



**Brighton & Hove
City Council**

Planning Committee

Title:	Special Planning Committee
Date:	3 April 2017
Time:	2.00pm
Venue	Council Chamber, Hove Town Hall, Norton Road, Hove, BN3 4AH
Members:	<p>Councillors: Cattell (Chair), Gilbey (Deputy Chair), C Theobald (Group Spokesperson), Bennett, Hyde, Inkpin-Leissner, Littman, Mac Cafferty (Group Spokesperson), Miller, Moonan, Morris and Russell-Moyle</p> <p>Co-opted Members: Jim Gowans (Conservation Advisory Group)</p>
Contact:	<p>Cliona May Democratic Services Officer 01273 29-1065/29-1354 planning.committee@brighton-hove.gov.uk</p>



The Town Hall has facilities for wheelchair users, including lifts and toilets



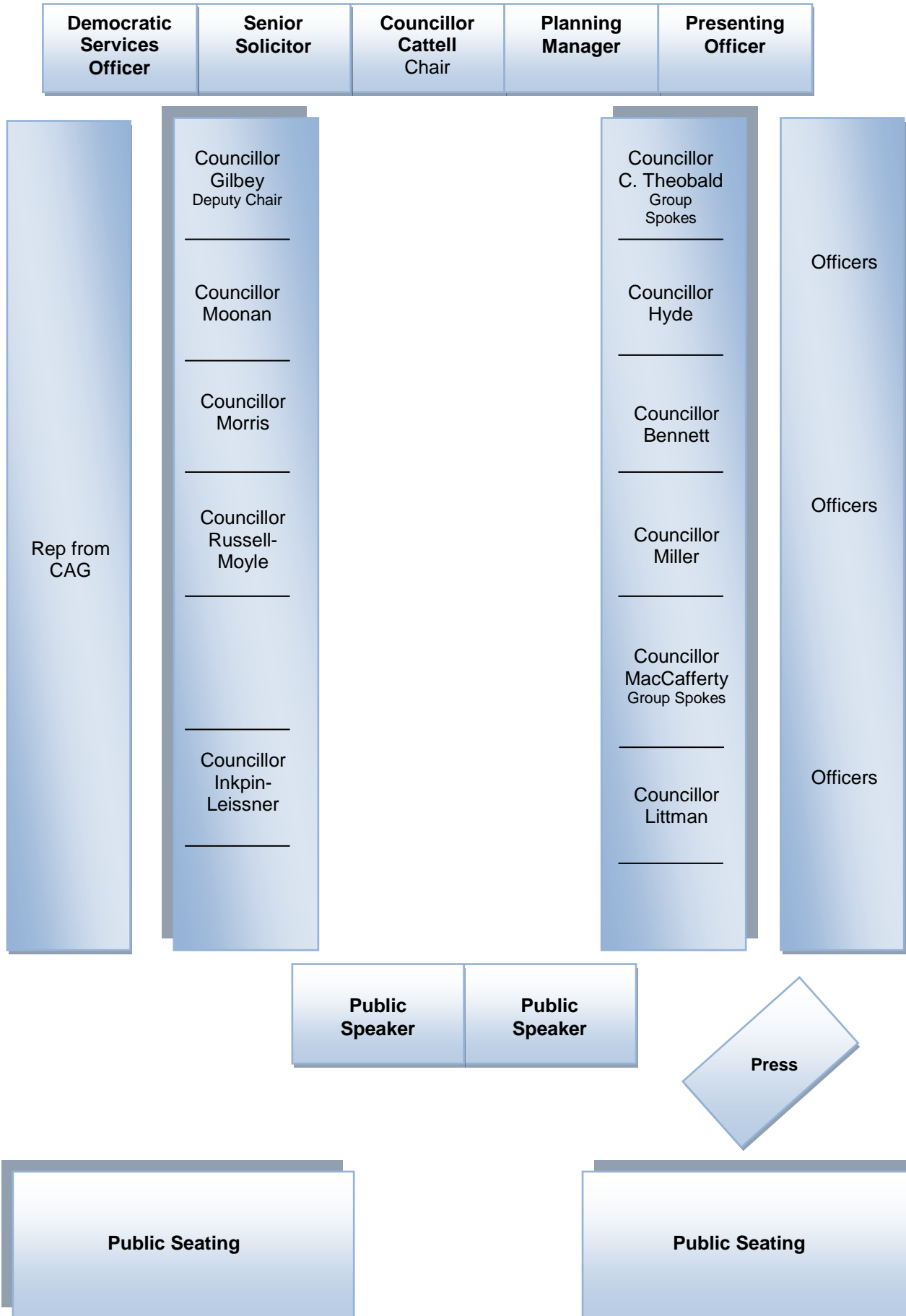
An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter and infra red hearing aids are available for use during the meeting. If you require any further information or assistance, please contact the receptionist on arrival.

FIRE / EMERGENCY EVACUATION PROCEDURE

If the fire alarm sounds continuously, or if you are instructed to do so, you must leave the building by the nearest available exit. You will be directed to the nearest exit by council staff. It is vital that you follow their instructions:

- You should proceed calmly; do not run and do not use the lifts;
- Do not stop to collect personal belongings;
- Once you are outside, please do not wait immediately next to the building, but move some distance away and await further instructions; and
- Do not re-enter the building until told that it is safe to do so.

Democratic Services: Planning Committee



AGENDA

128 PROCEDURAL BUSINESS

(a) Declaration of Substitutes: Where Councillors are unable to attend a meeting, a substitute Member from the same Political Group may attend, speak and vote in their place for that meeting.

(b) Declarations of Interest or Lobbying

- (a) Disclosable pecuniary interests;
- (b) Any other interests required to be registered under the local code;
- (c) Any other general interest as a result of which a decision on the matter might reasonably be regarded as affecting you or a partner more than a majority of other people or businesses in the ward/s affected by the decision.

In each case, you need to declare

- (i) the item on the agenda the interest relates to;
- (ii) the nature of the interest; and
- (iii) whether it is a disclosable pecuniary interest or some other interest.

If unsure, Members should seek advice from the committee lawyer or administrator preferably before the meeting.

(d) All Members present to declare any instances of lobbying they have encountered regarding items on the agenda.

(c) Exclusion of Press and Public: To consider whether, in view of the nature of the business to be transacted, or the nature of the proceedings, the press and public should be excluded from the meeting when any of the following items are under consideration.

NOTE: Any item appearing in Part 2 of the Agenda states in its heading the category under which the information disclosed in the report is exempt from disclosure and therefore not available to the public.

A list and description of the exempt categories is available for public inspection at Brighton and Hove Town Halls.

(d) Use of mobile phones and tablets: Would Members please ensure that their mobile phones are switched off. Where Members are using tablets to access agenda papers electronically please ensure that these are switched to 'aeroplane mode'.

PLANNING COMMITTEE

129 CHAIR'S COMMUNICATIONS

130 PLANNING APPEAL RELATING TO 46-54 OLD LONDON ROAD, PATCHAM (PLANNING APPLICATION REF. BH2016/01961) 1 - 46

Appendices to the Part Two report of the Executive Lead Officer for Strategy Governance and Law (copy attached).

PART TWO

131 PLANNING APPEAL RELATING TO 46-54 OLD LONDON ROAD, PATCHAM (PLANNING APPLICATION REF. BH2016/01961) - EXEMPT CATEGORY 5 47 - 52

Report of the Executive Lead Officer for Strategy Governance and Law (circulated to Members only).

132 PART TWO PROCEEDINGS

To consider whether the items listed in Part Two of the agenda and decisions thereon should remain exempt from disclosure to the press and public.

The City Council actively welcomes members of the public and the press to attend its meetings and holds as many of its meetings as possible in public. Provision is also made on the agendas for public questions to committees and details of how questions can be raised can be found on the website and/or on agendas for the meetings.

The closing date for receipt of public questions and deputations for the next meeting is 12 noon on the fifth working day before the meeting.

Agendas and minutes are published on the council's website www.brighton-hove.gov.uk. Agendas are available to view five working days prior to the meeting date.

Electronic agendas can also be accessed through our meetings app available through www.moderngov.co.uk

Meeting papers can be provided, on request, in large print, in Braille, on audio tape or on disc, or translated into any other language as requested.

WEBCASTING NOTICE

This meeting may be filmed for live or subsequent broadcast via the Council's website. At the start of the meeting the Chairman will confirm if all or part of the meeting is being filmed.

You should be aware that the Council is a Data Controller under the Data Protection Act 1988. Data collected during this web cast will be retained in accordance with the Council's published policy (Guidance for Employees' on the BHCC website).

Therefore by entering the meeting room and using the seats around the meeting tables

PLANNING COMMITTEE

you are deemed to be consenting to being filmed and to the possible use of those images and sound recordings for the purpose of web casting and/or Member training. If members of the public do not wish to have their image captured they should sit in the public gallery area.

If you have any queries regarding this, please contact the Head of Democratic Services or the designated Democratic Services Officer listed on the agenda.

For further details and general enquiries about this meeting contact Penny Jennings, (01273 29-1065/29-1354, email planning.committee@brighton-hove.gov.uk) or email democratic.services@brighton-hove.gov.uk.

Date of Publication - Friday, 24 March 2017

<u>No:</u>	BH2016/01961	<u>Ward:</u>	Patcham Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	46-54 Old London Road, Patcham, Brighton, BN1 8XQ		
<u>Proposal:</u>	Demolition of existing Buildings and erection of a 3 Storey building containing 44 assisted living apartments for older persons with associated communal facilities, parking and landscaping.		
<u>Officer:</u>	Sarah Collins, tel: 292232	<u>Valid Date:</u>	08.07.2016
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	07.10.2016
		<u>EoT/PPA Date</u>	21.10.2016
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	The Planning Bureau Ltd 2 Genesis Business Park Albert Drive Woking GU21 5RW		
<u>Applicant:</u>	Yourlife Management Services Ltd 2 Genesis Business Park Albert Drive Woking GU21 5RW		

1. RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves that it **WOULD HAVE REFUSED** planning permission, had an appeal against non-determination not been made, for the following reasons:
- 1 The proposed development would add vulnerable people to an area with a significant history of groundwater flooding and where flooding is likely to reoccur. In addition, the amount of permeable surface at the site would be reduced; the development has not adequately taken the flood risk into account, has not offered appropriate mitigation measures and has not proposed an appropriate sustainable drainage system. The development is therefore contrary to the National Planning Policy Framework, Brighton & Hove City Plan Part One policies SS1 and CP11, and saved Brighton & Hove Local Plan policy SU5.
 - 2 The proposed development is considered to detract from the character and appearance of the street scene and the locality due to the scale, density, massing and width of the building, the contrived and uncharacteristic roof form, the unsympathetic external materials and the loss of trees and shrubs across the site, particularly on the street frontage, and insufficient replacement planting, contrary to saved Brighton & Hove Local Plan policies QD5, QD15, and QD16, and Brighton & Hove City Plan Part One policies CP12, CP13 and CP14.

- 3 It has not been demonstrated that the future occupiers of the proposed development would be sufficiently protected from noise disturbance from the proposed external sub-station, and the ground floor facilities, the hairdressers and the staircases and plant rooms within the development, contrary to Brighton & Hove saved Local Plan policies SU10 and QD27.
- 4 The applicant has not committed to complying with the requested developer contributions, towards affordable housing, open space and indoor sport, sustainable transport, an artistic component and the Council's local employment scheme, and has not justified this through a financial viability assessment of the scheme, contrary to saved Brighton & Hove Local Plan policy HO12, and Brighton & Hove City Plan Part One policies SA6, CP2, CP5, CP7, CP9, CP13, CP14, CP16, CP17, CP18, CP19 and CP20.

