

<u>No:</u>	BH2025/03102	<u>Ward:</u>	Rottingdean & West Saltdean Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	North Cottages Ovingdean Road Brighton BN2 7BB		
<u>Proposal:</u>	Demolition of garage and division of plot with erection of new two bedroom house with own rear garden and driveway.		
<u>Officer:</u>	Steven Dover, tel: 01273 291380	<u>Valid Date:</u>	12.01.2026
<u>Con Area:</u>	Ovingdean	<u>Expiry Date:</u>	09.03.2026
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	12.08.2026
<u>Agent:</u>	Plans Prepared 8 Greenbank Avenue Saltdean Brighton BN2 8QS		
<u>Applicant:</u>	Mr David Budgens North Cottages Ovingdean Road Brighton BN2 7BB		

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 Plan			23-Dec-25
Block Plan			23-Dec-25
Proposed Drawing	NC-005	A	23-Dec-25
Proposed Drawing	NC-003	B	15-Jun-26
Proposed Drawing	NC-004	B	15-Jun-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 permission

3. The development hereby permitted shall not commence until full details of existing and proposed ground levels (referenced as Above Ordnance Datum) within the site and on land and buildings adjoining the site by means of spot heights and cross-sections, proposed siting and finished floor levels of all buildings and structures, have been submitted to and approved by the Local

Planning Authority. The development shall then be implemented in accordance with the approved level details.

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

4. No extension, enlargement, alteration of the dwellinghouse(s) 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, Class[es 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, , DM21 and DM26 of Brighton & Hove City Plan Part 2, and CP12, CP13 and CP15 of the Brighton & Hove City Plan Part One.

5. The dwelling hereby approved shall be implemented in strict accordance with the internal layouts detailed on the proposed floorplans NC 003 rev B received on 15th June 2026. 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.

6. 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 samples 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, flintwork and tiling (including details of the colour of render/paintwork to be used)
- b) samples/details of all hard surfacing materials
- c) samples/details of the proposed window, door and balcony treatments
- d) samples/details of all other materials to be used externally

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

Reason: To ensure a satisfactory appearance to the development and to comply with policies DM18 and DM26 of Brighton & Hove City Plan Part 2 and CP12 and CP15 of the Brighton & Hove City Plan Part One.

7. The development hereby permitted shall not be occupied until a plan detailing the positions, height, design, materials and type of all existing and proposed

boundary treatments shall have been submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be provided in accordance with the approved details prior to occupation of the development and shall thereafter be retained at all times.

Reason: To enhance the appearance of the development in the interest of the visual and residential amenities of the area and to comply with policies DM18, DM26 of Brighton & Hove City Plan Part 2, and CP12, and CP15 of the Brighton & Hove City Plan Part One.

8. All new flintwork to the proposed dwelling and boundary wall and works of making good of the flintwork shall match the existing boundary flint walls in the type of flints, coursing, strike and density of stones, and the mortar's colour, texture, composition, lime content and method of pointing and the pointing of the brick dressings shall match the colour, texture, lime content and style of the original brick pointing.

Reason: To ensure a satisfactory appearance to the development and to comply with policies DM26 of Brighton & Hove City Plan Part 2, and CP15 of the Brighton & Hove City Plan Part One.

9. 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 and dimensions;

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

10. No development shall take place until an Ecological Design Strategy (EDS) addressing enhancement of the site for biodiversity, including 'hedgehog highway' (where close board fencing is to be used or retained), biodiverse landscape planting and a minimum of one bat, bird and bee brick/box has been submitted to and approved in writing by the local planning authority. The EDS shall include the following:

- a. detailed design/specification of enhancements including number, type/model and source of materials to be used;

- b. extent and location/area of proposed enhancements shown on appropriately scaled plan;
- c. timing and persons responsible for implementing the works; and
- d. details of initial aftercare and long-term maintenance;

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

Reason: To ensure that any adverse environmental impacts of development activities can be mitigated, compensated and restored and that the proposed design, specification and implementation can demonstrate this, and to provide a net gain for biodiversity as required by Section 40 of the Natural Environment and Rural Communities Act 2006, paragraphs 187 and 193 of the National Planning Policy Framework, Policy CP10 of the Brighton & Hove City Council City Plan Part One and Policy DM37 of the City Plan Part Two.

