

<u>No:</u>	BH2018/02051	<u>Ward:</u>	Hollingdean And Stanmer Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Grove Park (Site Of William Moon Lodge) The Linkway Brighton BN1 7EJ		
<u>Proposal:</u>	Erection of three storey (plus basement) residential care home providing 88 bedrooms and 24 parking spaces and associated works.		
<u>Officer:</u>	Laura Hamlyn, tel: 292205	<u>Valid Date:</u>	17.07.2018
<u>Con Area:</u>		<u>Expiry Date:</u>	16.10.2018
<u>Listed Building Grade:</u>		<u>EOT:</u>	10.07.2019
<u>Agent:</u>	Mr Simon Bareham Brighton BN1 5PD	Lewis & Co Planning	2 Port Hall Road
<u>Applicant:</u>	Hazeldene Project Managemen Hall Road Brighton BN1 5PD	C/O Lewis And Co Planning	2 Port Hall Road Brighton BN1 5PD

1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to be **MINDED TO GRANT** planning permission subject to a s106 agreement and the following Conditions and Informatives:

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Location Plan	17-193/skLP		22 June 2018
Block Plan	17-193/skBP	A	25 February 2019
Proposed Drawing	17-193-01	H	11 February 2019
Proposed Drawing	17-193-02	E	11 February 2019
Proposed Drawing	17-193-03	F	11 February 2019
Proposed Drawing	17-193-04	B	22 June 2018
Proposed Drawing	17-193-05	L	13 November 2018
Proposed Drawing	17-193-06	D	22 June 2018
Proposed Drawing	17-193-07	D	22 June 2018
Proposed Drawing	17-193-08	C	28 August 2018
Proposed Drawing	17-193-sk03		8 November 2018
Report/Statement	4421.3 UPDATEV1.0		8 November 2018
Report/Statement	NJCL 251-1		13 November 2018
Detail	NJCL 251-1 A		13 November 2018
Detail	NJCL 251-1 B		13 November 2018
Detail	NJCL 251-1 C		13 November 2018

Report/Statement	TN/SGR/WML/26011 8-2_V1		17 September 2018
Report/Statement	REPTILE		22 June 2018
Report/Statement	badger		22 June 2018

2. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

3. If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority), shall be carried out until a method statement identifying and assessing the risk and proposing remediation measures, together with a programme for such works, shall be submitted to the Local Planning Authority for approval in writing. The remediation measures shall be carried out as approved and in accordance with the approved programme.
Reason: To safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.

4. The hard surface hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.
Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policies CP8 & CP11 of the Brighton & Hove City Plan Part One.

5. The development hereby approved shall be carried out in strict accordance ecological mitigation, compensation and enhancement measures as set out in the Ecological Scoping Survey report (The Ecological Consultancy, Jan 2016), the Reptile Survey and Badger Survey reports (The Ecological Consultancy, June 2018) received on 22 June 2018 and the updated Badger Survey report (The Ecological Consultancy, Nov 2018) received on 08 Nov 2018.
Reason: To safeguard protected species from the impact of the development and ensure appropriate integration of new nature conservation and enhancement features in accordance with policies QD18 of the Brighton & Hove Local Plan and CP10 of the Brighton & Hove City Plan Part One.

6. No hedgerow, tree or shrub shall be removed from the site between 1st March and 31st August inclusive without the prior submission of a report to the Local Planning Authority which sets out the results of a survey undertaken by a qualified ecologist, to assess the nesting bird activity on the site and describes a method of working to protect any nesting bird interest. The report must be agreed in writing by the Local Planning Authority prior to the removal of any hedgerow, tree or shrub and shall then be carried out in strict accordance with the approved details.
Reason: To ensure that wild birds building or using their nests are protected, in accordance with QD18 of the Brighton & Hove Local Plan.

7. No tree shown as retained on the approved drawings shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the development phase and thereafter within 5 years from the date of occupation of the building for its permitted use, other than in accordance with the approved plans and particulars or as may be permitted by prior approval in writing from the local planning authority. Any trees or plants which within a period of 5 years from the completion of the development die are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area, to provide ecological, environmental and biodiversity benefits and to maximise the quality and usability of open spaces within the development in compliance with policies QD15 of the Brighton & Hove Local Plan and CP12 and CP13 of the Brighton & Hove City Plan Part One.

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

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

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

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD15 of the Brighton & Hove Local Plan and CP12 and CP13 of the Brighton & Hove City Plan Part One.

9. The development hereby permitted shall not be commenced (including demolition and all preparatory work) until the protection measures identified in the submitted arboricultural assessment and method statement dated 13 Nov 2018 reference NJCL 251-1 are in place and retained throughout the construction process. The fences shall be erected in accordance with British Standard BS5837 (2012) Trees in relation to design, demolition and construction - Recommendations and shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences.

Reason: As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area and to comply with policies QD16 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One and SPD06:Trees and Development Sites.