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. This decision is based on the drawings received listed below:

Plan Type	Reference	Version	Date Received
Location Plan	SE_2230_03_AC_001		21 June 2016
Block Plan Existing	SE_2230_03_AC_002		27 May 2016
Tree Survey	8944/01		27 May 2016
Block Plan Proposed	SE_2230_03_AC_010	E	21 July 2016
Topographical Survey	PP/31000/PATC HAM/2015/F1		21 June 2016
Floor Plans Proposed	SE_2230_03_AC_011	E	21 July 2016
Floor Plans Proposed	SE_2230_03_AC_012	D	21 July 2016
Elevations Proposed	SE_2230_03_AC_014	D	27 May 2016
Elevations Proposed	SE_2230_03_AC_015	E	27 May 2016
Sections Proposed	SE_223-03_AC_016	C	27 May 2016
Material sample/detail	SE_2230_PATC HAM		15 June 2016
Roof Plan Proposed	SPS-C283-PATCHAM-MECH		11 August 2016

Existing Floor Plans and Elevations	PP/3100/PATCH AM/2015/F1		21 June 2016
Existing Floor Plans and Elevations	PP/3100/PATCH AM/2015/F1		21 June 2016
Existing Floor Plans and Elevations	PP/3100/PATCH AM/2015/F2		21 June 2016
Tree Survey	8944/02		27 May 2016

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1 The site is located in a predominantly residential area of mainly low-rise detached housing set within well-vegetated plots. The site lies on the east side of Old London Road and comprises five detached dwellings, nos. 46 to 54. Number 46 at the southern end of the site is a bungalow with clay tiled roof and half brick, half pebbledash finish. 48 and 50 are chalet style bungalows, with steeply pitched clay tiled roofs which contain additional accommodation. Numbers 52 and 54 are detached two storey houses with clay tiled roofs and half brick, half render finishes.
- 2.2 An Area Tree Preservation Order covers the plot of number 54 (and extends to number 11 on the opposite side of Old London Road). However, none of the existing trees at number 54 were present at the time of the Tree Preservation Order in 1971 (ref: 1971-16) and therefore they are not protected.
- 2.3 The site measures approximately 67m to 71m (East to West) by 67m (North to South) with a site area of approximately 4,638sqm (0.46 hectares). The site slopes gently upwards to the east. The existing houses are set approximately 15 to 18 metres back from Old London Road. There is no pavement on this side of the road but instead grass verges of approximately 3 to 4m depth. The front boundary treatments of the existing houses generally consist of low brick walls and substantial hedges, shrubs and small trees interrupted by the driveways of each property so that there is a verdant character to the road frontage, with the exception of the frontage of number 54, which is more open albeit there is some planting and a large tree at the northwest corner.
- 2.4 To the south of the site this verdant character and green verges continues to the property frontages. Immediately to the south is number 44 Old London Road, which is a two storey detached house with clay tiled roof hipped on all sides and set approximately 2.6 metres from the site boundary. There are some windows at ground and first floor level on the flank elevation facing the site. Further south is Audrey Close, perpendicular to Old London Road which rises steeply up to the east. Some of the more elevated properties on the north side of Audrey Close have views onto the site and are sited approximately 50 metres from the site boundary.
- 2.5 To the east of the site are the rear gardens of properties in Overhill Way (nos. 13 to 27). These houses are situated approximately 30 to 45 metres from the

site boundary and are in an elevated position, approximately 6 metres above the site level.

- 2.6 Opposite the site to the west is Patcham House School, a school for children aged 11 to 16 with learning difficulties. The frontage building is on the Local List of Heritage Assets and is faced in flint with red brickwork edging and has pitched clay tiled roofs with gable ends. There is a brick wall and metal railings to the frontage. South of the school is the Patcham Memorial Hall, which is a gable fronted single storey building with white painted brick walls and clay roof tiles. Further south is a recreation ground called Patcham Peace Gardens which is on the Local List of Heritage Assets. There are also detached dwellings further north on this west side of Old London Road, but most are not clearly visible due to mature trees and hedges to the road frontage.
- 2.7 To the north of the site and accessed by a private road adjacent to the northern site boundary is Park Court, a three storey brick built development with fully hipped roofs comprising 36 flats in two blocks - one 45 metre long by 17 metre deep (at the southern end) on the frontage and the other 30 metres long by 16 metres deep (at the northern end). These apartment blocks are set minimum 9 metres and 12 metres from the site boundary respectively. There is substantial planting on the Old London Road frontage to the site. Beyond Park Court is a small and thriving Local Shopping Centre and the southern end of Patcham Conservation Area, which lies approximately 65 metres from the northern boundary of the site. This Conservation Area Character Statement describes it as "a small downland village, forming a distinct settlement to the north of Brighton"... "with suburban development to the south and east. Substantial tracts of green space and mature trees surround much of the village, such that it still appears distinct from the surrounding suburbs." The existing houses (46-54 Old London Road) are not clearly visible from the Conservation Area, but the grass verges and front boundary treatments can be seen.
- 2.8 Along the east side of Old London Road to the site frontage, parking is restricted. On the west side, there is a heavy demand for on-street parking, continuing up to the local shopping centre. Bus stops providing one route to and from the city centre are located within 40 metres of the site.
- 2.9 The site lies within a Low to Medium Flood Risk from Surface Water (with part of the site at risk of 300 to 900mm flood depth and part of the site with a velocity over 0.25m/s) and Old London Road has a High Flood Risk from Surface Water (of less than 300mm flood depth and velocity over 0.25m/s), according to the Environment Agency's Flood Risk information.
- 2.10 The application proposes the demolition of the five dwellings (nos. 46 to 54 Old London Road inclusive) and redevelopment of the site to provide 44 (22 no. 1 bed and 22 no. 2 bed) self-contained "assisted living" apartments in a three storey T-shaped building, with 27 car parking spaces, a sub-station, and a mobility scooter store, refuse store, and communal facilities including a kitchen, restaurant, function room, lounge, wellness studio, laundry room and a staff room, staff bedroom and a guest suite. Lift access (two lifts) is provided to all floors from the main entrance lobby.

- 2.11 There would be one vehicular access for the development positioned approximately 6 to 7 metres from the northern boundary leading to 3 parking spaces at the front of the development and 24 parking spaces at the rear. A pedestrian entrance is proposed at the rear of the building for those travelling by car or mobility scooter and the main pedestrian entrance is at the front of the building, roughly centrally located between the two gables. The existing grass verges would be retained/reinstated except for the vehicular access and a small paved area in front of the main pedestrian entrance.
- 2.12 The building would have a frontage length of approximately 60 metres (excluding the sub-station) and would be set approximately 2 to 3 metres from the northern boundary (with the exception of the sub-station which would be up to the boundary) and approximately 2.4 to 4.6 metres from the southern boundary. The front section of the building would be approximately 18 metres deep (or 19.5 metres including the two projecting gables). The rear section of the building would extend approximately 33 metres from the front section and have a width of up to 20 metres. The rear section would be set approximately 6.5 to 8 metres from the rear boundary. This rear section would be built into the natural ground levels which rise up to the rear so that a retaining wall would be required at the back of the site and the first floor of the building would be at the approximate ground level of the rear gardens of the neighbouring properties in Overhill Way. The rear section would be set approximately 18.5 metres from the northern boundary and approximately 27.5 metres minimum from the southern boundary.
- 2.13 The building frontage would be set approximately 13.5 to 15 metres from Old London Road and the building line would be roughly level with the frontages of Park Court to the north and no.44 to the south. However, the two front gables and the sub-station would be set slightly forward of this.
- 2.14 The front of the building would have two 3 storey gable projections and the remainder of the façade would appear 2.5 storeys with dormer windows in the roof, except for the southern end of the building which would drop down to 1.5 storeys. The roof form is unconventional, as the pitched roof does not extend across the whole building. Behind the frontage the pitched roof steps down to a flat roof, and then rises again to form two more pitched roof forms at the northern and southern ends of the building, forming two valleys when viewed in section. The pitched roof also has three 'cut-outs' of varying size to the front elevation so that the roof is a combination of pitched roofs, gables, and flat roofs of varying height. The 'false pitched' roofs would be apparent from Old London Road and Park Court to the north of the site. The northern end of the building would be gabled and the southern end would have a 'half-hip'.
- 2.15 The two gable projections would be inset on all three floors with an inset up to the fascia level on the top floor. The external materials would comprise of red brick and white painted render for the walls with a course of vertical bricks between ground and first floor levels and above each window and door at first and second floor level; grey slate roof tiles; white uPvc for the fascia soffits, windows and doors; anthracite grey uPvc for the rainwater goods; grey steel

balustrading and glass infill panels for the balconies; dark grey powdercoated steel railings to the road frontage, and timber close-boarded fencing to the side and rear boundaries.

- 2.16 The Tree Protection Plan (8944/02) indicates that 27 trees are to be removed and 24 are to be retained, 7 of which are to be pruned or have the crown lifted. Most of those trees proposed for removal are in the rear gardens of the existing properties and range between 3 metres and 15 metres in height. There are no protected trees on the site, and none of the trees are Grade A. Of the 12 trees considered to be Grade B, 10 are to be retained. The Tree Protection Plan indicates that some of the root protection areas of the retained trees will be encroached upon by the retaining walls at the rear of the proposed development, and by the new vehicular access and car park.
- 2.17 The Design & Access Statement provides indicative landscaping plans for the development. The Softworks Plan slightly conflicts with the tree protection plan - the Softworks Plan indicates that a tree on the frontage (no.26) and a tree to the southern boundary (no.2) are to be retained however the tree protection plan indicates they are to be removed. The Softworks Plan proposes a mainly lawned area to the frontage with hedges to the front boundary and around the private terraces. Benches are proposed along the path to the main entrance. To the rear, the communal garden comprises a central lawn surrounded by a footpath with benches, a tool shed and raised planters and planted beds beyond with some new tree planting, mainly to the eastern boundary. The indicative Lighting Plan proposes 17no. bollard lights: 3 to the front, 4 around the rear car park, 2 to the southern side access and 8 around the lawn in the rear communal garden.
- 2.18 In terms of the site's planning history which is set out below, this scheme is of a similar scale to the two previous applications (**BH2003/02944/FP** and **BH2004/03459/FP**) in that it comprises a building of 3 storeys in a 'T' shape footprint which extends uninterrupted across the width of the site frontage, with the exception of the vehicular access. The main differences with this application are the relocation of the vehicular access from the southern end to the northern end of the site and the upper floors now extend over this access, a reduction in the number of apartments from 58 (**BH2003/02944/FP**) and 52 (**BH2004/03459/FP**) to 44, a different approach to the roof form (the previous schemes proposed a fully hipped roof form), the introduction of two front gables and white painted render finishes on the front elevations.
- 2.19 Assisted living is defined by the applicant as Extra Care Accommodation and is aimed at the provision of independent living for the frail elderly with day to day assistance in the form of domestic help and domiciliary care tailored to owners' individual needs. The accommodation is purpose-built with a variety of facilities provided within the building, which necessitates a single footprint of built form. Assisted Living offers more than a typical 'sheltered/retirement' development, with extensive on-site facilities built to a higher specification - the communal areas in a conventional sheltered (Category II) scheme are the equivalent of 4 flats, whilst in Extra Care schemes they occupy the equivalent of 9 flats.

- 2.20 The accommodation is designed to be fully accessible for wheelchair users and units are capable of adaptation for wheelchair use when required. The prospective occupiers of the Extra Care development are assessed prior to entry and are offered care packages to suit their needs as they change over time, rather than paying the fixed costs of a nursing home. Staff provide 24 hour cover and consist of a manager, deputy managers and support staff, who provide assistance with daily activities and care to residents, as well as a chef and grounds management, which equates to approximately 14-17 full time posts.
- 2.21 The service charge covers all the on-site facilities including daily meals, 24 hour staffing, storage and charging of mobility scooters, cleaning and maintenance, personal care and assistance, and therefore costs residents circa £120-135 per week (1 bed flat) and £150-180 per week (2 bed flat). The service charge in a Category II development will be significantly less than this, circa £30-35 per week (1 bed flat) and £40-45 per week (2 bed flat).
- 2.22 The average age on entry to a McCarthy and Stone Assisted Living (Extra Care) development is 85 years. Under the standard lease, the entry age is set at 70 years, allowing for a younger spouse/partner where necessary. The resident must also meet the Qualifying Person Criteria set out in the lease and sign up to a residency agreement. The applicant suggests a condition may be applied to a consent for the development, requiring that at least one of the occupiers of each unit must be a 'qualified person' (70 years +) and the partner must be at least 60 years. The applicant states that they would also accept a condition restricting the development to the use specified in the application and for no other purpose.
- 2.23 The applicant states that the Assisted Living model has care built in and is therefore classified as a C2 use, which is defined under the Use Classes Order as "use for the provision of residential accommodation and care to people in need of care." The applicant further states that the scheme will be registered with the Care Quality Commission. The development is to be managed by Yourlife Management Services Limited, a Domiciliary Care Agency.