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

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

12. The development hereby permitted shall not be occupied until the dwelling(s) 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 permitted shall not be occupied until details of secure cycle parking facilities for the occupants of, and visitors to, the development have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.

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

14. The development hereby permitted shall not be occupied until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out and provided in full in accordance with the approved details prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and to comply with Policies 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.

15. If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority), shall be carried out until a method statement identifying and assessing the risk and proposing remediation measures, together with a programme for such works, shall be submitted to the Local Planning Authority for approval in writing. The remediation measures shall be carried out as approved and in accordance with the approved programme.

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. The residential unit hereby approved shall not be occupied until it 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.

17. Other than demolition or works to trees, no development hereby permitted shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved details.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to comply with policies DM42 and DM43 of the Brighton & Hove City Plan Part Two and CP11 of the Brighton & Hove City Plan Part One and SPD16: Sustainable Drainage.

18. 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.

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 reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this Act. Trees, scrub, dense planted shrubs and buildings/structures are the more typical habitats likely to contain nesting birds between 01 March and 31 August inclusive. Some of these habitats are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.
3. The applicant is reminded that species including (but not limited to) reptiles, amphibians and badgers are protected under the Wildlife and Countryside Act 1981, as amended and certain species are also protected under the Conservation of Habitats and Species Regulations 2017, as amended which makes them European Protected Species. Under the Regulations, it is an offence to: deliberately kill, injure, disturb or capture European Protected Species; damage or destroy their breeding sites and resting places; deliberately obstruct access to a resting or sheltering place or possess, sell, control or transport them (alive or dead). Certain species of reptile and amphibian that can be present in urban locations are protected against intentional killing or injuring under Schedule 5 of the Act. Mammals are protected under the Wild Mammals (Protection) Act 1996 and badgers are additionally protected under the Protection of Badgers Act 1992. Under the Badgers Act, it is an offence inter alia to: wilfully kill, injure or take a badger, or attempt to do so; cruelly ill-treat a badger; or intentionally or recklessly interfere with a badger sett, by a) damaging a sett or any part of one, b) destroying a sett, c) obstructing access to or any entrance to a sett, d) causing a dog to enter a sett, or e) disturbing a badger when it is occupying its sett. Planning consent for a development does not provide a defence against prosecution under these Acts or Regulations.
- 4.
5. The applicant is reminded that all species of bats are fully protected under the Wildlife and Countryside Act 1981, as amended, and The Conservation of Habitats and Species Regulations 2017, as amended, making them European Protected Species. Under the Regulations, it is an offence to: deliberately kill, injure, disturb or capture bats; damage or destroy their breeding sites and resting places (even when bats are not present); or possess, control or transport them (alive or dead). Under the Act, it is an offence to intentionally or recklessly: disturb bats while they occupy a structure or place used for shelter or protection; or obstruct access to a place of shelter or protection. If a bat, or evidence of bats, is found prior to or during works, works should stop immediately and advice sought from a suitably qualified ecologist or Natural England. Planning consent for a development does not provide a defence against prosecution under these Regulations or this Act.

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. North Cottage is located on the western side of Ovingdean Road, adjacent to the junction with Longhill Road. The site consists of a single storey detached garage and front drive area within the wider plot that includes North Cottage, a semi-detached two storey property. There is an open tarmacked area immediately to the north of the site, the side elevation of the garage is therefore viewed prominently from the north.
- 2.2. The site lies within the Ovingdean Conservation Area and forms a small part of the defined Urban Fringe site 38a. Site 38a also forms a small part of a wider 0.22ha Urban Fringe which known as Land at Ovingdean Hall Farm & Land at Bulstrode / Ovingdean Farm.

3. RELEVANT HISTORY

- 3.1. **PRE2025/00154** Demolish the existing garage and build a new 2 bedroom house. Advice issued 6/10/2025
- 3.2. **BH2021/02440** Erection of part one part two storey rear extension to replace existing single storey extension with revised fenestration. Approved 5/10/2021

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for the demolition of the existing garage and the division of the plot to facilitate the erection of a new two-bedroom, two storey house with a car parking space to the front of the house and a rear garden.
- 4.2. The proposed dwellinghouse would have an open plan kitchen/lounge on the ground floor and two bedrooms above at first floor. The dwellinghouse would be finished with a brick course, cream render and flint panels and the property would have a hipped red concrete tiled roof and white window frames.