10. Prior to the occupation of the development hereby approved details of the proposed Access Facilitation Pruning (see BS5837:2012) shall be submitted to and approved in writing by the Local Planning Authority. The approved tree pruning works shall be carried out in accordance with BS3998:2010. Due to the importance of elm trees to the City of Brighton and Hove (Brighton and Hove City Plan - Policy QD16 3.70) and home to the National Elm Collection, and to help elm disease management in the City, elm trees must be pruned between the dates 1st October to 31st May.

Reason: To avoid any irreversible damage to retained trees pursuant to section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality, in accordance with QD16 of the Brighton & Hove Local Plan and SPD06.

11. The development hereby permitted shall not be commenced until a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved by the Local Planning Authority. A written record of any archaeological works undertaken shall be submitted to the Local Planning Authority within 3 months of the completion of any archaeological investigation unless an alternative timescale for submission of the report is first agreed in writing with the Local Planning Authority.

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with policy HE12 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

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

Reason: As this matter is fundamental to the acceptable delivery of the permission to safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, in addition to comply with policy QD27 of the Brighton and Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

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

- a) samples of all brick, render and tiling (including details of the colour of render/paintwork to be used)

- b) samples of all cladding to be used, including details of their treatment to protect against weathering
- c) details of all hard surfacing materials
- d) details of the proposed window, door and balcony treatments
- e) details of all other materials to be used externally

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

Reason: To ensure a satisfactory appearance to the development and to comply with policies QD5 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

14. Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB below the existing LA90 background noise level. The Rating Level and existing background noise levels are to be determined as per the guidance provided in BS 4142:2014. In addition, there should be no significant low frequency tones present.

Reason: To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

15. The development hereby permitted shall not be commenced (other than demolition works and works to trees) until a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to comply with policy SU3 of the Brighton & Hove Local Plan.

16. No development above ground floor slab level of any part of the development hereby permitted shall take place until a drainage strategy detailing the proposed means of foul 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.

Reason: To ensure adequate foul sewage drainage/treatment is available prior to development commencing and to comply with policy SU5 of the Brighton & Hove Local Plan.

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

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policy QD27 of the Brighton & Hove Local Plan, policy CP8 of the Brighton & Hove City Plan Part One and Policy WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.

18. Prior to first occupation of the development hereby permitted, full details of the Car Park Layout shall have been submitted and approved in writing by the Local Planning Authority. This shall include details of dedicated and level pedestrian routes from The Linkway. The parking areas shall not be used otherwise than for the parking of vehicles of residents, staff and visitors associated with the development.
Reason: To ensure that adequate provision for pedestrians of all abilities is provided and to comply with Brighton & Hove City Plan Part One policies CP9 and CP12.
19. The development hereby permitted shall not be occupied until details of secure cycle parking facilities for the occupants of, and visitors to, the development have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.
Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan and SPD14: Parking Standards.
20. Within three months of the date of first occupation, a Travel Plan for the development shall have been submitted to and approved in writing by the Local Planning Authority. This shall include details of Travel Pack issued to all new staff. The Travel Plan shall thereafter be fully implemented in accordance with the approved details.
Reason: To ensure the promotion of safe, active and sustainable forms of travel and comply with policies TR4 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One.
21. Prior to first occupation of the development hereby approved the staff changing facilities and showers, as shown on the approved plans, shall be fully implemented and made available for use and public transport information shall be displayed within the building, and shall thereafter be retained for use at all times.
Reason: To seek to reduce traffic generation and encourage sustainable modes of transport in accordance with policy TR4 of the Brighton and Hove Local Plan.
22. Prior to first occupation of the development hereby permitted a plan detailing the positions, height, design, materials and type of all existing and proposed boundary treatments, including any proposed gates into the highway, shall have been submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be provided in accordance with the approved details prior to first occupation of the development and shall thereafter be retained at all times.
Reason: In the interest of highway safety and to enhance the appearance of the development in the interest of the visual and residential amenities of the area

and to comply with policies TR7, QD15 and QD27 of the Brighton & Hove Local Plan and policies CP9, CP12 and CP18 of the City Plan Part One.

23. Prior to first occupation of the development hereby permitted a scheme for the fitting of odour control equipment to the building shall have been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the first occupation of the development and shall thereafter be retained as such.
Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policy QD27 of the Brighton & Hove Local Plan.
24. Prior to first occupation of the development hereby permitted a scheme for the sound insulation of the odour control equipment referred to in condition 22 shall have been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the first occupation of the development and shall thereafter be retained as such.
Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
25. Unless otherwise agreed in writing by the Local Planning Authority, the non-residential development hereby approved shall not be occupied until a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the development built has achieved a minimum BREEAM rating of 'Excellent' has been submitted to, and approved in writing by, the Local Planning Authority.
Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy CP8 of the Brighton & Hove City Plan Part One.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant is advised to contact the East Sussex County Archaeologist to establish the scope for the Written Scheme of Archaeological Investigation.
3. The applicant is advised of the presence of Low/Medium/Intermediate Pressure gas mains in the proximity to the site. There should be no mechanical excavations taking place above or within 0.5m of the low pressure system, 0.5m of the medium pressure system and 3m of the intermediate pressure system. Where required the position of the main should be confirmed using hand dug trial holes.
4. The applicant is advised that the following details should be submitted as part of a detailed design and associated management and maintenance plan of surface water drainage for the site;