3. RELEVANT HISTORY

- 3.1 The dwellings on the site date from the 1930s and 1940s. There is no relevant planning history for these. Park Court dates from the late 1950s.
BH2004/03459/FP - Demolition of existing houses (nos. 46-54) and redevelopment of site to provide 52 assisted living apartments for frail elderly persons. Including staff accommodation, communal facilities, car parking for 20 cars and landscaping. Refused 12 January 2005. Reasons for refusal were similar to the previous application (below) with the additional reason of lack of on-site amenity space and no contribution offered towards off-site open space. An appeal was submitted and a Public Inquiry was intended but the appeal was withdrawn by the applicants in September 2005.
BH2003/02944/FP - Demolition of existing houses (nos.46-54) and redevelopment of site to provide 58 assisted living apartments for frail elderly

persons. Including staff accommodation, communal facilities, car parking for 20 cars and landscaping. Refused 27 November 2003. Reasons: for its size and design, lack of sustainable measures, loss of amenity to neighbours due to noise from intensity of use and proximity of access and car park to no.44, not demonstrated impact on traffic or parking and transport in the area, no contribution towards public art, no affordable housing, and not demonstrated capacity of drainage system. An appeal was lodged against this decision and a Public Inquiry was scheduled for July 2004. This appeal was withdrawn by the applicants in March 2004.

4. REPRESENTATIONS

4.1 **Three hundred and forty seven (347)** letters have been received (addresses listed in Appendix 1), objecting to the proposed development for the following reasons:

4.2 Design issues

- The development will spoil the semi-rural character of the historic village
- The existing houses and their generously planted front gardens are attractive and they add to the rural character of the village
- The development will detrimentally affect the Patcham Conservation Area
- The development is too large, too high, is overdevelopment and will dominate the area
- There is insufficient usable amenity space at the development
- The façade design is unsympathetic and a pastiche of Regency, Victorian and Georgian town centre terraces and is a caricature of fine historic buildings, inappropriate to the village.
- McCarthy & Stone use a standard design which is cheap to build and only tweaked for each development - the design does not take into account the local character which is why it would be detrimental to the character of Patcham Village
- The materials are not sympathetic with the surrounding buildings
- There are not enough trees on the frontage and the replacement planting would be immature and not replace the visual and groundwater-absorbing qualities of the existing trees to be lost
- The loss of the trees will be detrimental to wildlife
- The development will cause overlooking to neighbours
- The development will cause overshadowing to neighbours
- The lighting will cause disturbance to neighbours and wildlife
- The solar panels would cause glare
- The new fencing would restrict movement of wildlife through the area

4.3 The proposed use

- The development won't provide a diverse population and there are already too many retirement properties in the area

- The loss of family homes is regrettable as these are in short supply in the city
- The provision of daily catering on site won't support the local eateries
- There are not enough facilities in Patcham to cater for additional residents (no doctors, chemist, or bank) and there would be too much pressure on GP surgeries and healthcare
- The properties will be too expensive for most elderly people in the local area
- The development would provide no affordable housing
- The development is advertised nationally so will not necessarily provide housing for local need.

4.4 Groundwater flooding and drains capacity

- The Environment Agency list Brighton & Hove as one of only ten flood risk areas in England and the Patcham area is classified as a flood risk hotspot in BHCC's Surface Water Management Plan
- There is a high risk of flooding which will be increased by removal of trees and permeable ground.
- There will be additional pressure on the drainage system and sewerage and drains capacity has not been adequately assessed.
- Residents in 2000 were unable to use their toilets for weeks due to groundwater flooding and porta-loos had to be provided in the village for the residents. Raw sewage overflowed into roads, gardens and basements.
- BHCC appointed engineers in 2001 to investigate the problem
- During floods the road has to be closed and people can't live in their houses. Bad flooding in 2000 and 2014.
- BHCC installed 5 pumps and pipework in 2014 to help alleviate flooding issues which is an ongoing problem
- Flood alerts were received in Old London Road on 24th December 2012, 22nd December 2013, 30th Jan 2014, 17th January 2015, and 8th January 2016.
- To permit a major development in this area without an effective solution to the groundwater flood perils would be extremely unwise.
- Notes from a BHCC Committee Meeting on 21 June 2001 were submitted with an objection, detailing the problems with groundwater flooding in Patcham as well as other sites in Brighton, and details of the flood in the winter of 2000/2001 and suggesting various flood alleviation measures.

4.5 Highway issues

- There is limited on street parking in the area so the development will cause overspill parking
- The additional residents and traffic will cause noise and disturbance and worsen road safety for the school and nursery nearby
- Old London Road is very narrow so it will cause traffic congestion and impact on safety, especially during construction
- The development will cause a large increase in traffic from staff, residents, visitors and deliveries and emergency services will find it difficult to access the site

- There is no pavement on this side of the road so this should be provided for the elderly residents so they don't have to cross the road to get to the shops and bus stops
 - The road is already a rat-run and there are problems with speeding which will get worse with the development and would be unsafe for the new elderly residents trying to cross the road
 - The construction of the development will be disruptive to residents and traffic flows
- 4.6 **Councillor Geoffrey Theobald:** objects to the proposals (copy of letter attached).
- 4.7 **Caroline Lucas MP for Brighton:** objects to the proposals on the grounds of increasing flood risk and the developer should prove beyond doubt that there would be no increased flood risk before the application can be supported.
- 4.8 **Eight (8)** letters have been received (addresses listed in Appendix 1), supporting the proposed development for the following reasons:
- The development of private sector assisted living (extra care) accommodation is needed in Patcham.
 - The McCarthy & Stone extra care schemes are of a very high standard
 - The location is perfect for the development, close to shops, good bus links into the city
 - Parking won't be a problem
- 4.9 **Councillor Karen Barford:** supports the proposals:
 As lead member for Adult Social Care, I am writing in support of the above mentioned planning application. Brighton and Hove have a known under-supply of accommodation for older people with care needs in the city. The Brighton and Hove City Council's business case in 2015 identified a shortfall in extra care housing provision of between 380 and 1100 additional places from now until 2025. Housing and care in the community is generally preferred by residents rather than traditional care homes. I know that the council is committed to securing cost effective housing options to enable people to live independently with dignity in their own home in a supported environment and one that enhances their quality of life. This includes developing alternative solutions for vulnerable adults with differing care and support needs. I understand that the council values a range of tenancies and care that is both private and publicly funded, with a focus on priority given to local people. I feel that the proposed development will enhance the housing offer in the city, flexibly providing additional care and support to its residents in their own homes as and when they need it. I therefore urge you to support this planning application on the basis of the above reasons.

5. CONSULTATIONS

5.1 External

5.2 County Archaeology: Comment

The site lies just outside the southern margin of an Archaeological Notification Area within a dry valley. The existing buildings on the site are not considered to have any great heritage significance. Taking into account the location of the site within the dry valley and the presence of 20th century buildings which will have impacted any below ground remains, I consider it unlikely that these proposals will have a significant archaeological impact. I have no further comments to make.

5.3 Ecology: Comment

Insufficient information has been provided to assess the potential impact of the proposed development on bats.

5.4 Following the submission of a bat survey, the County Ecologist provided a further response:

5.5 The surveys were carried out in accordance with best practice although over a compressed period. No evidence of roosting bats was found although the buildings retain the potential to support roosting bats. As such, a precautionary approach to demolition is recommended whereby features that could be used by roosting bats are stripped carefully by hand under the supervision of a suitably qualified and experienced ecologist. Alternative roosting features should be provided on the new buildings and on mature trees around the boundaries as recommended in the report; those on trees should be installed prior to demolition. A sensitive lighting scheme is also recommended.

5.6 Breathable roofing membranes can cause mass mortalities of bats in roofs particularly during the breeding season. The membranes affect both species which roost directly below the roof membrane (long-eared bats, horseshoes etc) and bats which roost between the roof lining and the roof tiles (e.g. pipistrelles). Given the known presence of bats in the area, non-breathable bitumastic membrane should therefore be used instead of breathable membrane.

5.7 Provided the above mitigation measures are implemented, as well as those provided in my earlier advice (below), it is recommended that the application can be supported from an ecological perspective.

5.8 The site has the potential to support breeding birds. Under Section 1 of the Wildlife and Countryside Act 1981 (as amended), wild birds are protected from being killed, injured or captured, while their nests and eggs are protected from being damaged, destroyed or taken. To avoid disturbance to nesting birds, any demolition of buildings or removal of scrub/trees that could provide nesting habitat should be carried out outside the breeding season (generally March to August). If this is not reasonably practicable within the timescales, a nesting bird check should be carried out prior to any demolition/clearance works by an appropriately trained, qualified and experienced ecologist, and if any nesting

birds are found, advice should be sought on appropriate mitigation. Mitigation should be provided for any nesting habitat lost.

- 5.9 It is considered unlikely that the site supports any other protected species. If protected species are encountered, works should stop and advice should be sought on how to proceed from a suitably qualified and experienced ecologist.
- 5.10 In addition to any mitigation that may be required for protected species, the site offers opportunities for enhancement that will help the Council address its duties and responsibilities under the NPPF and the NERC Act. Opportunities include the provision of bird and bat boxes, and the use of species of known value to wildlife within the landscaping scheme. Advice on plant species of value to wildlife can be found in the Council's SPD 11, Annex 7 Notes on Habitat Creation and Enhancement.
- 5.11 It is noted that solar panels are to be provided, given the evidence that the efficiency of green roofs increases when provided in combination with solar panels, it is recommended that consideration is given to the provision of green (chalk grassland not sedum) roofs.
- 5.12 **Environment Agency: No Comment**
The development proposed was not considered to fall within the Environment Agency's External Consultation Checklist. Therefore the Environment Agency is not reviewing the proposals in detail or providing comments.
- 5.13 The checklist combines those developments for which the Environment Agency is a statutory consultee and those which the Environment Agency request to see because of their potential risk to flooding and/ or the environment.
- 5.14 Although the site is located within Source Protection Zone 1, as part of the risk based approach the Environment Agency only comment on the risks posed by developments to SPZs where a potentially polluting activity is being proposed, or where the development site is potentially affected by contamination from a previous use.
- 5.15 **Southern Water: Comment**
Southern Water cannot accommodate the needs of the development without the provision of additional local infrastructure. The proposed development would increase flows into the foul and surface water system and therefore increase the risk of flooding, contrary to paragraph 109 of the NPPF. Alternatively, the developer can discharge foul and surface water flow no greater than existing levels if proven to be connected and it is ensured that there is no overall increase in flows into the foul and surface water system. Should the Local Planning Authority be minded to approve the application, Southern Water would like the following condition to be attached to any planning permission: "Development shall not commence until a drainage strategy detailing the proposed means of foul and surface water disposal and an implementation timetable, has been submitted to and approved in writing by the local planning authority in consultation with the sewerage undertaker. The development shall be carried out in accordance with the approved scheme and timetable." And the

following informative: "The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. The applicant/developer should contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk in order to progress the required infrastructure.

5.16 Sussex Police Comment

Pleased to note that the Design and Access Statement submitted in support of the application gave mention to the crime prevention measures to be incorporated into the design and layout which include; adopting Secured by Design principles and Designing Out Crime measures. From a crime prevention perspective, the only recommendation for this development would be to increase the secure boundaries to include a controlled vehicle entry system, electronic gates. The addition of this measure would completely secure the development. McCarthy and Stone are a well-established national provider of retired and assisted living accommodation. Does not have any concerns regarding this development.

5.17 Internal

5.18 City Regeneration: Comment

City Regeneration has no adverse comments to make regarding this application.

5.19 The provision of 44 (39 actual net gain) Assisted Living dwellings is welcomed in the city which has an ever increasing ageing population.

5.20 The indicated 17 FTE opportunities created by this scheme are also welcomed and will contribute to the economic wellbeing of the city.

5.21 Should the application be approved, an Employment and Training Strategy will be required, with the developer committing to using an agreed percentage of local labour. It is proposed for this development that the minimum percentage of 20% local employment is expected for the demolition (where appropriate) and construction phases of the development.

5.22 In respect of the training commitment, industry guidelines (CITB) for KPIs based on the value of the development should be referenced.

5.23 Early contact with the council's Local Employment Scheme Co-ordinator is recommended to progress the Employment and Training Strategy, in order to avoid any delays in the planned commencement of the development.

