

<b><u>No:</u></b>	<b>BH2022/01765</b>	<b><u>Ward:</u></b>	<b>Goldsmid Ward</b>
<b><u>App Type:</u></b>	<b>Removal or Variation of Condition</b>		
<b><u>Address:</u></b>	<b>The Pines Furze Hill Hove BN3 1PA</b>		
<b><u>Proposal:</u></b>	<b>Application to vary condition 1 of planning permission BH2020/02776 to amend approved drawings for a revised ground floor layout and to remove conditions 4 and 5 relating to cycle parking and parking layout.</b>		
<b><u>Officer:</u></b>	Matthew Gest, tel: 292525	<b><u>Valid Date:</u></b>	27.05.2022
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	22.07.2022
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	Osmond Tricks Ltd 8-10 Whiteladies Road Bristol BS8 1PD		
<b><u>Applicant:</u></b>	Mr David Hicks Millennium House Dukesmead Industrial Estate Werrington Peterborough PE4 6ZN		

## 1. RECOMMENDATION

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

Conditions:

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Block Plan	015	A	27 May 2022
Proposed Drawing	020	B	21 July 2022
Proposed Drawing	021	B	27 May 2022
Proposed Drawing	023	A	27 May 2022
Proposed Drawing	030	A	27 May 2022
Other	Falcopod 6 Cycle Store		21 July 2022
Proposed Drawing	Refuse store detail	1933	14 July 2022

2. The development hereby permitted shall be commenced before the 11th June 2024.

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

3. 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) details of all brick, render and tiling (including details of the colour of render/paintwork to be used)
- b) details of the proposed window, door and balcony treatments
- c) 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 QD14 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

4. The development hereby permitted shall not be occupied until the approved secure cycle parking facilities for the occupants of, and visitors to, the development has been fully implemented and made available for use 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.

5. The development hereby permitted shall not be first occupied until the car parking layout hereby approved has been 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 adequate parking provision is retained and to comply with policy CP9 of the Brighton & Hove City Plan Part One and SPD14: Parking Standards.

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. For further advice regarding water, drainage and sewer connection, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119).

## 2. SITE LOCATION

- 2.1. The application relates to a part 2 storey part 3 storey building located on Furze Hill which is currently operating as a care home (C2) with 35 bedrooms. The building comprises an original Edwardian style detached dwelling which has been substantially modified and extended.

## 3. RELEVANT HISTORY

- 3.1. **BH2020/02776** - Alterations to create 7no additional bedrooms (C2) to include erection of single storey front extension with terrace to replace existing conservatory, two storey extension to the East elevation, two storey extension to the West elevation with associated landscaping and works.
- 3.2. Approved at Planning Committee on the 09.06.2021

#### **4. APPLICATION DESCRIPTION**

- 4.1. This application is an application vary condition 1 (approved plans) to allow changes to the internal ground floor layout in order to improve the kitchen and laundry facilities. The application also provides details with regards to conditions relating to cycle parking and car parking layout and the re-location of the refuse store.
- 4.2. Planning permission BH2020/02776 granted consent for extensions and alterations which include the removal of the existing conservatory and replacement with a flat roof front extension to provide further communal accommodation, a two storey extension to the east and a first floor extension to the west to increase the bedroom capacity. The proposal would increase the number of bedrooms by 7 to 42, all with en-suite facilities. In total an additional 120sqm of floorspace is proposed compared to the existing.
- 4.3. This application proposes a minor amendment to the plans approved on the eastern elevation at ground floor. An open service entrance and window at ground floor would be altered in their position with the open service entrance replaced with a door and moved approx. 4m to the rear along the same elevation with the window re-positioned similarly moved forward it its place. The external change facilitates a change to the internal layout of the kitchen and laundry and the removal and repositioning of the refuse store to the western side of the site. Cycle storage details and a revised car park layout have also been supplied with the application in order to satisfy the information requirements of Condition 4 (cycle parking) and Condition 5 (car parking layout) of the extant approval.
- 4.4. The application has been amended during the course of the submission with an extension to the size of the delivery and servicing bay (car parking layout) and the relocation of the refuse store from the front western edge of the site to a secure and covered proposed refuse store atop of the entrance driveway on the western side of the site.

#### **5. REPRESENTATIONS**

- 5.1. **Six (6)** letters have been received objecting to the proposed development for the following reasons:
  - Plans to extend the building would result in less parking for visitors and staff
  - The proposed refuse store would attract vermin / odour / noise from collections
  - Refuse store too close to front gardens

- Refuse store should be positioned as approved

## 6. CONSULTATIONS

- 6.1. **Sustainable Transport** : No objection following amendments and details
- The servicing and loading bay has been increased in size to 6m which is considered acceptable given the applicant is committed to using the smaller panel vans for servicing and delivery needs.
  - The proposed falcopod cycle store is acceptable in this instance given the constraints of the site

## 7. MATERIAL CONSIDERATIONS

- 7.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report
- 7.2. The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016)
  - Brighton & Hove 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);
  - Shoreham Harbour JAAP (adopted October 2019).
  - 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 and Hove Local Plan (retained policies March 2016):

TR7 Safe Development  
 TR14 Cycle access and parking  
 QD5 Design - street frontages  
 QD14 Extensions and alterations  
 QD15 Landscape design  
 QD27 Protection of amenity  
 HO11 Residential Care and Nursing Homes

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development  
 CP8 Sustainable buildings

CP9 Sustainable transport  
CP12 Urban design  
CP13 Public streets and spaces

#### Brighton & Hove City Plan Part Two

The Inspector published her Final Report into the Examination of the City Plan Part Two 19 July 2022. The Report is a material consideration. The Inspector has concluded that with her recommended changes (the schedule of changes as appended to the Report) that the Plan is sound and can be adopted. The Inspector's report concludes the examination of City Plan Part Two. City Plan Part Two policies, as amended by the Inspector's schedule of Main Modifications, can be afforded significant weight but they will not have full weight until the City Plan Part Two is formally adopted.

