

<u>No:</u>	BH2022/00867	<u>Ward:</u>	Preston Park Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Birch Grove Nursing Home, 1 - 3 Stanford Avenue		
<u>Proposal:</u>	Demolition of existing Class C2 building and erection of a four storey building plus basement (car parking level) to provide replacement care (Class C2) facilities.		
<u>Officer:</u>	Jane Moseley tel. 01273 292 192	<u>Valid Date:</u>	11.03.2022
<u>Con Area:</u>	Preston Park	<u>Expiry Date:</u>	10.06.2022
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	12.10.22
<u>Agent:</u>	Mr Simon Bareham, Lewis & Co Planning, 2 Port Hall Road Brighton, BN1 5PD		
<u>Applicant:</u>	Mr Lindsay Shookhye, Hazeldene Project Management		

1. RECOMMENDATION

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

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Location and block plan	SKLP		11 March 2022
Block Plan	SKBP		11 March 2022
Proposed Drawing	SKA15a		11 March 2022
Proposed Drawing	SKA16		11 March 2022
Proposed Drawing	SKA17a		11 March 2022
Proposed Drawing	SKA10		11 March 2022
Proposed Drawing	SKA22		11 March 2022
Proposed Drawing	SKA18	A	24 June 2022
Proposed Drawing	SKA19	B	24 June 2022
Proposed Drawing	SKA20	B	24 June 2022
Proposed Drawing	SKA10	A	17 March 2023
Proposed Drawing	SKA11	A	17 March 2023
Proposed Drawing	SKA12	A	17 March 2023
Proposed Drawing	SKA13	A	17 March 2023
Proposed Drawing	SKA20	C	17 March 2023
Proposed Drawing	SKA21	B	17 March 2023
Report/Statement	SGR/BGB/01102 1	V2	17 March 2023

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. Prior to first occupation of the development hereby permitted, details of secure cycle parking facilities for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.
Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy DM33 of Brighton & Hove City Plan Part 2, and SPD14: Parking Standards.

4. 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, including the demolition stage of the project. The CEMP shall at least include:
 - The forecast start and completion dates of the proposed development, including anticipated demolition and construction timelines;
 - 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
 - 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)
 - A scheme of how the contractors will minimise disturbance to neighbours regarding issues such as noise and dust management vibration site traffic and deliveries to and from the site o Details of hours of construction including all associated vehicular movements
 - Details of the construction compound
 - A plan showing construction traffic routes
 - The construction shall be carried out in accordance with the approved CEMP**Reason:** As this matter is fundamental to the protection of amenity, highway safety and managing waste throughout development works and to comply with policies DM20, DM33 and DM40 of Brighton & Hove City Plan Part 2, policy CP8 of the Brighton & Hove 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.

5. No development shall take place until a detailed design and associated management and maintenance plan for surface water drainage, using sustainable drainage methods as per the recommendations of the Sustainable Drainage Assessment (Ref:15628/01/HOP/SDR/01 by HOP dated February 2020), has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The approved

drainage system shall be implemented in accordance with the approved detailed design and maintained for the lifespan of the development.

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

6. 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 DM42 of Brighton & Hove City Plan Part 2.

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

- a) Samples/details of all brick, render and tiling (including details of the colour of render/paintwork to be used)
- b) samples/ details 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
- f) details of all other materials to be used externally

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

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

8. Prior to first occupation of the development hereby approved, details of the photovoltaic array proposed shall be submitted to and approved in writing by the Local Planning Authority. The photovoltaic array shall then be installed in accordance with the approved details and maintained as such throughout its used.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and has an acceptable appearance and to comply with policies CP8 and CP12 of the Brighton & Hove City Plan Part One.

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

- a) details of all hard and soft surfacing to include the type, position, design, dimensions and materials and any sustainable drainage system used;

- b) a schedule detailing sizes and numbers/densities of all proposed trees/plants including food-bearing plants, and details of tree pit design, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period;
- c) details of all boundary treatments to include type, position, design, dimensions and materials;

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

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies DM22 of Brighton & Hove City Plan Part 2, and CP12 and CP13 of the Brighton & Hove City Plan Part One.

