieve a 31% reduction in CO2 emissions compared to previous standards, which supersedes the requirements for a minimum 19% reduction in Policy CP8.
- 10.31. As a minimum, new residential development should also achieve a water efficiency of 110 litres of water per person per day for each dwelling. A minimum Energy Performance Certificate (EPC) rating 'B'. Both these requirements are to be secured by condition.

Conclusion

- 10.32. The proposed development would not have an adverse harmful impact on the character and appearance of the existing site, streetscene or the surrounding area. It would not significantly impact on neighbouring properties, including the existing dwelling on the site, No. 80. Conditions would ensure that Biodiversity enhancements are secured on site including mitigating the pre-application loss of the trees which previously lined the front boundary line of the site. The development would not cause any harmful impacts upon transport or highways.

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.

11.3. Due to the land levels upon which the new dwelling would be located, there would be no level access from the pavement level into the front of the proposed dwelling, however the plans indicate the potential for a chairlift to be installed. The dwelling does however include a ramp from the front driveway to the rear of the property providing level access. Despite the lack of level access at the front of the property, level access would be provided to the rear and therefore a condition is recommended to secure on this occasion requiring that the development complies with Building Regulations M4(2) (Accessible and adaptable dwellings).

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. 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.