5.24 Also, if approved, in accordance with the Developer Contributions Technical Guidance, City Regeneration requests a contribution through a S106 agreement for the payment of £11,700 towards the council's Local Employment Scheme.

5.25 Environmental Health: Comment

There is a concern over the lack of information relating to plant and machinery for the proposed kitchen. Within the design and access statement it is mentioned that there will be a professional extract system, but no further

mention is made to the equipment that will be put in place, or the exact design. Such equipment will have odour and noise implications, and its design will need to be considered to ensure that it is not an issue to proposed residents. Usually to combat odour issues, flues extract from a high location above the eaves of nearby buildings. This potentially will involve running ducting through the internal layout or on the facade of the premises both of which impact the design. Alternatively the kitchen could be vented directly out the wall, but this would likely require significant odour mitigation due to resident directly above.

- 5.26 BS 8233:2014 states that special attention should be given to internal layout in order to minimise noise disturbance. This involves trying to ensure services, stairs and lifts are associated away from residential rooms, especially bedrooms where possible. It can be seen that some effort has been made with regards to internal layout (e.g. rooms between lift shafts and residents' rooms) but there are still issues that need attention. Of prime concern would be residents located above the two refuse storage areas, both the main one for the building and the kitchen refuse area. While the use of the refuse areas will be intermittent and of short duration, both the collection and disposal of waste, especially glass, can create significant noise levels. Environmental Health receives a number of complaints regarding waste disposal and collections around the city, and therefore increased sound insulation is likely necessary at these locations in order to protect future residents. It is also likely that times for deliveries and collection will need to be restricted.
- 5.27 An additional concern for the residents above the main refuse storage is the close proximity of the sub-station which also has the potential to have tonal noise issues, and potentially vibration issues associated with its operation. These will need to be considered, and appropriate protection put in place if needed.
- 5.28 There would also be a concern about residents above the function room, kitchen, restaurant and main living room. All of these areas are likely to receive a high level of use, and the Lombard effect is likely to take place. The Lombard effect is the involuntary tendency of speakers to increase their vocal effort when speaking in a loud noise environment, in order to enhance the audibility of their voice. This change includes not only loudness, but also other acoustic features such as pitch, rate, and duration of syllables. It is therefore important that these rooms are given a high level of sound insulation in order to protect future residents that will adjoin them.
- 5.29 Lastly there is concern relating to the placement of bedrooms next to stair cases and plant rooms. It is currently unknown what plant is proposed in the plant room, so it is very difficult to make a suggestion about the level of sound insulation that will be needed.
- 5.30 While none of the above issues raised by Environmental Health are insurmountable, they should be considered before the application proceeds. While a number of conditions could be placed regarding the various noise and odour issues, there is a lack of information relating to acoustic matters at this

moment in time. It is also considered appropriate to look at the sound insulation levels and room placement at this stage, before the overall design is finalised.

5.31 A contaminated land report was submitted with this application by Crossfield Consulting Geotechnical Consultants (ref: CCL02731.BY83), dated August 2015. The main objective of the report was to consider geo-technical constraints with regards to construction. While it does look at possible contamination, it shows there is very few potential sources for contamination in the nearby area, and that the risk to any future development is therefore considered very low. This conforms to information held by Environmental Health, and it is agreed that no further works would be needed with regards to potential contamination.

5.32 In summary, there is insufficient information relating to noise and odour concerns, in order to make informed comments at this stage. Should further information be submitted, these comments can be revisited.

5.33 **Health and Adult Social Care Comment**

BHCC have a known under supply of accommodation for older people with care needs in the city. BHCC business case in 2015 identified a shortfall in ECH provision in Brighton and Hove of between 380 and 1100 additional ECH places from now until 2025 currently one scheme consisting of 45 flats is being developed for people with dementia. We know that housing and care in the community is generally preferred by people rather than traditional care homes. As of March 2014 Brighton and Hove placed 179 residents over the age of 65 in care homes outside of the city.

5.34 The council is committed to providing alternative cost effective housing options to enable people to live independently with dignity in their own home in a supported environment and one that enhances their quality of life and this includes developing alternative solutions for vulnerable adults with differing care and support needs.

The council values extra care as preventative services that delay the need for residential or nursing home placement.

5.35 We would value a different range of tenancies and care that is both private and publicly funded

We value that extra care schemes ensure priority is given to the local population

We value that extra care schemes provide 40% affordable housing

For this scheme:

- Would query if/how priority is given to the local population
- Would query if it provides the required % of affordable housing. How would housing related support tasks be supported?
- Does it have scheme manager on site?
- Does it provide support with tenancy sustainment?
- Will tenants be able to choose their care provider?
- Will assessments for care needs involve linking residents with the wider community?
- Will all accessing care services on site have a Brighton and Hove Eligibility assessment from Adult Social Care to promote clarity and choice?

5.36 **Heritage: Comment**

The Heritage Officer identified the heritage assets in the vicinity as follows:

- Patcham House School (flint building), Old London Road
- Patcham Peace Gardens, Old London Road
- Patcham Conservation Area, which contains a number of listed buildings

These are not identified in the Heritage Statement or Planning Statement.

The Heritage Officer does not however feel that the impact is sufficient to require a specific heritage comment.

5.37 **Housing: Comment**

The Housing Officer advised that the affordable housing could be provided as an off-site contribution. The CP20 policy requirement of 40% affordable housing (of 39 net units) equates to 16 flats (15.6 rounded up) and the size split in the scheme is 50% one beds and 50% 2 beds which equates to a total of £2,282,000.00 as calculated below.

Zone 2	1 bed flat	2 bed flat	
Per unit	£120,750	£164,500	
No units	8	8	16
Totals	£966,000.00	£1,316,600.00	£2,282,000.00

5.38 **Planning Policy: Comment**

The application description is queried because the proposed use class is not considered accurate. The proposal clearly seeks individual residential units albeit with ancillary facilities. It seeks to provide 'dwellinghouses' (C3) rather than a 'residential institution' (C2)(The supporting information indicates that residents of the proposed accommodation are less likely to enter 'institutional' accommodation.) The proposed assisted living/extra care sheltered housing it is considered more akin to C3 because as detailed in the submission, unlike a C2 residential care home/institution, the proposed residents' level of care will vary (potentially not just based on need but also a residents ability to afford to buy-in the 'extra' care on top of what the basic sheltered housing package provides). Each unit will consist of no more than six residents living together as a single household where care is provided for residents and all units are capable of being self-sufficient (ie bedroom, kitchen, living area and bathroom). Sheltered housing is widely recognised to be C3 (i.e. land use gazetteer) and extra care housing is referenced in the adopted City Plan policy CP19 which relates to 'housing mix'.

5.39 Irrespective of the use class (whether it be C2, C3 or sui generis) it is considered the type of provision proposed should be considered against and comply with policies relating to housing/dwellings. The following comments are provided on the basis that 44 'dwellings' are proposed.

5.40 The site lies within the built up area and part of the site is covered by an Area Tree Preservation Order (TPO), so compliance with QD15 and QD16 will be subject to other consultee comments (eg Arboricultural Team).

- 5.41 Policy CP10 seeks a net gain in biodiversity. The proposed provision of bat and bird boxes is welcomed.
- 5.42 The site lies within a groundwater source protection zone and an area with a history of surface water flooding.
- 5.43 Housing Type and Mix:
Policy CP14 of the City Plan Part One states that residential development will be permitted at higher densities than those typically found in the locality where a number of criteria are met. The proposed scheme significantly increases the housing density from that already on the site (approximately 11 units per hectare to 95 units per hectare). The proposal therefore needs to meet the criteria listed. Whilst a number will depend upon on-site considerations a few relate 'policy' matters and require the inclusion a mix of dwelling types, tenures and sizes that reflect identified local needs and the provision of outdoor recreation space appropriate to the demand it generates. The ability to meet the requirements of policies SA6, CP20, CP16, CP17 and CP19 of the City Plan Part One is therefore important.
- 5.44 The provision of sheltered/managed/extra care housing is supported by policies HO12 of the Local Plan and CP19 of City Plan Part One. HO12 welcomes sheltered and managed housing for older people that is located close to local amenities and seeks the provision of an element of affordable housing, which may not necessarily be for the same type of clientele. CP19 seeks to improve housing choice and ensure that an appropriate mix of housing is achieved across the city and specifically references extra care housing. The supporting text of CP19 identifies the need for a range of housing options suitable for the elderly and disabled, which this proposal will contribute to. Regard to the Housing Strategy 2015 should be given.
- 5.45 Affordable Housing:
As this is a windfall housing site, Policy CP20 of the City Plan Part One applies. This seeks to secure 40% affordable housing on sites proposing 15 or more (net) dwellings. This equates to a need to provide 16 affordable units (rounded up). The proposed scheme does not appear to provide any affordable dwellings. Subject to other relevant consultee comments it is considered that in view of the type and level of residential provision proposed that some flexibility in this provision may be appropriate. On this basis it may therefore be appropriate to accept a financial contribution towards off-site affordable housing provision in place of on-site provision in this particular instance.
- 5.46 Open Space and Sport
Policy SA6 promotes sustainable neighbourhoods and seeks balanced communities through the requirement for new residential development to provide an appropriate amount of affordable housing, mix of dwelling sizes and tenure types. It also promotes food growing, physical activity, sports and biodiversity and provision of open space. Policy CP18 relates to 'Healthy City' and seeks to reduce health inequalities and promotes healthier lifestyles.

Lifetime Neighbourhoods are encouraged and recognition is given to active living for all age groups including healthy living options for older people.

- 5.47 Policies CP16 and CP17 of the City Plan Part One set out the local open space standards and make clear no over-supply has been identified. All new development is required to provide open space commensurate to the demand generated by the proposal. It is recognised a proposal only open to people over 70 years old will not generate a significant demand for children's play space and thus the provision of children's equipped play space would not be required. However, as reflected in the supporting information, the type of provision proposed enables residents to maintain an active life and that more than half of residents in sheltered housing consider their health to be good. It is therefore considered provision commensurate to the generated demand should be provided for allotments, natural semi-natural space, amenity greenspace, outdoor sport (eg bowls, croquet, tennis) and, parks and gardens. Where this is not provided on site a financial contribution should be provided in lieu. An open space and sport ready reckoner has been attached based on net residential units. It indicates that a contribution of £93,246 should be provided to address provision off-site, it includes £14,798 for indoor sport (eg swimming, badminton, short mat bowls etc.)
- 5.48 Private amenity space:
Policy HO5 seeks the provision of useable private (outdoor) amenity space (for example space for a table and two chairs turning space for a wheelchair). Within a new build scheme it is considered all units should have access to a useable private patio or balcony. Whilst it is noted the proposal includes a communal landscaped garden; providing health benefits from having access to sunlight (vitamin D), green space and social interaction; this may not be attractive to residents recuperating from illness etc.
- 5.49 Lifetime homes and sustainability:
The application indicates the proposal will meet the lifetime homes standards and will be fully accessible for wheelchairs exceeding the requirements of policy HO13 and will meet the sustainability requirements set out in policy CP8. This indicated provision is welcomed. It is unclear if a 200mm threshold level as indicated in the groundwater flooding recommendations is being proposed however if this is via a sloping rise this should not conflict with HO13.
- 5.50 Waste Management:
Policy WMP3d of the Waste and Minerals Plan requires development proposals to minimise and manage waste produced during construction demolition and excavation. It states that all development proposals will be expected to:
- a) Demonstrate how the durability of the construction has been maximised;
 - b) Minimise the waste arising from construction, demolition and excavation activities;
 - c) Move the management of CDEW waste as far up the waste hierarchy as practicable;
 - d) Demonstrate how they will monitor progress within the lifetime of the construction phase of the development.