- 10. The development hereby permitted shall not be first occupied until a scheme to enhance the nature conservation interest of the site has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall accord with the standards described in Annex 6 of SPD 11 and shall be implemented in full prior to the first occupation of the development hereby approved and thereafter retained.

Reason: To increase the biodiversity of the site, to mitigate any impact from the development hereby approved and to comply with Policy DM37 of Brighton & Hove City Plan Part 2, Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

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

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

Within 6 months of first occupation of the non-residential development hereby permitted a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the non-residential development built has achieved a minimum BREEAM New Construction rating of Excellent shall be 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.

- 12. Details of any external lighting proposed shall be first submitted and approved in writing by the Local Planning Authority before installation. The details shall include location, appearance and level of illumination. The approved details shall be implemented within the development before it is first occupied.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies DM20 and DM40 of Brighton & Hove City Plan Part 2.

13. The development will be carried out and operated in accordance with the Energy Report submitted on 11 March 2022.

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 and Hove City Plan Part One.

14. The vehicle parking areas shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved and shall be maintained so as to ensure their availability for such 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, policy DM33 of Brighton & Hove City Plan Part 2, and SPD14: Parking Standards.

15. The works of demolition hereby permitted shall not be begun until documentary evidence has been submitted to and approved in writing by the Local Planning Authority to show that contracts have been entered into by the developer to ensure that building work on the site the subject of this consent is commenced within a period of 6 months following commencement of demolition in accordance with a scheme for which planning permission has been granted.

Reason: As this matter is fundamental to the acceptable delivery of the permission to prevent premature demolition in the interests of the character and appearance of the Conservation Area and to comply with policy CP15 of the Brighton & Hove City Plan Part One.

16. 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. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142: 2014. In addition, there shall be no significant low frequency tones present.

Reason: To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies DM20 and DM40 of Brighton & Hove City Plan Part 2.

17. At least 31 of the bedrooms provided in the development hereby permitted shall be used for elderly nursing care.

Reason: To ensure that the development does not result in the loss of any nursing home provision for older persons, in accordance with Policy DM4 of City Plan Part 2.

18. The measures set out at Parts 8 – 11 of the approved Travel Plan (Reeves Transport Planning, March 2023) shall be implemented in full, including ongoing monitoring and the submission and approval of a final review report to the local

planning authority five years after first occupation, to feed into an updated Travel Plan.

Reason: to encourage travel by sustainable means, reducing the impact on the highway, people and the environment, in accordance with Policy DM35 of City Plan Part 2.

19. The development hereby approved should achieve a minimum Energy Performance Certificate (EPC) rating 'B' for new build residential and non-residential development.

Reason: To improve the energy cost efficiency of existing and new development and help reduce energy costs to comply with policy DM44 of the Brighton & Hove City Plan Part Two.

20. Notwithstanding the plans hereby approved, prior to first occupation of the development hereby permitted, a car park layout plan shall have been submitted to and approved in writing by the Local Planning Authority. This should include details of existing and proposed cycle parking, motorcycle parking, car parking, electric vehicle parking and charging, mobility scooter parking and charging, disabled parking, visitor parking, loading bays, taxi pick-up and drop off, service and delivery areas and signage (markings and signs) for the management (such as numbered spaces and Department for Transport approved names and symbols (e.g. for a disabled bay) inside and outside of the space) of all forms of parking and stopping as appropriate. This should also include details of how the proposal complies with SPD14 Parking Standards and how vehicles safely and conveniently turn to leave the site in a forward gear, including the provision of any signage and mirrors at the top and bottom of the ramped parking access. 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.

Reason: To ensure the development provides for the needs of all occupants and visitors to the site, to ensure the provision of satisfactory facilities for all users of the car park including pedestrians and the mobility and visually impaired and to comply with policies CP9 of the City Plan Part One & DM33 of City Plan Part Two.

21. Prior to installation, details of any solar panels and air source heat pumps to be installed shall be submitted to and approved in writing by the local planning authority. The approved scheme shall thereafter be implemented in full.

Reason: To ensure the visual impact of the development is minimised, particularly given its location in a conservation area, while allowing for the carbon benefits of these features to be realised, in accordance with Policy DM44 of City Plan Part Two.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.