- Details of the developments existing drainage and surface water run-off rates,
 - Details of the existing flood risk to the site, i.e. surface water, sewer, groundwater and coastal,
 - Proposed mitigation measures to reduce any identified flood risk,
 - Details of the proposed drainage. The applicant must provide this data in accordance with the non-statutory technical standards for the design, maintenance and operation of sustainable drainage systems and Brighton & Hove City Council Strategic Flood Risk Assessment (Section 6.2.2),
 - Demonstration that any proposed drainage system can cope with up to the 1 in 100 year plus climate change event (=30%). Any calculations must look at both winter and summer storms.
 - If soakaways are proposed as drainage for the site, appropriate tests in accordance with BRE Digest 365 Soakaway design must be completed and any results should be shown in the Flood and Drainage Assessment.
5. The applicant should contact the Highway Authority Access Team for advice and information at their earliest convenience to avoid delay (transport.projects@brighton-hove.gov.uk or telephone 01273 292233). The Travel Plan shall include such measures and commitments as are considered necessary to mitigate the expected travel impacts of the development and should include as a minimum the following initiatives and commitments:
- (i) Promote and enable increased use walking, cycling, public transport use, car sharing, and car clubs as alternatives to sole car use;
 - (ii) A commitment to reduce carbon emissions associated with business and commuter travel;
 - (iii) Increase awareness of and improve road safety and personal security;
 - (iv) Undertake dialogue and consultation with adjacent/neighbouring tenants/businesses;
 - (v) Identify targets focussed on reductions in the level of business and commuter car use;
 - (vi) Identify a monitoring framework, which shall include a commitment to undertake an annual staff travel survey utilising iTrace Travel Plan monitoring software, for at least five years, or until such time as the targets identified in section (v) above are met, to enable the Travel Plan to be reviewed and updated as appropriate;
 - (vii) Following the annual staff survey, an annual review will be submitted to the Local Planning Authority to update on progress towards meeting targets;
 - (viii) Identify a nominated member of staff to act as Travel Plan Co-ordinator, and to become the individual contact for the Local Planning Authority relating to the Travel Plan.
6. The applicant is advised that formal applications for connection to the public sewerage system and to the water supply are required in order to service this development. Please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel. 0330 303 0119), or www.southernwater.co.uk. The New Connections Services Charging Arrangements documents have now been published and are available via the following link <https://beta.southernwater.co.uk/infrastructure-charges>.

7. Southern Water advises that detailed design of the proposed drainage system should take into account the possibility of surcharging within the public sewerage system in order to protect the development from potential flooding.
8. The applicant is advised that advice regarding permeable and porous hardsurfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens' which can be accessed on the DCLG website (www.communities.gov.uk).
9. The applicant is advised that details of the BREEAM assessment tools and a list of approved assessors can be obtained from the BREEAM websites (www.breeam.org).
10. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees and scrub are likely to contain nesting birds between 01 March and 31 August inclusive. Trees and scrub are present on the application site and are assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.
11. The applicant is advised of the possible presence of bats on the development site. All species of bat are protected by law. It is a criminal offence to kill bats, to intentionally or recklessly disturb bats, damage or destroy a bat roosting place and intentionally or recklessly obstruct access to a bat roost. If bats are seen during construction, work should stop immediately and Natural England should be contacted on 0300 060 0300.
12. The applicants are advised that badgers may be present on site. Badgers and their setts are protected under the Protection of Badgers Act 1992. It is a criminal offence to kill, injure or take badgers or to interfere with a badger sett. Should a sett be found on site during construction, work should stop immediately and Natural England should be contacted on 0300 060 0300.
13. The applicant is advised that any external lighting should take account of best practice guidelines with respect to minimising impacts on nocturnal species.
14. Due to the desirability of cut elm branches and timber to adult elm bark beetles the Council seeks that all pruned elm material is correctly disposed of. In addition, all elm logs/timber is removed from the Brighton and Hove area or are taken to the Water Hall elm disposal site to be disposed of free of charge. Please call the Arboricultural team on 01273 292929 in advance to arrange this.
15. Under any circumstances do not sell or give away cut elm timber as firewood to residents with the Brighton and Hove area as this situation has been responsible for many outbreaks of Dutch elm disease in the city. A pile of logs

such as this will be an ideal breeding site for beetles which are responsible for spreading Elm Disease.

16. The applicant is advised to consider and implement the advice contained in PAN06: Food Growing and Development in the proposed landscaping scheme.