- 5.51 Paragraph 49 of the National Planning Practice Guidance provides guidance on what could be covered in the SWMP in order to meet the requirements of the policy. A fully completed SWMP with sufficient information to demonstrate compliance with Policy WMP3d is required, this could be by condition. Policy WMP3e of the WMP requires proposals for new development to identify the location and provision of facilities intended to allow for the efficient management of waste, e.g. location of bin stores and recycling facilities.
- 5.52 Water and Sewage Disposal Infrastructure:
Compliance with policies SU3, SU5, SU9 and CP11 will be subject to other consultee comments (eg Southern Water and Environment Agency)
- 5.53 Developer Contributions:
Subject to other consultee comments and in accordance with policy CP7, it is considered that developer contributions would be necessary to address a number of outstanding issues including the following:
- Affordable housing
 - Transport and travel
 - Biodiversity, open space and sport provision (ready reckoner supplied separately)
 - Local employment and training
- 5.54 The Open Space and Indoor Sport contribution as calculated using the ready reckoner amounts to £93,245.95. However, it is considered that the play space provision should be discounted (£2,378.97) given the intended occupiers of the development, and no allotment projects have been identified in the local area, (a further reduction of £3,229.89), therefore a contribution of **£87,637.09** is requested.
- 5.55 The Parks Projects team consider the Open Space element (£72,839.09) of the financial contribution would potentially go towards improvements to Mackie Park, Withdean Park, Barn Rise playground, Patcham Peace Garden, Patcham Place, Horsdean Recreational Ground, and Braeside Linear Parks.
The contribution would be spent as follows:
- Amenity Green Space (£2,640.85): Increase grass areas by rationalising disused ornamental borders, add seating to the edge of grass areas, additional bulb planting to grass areas, improve grassed surfaces to allow longer use through the year.
 - Outdoor sports facilities (£22,504.59): Increase the capacity of games being played by improvements to grass pitch surfaces, install outdoor gym equipment area.
 - Parks and Gardens (£32,937.93): Improve access by: improving gates, paths being widened, new formal paths built on desire lines, handrails etc., increase the seating areas and the provision of benches around the parks, improve entrances generally for access, signage, interpretation in varying media, gates, levels and lighting.

- Natural and Semi-Natural (£14,755.72): Increase elm collection planting across the parks and streetscape in line with requirements for our national Elm collection. Increase tree planting generally and install a range features to increase habitats for creatures.
- 5.56 The Indoor Sports element (£14,798.00) would potentially go towards the Withdean Sports Complex for new or replacement changing rooms for outdoor activities, or for conversion of the void area into additional gym or exercise space, and/or towards the Prince Regent Swimming Complex (nearest and most accessible swimming pool site on No 5 bus route) for the creation of new activity areas by converting redundant or underused rooms.
- 5.57 **Policy, Projects and Heritage: Comment**
 Adopted City Plan Policy CP5 supports investment in public realm spaces suitable for outdoor events and cultural activities and the enhancement and retention of existing public art works; CP7 seeks development to contribute to necessary social, environmental and physical infrastructure including public art and public realm; and CP13 seeks to improve the quality and legibility of the city's public realm by incorporating an appropriate and integral public art element. To safeguard the implementation of these policies, it is important that instances in which approval/sign off from the council is needed is clearly identified and secured.
- 5.58 The level of contribution is arrived at after the internal gross area of the development (in this instance approximately 4514 sqm) is multiplied by a baseline value per square metre of construction arrived at from past records of Artistic Component contributions for this type of development in this area. This includes average construction values taking into account relative infrastructure costs. It is suggested that the Artistic Component element for this application is to the value of £25,000. As ever, the final contribution will be a matter for the case officer to test against requirements for s106 contributions for the whole development in relation to other identified contributions which may be necessary. To make sure that the requirements of Policies CP5, CP7 and CP13 are met at implementation stage, it is recommended that an Artistic Component schedule be included in the section 106 agreement.
- 5.59 **Sustainability: Comment**
 The scheme proposes New Assisted Living Apartments. It includes communal areas, heated corridors; staff rest and overnight stay facilities and accommodation, communal restaurant, function room, communal laundry, homeowners lounge, guest suite, wellbeing suite. These uses are not purely residential and therefore come under the criteria on non-residential development. As a major scheme City Plan Policy CP8 sets a minimum standard of BREEAM 'excellent' standard for new build major non-residential development. As part of this assessment, the BREEAM Multi Residential criteria will be applied.
- 5.60 The application documents do not refer to a target of BREEAM 'excellent' and no justification has been submitted to justify achieving a reduced or alternative standard. It is recommended that the applicant be asked to commit to achieving

a BREEAM 'excellent' standard or provide robust justification for a reduced standard. In the event that this commitment cannot be gained ahead of planning committee due to time constraints, planning conditions should be applied requiring a BREEAM New Construction design stage certificate at pre commencement stage, and a final BREEAM New Construction certificate pre occupation, demonstrating in each case that an 'excellent' standard has been achieved. The pre-commencement certificate is required in this case specifically because a BREEAM pre-assessment has not been undertaken, and if preparatory work is not undertaken at early stages for the BREEAM assessment, the 'excellent' standard will be less cost effective for the developer and harder to achieve.

5.61 In addition, the scheme has not addressed the following City Plan Policy CP8 areas, and would be improved by further consideration of; Passive design measures; green walls or roofs; proposals for rain water catchment; provision for food growing; wildlife habitat creation; provision for on-site composting.

5.62 It is recommended that the following conditions be applied:

- BREEAM New Construction design stage certificate at pre commencement stage, demonstrating an 'excellent' standard, and
- BREEAM New Construction final certificate pre occupation, demonstrating an 'excellent' standard

5.63 **Sustainable Drainage: Object**

The key applicable policies are the Local Flood Risk Management Strategy , National Planning Policy Framework, Strategic Flood Risk Assessment Surface Water Management Plan, City Plan SS1 and CP11.

5.64 The Lead Local Flood Authority (LLFA) objects in principle to the development. Brighton and Hove City Council became the Lead Local Flood Authority in 2010 as per the Flood and Water Management Act. As such the LLFA BHCC are responsible for managing local flood risk in the city. Local flood risk, as defined by the FWMA 2010, includes surface water and groundwater.

5.65 Old London Road, Patcham is within the historic flood plain for groundwater. The proposed development is within this flood plain. The dates of groundwater flooding include 1918, 1925, 1958, 1960, 1962, 1974, 1988, 1994, 1995, 2000, 2001, 2013, 2014. The nature of groundwater flooding can be slow to rise, however floodwaters can remain for long periods of time. Reports describe in 1958 that the fire brigade continually pumped for a year. These conditions cause stress and anxiety for residents.

5.66 As set out in the National Planning Policy Framework, inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. "Flood risk" means risk from all sources of flooding - including from rivers and the sea, directly from rainfall on the ground surface and rising groundwater, overwhelmed sewers and drainage systems, and from reservoirs, canals and lakes and other artificial sources.

- 5.67 Section 1.6 of the submitted Flood Risk Assessment confirms the proposed development for assisted living apartments for older persons, is a "more vulnerable development". A more vulnerable development is defined by the NPPF Technical Guide as residential institutions such as residential care homes, children's homes, social services homes, prisons and hostels.
- 5.68 There is a history of residents suffering from anxiety and distress, especially the elderly, during a groundwater event. This was notable in the 2014 event.
- 5.69 The LLFA note from the Flood Risk Assessment (ref 047.5052 FRA3, dated May 2016) that the finished floor levels of the new development will raise thresholds by 200mm; however the LLFA does not consider this to be adequate. The risk to this area from groundwater is high. There is a history of groundwater flooding. NPPF states that "Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk". It is not appropriate to place a "more vulnerable" development at this location.
- 5.70 Groundwater flooding is difficult to prevent, the best that can be done in Patcham is to manage the risk in the area. The LLFA note the applicants' email to the Local Planning Authority of 12/10/2016 regarding their proposals for a Flood Risk Management Plan through a 'stay put' policy not evacuation. However, as noted above, groundwater flooding can remain for months after rising. A "stay put" policy is not feasible in this type of event.
- 5.71 Considering the information provided by Southern Water (dated 6/11/2015 & Section 5.25 Residential Redevelopment Land at Old London Road, Patcham, East Sussex Flood Risk Assessment, May 2016) that the existing system is currently of inadequate capacity, the LLFA will require reduction in surface water discharge rate, as per the recommendations of the Strategic Flood Risk Assessment 2012.
- 5.72 The information provided regarding the proposed drainage system is not adequate, considering the risk of groundwater emergence and the inadequate capacity of the sewer system. The applicant has put forward some proposals but has noted that this are the surface water strategy outlined above may not necessarily form the final design (5.19). Considering the vulnerabilities of the site the LLFA would require the applicant to submit a detailed design of the proposed drainage and associated maintenance plan. It would need to consider, as a minimum;
1. Inadequate capacity of the surface water sewer;
 2. How the drainage would cope with rising groundwater; and
 3. How the system would be maintained for the lifetime of the development.
- 5.73 The Flood Risk Management Officer's recommendation is to refuse the application.

5.74 Sustainable Transport: Comment

In summary, subject to the necessary conditions, the Highway Authority would recommend approval. It is also recommended that a S106 contribution of £29,550 be secured which should also include a S278 clause in order to secure the highway works proposed.

5.75 Pedestrian access would be similar to the existing properties with no footway provided along the east side of Old London Road, though expected demand will increase substantially compared to present. Ideally from a pedestrian accessibility perspective, a new footway would be constructed in order to connect the development site directly to the shops and amenities to the north. However, it is considered that the proposed dedicated pedestrian access and associated crossing on Old London Road would help to mitigate the current deficiencies in the site's accessibility by foot and for mobility impaired users.

5.76 The submitted Transport Statement includes plans for the crossing proposals together with a Road Safety Audit and Designer's Response. The Safety Audit identifies a potential issue with inter-visibility between pedestrians being obstructed by parked cars. The Highway Authority is also concerned that this would be an issue and in this case does not accept the Designer's Response which cites the reference in Manual for Streets paragraph 7.8.5 that some encroachment of parking in visibility splays may be acceptable. Whilst this would be applicable in many instances such as a vehicle access, it is not considered to be ideal for the current proposal where the pedestrian crossing is likely to be used by more vulnerable users given the nature of the proposed development.

5.77 The above concern would however be overcome through the provision of a buildout on the western side. This would keep the crossing clear of obstructions and improve visibility. The eastern (development) side proposals would be acceptable in principle; however, in order to provide convenient, level access to southbound bus services, it is recommended that an accessible bus stop kerb also be located on the proposed area of footway, extending this as necessary.

5.78 As it stands, the existing access to southbound services would not be practical for future users of the development given the need to cross three times and the absence of an accessible kerb. This is particularly so for mobility impaired users which are likely to include a proportion of residents of the proposed development.

5.79 The proposed crossing and associated build-out would need to be located so it is next to the existing school keep clear markings. The bus stop would preferably be located so that users are not encouraged to step out from behind a stationary bus (i.e. the crossing is to the south of the accessible kerb). Some of the submitted visualisations appear to include a footway between the proposed vehicle and pedestrian access (removing the current grass verge), although this does not appear to be indicated on the Site Plan or Highway Works plan included within the Transport Statement. As noted above, the Highway Authority would see benefit in extending the footway to the north to connect with Ladies Mile Road. However, in the absence of this the need for the

proposed footway is unclear. The Highway Authority would therefore not object to its removal as it is understood the case officer has proposed in order to preserve the grass verge. It is also noted that the removal of two of the three existing vehicle crossovers will also provide some compensation for the loss of verge elsewhere to accommodate the necessary pedestrian access and bus stop.

- 5.80 It is recommended that the works be secured via a S106 agreement and detailed by a S278 agreement.
- 5.81 Vehicle access will be provided by a single point. The access is approximately 4.4m at its narrowest point, providing sufficient space for two vehicles to pass. It is possible for vehicles to enter and exit in forward gear though there would be benefit in a turning area at the end of the car park in the event vehicles enter to find that it is full.
- 5.82 The existing accesses will become redundant. Therefore, the kerb and grass verge should be reinstated at the applicant's expense and it is recommended that this be secured as part of the S278 highway works agreement.
- 5.83 SPD14 does not provide a specific standard for assisted living or sheltered housing. However, given the nature of the development proposed, the standard for residential institutions is considered to be most appropriate in this instance.
- 1 space per 8 residents: 44 units = 6 spaces
 - 1 space per 3 staff: 17 FTE staff= 6 spaces

 - Total = 12 spaces
- 5.84 The independent living nature of the proposed accommodation and the submission of information on car ownership at similar sites is however noted. The applicant suggests that forecast demand would be 18 spaces and by this measure sufficient provision would be proposed without adding substantially to on-street parking demand. It is not considered that the proposals as they stand would result in a level of overspill parking that could be deemed to amount to a severe impact on the highway and therefore warrant refusal on these grounds under the National Planning Policy Framework (NPPF).
- 5.85 SPD14 would require a minimum of 3 disabled bays. No spaces are currently proposed which is not appropriate, especially for a use of this nature. It is recommended that these be secured by condition, though it is noted that there would be a slight reduction in the level of provision as a result. The layout of disabled parking should comply with the Department for Transport's (DfT) Traffic Advisory Leaflet 5/95 which requires a 1.2m access zone on either side.
- 5.86 SPD14 requires one cycle parking space per five staff plus one per ten beds for visitors, equivalent to 8 spaces for the proposed development. Whilst a mobility scooter store is shown, which the Transport Statement indicates will also provide for bikes, no further details on the design appear to have been submitted. It is recommended that these details be secured by condition. In order to comply with Brighton & Hove Local Plan policy TR14, cycle parking

should be secure, convenient to access and, wherever possible, covered. The Highway Authority's preference is for the use of Sheffield stands laid out in accordance with Manual for Streets paragraph 8.2.22.