2. In relation to condition 12 (BREEAM), the applicant is advised that accredited energy assessors are those licensed under accreditation schemes approved by the Secretary of State (see Gov.uk website); two bodies currently operate in England: National Energy Services Ltd; and Northgate Public Services. The production of this information is a requirement under Part L1A 2013, paragraph 2.13.
3. The developer is strongly encouraged to consult the Future Buildings Standard and CPP2 policies regarding ventilation and overheating, EV charging, and carbon emissions, in order to future-proof the building and ensure standards are in line with future expectations. The developer is also advised to consult BHCC's Biodiversity Net Gain SPD guidance with regard to landscaping and provision of bird and bat boxes.
4. The applicant is advised that a formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel 0330 303 0119), or www.southernwater.co.uk
5. In order to be in line with Policy TR14 of the Brighton & Hove Local Plan 2005 cycle parking must be secure, convenient, well lit, well signed and wherever practical, sheltered. The Highway Authority's preference is for covered Sheffield type stands spaced in line with the guidance contained within the Manual for Streets section 8.2.22.
6. The planning permission granted includes a vehicle crossover which requires alterations and amendments to areas of the public highway. All necessary costs including any necessary amendments to a Traffic Regulation Order (TRO), the appropriate license and application fees for the crossing and any costs associated with the movement of any existing street furniture will have to be funded by the applicant. Although these works are approved in principle by the Highway Authority, no permission is hereby granted to carry out these works until all necessary and appropriate design details have been submitted and agreed. The crossover is required to be constructed under licence from the Head of Asset and Network Management. The applicant is advised to contact the Council's Streetworks Team (permit.admin@brighton-hove.gov.uk 01273 290729) for necessary highway approval from the Highway Authority prior to any works commencing on the adopted highway to satisfy the requirements of the condition.
7. To discharge condition 6 above (drainage), the applicant will need to provide:
 - A detailed design including details and locations of the drainage infrastructure.
 - Calculations to confirm that the final proposed drainage system will be able to cope with both winter and summer storms for a full range of events and storm durations based upon the 1% AEP plus 40% increase in rainfall intensity due to climate change.
 - Full details of any water quality mitigation measures.

- A management and maintenance plan for the final drainage design for the proposed development incorporating all elements and confirming ownership and management responsibilities.

2. SITE LOCATION

- 2.1. This application relates to a substantial five storey building (including basement) located on the north-western side of Stanford Avenue (the A23) within the Preston Park Conservation Area. It is currently in use as a 48-bed nursing home facility for the elderly. The building has a flat roof at fourth floor level, above which is a mansard roof set back from the front façade, with various protrusions above this. It is largely white rendered with large bay windows on the frontage, but has a smaller, more modern three storey extension on the northern elevation with exposed brick, and a larger extension on the southern elevation also with exposed brick. It is set behind a brick wall, behind which is a tall, thick leylandii hedge.
- 2.2. The surrounding area on Stanford Avenue is predominantly residential with three to four storey villas and blocks of flats on both sides of the road.
- 2.3. Land levels slope downwards from the road to the building entrance, with a ramped and stepped access linking to the main door, adjacent to which is a garden area at a lower level in front of the lower ground floor. Sealed parking areas are provided on the western side of the building and in front of it in the eastern corner.
- 2.4. The site is triangular in shape, narrowing to the side (south) and rear (north). The rear of the site abuts, at an oblique angle, 'backland' properties accessed from Preston Park Avenue which sit at a lower level.

Statement of Significance:

- 2.5. The principle significance of the existing building is what remains of the pair of large villas which retain the some of the massing and character as that of other related villas in the street.