- 4.3. The application has been amended during the consideration process to address concerns relating to the parking area for the new property. This has been reduced from 2 car spaces to one car space. The Design and Access Statement has also been supplemented with some additional information in response to the planning policy requirements for this urban fringe site and Biodiversity Net Gain (BNG) information has been submitted.

5. REPRESENTATIONS

- 5.1. **Five (5)** representations have been received objecting to the application for the following reasons:
- Adversely impacts the conversation area
 - Over-development of the site
 - Poor design
 - Additional traffic, parking, and highways impact
 - Implications for access to the farm and bridleway
 - Highway safety on the junction
 - Too close to the boundary
 - Impact on Amenity
 - Detrimental impact on property value
 - Access implications for the housing development site
 - Impact on biodiversity and habitats
 - New housing in the area has not been sold
 -
- 5.2. A copy of the representations can be found on the Planning Register

6. CONSULTATIONS

- Internal:
- 6.1. **Arboriculture Team** Verbal comment No Objection
- 6.2. **Ecology** No objection subject to conditions
- 6.3. **Environmental Health** No objection subject to Land contamination condition imposed and future proofing against noise condition.
- 6.4. **Heritage** No objection Subject to window details and samples of brickwork
- 6.5. **Policy** No objection The principle of housing development is supported on this site, which forms part of an allocated urban fringe site in CPP2 policy H2, subject to other policy requirements being met.
- 6.6. Self-build exemption certificate for BNG is required
- 6.7. **Transport Team** No objection. Further details required for refuse and recycling, cycle parking

External:

6.8. **Conservation Advisory Group No Objection**

- Timber windows should be confirmed
- Samples of roof tiles should be submitted
- Loss of small section of front wall regrettable but harm outweighed by replacement of west boundary fence with a wall

6.9. Full details of consultation responses received can be found online on the planning register, with the exception of the verbal responses noted above.

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 updates 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
SA4	Urban Fringe
SA5	The Setting of the South Downs National Park
CP1	Housing delivery
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP11	Flood risk
CP12	Urban design
CP13	Public Streets and Spaces
CP14	Housing density
CP15	Heritage
CP19	Housing mix

Brighton & Hove City Plan Part Two:

H2	Housing Sites - Urban Fringe
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	
DM26	Conservation Areas	
DM31	Archaeological Interest	
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 Nuisance	
DM43	Sustainable Drainage	
DM44	Energy Efficiency and Renewables	

Waste & Minerals Plan Policy

WMP3e	Waste Management in New Development
WMP3d	Site Waste Management Plan

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD09	Architectural Features
SPD11	Nature Conservation & Development
SPD14	Parking Standards
SPD16	Sustainable Drainage
SPD17	Urban Design Framework

Other Documents

Ovingdean Conservation Area Character Statement

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations relating to the determination of this application are the principle of the proposed development, design and the impact upon the character and appearance of the surrounding streetscene, the Ovingdean Conservation Area and the South Downs National Park (SDNP), the impact on neighbouring residential amenity, the standard of accommodation proposed, and sustainability, biodiversity and highways implications.

Principle of the development

- 9.2. The site is allocated within urban fringe site 38a and forms a small part of the wider urban fringe housing cluster known as Land at Ovingdean Hall Farm & Land at Bulstrode / Ovingdean Farm, (urban fringe sites 38, 38a and 39). The Urban Fringe Assessment 2014 concluded that 5 dwellings could be delivered across the whole of site 38a, with development of 50 dwellings across the entire site cluster (38, 38a and 39). This site cluster is allocated in CPP2 policy H2 for an indicative 50 dwellings.
- 9.3. With strategic aims in place for the wider site, it is important that the proposal does not impact wider housing aims for the site. However, the proposed house would be accessed from Ovingdean Road and the principal access off the

junction of Greenways and Ovingdean Road (identified for the remainder of the wider site) would not be impacted. For this reason, the proposal for one dwelling on this part of the site is not considered to prejudice further housing development from coming forward across the rest of the site cluster. The Planning Policy Team raise no objection to the development in this regard.