- 5.87 There is no on-site provision for servicing. The Highway Authority does not raise any objections in this respect given that the frequencies are expected to be limited and typically undertaken by smaller vehicles. The collection of refuse from the public highway is consistent with the existing arrangement.
- 5.88 The applicant has submitted a trip generation exercise using the TRICS national trip rate database. They have also submitted a sensitivity analysis based on surveys from the agent's own database. Many of the latter are at locations where public transport accessibility would be expected to be lower than at the proposed site meaning it is reasonable to expect that vehicle movements would not exceed those estimated. The applicant's Transport Consultant has also used the higher TRICS rates for the basis of their assessment.
- 5.89 This indicates that there will be a modest increase in peak vehicle movements and approximately 92 across the day. However, when assessing the impact of proposed developments upon local highway and transportation networks, the Highway Authority considers total person trips and not just vehicle trips. The submitted TRICS data indicates a daily person trip rate of 5.387 per unit which would equate to 237 for the proposed development. Inputting this into the council's standard contributions formula, the following sustainable transport contribution would be sought:

$$\begin{aligned} & (\text{Forecast trips} - \text{existing trips}) \times \text{contribution per trip} \times \text{location-based deduction} \\ & = (237 - (10 \times 4)) \times \text{£}200 \times 0.75 \\ & = 197 \times \text{£}200 \times 0.75 \\ & = \text{£}29,550 \end{aligned}$$

- 5.90 In order to encourage sustainable travel to and from the development in accordance with the City Plan Part One it is recommended that this be allocated towards:

- Shelter and/or real time information at Audrey Close northbound and/or southbound bus stops on Old London Road and/or
- Pedestrian route and crossing improvements on Old London Road.

- 5.91 This is in order to provide for the needs of those accessing the site on foot and by public transport and to encourage sustainable modes of travel in accordance with Brighton & Hove City Plan Part One policy CP9. In addition, a Travel Plan focussed on staff travel is sought in accordance with policy TR4 of the Brighton & Hove Local Plan. The Highway Authority would also recommend that a Construction Environment Management Plan (CEMP) be secured by condition.

5.92 **Tree Officer Object**

The TPO on this site (1971-16) is in two parts and rather strangely on both sides of the London Road. The bulk of the trees are at number 11 Old London Road

with just one tree shown in the front garden of number 54. This tree (T1) was granted consent to fell back in 1984. Despite repeated attempts in 1984 and 1985 to secure a replacement planting this appears to have never been achieved.

- 5.93 The gardens forming this proposed development site are typical of many in the City's upper, London Road valley area in that they are of a good size with a mix of mainly small to medium sized trees. Individually these trees are not high quality specimens but collectively they provide much needed tree cover to local residents. The trees do not warrant protection with a Tree Preservation Order as they are of only moderate public amenity value.
- 5.94 The proposal involves considerable felling to make way for the building, access road and car parking. Much of the greenery along the frontage would be lost and this would be detrimental to the local street scene and the character of the area. Some trees are shown to be retained alongside car parking areas but there is little information provided to show how this will be achieved. There is also potential for conflict with future occupants who may feel threatened by these trees or agitated by leaf fall and minor issues around aphids and detritus dropping onto cars.
- 5.95 The proposal leaves limited space to secure tree planting of a large final size. The car parking area appears to dominate much of the site with the three bays at the frontage being very visually obtrusive to the scheme. Reducing the car parking provision, removing bays closest to retained trees and detailing how the car park would be constructed to avoid damage to tree roots would allay some fears and these changes may be negotiable. Also much of the existing frontage hedge and other vegetation could be retained and incorporated into a final landscaping plan provided it was properly protected through the construction phase. However, as it stands the Arboricultural Section has a number of concerns with the proposals in this planning application and recommends that it is refused, based on retained Local Plan policy QD16 and SPG06.

6. MATERIAL CONSIDERATIONS

- 6.1 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
The development plan is:

Brighton & Hove City Plan Part One (adopted March 2016)
Brighton & Hove Local Plan 2005 (retained policies March 2016);
East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only - site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.

- 6.2 Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

7. **POLICIES**

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

- SS1 Presumption in Favour of Sustainable Development
- SA6 Sustainable Neighbourhoods
- CP1 Housing delivery
- CP2 Sustainable economic development
- CP5 Culture and Tourism
- CP7 Infrastructure and developer contributions
- CP8 Sustainable buildings
- CP9 Sustainable transport
- CP10 Biodiversity
- CP11 Flood risk
- CP12 Urban design
- CP13 Public streets and spaces
- CP14 Housing density
- CP15 Heritage
- CP16 Open space
- CP17 Sports provision
- CP18 Healthy city
- CP19 Housing mix
- CP20 Affordable housing

Brighton and Hove Local Plan (retained policies March 2016):

- TR4 Travel plans
- TR7 Safe Development
- TR14 Cycle access and parking
- SU5 Surface water and foul sewage disposal infrastructure
- SU9 Pollution and nuisance control
- SU10 Noise Nuisance
- QD5 Design - street frontages
- QD14 Extensions and alterations
- QD15 Landscape design
- QD16 Trees and hedgerows
- QD18 Species protection
- QD27 Protection of amenity
- HO5 Provision of private amenity space in residential development
- HO12 Sheltered and Managed Housing for Older People
- HO13 Accessible housing and lifetime homes
- HE6 Development within or affecting the setting of conservation areas

Supplementary Planning Documents:

- SPD03 Construction & Demolition Waste
- SPD06 Trees & Development Sites

7. CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the impact of the development on the surrounding residential properties, the impact of the development on the character and appearance of the street scene, the proposed use of the development and the need for affordable housing provision and financial contributions in mitigation of the development, the flood risk potential at the site, and the level of amenity provided to the prospective residents.
- 8.2 The City Plan Part 1 Inspector's Report was received February 2016. This supports a housing provision target of 13,200 new homes for the city to 2030. It is against this housing requirement that the five year housing land supply position is assessed following the adoption of the Plan on the 24th March 2016. The City Plan Inspector indicates support for the Council's approach to assessing the 5 year housing land supply and has found the Plan sound in this respect. The five year housing land supply position will be updated on an annual basis.
- 8.3 **Need for Extra Care/Assisted Living Accommodation:**
The Lead Member for Adult Social Care at BHCC commented that there is a known under-supply of accommodation for older people with care needs in the city. The Brighton and Hove City Council's business case in 2015 identified a shortfall in extra care housing provision of between 380 and 1100 additional places from now until 2025. Housing and care in the community is generally preferred by residents rather than traditional care homes.
- 8.4 The Council's Policy Officer advises that the provision of sheltered/managed/extra care housing is supported by policies HO12 of the Local Plan and CP19 of City Plan Part One. HO12 welcomes sheltered and managed housing for older people that is located close to local amenities. CP19 seeks to improve housing choice and ensure that an appropriate mix of housing is achieved across the city and specifically references extra care housing. The supporting text of CP19 identifies the need for a range of housing options suitable for the elderly and disabled, which this proposal will contribute to.
- 8.5 As such it is considered that there is a need for the accommodation hereby proposed in Brighton & Hove.
- 8.6 And therefore the Health and Adult Social Care Officer asked that priority is given to the local population when considering potential occupiers of the development. This could be secured through the s106 agreement.

8.7 **Affordable Housing**

Retained Local Plan policy HO12 seeks the provision of an element of affordable housing, which may not necessarily be for the same type of clientele. The supporting text to the policy states that there is a particular need for affordable accommodation in this sector and the policy seeks to establish the provision of an element of affordable housing as an integral part of all new sheltered and managed housing schemes for elderly people. City Plan policy CP19 seeks to improve housing choice and ensure that an appropriate mix of housing is achieved across the city and specifically references extra care housing. Part c of the policy states that sites coming forward as 'windfall' development, as in this case, will be required to demonstrate that proposals have had regard to housing mix considerations and have been informed by local assessments of housing demand and need. Policy SA6 (part 8) seeks to deliver balanced communities through the requirement for new residential development to provide an appropriate amount of affordable housing, and a mix of dwelling sizes and tenure types.

8.8 The Health and Adult Social Care Officer advised that a different range of tenancies and care that is both private and publicly funded would be preferred and requested that extra care schemes provide 40% affordable housing, given the identified need for affordable housing for the elderly in Brighton & Hove.

8.9 The Policy Officer questions the use class of the proposed development. The applicant considers the development to be a C2 use, however the Policy Officer considers the development to be more akin to 'dwellinghouses' (C3 use) rather than a 'residential institution' (C2). Irrespective of the use class (whether it be C2, C3 or sui generis) it is considered the accommodation proposed should be considered against and comply with policies relating to housing/dwellings.

8.10 As such, the Policy Officer considers policy CP20 to apply to the proposed development, and seeks 40% affordable housing, which is considered can be provided as a commuted sum. The supporting text to policy CP20 states that financial contributions will be pooled and used to enable affordable housing provision within the City. The Housing Strategy Officer calculated the commuted sum to amount to £2,282,000.00.

8.11 However, the applicant has not offered any affordable housing and contrary to reference to a viability assessment in the submitted Planning Statement, no viability assessment has been submitted in relation to this application. Therefore, the application is contrary to saved Local Plan policy HO12, and City Plan Part One policies SA6, CP7, CP19 and CP20, and should be refused on this basis.

8.12 **Other Developer Contributions:**

Developer Contributions have been requested by Officers during the application process, for:

- Open Space and Indoor Sport - contribution of £87,637.09
- Affordable Housing - off-site contribution of £2,282,000.00

- Sustainable Transport - contribution of £29,550 and s278 clause
- Artistic Component - to a value of £25,000.
- Local Employment and Training - contribution of £11,700

Which are set out in the responses above.

- 8.13 However, the applicant has not agreed to offer any contributions and no viability assessment has been submitted. On this basis, it is considered that the development would be contrary to the NPPF and policies SA6, CP2, CP5, CP7, CP9, CP13, CP16, CP17, CP18, CP19 and of Brighton & Hove's City Plan and policy HO12 of the saved Local Plan, and the application should be refused on this basis.
- 8.14 **Design and Appearance:**
The roof design, with the cut-outs along the frontage and the combination of pitched and flat roofs and gables would result in a complicated and contrived roof design. Most of the neighbouring properties have pitched roofs and some have gables and are simple and conventional designs. The combination of the 'false pitched' roofs and flat roof would be apparent from the neighbouring properties and from Old London Road to the north of the site.
- 8.15 It is considered that the size of the building's footprint and the length and depth of the building is the cause of the problems with the roof design. The two previous schemes at this site (set out above) were refused, in part due to the size, height and massing of the development. These two schemes had fully hipped roofs (with a small flat roof section on the top), and this scheme reduces the overall height by using a flat roof at the rear and a 'false-pitched' roof at the front. The lower roof height causes problems with the proportions of the building, so that cut-outs have been introduced to help visually break up the length of the ridge and reduce the horizontal emphasis of the building.
- 8.16 During the course of the application the applicant was invited to amend the roof design. Sketches were informally submitted that removed the cut-outs and lowered the ridge level. However, the sketches were not considered to improve the design as the frontage still presented as excessively long and did not reduce the over-bearing impact of the building. These sketches were therefore not worked up into amended plans.
- 8.17 The length of the frontage is substantially longer than other buildings nearby and is considered to result in an overbearing and poorly proportioned building. The two gables add interest to the frontage and help to add vertical emphasis and visually break up the frontage but are not sufficient to overcome the problems with the excessively long frontage and the complicated and contrived roof design.
- 8.18 The proposed external materials consist of red brick and white painted render on the walls and grey slate roof tiles, and white uPvc window and door frames and fascias. The combination of red brick and white painted render does help to visually break up the frontage and there are many examples of red brick on other nearby properties. However, white painted render is not prevalent in the

area and is likely to weather quickly and require regular maintenance. It is considered that a more appropriate alternative material would be flint, which is more durable and other buildings nearby have flint walls, in combination with red brick. The use of slate tiles on the roof would not be in keeping with the local area, where the vast majority of the buildings have clay tiled roofs. The use of white uPvc on the window and door frames and fascias would further detract from the appearance of the building and from the character of the street scene.