3. RELEVANT HISTORY

- 3.1. PRE2019/00314: Redevelopment of nursing home to provide for adult psychiatric facility. Welcomed the principle of improved health facilities provided policy requirements met, highlighted design issues noting location in Conservation Area, highlighted need for energy efficiency and sustainability, including in relation to transport.
- 3.2. Also of relevance is the planning history for the Linkway, where the applicant is proposing to provide accommodation for 27 patients, namely:
- 3.3. BH2020/02066: Variation of Condition 1 of application BH2019/03812 (Application for variation of condition 1 of BH2018/02051 (Erection of three

storey (plus basement) residential care home providing 88 bedrooms and 24 parking spaces and associated works) to permit design change of approved outbuilding) to amend the basement and ground floor windows, construct ramps to the rear, amend the rear balustrading and add solar panels to the roof. Approved 6 January 2021.

- 3.4. BH2018/02051: Erection of three storey (plus basement) residential care home providing 88 bedrooms and 24 parking spaces and associated works. (Approved 3 December 2019).

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought to demolish the existing 48-bed nursing home for the elderly (planning use class C2) and replace it with a new 38-bed home providing 31 nursing home beds, and seven beds for psychiatric services (both also within planning use class C2).
- 4.2. The replacement care home would be five storeys in height (including basement) with a flat roof. As is currently the case, the building line would sit forward at the southern end of the site, with a four storey element towards the north of the site and the top floor set back from the main frontage. It would have a main entrance around the centre of the building at the upper ground floor level, accessed via a ramp and stairs.
- 4.3. Car parking would be provided in the basement comprising 17 car parking spaces (including one disabled space) and cycle parking for 14 bikes including a cargo bike space, entered via a ramp located in the eastern corner of the site. Two disabled parking spaces would also be provided at ground floor level in front of the building, along with one cycle hoop (two spaces). A 1.8m wall would be installed along the site frontage.
- 4.4. There would be a new small single storey, pitched-roof building located in the rear garden providing a staff room and laundry. It would have a zinc metal roof and timber cladding.
- 4.5. The redevelopment would increase the total floorspace on the site from 1,520 sqm to 2,150 sqm. In terms of height, it would be much the same as the existing building, but would include a large tank room on the roof. The bulk and massing would be increased to the rear where it would be at the same height for the full depth, where it currently steps down.
- 4.6. In response to concerns raised by BHCC Social Care officers regarding the loss of nursing home beds from the site as it was to be entirely used for psychiatric in-patients, the applicant has updated the scheme to confirm that 31 beds would be provided for elderly nursing home patients, and 7 for psychiatric patients.

5. REPRESENTATIONS

- 5.1. **Two (2)** letters were received objecting to the proposal on the grounds of: overshadowing,
- loss of privacy and overlooking;
 - loss of light
 - there is no right to light report*
 - increased noise disturbance from comings and goings
 - access should be maintained at the rear
- 5.2. **One (1)** letter of comment has been received from **Brighton Swift Group** requesting swift boxes to be included

*right to light is not a material planning consideration.

6. CONSULTATIONS

Internal:

- 6.1. **Economic Development:** No objection
- 6.2. **Heritage:** Approve with conditions
Design acceptable, though would prefer a “more distinctive and original design in a street of prominent and strong elevations” and a less prominent top floor addition perhaps with glass. Render finish and scale of building relate to the pair of villas north of the site.
- 6.3. **Planning Policy:** No objection
It is considered that the loss of the existing nursing home can be justified against both saved Policy HO11 and draft CPP2 Policy DM4 as the existing accommodation is stated to be no longer fit for purpose and the existing residents are being transferred to new care accommodation at The Linkway.
- 6.4. In broad terms, the provision of a new psychiatric services centre will potentially support CPP1 Policies CP18 and SA6 by contributing towards a healthy city and sustainable communities. However, the application provides very little detailed information about the nature of the proposed use which it is stated will provide both residential and day care. Some of the requirements in saved Policy HO11 are addressed in the D&A / Planning Statement, but there is no reference to CPP2 Policy DM4 which now carries significant weight as a material planning consideration and sets out several specific requirements to ensure that proposed care facilities are well designed to meet the needs of their users and residents. The applicant should be requested to provide additional information to demonstrate that the proposal will meet Policy HO11(b) and the criteria in CPP2 Policy DM4(a) to (g). It may also be helpful to seek views from BHCC Adult Social Care on local needs and the quality of facilities proposed.
- 6.5. The building design and layout and its interaction with surrounding buildings and uses will need to be considered in accordance with saved Policies QD15 and QD27 and CPP1 Policy DM18 (which carries limited weight as a material planning consideration) and Policies DM20 and DM22 (both of which carry significant weight as material considerations). Potential noise/nuisance impacts

should also be considered in accordance with saved Policy SU10 and CPP2 Policy DM40 (which carries significant weight as a material planning consideration).