2. RECOMMENDATION

- 2.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to be **MINDED TO GRANT** planning permission subject to a S.106 Planning Obligation and the Conditions and Informatives as set out hereunder **SAVE THAT** should the S.106 Planning Obligation not be completed on or before the 10th July 2019 the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section xxx of this report.

- 2.2. S.106 Heads of Terms:

- Sustainable Transport contribution of £31,350
- Public Art contribution of £17,000
- Construction Training and Employment Strategy including a commitment to using 20% local employment during the demolition and construction phases of the development

3. SITE LOCATION & APPLICATION DESCRIPTION

- 3.1. This application relates to a site located on the southern side of The Linkway. The site is currently vacant having been formerly used by the Sussex Lantern Trust comprising a large detached single storey building (D1 community use). The former building on the site has been demolished and the site cleared.
- 3.2. In a wider context this site lies in a predominantly residential area. The properties on the northern side of The Linkway, directly opposite the site comprise 3 storey terraced flats, properties to the east, west and south comprise 2 storey terraced dwellings.
- 3.3. The application proposes to erect a three storey plus basement residential care home providing 88 bedrooms and 24 parking spaces and associated works. The proposal would be laid out in a T-shaped arrangement with a footprint of 1140sqm. The main ridge height as measured from the lowest natural ground level on site would be approx. 14m.

4. RELEVANT HISTORY

- 4.1. **BH2015/03144-** Erection of two storey (plus basement) residential care home providing 75 bedrooms and 18 parking spaces and associated works. Approved 06/03/2017.

- 4.2. **BH2011/03745-** Non Material Amendment to BH2007/02692 to change material as previously approved. Change East & West boundary treatments to 1.8m high close board timber fence. Changes to internal courtyard elevations. Approved 04/04/2012.
- 4.3. **BH2010/02015-** Application to extend time limit for implementation of previous approval BH2007/02692 for the demolition of existing building and redevelopment of the site to provide new two storey nursing home with 100 bedrooms, together with ancillary day care centre. Provision of 16 car parking spaces to include 5 disabled spaces and one ambulance bay. Approved 21/08/2012.
- 4.4. **BH2007/02692/FP-** Demolition of existing building and redevelopment of the site to provide new nursing home (2 storeys) for the frail and elderly (100 bedrooms), together with ancillary day care centre. Provision of 16 car parking spaces to include 5 disabled spaces and one ambulance bay.
The application was approved 17 October 2007 subject to conditions and a Section 106 Obligation to secure public art works to the value of £20,000, a contribution of £40,000 towards the Sustainable Transport Strategy and the ancillary day-care community facility indicated on the approved plans (drawing no. 2296/01 Rev F) to be provided at the time of first occupation of the nursing home. The ancillary community facility approved to be retained solely for such use (use class D1) and not used for an alternative use. Approved 17/10/2007.

5. REPRESENTATIONS

Five (5) representations have been received, objecting to the proposed development on the following grounds:

- design, old fashioned Victorian workhouse
- overshadowing, overlooking of properties to Davey Drive and Horton Road
- increased noise and disturbance
- additional traffic
- flawed business model
- safe guarding concerns
- too little indoor communal space or outside garden space for residents
- lack of ensuite shower facilities
- insufficient lifts
- trees removed previously
- tree crowns wider than shown, potential loss of trees
- wildlife ecology concerns
- lack of bird nesting measures

6. CONSULTATIONS

6.1. **Arboriculture:** Seek further information.

09 Oct 2018: The trees at this site are protected by a tree preservation order No. 3 of 2008 and provide a very important screen to the adjacent properties.

Whilst the majority of the building footprint is outside of the RPA's of protected trees, at this time the arboricultural team object to the application on tree protection grounds due to the inadequate tree protection proposed and the likelihood of tree root damage caused by building activities.

Update 29 Nov 2018: No objection.

A revised arboricultural assessment has been submitted with the application, detailing strict arboricultural supervision, especially during the installation of the cellular confinement system and north boundary wall. If these recommendations are adhered to the arboricultural team will not object to the proposal subject to the recommended conditions.

6.2. **Archaeology: No objection.**

No objection subject to the recommended conditions.

6.3. **Adult Social Care: Support.**

The proposal would support areas of demand in the city for nursing care, short term beds, and dementia care or functional mental health beds.

6.4. **Ecology: No objection.**

07 Aug 2018: No objection subject to the recommended condition.

Update 05 Dec 2018: The retention of the badger sett is welcome.

Update 06 Feb 2019: The trees identified for removal are not those identified as having bat roost potential. As such there is not requirement for bat surveys.

6.5. **Environmental Health: No objection.**

20 Aug 2018: No objection subject to the recommended condition on contaminated land discovery.

Update 18 Oct 2018: As a precautionary measure, it is recommended that a condition be applied to control noise associated with plant and machinery incorporated within the development.