- 9.4. As the site is located within the urban fringe, the proposal must demonstrate how the requirements of CPP1 policy SA4 are met. As an allocated site, the policy requires development to have regard to its downland setting, ensure any negative impacts are mitigated, and, where appropriate, development must also address the wider policy objectives in relation to the setting of the South Downs National Park (SDNP), biodiversity, access, and ground and surface water.
- 9.5. The applicant has submitted additional information and provides further detail on how the development addresses policy requirements. This is welcomed. The statement submitted provides information of relevance to a single dwelling with regards to how the proposal meets the requirements of CPP1 policy SA4 as well as CPP2 policy H2, including sensitive design to reflect the landscape setting. This is discussed in more detail in the following sections of the report. In principle however, the site is considered suitable for a single house.
- 9.6. In summary there is no objection to the principle of an additional plot for this site and for a single dwelling, fronting Ovingdean Road to be delivered.

Housing provision

- 9.7. The provision of one dwelling would make a welcome contribution to the housing target. 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%.
- 9.8. 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.
- 9.9. 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).

Housing Mix

- 9.10. The proposal would provide one 2-bedroomed dwelling. CPP1 Policy CP19 requires that proposals have regard to housing mix considerations. The supporting text at paragraph 4.213 indicates the majority of housing need/demand across the city for both market and affordable is for 2 and 3 bedroomed properties at 34% and 31% respectively. The most recent Strategic Housing Market Assessment 2023 indicates that 45-50% of demand for market dwellings is for 2 bedroomed dwellings. No objection is therefore raised to the provision of a 2-bedroom dwelling.

Design Considerations

Heritage

- 9.11. The Ovingdean Conservation Area comprises a small former agricultural hamlet set in rural downland. The historic part of the village nestles at the base of a valley surrounded on three sides by open downland. 20th century residential development extends up the valley side to the South and east of the conservation area, but the surrounding downland remains the dominant feature.
- 9.12. When considering whether to grant planning permission for development in a conservation area the council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. Case law has held that the desirability of preserving a listed building or its setting, or the character or appearance of a conservation area must be given "considerable importance and weight".
- 9.13. Although the existing garage next to North Cottage has no historical significance, and therefore its demolition is not resisted, the location is particularly sensitive as it is at the entrance to the Ovingdean Conservation Area.
- 9.14. North Cottage itself has a style typical of the vernacular in the Ovingdean Road character area, with a front projected bay and hipped clay tile roof. It has cottage style wooden windows with integral bars and a wooden front door. The proposed new dwelling responds to the established building line, found in the surrounding context, and design changes have been made since the pre application advice to ensure the scale and elevations are more suitable to the character and urban grain, with improved materials. The height of the new dwelling would be approximately 1 metre higher at ridge and eaves, than the adjacent property at North Cottage which would reflect the current stepping up of the dwellings from as they rise up Ovingdean Road and therefore this height is acceptable.
- 9.15. Whilst the site frontage would appear relatively narrow when compared to the semi-detached pair adjacent, there is also a need to allow for a visual gap to the side boundaries of the semi-detached pair which is welcome. This prevents the new house appearing crammed into the setting. Overall, the subdivision of the plot would not erode the historic character or appearance of the Ovingdean Conservation Area.

- 9.16. The Ovingdean Character Statement mentions that traditional forms and materials, particularly flint walls, timber casements and pitched clay tile roofs should be utilised in extensions and new developments. The front elevation is well articulated with timber fenestration which has regard to the style of fenestration on neighbouring properties. Brick work is proposed to the lower level, and coarse render above would reflect the materials on North Cottage. In addition, flint panels under the bay windows are proposed to contribute a further design feature. The use of aluminium bifold doors is considered acceptable for the rear elevation.
- 9.17. The Heritage Team have raised no objection to the proposal, however, as noted above, due to the prominence of the site ~~and visual impact~~ full samples of the proposed materials are sought via planning condition.
- 9.18. In regard to landscaping, the treatment of the front boundary and parking area is considered of crucial to the success of development. The amended plans have minimised the extent of the works to the front boundary. The existing opening would be enlarged from approximately 3.3m to 3.5m, this would appear to be mostly achieved by the loss of the existing brick piers and very little loss of the front flint wall. Full details of this would be required by condition.
- 9.19. Furthermore, the treatment of the front curtilage would be significant to the overall appearance of the site. A Lilac tree close to the existing boundary fence between the garage and North Cottage would be felled to facilitate the development. Whilst this is regrettable, the tree is not worthy of a Tree Preservation Order (TPO) and the Arboriculture Team have raised no objection to the development. Although the plans show permeable surface to help drainage, the details of this treatment must be agreed. In addition, although the plans also annotate 'new planting' this too must be secured by condition.
- 9.20. The plans also show a flint wall to mark the eastern boundary of the site between the front boundary pier and front elevation of the house. Details of this feature are required by condition, however in principle this would be a welcome addition to the development and wider area.