- 6.6. The application site falls within the Preston Park Conservation Area and is close to Preston Park which is a Registered Garden. The application should therefore be assessed with input from the Heritage team against Policy CP15, saved policies HE6, HE8 and HE11, and draft CPP2 policies DM26 (which now carries Significant weight as a material planning consideration) and DM30 (which carries Limited weight as a planning consideration).
- 6.7. **Private Sector Housing:** No objection.
- 6.8. **Sustainability:** Approve with conditions.
- 6.9. **Sustainable Drainage:** Approve with conditions.
The applicant has provided a Flood Risk Assessment and a Sustainable Drainage Assessment including details of the proposed surface water and foul water drainage systems including a management and maintenance plan. The drainage proposals will reduce the volume of surface water entering the combined sewer from the previous use and stores the 100 year storm plus allowance for climate change.
- 6.10. Details of the water quality mitigation can be confirmed at detailed design stage as the risk to the receptor is low. The site is not a risk from the 30yr or 100yr return period surface water flood risk zones and storage of large return period storms will reduce flood risk downstream. The risk from groundwater is acceptable for inclusion of basement parking with no accommodation.
- 6.11. We do not object to the development subject to application of a condition to control the detailed design of the drainage.
- 6.12. **Transport:** No objection subject to conditions. Raised concerns during the process over layout of cycle parking, carparking layout, and ramped access, but **with** further information provided are satisfied that can be addressed by conditions requiring details of the carparking spaces, suitable signage/mirrors on the ramp, cycle parking details, and a Travel Plan.
- 6.13. **Social Care Commissioning (verbal):** no objection. Pleased with provision of 31 nursing home beds in the updated scheme where previously none were to be provided. The 27 beds at Grove Park (the Linkway) are currently available to the system as a whole i.e. Adult Social Care and NHS Sussex, both of which using the beds at present.
- External:
- 6.14. **County Archaeology** – Insufficient information provided. The applicant has failed to meet the requirements of section 194 of the NPPF and it is not possible to clarify the impact of the proposal on archaeological heritage assets.
- 6.15. **Sussex Police:** No objection.

6.16. **Southern Water:** No objection

7. MATERIAL CONSIDERATIONS

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

7.2. The development plan is:

- Brighton & Hove City Plan Part One (adopted March 2016)
- Brighton & Hove City Plan Part Two (adopted October 2022);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
- Shoreham Harbour JAAP (adopted October 2019).

8. RELEVANT POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development

SA6 Sustainable Neighbourhoods

CP2 Sustainable Economic Development

CP3 Employment Land

CP7 Infrastructure and Developer Contributions

CP8 Sustainable buildings

CP9 Sustainable transport

CP12 Urban Design

CP13 Public Streets and Spaces

CP15 Heritage

Brighton & Hove City Plan Part Two

DM1 Housing Quality, Choice and Mix

DM4 Housing and Accommodation for Older Persons

DM5 Supported Accommodation (Specialist and Vulnerable Needs)

DM18 High Quality Design and Places

DM20 Protection of Amenity

DM22 Landscape Design and Trees

DM26 Conservation Areas

DM33 Safe, Sustainable and Active Travel

DM40 Protection of the Environment and Health - Pollution and Nuisance

Supplementary Planning Documents:

SPD11	Biodiversity and Nature Conservation
SPD14	Parking Standards
SPD17	Urban Design Framework

9. CONSIDERATIONS

9.1. The main considerations in the determination of this application relate to the principle of the development, the design and appearance of the proposed building and its impact on the Preston Park Conservation Area, the impact on neighbouring amenity, and transport matters.

Principle of the development:

9.2. As noted above, planning permission is sought to redevelop the site to replace an existing nursing home for the elderly, with a modern facility providing residential care for both the elderly and psychiatric patients. The existing facility contains 48 beds, with its replacement providing 31 beds for the elderly, and 7 beds for psychiatric patients.