6.6. **Planning Policy: No objection.**

The site is subject to two previous extant planning permissions for care homes so the principle of development and suitability of this location are already established. The development is acceptable in principle, subject to design, amenity and parking considerations.

6.7. **Public Art: No objection.**

It is suggested that the Artistic Component element for this application is to the value of £17,000. 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 S.106 agreement.

6.8. **Sustainable Transport: Objection.**

30 Aug 2018: The Highway Authority is unable to recommend approval on car parking grounds and requests further information prior to determination. It has

no objections to the development in principle, including the proposed increase in bedrooms compared to the most recent extant consent (BH2015/03144). However, the level of car parking provision proposed is almost double that of the maximum permitted by SPD14 and substantially more than the 18 spaces allowed under the extant consent.

Update 24 Sep 2018: No objection.

The Highway Authority has no objection to this application subject to inclusion of the necessary conditions and a S106 sustainable transport contribution.

The applicant has submitted a revised plan reducing the level of proposed car parking and the Highway Authority no longer has an objection on these grounds.

The Highway Authority also acknowledges the additional information submitted in respect of cycle parking and pedestrian access. This helps to address the issues raised previously; however, some details are unclear and it is therefore recommended that the car park layout and cycle parking conditions provided in the original comments be attached. The disabled parking condition would no longer be required.

6.9. **Flood Risk Management:** No comment.

6.10. **Scotia Gas Networks:** Comment.

A plan showing pipes owned by SGN is included for information.

6.11. **Sussex Police:** No objection.

Detailed design suggestions on matters including alarms, locks, internal access arrangements, lighting and CCTV are provided in the comment.

6.12. **UK Power Networks:** Comment.

A plan showing electrical lines and/or electrical plant is included for information.

6.13. **Southern Water:** No objection.

No objection subject to the recommended conditions and informatives.

7. MATERIAL CONSIDERATIONS

In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report

7.1. 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, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017)

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.

8. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP7	Infrastructure and developer contributions
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP11	Flood risk
CP12	Urban design
CP14	Housing density
CP18	Healthy city
CP19	Housing mix
SA6	Sustainable Neighbourhoods

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

TR4	Travel plans
TR7	Safe Development
TR14	Cycle access and parking
SU3	Water resources and their quality
SU5	Surface water and foul sewerage disposal infrastructure
SU9	Pollution and nuisance control
SU10	Noise Nuisance
QD5	Design - street frontages
QD15	Landscape design
QD16	Trees and hedgerows
QD18	Species protection
QD27	Protection of amenity
HO11	Residential care and nursing homes
HO13	Accessible housing and lifetime homes
HE12	Scheduled ancient monuments and other important archaeological sites

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD06	Trees & Development Sites
SPD11	Nature Conservation & Development
SPD14	Parking Standards

9. CONSIDERATIONS & ASSESSMENT

The main considerations in the determination of this application relate to the suitability of the site to accommodate the proposed care home and the impact of the development upon the character and amenity of the area. Regard will also be had to the traffic and travel implications of the development, neighbouring amenity and to sustainability.

9.1. Background:

The site previously contained a single storey building which was used as a day centre by the Sussex Lantern Trust, providing services for visually impaired people. The Trust moved into premises in Hassocks (the Trust's clientele reside across the whole of Sussex, so a more central location was required). The site's use as a day centre would have fallen within Class D1 of the Town and Country Planning (Use Classes) Order 1987.

9.2. The erection of a care home on the site has been accepted through the grant of earlier planning consents (BH2007/02692, extended under BH2010/02015, and BH2015/03144).

9.3. Applications BH2007/02692 and BH2010/02015 granted permission for a care home with 100 bed spaces, application BH2015/03144 granted permission for 75 bed spaces. The current application proposes 88 bed spaces. The ground floor would be for people who are ready to be discharged from hospital, but cannot do so because they are not yet ready to return home. The provision of such rooms is intended to alleviate "bed blocking". The first floor would initially be occupied by residents of another care home which has an "awkward layout of rooms and corridors over five floors". The second floor would be used for dementia and mental health care.

9.4. The footprint of the proposal has been amended from a courtyard arrangement to a T-shaped foot print, and has been continually reduced from approx. 2060sqm, to 1680sqm, and currently 1140sqm. Proposals with a courtyard were both two storeys high, whereas the current proposal is three storeys high.

9.5. The number of parking spaces under application BH2007/02692 and BH2010/02015 was 16 (of which 5 disabled bays and 1 ambulance bay), then under BH2015/03144 this was changed to 18 (of which 4 disabled bays and in addition 1 ambulance bay). The current application proposes 24 (of which 4 disabled bays, and no dedicated ambulance bay). Amended drawings were received during the course of the application, to reduce the number of parking spaces from 39 to 24.

9.6. The proposed scheme is of a reduced footprint, scale and provision relative to the scheme approved under BH2007/02692 and BH2010/02015, and of increased scale and provision relative to the scheme approved under BH2015/03144.