Setting of the South Downs National Park (SDNP)

- 9.21. The site is in the setting of the SDNP and therefore the requirements of SA5 will need to be met to ensure the proposal does not harm the SDNP or its setting, and will be expected to minimise any adverse impacts on the National Park. Furthermore, landscape considerations are one of the key site considerations identified in policy H2 Housing Site in the Urban Fringe.
- 9.22. Whilst the wider housing urban fringe site is particularly sensitive in relation to the impact on the SDNP, the specific location of the proposed house, close to existing houses and with an existing street frontage, is considered less sensitive in this respect. Visually the house would be read with the semi-detached pair adjacent. In this context the development would not have a dominant visual appearance and would not impact the wider character of the

SDNP. The development would not impact access to the SDNP or inhibit the SDNP Authority undertaking their statutory duties.

- 9.23. To the rear, the existing garden at North Cottage would be divided to facilitate a garden for the new dwelling. The means of enclosure at the rear have not been identified, and details of the height and design is necessary to ensure that this would not be visually dominant, such information can be sought via a condition. The new house would have a shorter rear garden than the host property immediately adjacent but would be of a similar depth to the rear garden of South Cottage (adjacent but one to the site).. Nevertheless, the proposal is considered satisfactory and the impact on the wider character of the SDNP is considered to be acceptable.
- 9.24. Given the location and scale of the development proposed, it is not considered that the proposal requires a full landscape assessment. Notwithstanding this, a standard landscaping condition is required for the development to address the visual impacts of the development at a more localised level.
- 9.25. Overall, the development is considered to be acceptable in terms of the impact on Ovingdean Conservation Area, and on the SDNP. Whilst the materials put forward by the applicant are considered broadly acceptable, full samples/details and careful consideration of the landscape treatment of the wider site shall be secured by condition due to the sensitive location and prominence of the new building. Overall, the development is considered to comply with CPP1 policy CP15 and CPP2 policy DM18, and DM26 all of which seek to secure strong urban design which preserves and enhances heritage assets and SA5 relating to landscaping and the character of the SDNP.

Standard of Accommodation:

- 9.26. Policy DM20 of the CPP2 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 accommodation. This is reflected in Policy DM1 which also adopts the Nationally Described Space Standards (NDSS) for new dwellings.
- 9.27. The submitted information shows that the new residential unit would meet minimum standards in relation to the NDDS. The submitted plans show the property would have a Gross Internal Area (GIA) of approximately 78sqm which would exceed the GIA of 70sqm required for a 2 storey, 2 bedroom, 3 person unit. The ground floor of the property would be open plan with a large kitchen and lounge space and ground floor w.c. The first floor would deliver 2 bedrooms and a bathroom. Bedroom 1 would measure approximately 15.6sqm and is therefore sufficient to be a double bedroom and Bedroom 2 approximately 8.8sqm, thereby providing a single bedroom. All rooms would have good head height, natural light, outlook and ventilation.
- 9.28. Policy DM1 states that all new residential development will be required to provide useable private outdoor amenity space appropriate to the scale and character of the development. The new house would benefit from a rear

garden which would meet these objectives as is considered proportionate to the size of the dwelling proposed.

- 9.29. The Environmental Health Team have not objected to the development and suggest a land contamination discovery strategy. This can be secured by condition. The Environmental Health Team also comment on the need for a noise condition to protect future occupants from the risk of a noise nuisance. This request has not been fully explained. The application site, is not considered particularly vulnerable to noise nuisance, and a condition relating to additional requirements in this respect is not considered justifiable in this instance. Standard soundproofing would be provided through Building regulations.
- 9.30. Overall, the development would provide a good-sized unit which meets the NDSS and policy objectives of DM1 and DM20 of the CPP2.