8.19 Policy CP14 of the City Plan Part One states that residential development will be permitted at higher densities than those typically found in the locality where a number of criteria are met. The proposed scheme significantly increases the housing density from that already on the site (approximately 11 units per hectare to 95 units per hectare). The proposal therefore needs to meet the criteria listed:

- 1) Would be of a high standard of design and would help to maintain or create a coherent townscape;
- 2) Would respect, reinforce or repair the character of the neighbourhood and contribute positively to its sense of place;
- 3) Would include a mix of dwelling types, tenures and sizes that reflect identified local needs;
- 4) Is easily accessible by sustainable transport or has the potential to be easily accessible;
- 5) Is well served by local services and community facilities; and
- 6) Provides for outdoor recreation space appropriate to the demand it would generate and contributes towards the 'green network' where an identified gap exists.

8.20 It is considered that the proposed development fails on points 1, 2, 3, and 6 and therefore would not comply with policy CP14.

8.21 The roof design, combined with the excessive length of the frontage and excessive site coverage and inappropriate external materials, are considered to result in an overbearing development, out of keeping with and detrimental to the character and appearance of the street scene.

8.22 Landscaping

The existing character of the area is suburban and predominantly residential, with well-vegetated plots. To the south and east of the site are detached houses or bungalows set in substantial plots; to the north are 3 storey flats that are partially screened from Old London Road by vegetation to the front boundary. The existing plot of number 54 is covered by an Area Tree Preservation Order (TPO), which corresponds to the northern part of the development site.

8.23 The development proposed would result in a 60 metre long, unbroken frontage, which would take up much of the site frontage with little space to the side boundaries. The building would also extend close to the rear boundary with the properties in Overhill Way. Many trees and shrubs would be removed from the rear gardens and much of the vegetation to the front boundary would be removed.

- 8.24 Some trees are indicated to be retained on the frontage, but these will provide little screening of the development. The presence of the sub-station and 3 parking bays to the front of the development would reduce the potential to provide substantial tree screening at the northern end of the site. The site frontage is visible from the Patcham Conservation Area and the proposed development would remove much of the planting on the frontage which would provide a more urban character to the southern part of the Conservation Area. However, due to the distance of the development site from the Conservation Area (approximately 65 metres) it is not considered that the proposed development would detrimentally affect the setting of Patcham Conservation Area.
- 8.25 The building would be positioned too close to the boundary with number 44 to provide trees or shrubs along this boundary, and the car park to the rear of the development would not only threaten the longevity of the trees to be retained on the northern boundary, but the extent of the car park and its close proximity to the boundaries of the site would prevent additional tree planting or other substantial vegetation in this area. A number of trees and some replacement trees are proposed to the eastern boundary but the foundations of the development and the retaining wall are likely to intrude upon the root protection areas of some of these trees and the proximity of the development to the eastern boundary would put pressure on these trees in terms of limiting their future growth.
- 8.26 The indicative landscaping proposed is not considered to be sufficient to retain the verdant, semi-rural character of the area. Overall, it is considered that due to the extent of the footprint of the building and hardstanding areas, and their proximity to the site boundaries, much of the existing vegetation would be lost and there would be limited potential to provide significant replacement planting. This would create a much more urban character to the site and would be detrimental to the character of the area and the street scene, contrary to saved Local Plan policies QD5, QD15, QD16 and City Plan Part One policies CP12, CP13 and CP14.
- 8.27 **Impact on Amenity:**
Policy QD27 of the Brighton & Hove Local Plan 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.
- 8.28 The proposed development would introduce a 3 storey projection to the rear of the site, with windows facing north and south. There would be potential overlooking from these windows to number 44 to the south and to the Park Court flats and communal gardens to the north. However, the distances to these boundaries - approximately 27.5 metres minimum from the southern boundary and approximately 18.5 metres from the northern boundary - would assist in reducing the overlooking potential.

- 8.29 The Council's Design Guidance for Extensions in SPD12 sets out minimum acceptable distances between properties, of 14 metres to the nearest facing residential window. Whilst this cannot be directly applied to this development as this is not an extension, it is a useful guide for acceptable distances to avoid overlooking.
- 8.30 There would be a number of first and second floor windows to habitable rooms facing the rear garden of no.44 and the properties beyond this to the south. However, the distance of 27.5 metres to the rear garden of no.44 is considered to be sufficient to prevent significant overlooking from the windows in the rearward projection to this property to the rear garden of no.44.
- 8.31 The Park Court flats to the north would also be of a sufficient distance from the development to prevent overlooking. In addition, the outdoor amenity space to the Park Court Flats are communal areas, and therefore are less sensitive to loss of privacy than private outdoor amenity space.
- 8.32 The frontage block of the proposed development would sit on a similar building line to the neighbouring properties (frontage block of Park Court and number 44). The frontage block would extend only approximately 1.5 metres beyond the rear elevation of the Park Court frontage block and approximately 4 metres beyond the rear elevation of number 44. Due to the distance of the proposed frontage block from these neighbours (12 metres from Park Court and 7 metres from no.44) it is considered that the proposed frontage block would not result in significant loss of light to these neighbouring properties.
- 8.33 The rear projection block extends a significant distance (approximately 36 metres) from the existing rear building lines of the existing properties at the site (nos. 46 - 54). The 45 degree approach set out in the BRE guidance and in the Council's SPD12 is also a useful tool for assessing new development. The proposed development slightly intrudes (by approximately 3 metres at the end of the rear projection) on a 45 degree line taken from the centre of the nearest rear-facing windows of no.44 and the Park Court flats (the front block). However, the part of the development which intrudes is the far end of the central projection, which is a distance of approximately 45 metres from these neighbouring windows. Therefore, it is considered that the proposed rear projection block would not result in significant loss of light or outlook to these neighbouring properties.
- 8.34 A Shadow Study is included in the submitted Design & Access Statement. This indicates that the development would create little or no overshadowing to neighbouring properties at the Summer Solstice, and there would be some overshadowing to the southern facing windows of the frontage block of flats at Park Court during parts of the early afternoon at the Spring and Autumn Equinoxes. This is considered to be an acceptable degree of overshadowing as it would not be likely to cause a significant loss of sunlight to these Park Court flats.
- 8.35 Therefore, due to the substantial distances to the neighbouring properties described above and the orientation of the sun, it is considered that the

proposed development would not result in unacceptable loss of light or privacy to the neighbouring properties to the north and south of the site.

- 8.36 The proposed rear projection would be set approximately 6.5 to 8 metres from the eastern boundary. When viewed from the end of the rear gardens in Overhill Way this part of the development would appear as 2 storeys. This elevation would have only secondary windows to living rooms and kitchen windows which could be conditioned as obscure glazed and due to the elevated position of the houses in Overhill Way and the minimum distance of approximately 37 metres to the nearest property in Overhill Way from the end elevation, there would be no significant loss of privacy or outlook to these properties as a result of the development.
- 8.37 Some of the residents in Overhill Way raised concern over the solar panels proposed on the roof and that their properties would be affected by glare from the solar panels. This is not considered to be an issue given that the panels would be orientated within 90 degrees of due south and these properties are located due east of the development. The land immediately to the north, south and west is approximately level with the site and therefore the solar panels would be at such a height that the effect of glare would not be likely to occur.
- 8.38 In terms of potential noise disturbance to neighbouring properties, it is considered that the potential sources of noise are the vehicular access and car park at the northern end of the site, the sub-station on the northern boundary and the kitchen extract system.
- 8.39 Whilst the vehicular access would be more intensely used than the existing access to no.54, it is considered that the background noise from Old London Road and the use of the adjacent vehicular access to the Park Court flats would counteract the potential noise disturbance to the residents of the Park Court flats. The vehicular access would be at a sufficient distance from other neighbouring properties such that it would not result in loss of amenity due to noise disturbance.
- 8.40 The applicant has not submitted noise information relating to the sub-station, therefore the sub-station could potentially create noise disturbance to the nearest neighbours at Park Court. Additional information is required in this respect.
- 8.41 The applicant has not submitted noise information relating to the kitchen extract equipment, however, given the location of the kitchen, it is a considerable distance from the boundaries with neighbouring properties, and is therefore unlikely to result in noise disturbance to them.
- 8.42 In terms of potential noise disturbance to the future residents of the development, additional information is required to assess the potential noise output from the sub-station and the kitchen extract equipment, and from the bin store and mobility scooter store, including details of internal ducting and plant equipment and their location in relation to the residential units. There should be substantial noise insulation between the ground and first floors to protect the

residents above from noise disturbance from these noise sources, as well as from the communal areas such as the lounge and dining rooms, and the hairdressers on the first floor. A noise assessment is therefore required to assess the likely impact on the future occupants, as set out in the Environmental Health Officer's comments above. Without this information, the application cannot be supported.

- 8.43 The proposed 1 and 2 bed flats, and the entire development, would be wheelchair accessible, which is considered appropriate for the proposed end user and in compliance with retained Local Plan policy HO13. 27 of the flats would have a terrace or balcony but 17 flats would have only a Juliet balcony, providing no private amenity space. Retained Local Plan policy H05 requires all residential dwellings to have an element of private usable amenity space, particularly for those likely to spend a large part of their day in the home environment, which would apply in this case. However, the residents would have level access via the lifts to the rear communal gardens and there are staff available on the site should any resident require assistance with travelling to and from the communal gardens and their flat.
- 8.44 The Design and Access Statement provides indicative landscaping plans. A communal garden is proposed to the rear of the development which would provide residents with an attractive space in which to walk, sit or do some gardening in the raised planters. This is welcomed, but is considered to be insufficient to compensate for the absence of private amenity space in 17 of the flats.
- 8.45 **Flood Risk:**
The Flood Risk Management Officer represents the Lead Local Flood Authority (LLFA), with a responsibility for surface and groundwater flooding, Sustainable Drainage Systems approval and other responsibilities derived from the Flood and Water Management Act 2010. The Officer objects in principle to the development, due to the flood risk at the site and the vulnerability of the intended residents of the development.
- 8.46 The applicant's proposed solution to the potential flood risk, to provide 200mm high thresholds to ground floor entrances and to contain the residents in the building during episodes of flooding, is considered insufficient and inappropriate, given the nature and duration of the historic flooding in Patcham, as set out in the Flood Risk Management Officer's comments, the neighbour comments and according to the Environment Agency's Flood Risk information set out in the Site Description.
- 8.47 Residents in this part of Old London Road were unable to use their toilets for a period of a few weeks during a recent flooding episode due to the inability to drain the floodwater away. Many local residents had no option other than to use portaloos set up in the area for a sustained period which is not a practical solution for the future occupiers of the development and would be likely to cause stress and anxiety to the elderly and frail residents.