9.3. The applicant has confirmed that they have secured places for 27 of the residents at the Linkway, an elderly care facility in Brighton that has recently been built (planning permission refs. BH2018/02051 and BH2020/02066). This has been confirmed by BHCC Social Care.

9.4. In planning policy terms, the scheme would result in the loss of residential accommodation for older people, which City Plan Part 2 (CPP2) Policy DM4 states will only be permitted where at least one of three criteria apply, namely:

- a) the existing provision is surplus to identified needs within the city;
- b) the existing provision is incapable of meeting contemporary standards for the support and/or care required and appropriate alternative provision is available and has been secured for the occupants;
- c) the loss is necessary to enable the provision of accommodation for older people which is better able to foster independent living and meet changes in the support and care needs of the occupants.

In this case, criterion b) applies in that the existing provision is incapable of meeting contemporary standards, and alternative provision has been secured for the occupants, either on-site (31 beds) or at the Linkway (27 beds). BHCC Social Care have confirmed that the existing building is in poor condition for healthcare use so it does not meet modern requirements, and that equivalent provision has been secured at the Linkway. A condition would be added to ensure the nursing home beds provided would be at least 31 beds.

9.5. On this basis, the scheme is considered to accord with this policy and the loss of accommodation for older people is acceptable.

9.6. In terms of the provision of older persons housing, Policy DM4 also requires that proposals for such developments should meet all of the following criteria:

- a) “the proposal demonstrates that it will contribute towards meeting an identified need within the city and is targeted towards the needs of local residents;

- b) is accessible to public transport, shops, services, community facilities, and social networks appropriate to the needs of the intended occupiers;
 - c) will be suitable for the intended occupiers in terms of the standard of facilities, the level of independence and the provision of support and/or care;
 - d) provides appropriate facilities for carers and visitors;
 - e) provides internal and external communal space as appropriate, including space that gives residents the ability to grow plants and food;
 - f) complies with the requirements set out in Policy DM1 Housing Quality, Choice and Mix as relevant to the accommodation provided; and having regard to good practice design principles; and
 - g) contributes to creating a mixed, inclusive and sustainable community.”
- 9.7. In relation to criterion b), the site is in an accessible location being relatively close to Brighton, with a bus stop outside of the site and along the A23 to the west, and good cycle links along this route, and community facilities nearby notably on Beaconsfield Villas less than 100m to the north/east. A Travel Plan has been submitted setting out measures to encourage sustainable travel to/from the site, with the measures to be secured by condition.
- 9.8. The proposal is considered to meet criteria a), c) and d) in that it would help to meet an identified need, and provide appropriate facilities for both residents and staff as noted in the support from BHCC Social Care for the updated facility. Residents would have a room to themselves with an ensuite and window, as well as access to a shared sitting/dining room, all accessible by lift. This is an improvement over the existing situation where as well as being dated, not all rooms have ensuites and there are not communal facilities on all floors. As noted in a footnote to the policy, the quality of accommodation is regulated separately by the Care Quality Commission which most recently visited the existing accommodation in 2020.
- 9.9. As well as internal communal space, residents will have some access to the external communal space (criterion e). Because of the topography of the site, the rear garden is at a lower level than the main building so access is likely to be difficult for older residents, though it may be useable by some psychiatric in-patients. Some additional landscaping is proposed at the front of the site, the details of which, along with the rear garden, would be secured by condition. While not ideal, given the topography of the site and the limited space available for planting, this is considered sufficient to accord with this criterion.
- 9.10. The proposal would replace an existing care home with a residential facility for both elderly and psychiatric patients so there would be little change to the ‘mix’ of the community or its sustainability, in accordance with criterion g).
- 9.11. On this basis the scheme is considered to apply with CPP2 Policy DM4.
- 9.12. In doing so, it would also meet most of the criteria set out in Policy DM5 relating to the provision of supported accommodation (specialist and vulnerable needs) which is also relevant given the provision of psychiatric care on the site. The final criterion relates to meeting a demonstrated need, which it would do noting the

pressing need for increased psychiatric care across the UK. The British Medical Journal noted record demand for treatment in the UK 2021 and that there is one consultant psychiatrist for every 12,600 people. The provision of additional places is therefore considered positive, and to accord with Policy DM5. The remaining criteria have already been assessed above in relation to Policy DM4.