Impact on Amenity of Neighbouring Occupiers

- 9.31. Policy DM20 of the City Plan Part 2 states that planning permission for any development or change of use will not be granted where it would cause unacceptable loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 9.32. With the increase in height of the new building compared to the existing structure, neighbouring properties would have a more developed outlook, however the new house is not considered out of scale for the setting. The building would have most impact on North Cottage as despite a small gap being provided between the built forms, the new dwelling would be located in close proximity to the site boundaries. However, the front and rear building lines broadly follow that of North Cottage, and therefore the new building would not have a overbearing impact on this adjacent property. North Cottage does appear to have a side window at ground and first floor level which would be somewhat enclosed by the development, however these appear to be secondary windows and the impact is considered to be acceptable.
- 9.33. In terms of overlooking and impacts relating to privacy, the outlook from the new property would be primarily to the front and rear of the house. This would cause some overlooking to the rear garden of North Cottage. However, the impact would not be so significant as to warrant refusal of the application and mutual elevated overlooking to rear gardens from rear sited windows is common within the local environment. There is a first-floor side window on the north-east elevation of the building, this would serve the bathroom and is shown to be obscured glass. Proposed windows in the south western side elevation would be located at ground floor only. There is not considered to be any impacts to other properties in the vicinity of the site as the separation distances would prevent any significant impact from the development. It is however recommended that householder permitted development rights to insert additional windows are removed in order to protect the amenity of neighbouring properties.

- 9.34. In regard to loss of light and overshadowing, the proposed building would be northeast of North Cottage and whilst it would have an impact on some degree of direct sunlight light that is received into the side windows and garden of the neighbouring property, this impact is not considered so significant as to warrant refusal of the application.
- 9.35. A significant proportion of the existing rear garden space of North Cottage would be divided to form the new garden space for the new dwelling, however this area incorporates the existing garage building and it is considered that the remaining garden space for North Cottage would be sufficient outdoor amenity space for the property, and the living conditions of the occupiers would not be significantly harmed in this regard.
- 9.36. Overall, the proposed development complies with policy DM20 of the City Plan Part 2.

Sustainable Transport and Highways considerations

- 9.37. The site is located in close proximity to the Ovingdean Road / Longhill Road junction. There is an existing vehicle access to the garage which the development would utilise. The original drawings showed car parking for two vehicles in front of the new house. Initially, due to the proximity to the junction, and in the interest of road safety, the Transport Team requested the applicant demonstrate sufficient visibility splays for traffic approaching the site in either direction. However satisfactory visibility splays would not be able to be achieved without the loss of a significant proportion of flint front boundary wall. The loss of more of the front wall, from a heritage perspective, would not be supported.
- 9.38. Amended drawings have been submitted which restrict the parking to a single space for the new house. The development would therefore have the same amount off-street provision as the existing arrangement, however the existing house at North Cottage would not have access to an off-street car parking space (as the garage and associated driveway would be demolished to facilitate the proposal) . For this reason, the highway team have accepted that the development would have a comparable impact to the existing situation and therefore additional information regarding visibility splays is not required, and the situation regarding highway safety is unchanged. The loss of the existing parking space at North Cottage is the choice of the applicant. On street parking would not be suitable due to the narrowness of the lane, and creation of a new access and crossover to the serve the property would not likely be suitable for transport reasons and heritage harm due to loss of existing flint wall. North Cottage having no parking would remain compliant with policy.
- 9.39. There would be an increase in trips as a result of the proposed development, but this is unlikely to have a significant impact on the public highway. The Highway Team do acknowledge that there may be some parking overspill as a result of the proposed development, but this is unlikely to have a significant impact on the public highway.

- 9.40. Representations made on the application outline concerns regarding pedestrian movements for the site and this issue is also highlighted by the Transport Team. The pedestrian walking routes around the site are historic and there are no adjacent footways on this side of Ovingdean Road. The route on Ovingdean Road leading north towards the bus stop also has no footway. Given the scale of the development however it is not considered that addressing these matters would be a reasonable requirement for this development.
- 9.41. The application proposes a minimal widening of the existing flint wall and brick piers to allow easier vehicle entry. As the vehicle access would not cross a public footway a crossover licence would not be needed for the amendments in this instance.
- 9.42. In regard to cycle parking, SPD14 requires 1 space for the new dwelling. The revised drawing show facilities in the front curtilage however further detail is required by condition. In addition, the Transport Team note that secure cycle parking for the existing house would be lost by the demolition of the garage and this should be re-provided. This is noted, however there would be space within the front curtilage of North Cottage for this facility and it is not considered justifiable to insist on a designated cycle store for North Cottage in this instance.