- 8.48 City Plan policy CP11 seeks to manage and reduce flood risk and any potential adverse effects on people or property in Brighton & Hove , in accordance with the findings of the Strategic Flood Risk Assessment. Development proposals in locations that have been subject to previous localised flooding events (including, surface water/muddy floods, groundwater, or sewer floods) will need to demonstrate that the issue has been taken into account and appropriate mitigation measures incorporated. In particular development should include appropriate sustainable drainage systems in order to avoid any increase in flood risk and to ideally reduce flood risk.
- 8.49 It is considered that the development has not adequately taken the flood risk into account, has not offered appropriate mitigation measures and has not proposed an appropriate sustainable drainage system. Therefore, the development is considered to be contrary to policy CP11, and should be refused on this basis.
- 8.50 **Sustainable Transport:**
The proposed vehicular access would allow two-way traffic and is considered acceptable by the Highway Officer. It is possible for vehicles to enter and exit in forward gear though there would be benefit in a turning area at the end of the car park in the event vehicles enter to find that it is full.
- 8.51 SPD14 does not provide a specific standard for assisted living or sheltered housing. However, given the nature of the development proposed, the standard for residential institutions is considered to be most appropriate in this instance, which would equate to 12 spaces at this development. Although 27 spaces are proposed, the Highway Officer considers that in view of the nature of the development as set out in the application submissions, the parking provision would be acceptable.
- 8.52 SPD14 would require a minimum of 3 disabled bays, therefore it is recommended that these be secured by condition. Details of secure cycle parking for 8 cycles is also required to be submitted by condition.
- 8.53 There is no on-site provision for servicing. The Highway Authority does not raise any objections in this respect given that the frequencies are expected to be limited and typically undertaken by smaller vehicles. The collection of refuse from the public highway is consistent with the existing arrangement.
- 8.54 Due to the likely increase in trips at the new development, the Highway Officer requests a contribution of £29,550 in order to encourage sustainable travel to and from the development. In accordance with the City Plan Part One it is recommended that this be allocated towards:
- Shelter and/or real time information at Audrey Close northbound and/or southbound bus stops on Old London Road and/or
 - Pedestrian route and crossing improvements on Old London Road.

- 8.55 This is in order to provide for the needs of those accessing the site on foot and by public transport and to encourage sustainable modes of travel in accordance with Brighton & Hove City Plan Part One policy CP9. In addition, a Travel Plan focussed on staff travel is sought in accordance with policy TR4 of the Brighton & Hove Local Plan. The Highway Authority would also recommend that a Construction Environment Management Plan (CEMP) be secured by condition.
- 8.56 The Highway Officer recommends that a s278 agreement be made in order to secure the necessary works to the highway to the front of the development, which can be secured through the s106 agreement. A new pedestrian crossing would be required in order to safely accommodate the additional residents and provide safe and convenient pedestrian access to the west side of Old London Road, where there is a pavement. The Highway Officer has required plans to show the build out of the west side of the road to provide better visibility for the crossing and this can be agreed through the s278 agreement. The Highway Officer also recommends that an accessible bus stop kerb be provided on the east side of the road to safely accommodate the new residents onto southbound bus services. In addition, the existing vehicle accesses will become redundant and therefore the kerb will need reinstating.
- 8.57 **Sustainability:**
As a major scheme City Plan Policy CP8 sets a minimum standard of BREEAM 'excellent' standard for new build major non-residential development. Given the extent of the non-residential uses within the development, BREEAM excellent would be targeted for this development. As part of this assessment, the BREEAM Multi Residential* criteria will be applied. Planning conditions should be applied requiring a BREEAM New Construction design stage certificate at pre commencement stage, and a final BREEAM New Construction certificate pre occupation, demonstrating in each case that an 'excellent' standard has been achieved.
- 8.58 **Other Considerations:**
It is considered that an Artistic Component is provided at this development to the value of £25,000 which can be secured in the s106 agreement, in order to ensure the development complies with City Plan policies CP5, CP7 and CP13.
- 8.59 Should the application be approved, the following ecological mitigation measures to protect bats should be secured by condition:
- Details and location of bird and bat boxes to be submitted
 - A precautionary approach to demolition whereby features that could be used by roosting bats are stripped carefully by hand under the supervision of a suitably qualified and experienced ecologist.
 - Alternative roosting features should be provided on the new buildings and on mature trees around the boundaries as recommended in the report; those on trees should be installed prior to demolition.
 - A sensitive lighting scheme
 - Non-breathable bitumastic roofing membrane should be used instead of breathable membrane

9. EQUALITIES

- 9.1 The proposed development would provide wheelchair access throughout the site, there would be two lifts serving each floor and communal spaces are located centrally, close to the main entrance and a fully accessible WC is provided close to the communal areas.

11th January 2017 Planning Committee – Additional Representations

Page	Site Address	Application No.	Comment
1	46-54 Old London Road, Patcham, Brighton	BH2016/01961	<p>Amend reason for refusal 4 to read: The applicant has not committed to complying with the requested developer contributions towards affordable housing, open space and indoor sport, sustainable transport, an artistic component and the Council’s local employment scheme, required in order to mitigate against the impacts of the development. The applicant has not sought to address these impacts in any other way, and has not justified this through a financial viability assessment of the scheme. The development proposed is therefore contrary to saved Brighton & Hove Local Plan policy HO12 and Brighton & Hove City Plan Part One policies SA6, CP2, CP7, CP9, CP13, CP14, CP16, CP17, CP19 and CP20.</p> <p>Amend Paragraph 8.10 to “As such, the Policy Officer considers policies HO12 and CP20 to apply...”</p> <p>Amend paragraph 8.13 to delete policies CP5 and CP18 from the list.</p> <p>2 (two) further objections received from 4 Saxon Way and 1 Brompton Close on grounds of congestion of the village, parking congestion, no further assisted living units are required and loss of existing houses.</p>

45

Court Farm House,
King George VI
Avenue, Hove

BH2015/04184

Amended Condition 1 to read:

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	PL_001		19 November 2015
Block Plan Existing	PL_002		19 November 2015
Existing Elevations	(AA,FF) PL_003		19 November 2015
Existing Elevations	(JJ, KK) PL_004		19 November 2015
Block Plan Proposed	(LEVEL -01) PL_009		19 November 2015
Block Plan Proposed	(LEVEL 00) PL_010	Rev: B	27 October 2016
Block Plan Proposed	(LEVEL 01) PL_011		19 November 2015
Block Plan Proposed	(LEVEL 02) PL_012		19 November 2015
Block Plan Proposed	(LEVEL 03) PL_013	Rev: B	27 October 2016
Block Plan Proposed	(LEVEL 04) PL_014	Rev: A	27 October 2016
Elevations Proposed	(AA, BB) PL_018	Rev: A	27 October 2016
Elevations Proposed	(CC, DD) PL_019	Rev: A	27 October 2016
Elevations Proposed	(EE, FF) PL_020	Rev: A	27 October 2016
Elevations Proposed	(GG, HH) PL_021	Rev: A	27 October 2016
Elevations Proposed	(JJ, KK) PL_022	Rev: A	27 October 2016
Sections Proposed	(LL, MM) PL_023	Rev: A	27 October 2016
Detail	(BAY 01) PL_024	Rev: A	27 October 2016
Detail	(BAY 02) PL_025		19 November 2015
Detail	(BAY 03) PL_026		19 November 2015
Floor Plans Proposed	(01) PL_027	Rev: B	27 October 2016

			Floor Plans Proposed	(02) PL_028	Rev: B	27 October 2016
			Floor Plans Proposed	(03) PL_029		19 November 2015
			Floor Plans Proposed	(04) PL_030	Rev: A	27 October 2016
			Other	SECTION AND OVERLAY SK_016		27 October 2016
			Other	CROSS SECTION AND OVERLAY SK_019		27 October 2016
			Landscaping Proposed	LANDSCAPE AREAS SK_020		27 October 2016
			Landscaping Proposed	LANDSCAPE MASTERPLAN 0071.P.102	Rev: 5	5 December 2016
			Landscaping Proposed	DETAIL BLOCK A 0071/PL/103	Rev: 3	7 January 2016
			Landscaping Proposed	DETAIL BLOCK D 0071/PL/104	Rev: 3	7 January 2016
			Landscaping Proposed	COMMUNAL GARDEN 0071/PL/105	Rev: 3	7 January 2016
			Landscaping Proposed	TREE PLANTING 0071/PL/201	Rev: 5	5 December 2016
			Landscaping Proposed	GENERAL PLANTING 0071/PL/202	Rev: 2	7 January 2016
			Landscaping Proposed	PLANT CONTACT SHEET 0071/PL/203	Rev: 2	7 January 2016
			Other	OWNERSHIP/ MANAGEMENT 0071/PL/204	Rev: 2	21 January 2016

Sections Proposed	0071/PL/301	Rev: 2	7 January 2016
Sections Proposed	0071/PL/302	Rev: 2	7 January 2016
Sections Proposed	0071/PL/303	Rev: 2	7 January 2016
Other	HARDSCAPE DETAILING 0071/PL/401	Rev: 2	7 January 2016
Other	HARDSCAPE WALLS 0071/PL/402	Rev: 1	7 January 2016
Other	LIGHTING/FURN ITURE 0071/PL/501	Rev: 2	7 January 2016
Other	WILDLIFE/ECOL OGY 0071/PL/601	Rev: 2	7 January 2016

Additional condition: Requiring Construction Environmental Management Plan including waste audit;

Condition 34:

No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:

- (i) The phases of the Proposed Development including the forecasted completion date(s)
- (ii) A commitment to apply to the Council for prior consent under the Control of Pollution Act 1974 and not to Commence Development until such consent has been obtained
- (iii) A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme)
- (iv) A scheme of how the contractors will minimise complaints from neighbours regarding issues such as noise and dust management vibration site traffic

			<p>and deliveries to and from the site</p> <p>(v) Details of hours of construction including all associated vehicular movements</p> <p>(vi) Details of the construction compound</p> <p>(vii) A plan showing construction traffic routes</p> <p>(viii) An audit of all waste generated during construction works, to include</p> <p>a) the anticipated nature and volumes of waste that the development will generate,</p> <p>b) where appropriate, the steps to be taken to ensure the maximum amount of waste arising from development on previously developed land is incorporated within the new development</p> <p>c) the steps to be taken to ensure effective segregation of wastes at source including, as appropriate, the provision of waste sorting, storage, recovery and recycling facilities</p> <p>d) any other steps to be taken to manage the waste that cannot be incorporated within the new development or that arises once development is complete.</p> <p>The construction shall be carried out in accordance with the approved CEMP.</p> <p>Reason: As this matter is fundamental to the protection of amenity, highway safety and managing waste throughout development works and to comply with policies QD27, SU9, SU10 and TR7 of the Brighton & Hove Local Plan, policy CP8 of the City Plan Part One, and WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 and Supplementary Planning Document 03 Construction and Demolition Waste.</p> <p>Amended S106 Heads of Terms: Delete requirement for Construction Environmental Management Plan, add the requirement for a Travel Plan, amend to read Residential Travel Pack, amend the affordable housing tenure mix and confirm areas of spending for open space contribution;</p> <p>S106 HEADS OF TERMS</p> <ul style="list-style-type: none"> • 40 percent affordable housing (15 units for social rented housing or affordable rented housing and 13 units for intermediate housing), • A contribution of £36,500 towards an Artistic Component / public realm • A contribution of £117,029 towards the cost of providing secondary (£97,540) and sixth form education (£19,489);
--	--	--	--

			<ul style="list-style-type: none"> • A contribution of £25,800 towards the Local Employment Scheme, • Construction Training and Employment Strategy including a commitment to using 20 percent local employment during the demolition and construction phases of the development, • A Transport Contribution of £51,750, • A Residential Travel Pack • Travel Plan • A long-term management and maintenance plan for the proposed public/communal open space areas, and • A contribution of £193,702 towards open space and indoor sport to be spent at; <p>Children's Play</p> <ul style="list-style-type: none"> • Hove Park and/or Hangleton Park, Dyke Road Park <p>Parks and Gardens / Natural Semi Natural /Amenity elements</p> <ul style="list-style-type: none"> • Hove Park and/or Three Cornered Copse <p>Outdoor Sports</p> <ul style="list-style-type: none"> • Hove Park and/or Nevill Recreation Ground, Hove Recreation Ground <p>Indoor Sports</p> <ul style="list-style-type: none"> • King Alfred and/or Withdean Sports Complex <p>Allotments</p> <ul style="list-style-type: none"> • Weald and/or North Nevill allotments <p>Delete Informative 14 - as Travel Plan now required by amended S106 Head of Terms.</p>
139	57 Hornby Road, Brighton	BH2016/02810	<p>Amend description to read: Change of use from three bedroom single dwelling (C3) to four bedroom small house in multiple occupation (C4). (Retrospective)</p>

			<p>The plans show that there will be three bedrooms to the first floor and a further bedroom to the ground floor</p> <p>Additional Condition: No extension, enlargement, alteration or provision within the curtilage of the 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.</p> <p>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 QD14 and QD27 of the Brighton & Hove Local Plan.</p>
--	--	--	--

NB. Representations received after midday the Friday before the date of the Committee meeting will not be reported (Sub-Committee resolution of 23 February 2005).

Document is Restricted