9.7. Planning Policy:

In policy terms the loss of the day centre facility has been accepted through the grant of the earlier planning consents (BH2007/02692, extended under BH2010/02015, and BH2015/03144). Furthermore the former day care centre for the visually impaired has been demolished and established case law found that where a use relies on a building to operate it does not survive demolition of the building. As such there is no established lawful use on the site at present.

9.8. The planning permission for redevelopment of the site into a 100 bed care home has been commenced through the demolition of the building that was previously located on the site. Consequently this has started a new chapter in the site's planning history. The site currently has no planning use until the new development is completed and the care home use begins. The proposed care home use is a Class C2 use.

9.9. Policy HO11 in the adopted 2005 Local Plan supports the provision of new residential care and nursing home provided criteria a) to d) within the policy are met;

a) *requires that the development will not adversely affect the locality or neighbouring properties by way of noise or disturbance; or by way of size, bulk or overlooking,*

This is assessed below under 'Impact on Amenity'.

b) *requires that adequate amenity space is provided. This is stated as a minimum depth of 10m and not less than 25sqm per resident although a lower standard may apply where residents are less mobile.*

9.10. The total external amenity space would be approx. 750sqm (or 8.5sqm per resident). The previous approval BH2015/03144 provided approx. 320sqm in the courtyard, and a further 300sqm to the south part of the site (or 8.3sqm per resident). Application BH2007/02692 (extended under BH2010/02015) gave permission for a scheme which provided approx. 320sqm in the courtyard, and 370sqm to the south part of the site (or 6.9sqm per resident). The case for a lower standard of provision has already been accepted through prior consents. A landscaping scheme will be required by condition, and this will be assessed on whether it optimises the use of amenity space both for residents and biodiversity measures.

c) *requires accessibility to people with disabilities;*

This is assessed below under 'Equalities'.

d) *requires adequate parking in accordance with the council's standards.*

This is assessed below under 'Sustainable Transport'.

9.11. Adult Social Care support the application as there is a need for nursing care, short term beds and dementia care in the city.

9.12. The agent has provided additional supporting information, that the proposed care home would have an inhouse GP.

9.13. Design and Appearance:

Policy CP12 of the City Plan Part One requires all new development to meet criteria such as raise the standard of architecture and design in the City, establish a strong sense of place, achieve excellence in sustainable building design and construction and ensure that design of the external spaces is an integral element of the overall design approach of schemes. Retained policy QD5 of the Brighton & Hove Local Plan requires development to provide an interesting and attractive street frontage.

9.14. The surrounding area comprises terraced housing and flatted dwellings, generally finished with facing brickwork, render, and traditional pitched roofs. The buildings to the north of The Linkway are at a higher level than the application site and are three storeys in height. The two storey terrace to the rear (off Tinturn Close) is set at a lower level. To the east (Davey Drive) and to the west (Horton Road) there are also two storey terraces of housing.

9.15. The application proposes the erection of a three storey (plus basement) building on a T-shaped footprint. Due to the topography of the site the ground floor of the building would be set below the street level of The Linkway. The footprint of the building allows all bedrooms to have a reasonable outlook onto areas of open space and access to natural light.

9.16. The height of the proposal has been increased relative to the previous schemes, which were both two storey proposals, however the footprint has been reduced. Given the three storey properties opposite on The Linkway, it is considered that the bulk and massing of the building would sit appropriately within its context in accordance with policy CP12.

9.17. The form and materials palette would be traditional in character, with a pitched roof, red brick, clay hanging tile and slate roof. Interest is added to the elevations with two storey bay windows with a gable roof over, box bay windows at second floor level and an inset gable feature over the main entrance. The traditional design approach is considered acceptable in this location, in accordance with retained policy QD5 of the Brighton and Hove Local Plan. It is recommended that materials samples be secured by condition.

9.18. 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.

9.19. The site is bounded by residential properties of two storeys in height to the east on Davey Drive, to the south on Tinturn Close, and to the west on Horton Road, and by three storey residential properties to the north on The Linkway. There would be a gap of at least 22m between the proposed building and the existing neighbouring properties. As a result of the proposed additional storey to the care home, there would be an increased impact on the closest neighbours. This is mitigated by the change to the footprint of the building, whereby the closest portions of the east, south and west elevations would be approx 14.6m

wide, with the remaining portions of the elevations set further away from the boundaries. The closest aspects of the proposal would therefore only take up part of the field of view as observed from neighbouring properties, whereas the previous proposals would have taken up a much larger proportion of the field of view. Furthermore there are a number of mature trees on these boundaries of the site which would provide a high level of screening of the new building during summer months, in addition to a close boarded fence. It is noted that these trees are protected by a Tree Preservation Order. Given the distances between the existing and proposed buildings, it is considered that there would not be an unacceptable impact upon neighbouring occupiers by way of overshadowing, loss of light, or overbearing impact, so as to justify refusal of this application.