DM4 Housing and Accommodation for Older Persons  
DM20 Protection of Amenity  
DM21 Extensions and Alterations  
DM22 Landscape Design and Trees  
DM33 Safe, Sustainable and Active Travel  
DM36 Parking and Servicing

#### Supplementary Planning Documents:

SPD06 Trees & Development Sites  
SPD11 Nature Conservation & Development  
SPD12 Design Guide for Extensions and Alterations  
SPD14 Parking Standards

## **9. CONSIDERATIONS & ASSESSMENT**

- 9.1. The main considerations relating to the application are the impacts of the elevational changes and ground floor layout upon the amenity of neighbouring occupiers in regards to the external and internal changes and the relocated refuse store and the acceptability of the amended car parking layout and cycle store.

#### **Changes to eastern elevation:**

- 9.2. As described above the external changes to the extensions proposed from the scheme as approved are minor in nature and relate solely to the eastern elevation at ground floor. The change constitutes the relocation of a single window at ground floor and the repositioning and changing of an open delivery and servicing access and its replacement with a door. Policies QD14 and CP12 seek to ensure proposals are of appropriate design and respect the character and appearance of the existing building and that of the wider area. The alterations are proposed at ground floor on the western elevation facing the neighbouring flats at Furze Hill House and would not have any material impact upon the character of the area or street-scene given their limited visibility. The removal of the open service entrance and the repositioning of the window is not expected to result in any harmful impacts to the amenity of residents adjacent at Furze Hill

House. The removal of the refuse store from the eastern side of the site would present as an improvement to neighbouring amenity.

- 9.3. The internal alterations facilitated by the small elevational changes would result in the area previously proposed as the refuse store to be utilised for laundry purposes with a consequential improvement to the operational business needs and would not impact on any other element of the care home operation.

**Refuse storage:**

- 9.4. As originally approved under BH2020/02776 was positioned at ground floor on the eastern side of the site adjacent to Furze Hill House. This application originally proposed a refuse store adjacent to the south eastern entrance to the driveway next to the front gardens and terraced properties of York Place. Following the representations and objections received the applicant now proposes a single storey covered refuse store located further north into the site on the eastern boundary adjacent to the rear garages and rear parking area of York Place. Given that the proposal would constitute a covered and secure refuse store and would not be directly adjacent to the York Place properties this is considered acceptable with regards to its impact on neighbouring amenity. A condition shall be applied to ensure the store is utilised prior to first use of the extensions hereby permitted.

**Sustainable Transport (conditions relating to cycle parking and car park layout):**

- 9.5. Condition 4 of BH2020/02776 (cycle parking) states;
- 9.6. "The development hereby permitted shall not be occupied until details of secure cycle parking facilities for the occupants, staff 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."
- 9.7. The applicant has proposed a FalcoPod bike hanger, which provides a covered and secure cycle store for six bikes and is considered acceptable in this instance. The floor anchor cycle parking is less desirable from an accessibility perspective, however due to site constraints this cycle parking type is accepted in this instance. A condition is recommended to secure the implementation and retention of the cycle parking facilities.
- 9.8. Condition 5 of BH2020/02776 (car parking layout) states;
- 9.9. "The development hereby permitted shall not be first occupied until revised details of the car parking layout including the positioning of the disabled parking space and the size of the delivery bay, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme 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."

- 9.10. The proposed ground floor plan shows an on-site loading bay area which is 6m in length (extended following concerns raised by the Highways team about the suitability of the shallow loading bay). The applicant has committed to deliveries and servicing being undertaken by panel vans (5.2m in length) and smaller light goods delivery vehicles, which can be accommodated on-site within the proposed loading bay area. The proposed on-site loading area is considered acceptable on the basis the proposal retains the existing area on-site for loading/unloading and existing access/egress manoeuvre (i.e., reversing into the site from the highway), albeit with the more formalised arrangement proposed. This is accepted in this instance, given the limited space available on-site to turn/manoeuvre in forwards gear.
- 9.11. The repositioning of the disabled car parking bay to the northern end of the eastern drive is considered acceptable given its proximity to the main entrance and the positioning at the top of the driveway slope.
- 9.12. A condition is recommended to secure the retention of the approved car parking layout.

**Conclusion:**

- 9.13. The external alterations proposed within this application as an amendment to the planning permission approved under BH2020/02776 would not result in any harm to the character of the area, harm to amenity nor harm to the viability or operation of the care home in accordance with policies QD27 and QD14 of the retained Brighton and Hove Local Plan 2005, CP12 of the Brighton and Hove City Plan Part One and policies DM21 and DM20 of the emerging Brighton and Hove City Plan Part Two.

**10. BIODIVERSITY AND CLIMATE CHANGE**

- 10.1. To enhance the biodiversity of the site and to comply with Policy CP10 of the Brighton and Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development, a condition will ensure at least one bee brick is incorporated within the external wall of the development.

**11. EQUALITIES**

- 11.1. The disabled parking bay has been positioned at the top of the entrance drive slope and close to the main entrance of the building to assist in access to the premises. Whilst the approved cycle parking falco-hanger would require lifting the front wheel of the cycle into place, this is considered to be acceptable in this instance due to the size and constraints of the site.