Sustainability and Energy Efficiency

- 9.43. New residential development should meet the requirements of CPP1 Policy CP8 and CPP2 policy DM44. The amendments to Part L of the Building Regulations 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 CPP1 Policy CP8. The development would be required to use a Sustainable Drainage Strategy (SuDS) and this can be submitted for approval by way of a pre-commencement condition. CPP2 Policy DM44 requires newbuild residential to achieve a minimum Energy Performance Certificate (EPC) rating 'B', this can be secured by condition

Waste Management

- 9.44. Policy WMP3a of the Waste and Minerals Plan requires proposals for new development to identify the location and provision of facilities intended to allow for the efficient management of waste the location of bin stores and recycling facilities. The Transport Team have also commented on the need for this facility to be well positioned. Designated space is now show in the front curtilage of the property which is considered acceptable.

Ecology and Biodiversity

- 9.45. Policy CP10 of Brighton & Hove City Council's City Plan Part One states that all development proposals should conserve biodiversity, protecting it from the negative indirect effects of development; provide net gains for biodiversity wherever possible and contribute positively to ecosystem services, by minimising any negative impacts and seeking to improve the delivery of ecosystem services by a development.

- 9.46. Policy DM37 of the City Plan Part Two states that development proposals will be required to demonstrate that they safeguard and/or contribute positively to the existing multifunctional network of Green Infrastructure.
- 9.47. The application has been supplemented by a Biodiversity Net Gain (BNG) assessment and Biodiversity Metric. The Ecologist has reviewed the application and has not raised an objection to the scheme. The Ecology comments reference obligations under statutory BNG however it has been re-confirmed by the applicant that the development would be a self-build, and therefore statutory BNG would not apply. Notwithstanding this, the Ecologist has suggested an Ecological Design Strategy (EDS) for the site. This shall include provision of a bee brick, bird and bat boxes amongst other habitat enhancements. This is recommended to be secured by condition.

Archaeological Considerations

- 9.48. The site is within an Archaeological Notification Area. The applicant consulted with the Council Archaeological Team prior to the application being submitted (a copy of the correspondence has been submitted as part of the application). It has been established that works are unlikely to have an impact on Archaeological heritage assets.

Flooding and ground water considerations

- 9.49. Development in the Urban Fringe must consider impacts in relation to flooding and ground water supplies, and this is identified with policy SA4 and H2 as a key site consideration for the wider allocated site. However, this development is minor in scale and the footprint is mostly on previously developed land and hardstanding. It is not considered that the development site in this application has specific additional site constraints in relation to ground and surface water. It is considered that a SUDs condition and permeable surfaces condition is sufficient to protect against any ground and surface water concerns.

Other Matters Raised in Representations

- 9.50. In regard to the proposed development inhibiting access to the SDNP, the site is the existing private garden and garage of North Cottage. There appears to be an informal parking area immediately to the north of the site. The new development would border this land but not restrict access to the adjacent parking area, nor reduce the amount parking space available here. Access to the bridleway would not be impacted.
- 9.51. Some disruption through construction would be likely, but for a small scale development, it is not considered necessary to seek a Construction Environmental Management Plan (CEMP) in this instance. In addition, impact on property value is not a material consideration for this application, the impact on amenity has been fully assessed in the relevant sections of this report.
- 9.52. The Policy Team have suggested that a s106 legal agreement is required to ensure that the development is a genuine self-build for the purposes of BNG exemption. However, this is not standard practice, and a planning condition would be sufficient in this regard.

10. CONCLUSION

- 10.1. The proposal to form an additional unit on the site is accepted in principle and would accord with the policy requirements for the site. The design of the development is considered appropriate for the site and would not impact the visual amenity the South Downs Nation Park or the harm the character and appearance of the Ovingdean Conservation Area . The development would not cause significant harm to the residential amenity of neighbouring properties and the amended plans are considered satisfactory from a highway perspective. Approval is therefore recommended.

11. BIODIVERSITY NET GAIN

- 11.1. This scheme was considered exempt from the need to secure mandatory biodiversity net gain under Schedule 7A of the TCPA because it would be a self-build development as defined under section 1(A1) of the Self-build and Custom Housebuilding Act 2015

12. EQUALITIES

- 12.1. 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.
- 12.2. 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.
- 12.3. A condition to ensure Part M4(2) accessibility compliance is recommended.

13. COMMUNITY INFRASTRUCTURE LEVY

- 13.1. 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 would be confirmed in the CIL liability notice

which would be issued as soon as it practicable after the issuing of planning permission, if granted