9.20. Under application BH2015/03144 for a two storey care home, it was recognised that some overlooking of the neighbouring buildings and gardens might occur. This was justified on the grounds that there was already a significant level of overlooking between properties in this densely populated area as result of the fact that properties surrounding this site are of two and three storeys. Some overlooking between properties in a residential area is to be anticipated and considering the nature of the proposed use it was not felt that any increase in overlooking or loss of privacy that may occur would result in an unacceptable level of harm to existing neighbouring properties. The current proposal would introduce overlooking from a greater height relative to the previous schemes. The previous justification still holds true however, in that the nature of the proposed use remains the same. It is considered that the proposed relationship between the proposed and existing buildings would not result in an unacceptable loss of privacy to a degree sufficient to warrant refusal of this application.

9.21. Kitchen and laundry facilities are proposed in the end of the south wing of the building. The previous approval BH2015/03144 required odour control equipment and soundproofing thereof by condition. In addition, it is recommended that a condition be applied to regulate noise associated with any other plant and machinery incorporated within the development.

9.22. Standard of Accommodation:

The ensuite bedrooms benefit from adequate outlook, light and ventilation, and at approx. 14sqm appear to be an adequate size to provide good circulation space.

9.23. Amended drawings were provided during the course of the application, making minor revisions to the internal layout in response to a discussion of the level of provision of internal communal space for the number of residents and staff. In addition the agent provided a statement by email dated 12 Feb 2019. In this statement, it was confirmed that:

- most patients entered into nursing homes are non-ambulant and/or bedbound
- modern care home management avoids pushing people into communal rooms against their will
- communal engagement revolves around meal times

- communal rooms typically used when a whole family visits a patient/resident
- no more than 2 staff would be on a break on any floor at a time

9.24. It is considered that the improvements made to the internal communal space help mitigate the deficiency to the external amenity space.

9.25. It is considered that the proposal represents a good standard of accommodation to residents, and a good working environment for staff. The design choices made have been adequately justified.

9.26. It is noted that the standard of accommodation is also controlled through the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014.

9.27. Sustainable Transport:

Amended drawings and additional supporting information were received during the course of the application, to reduce the car parking on site and to justify the amount of provision, to amending the type of cycle parking, and to include staff changing and showering facilities.

9.28. Policy CP9 stipulates that all new development should provide for the travel demand that it creates with a particular emphasis upon promoting sustainable modes of transport.

9.29. Cycle Parking

A covered cycle store is proposed on the south east part of the site, as well as cycle hoops on the south west part of the site near the kitchen, and between the disabled parking bays at the front of the site. There are some outstanding issues with regard to the design, and therefore it is recommended that further details be secured by condition. Amended drawings were received during the course of this application to include staff shower and changing facilities in the basement. It is recommended that the implementation of these facilities be secured by condition.

9.30. Vehicle Parking

The proposal includes 24 car parking spaces. SPD14 guidance sets out that a care home (C2) in this location should have a maximum car parking provision of 18 spaces. The additional 6 spaces are justified on the basis of over-lapping shift patterns of staff and the potential for higher level of visitor demand to the 27 bed spaces designated as "discharge to access". It is also acknowledged that there are no on-street parking controls surrounding the site and parking demand associated with the care home will need to be accommodated on-site.

9.31. Disabled Parking

The proposal includes the provision of four disabled parking bays, which is accepted in principle.

9.32. Servicing and Deliveries

The applicant is not proposing any alteration to the off-street servicing and delivery arrangements to and from the site. This is deemed acceptable.

9.33. *Vehicular Access*

The proposal would not result in any change to the vehicle access and egress arrangements off and onto the public highway. This is deemed acceptable.

9.34. *Trip Generation*

Despite the greater level of car parking provision, it is considered that the proposed care home would not generate a significant level of additional vehicle trips of a level that would amount to a severe impact.

9.35. *Travel Plan*

Public transport information should be displayed within the building, and that an information park regarding sustainable transport modes be prepared for employees. It is therefore recommended that a full Travel Plan be secured by condition.

9.36. Sustainability:

Policy CP8 indicates that the proposed development should meet BREEAM 'Excellent'. Additional supporting information was received during the course of the application, confirming that the additional 'potential' credits would be pursued to achieve an 'Excellent' rating (see letter from Delta Green received 20 Sep 2018). It is recommended that a Post Construction Review Certificate be secured by condition.

9.37. Arboriculture:

The trees at this site are protected by a tree preservation order and provide an important screen to the adjacent properties. The majority of the building footprint is outside the root protection areas of protected trees, building activities and the installation of the car parking hard surfaces could lead to tree root damage. It is considered that subject to the recommended conditions the existing trees can be adequately protected.

9.38. It is noted that there is a gap in the trees to the east boundary of the site. As part of the landscaping scheme it would be expected that additional tree planting be proposed to eventually fill in this gap. The case for a lower standard of provision of external amenity space has already been accepted through prior consents. The subsequent landscaping scheme will also be assessed on whether it optimises the use of amenity space for residents and biodiversity measures.

9.39. Ecology:

An Ecological Scoping Survey, and reports on badger and reptile mitigation have been submitted, which the County Ecologist has confirmed have been carried out in accordance with best practice and are sufficient to inform appropriate mitigation, compensation and enhancement.

9.40. The site supports a low population of slow worms which can be accommodated on site. The proposed mitigation strategy outlined in the submitted Reptile Survey is considered appropriate and acceptable.

- 9.41. The risk of great crested newts being present on the site and affected by the proposed development is considered to be negligible and as such no specific mitigation as part of the proposal is required for this species.
- 9.42. With regards to bats the trees located around the boundaries of the site have low potential to support roosts. Any external lighting should take account of best practice guidelines with respect to minimising impacts on nocturnal species. An informative is to this effect is recommended.
- 9.43. An active badger sett is present on site. During the course of the application the car parking layout was amended to reduce the number of parking spaces. This means that the badger sett can be retained on site.
- 9.44. The site is considered to have the potential to support breeding birds. To avoid disturbance to nesting birds, any removal of scrub/trees that could provide nesting habitat should be carried out side the breeding season (generally March to August) otherwise a nesting bird check should be carried out prior to any clearance work, an issue which can be controlled by condition.
- 9.45. The site has the potential to support hedgehogs. As set out in the submitted ecology reports site boundaries and fences should be made permeable to wildlife.
- 9.46. The submitted ecology reports set out ways in which the ecology of the site could be enhanced as part of the proposal.
- 9.47. Overall provided the mitigation, compensation and enhancement measures as set out in the submitted ecology report and reptile report are carried out overall it is consider that the proposal is unlikely to have a significant impact on ecology.
- 9.48. Waste Management:**
New developments are required 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. These are indicated in the plans submitted and such provision can be ensured via a condition.
- 9.49. Flooding:**
Application BH2015/03144 was granted subject to conditions requiring a detailed design and associated management and maintenance plan of surface water drainage for the site. It is recommended that the same condition be applied again.
- 9.50. Archaeology:**
The site does not fall within an Archaeological Notification Area, however the County Archaeologist has commented that the site is a prime location for prehistoric settlement, being on the south facing spur of the South Downs. Finds of Iron Age and roman coins in the vicinity hint at this past activity and raise the potential for archaeological remains to exist on this site. A condition

requiring a programme of archaeological works therefore forms part of the recommendation.

9.51. Public Art:

The original planning consent for a 100 bed care home and subsequent renewal both secured a sum of £20,000 for Public Art under the S106 agreement. The consent for a 75 bed care home was granted without seeking a contribution for Public Art. With the increased scale of the current proposal, it is recommended that a sum of £17,000 be secured. This sum is sufficient to enable the delivery of a meaningful artistic component scheme on the property.

10. CONCLUSION

10.1. In light of the previous approvals on the site for a 100 and a 75 bed care home, the current proposal for an 88 bed care home can in principle be accepted. The proposed development would provide much needed residential care accommodation. It is considered to be of an acceptable design and would not harm the character and appearance of the surrounding area. The proposed development would provide an adequate standard of accommodation for future occupants and would not result in significant harm to neighbouring amenity or highway safety.

11. EQUALITIES

11.1. The proposal would be fully accessible to the disabled. Lift access is proposed to the upper floors. Disabled parking spaces are proposed.

12. DEVELOPER CONTRIBUTIONS

12.1. S.106 Agreement:

The contributions would be allocated and spent as follows:

- Sustainable Transport contribution of £31,350
 - Pedestrian improvements including dropped kerbs and tactile paving on, but not limited to, Horton Road, Davey Drive, The Crossway, Hollingbury Place, The Linkway and Staples Road; and/or
 - Bus stop improvements focused on the St Joseph's School north east bound stop.
- Public Art contribution of £17,000
 - integrated as part of the development, bearing a relationship to its surroundings and any characteristics of the locality, robust design (if accessible to the public)
 - Construction Training and Employment Strategy including a commitment to using 20% local employment during the demolition and construction phases of the development

12.2. In the event that the draft S.106 agreement has not been signed by all parties, the application shall be refused for the following reasons:

1. The proposed development fails to provide necessary transport infrastructure improvements in the vicinity of the site, contrary to policies CP7 and CP9 of the Brighton and Hove City Plan Part One.
2. The proposed development fails to provide Employment and Training Strategy specifying how the developer or their main contractors will provide opportunities for local people to gain employment or training on the construction phase of the proposed development, contrary to policy CP7 of the Brighton and Hove City Plan Part One.
3. The proposed development does not include an appropriate artistic element commensurate to the scale of the scheme and therefore fails to address the requirements of CP5, CP7 and CP13 of the Brighton and Hove City Plan Part One.