- 9.13. The scheme is therefore considered to be acceptable in principle, as demonstrated by its compliance with Policies DM4 and DM5 of City Plan Part 2, subject to the detailed considerations below.

Design and Appearance:

- 9.14. As already noted, the scheme would replace an existing somewhat dilapidated building which has been extended in the past with unsympathetic extensions. The proposal presents a new, modern building on much the same footprint, and fewer protruding elements above the roofline.
- 9.15. The site lies within the Preston Park Conservation Area so when considering its design and appearance, consideration must be given to the potential impacts on heritage features. In addition, when considering whether to grant planning permission for development in a conservation area the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. Case law has held that the desirability of preserving or enhancing the character or appearance of a conservation area should be given "considerable importance and weight".
- 9.16. In terms of the existing building, Heritage Officers note that the building is unlisted and "was a pair of very substantial Villas but now has been very much altered and extended to the sides and has had 2 additional floors added to it. Therefore, most of its individual historic significance has been lost, except that it has some group value with a significant number of villas or paired villas that are the same or similar to the original condition of this property along the full length of Stanford Avenue."
- 9.17. A site visit was undertaken on 27 October 2022 to assess the scheme in terms of its design and appearance, including on the conservation area, as well as its impact on neighbouring residents.
- 9.18. The proposed building would be of a modern design with render finish from upper ground to the second floor. The third floor would be smaller in form, set back from the front façade with an aluminium and glass finish.
- 9.19. The general scale and design of the scheme is considered to be acceptable following amendments agreed during pre-application discussions including increasing the height of the parapet, reducing the scale of the third floor and amending the boundary treatments. The scale of the building would remain much the same as is currently the case, but with the extensions consolidated into a single, modern form. It would therefore respect the scale and form of the villas on Stanford Avenue, providing a large, grand building with a clear, large entrance facing the road, and fenestration that reflects the style of that in the surrounding area. It would also be in keeping with Preston Mansions to the south

which is a modern flatted development with a flat roof curving around the adjacent edge of the site.

- 9.20. The upper floor would be differentiated from lower floors by materials and design, which would reduce its prominence, but is considered to be in keeping with the area and to reflect the design of the main building. The footprint of the building would respect the building lines on either side, being stepped back to the north-east where it abuts 5 Stanford Avenue, and sitting further forward to the south, mirroring Preston Mansions.
- 9.21. The comments of the Heritage Officer are noted in terms of seeking amendments to the upper floor of the building. However, it is considered that the design successfully addresses the issues raised during the pre-application process by providing a clearly subservient upper floor that is differentiated from the main building through materials, form, and fenestration.
- 9.22. The front of the site on Stanford Avenue would be enclosed with a wall of up to 1.8m in height fronting the pavement. While this is a fairly significant height, it would reflect that of Preston Mansions to the south, and would have openings to provide foot and car access. It would have planting behind, replacing leylandii which currently dominate and enclose the site, so overall the proposed front boundary treatment is considered acceptable.
- 9.23. It is recommended that conditions are added requiring details of materials to be agreed, as well as landscaping.
- 9.24. Overall therefore the design and appearance of the building is considered to be acceptable and in keeping with the area, including the heritage features of the conservation area.

Impact on Amenity

- 9.25. Policy DM20 of City Plan Part 2 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. Concern has been raised in representations over loss of privacy, loss of light, and increased noise/disturbance.
- 9.26. As already noted, the proposed building would largely replicate the scale and form of the existing, so the potential for increased impact would be somewhat limited. The building abuts similar scale buildings on Stanford Avenue so there would be no loss of light or outlook to these properties. Further, both Preston Mansions to the south and 5 Stanford Avenue to the north have a blank flank wall facing the site, and the building would be set back from the common boundary to the south, and no closer to the north.
- 9.27. However, to the rear (north-west) of the site there are 'backland' residential properties accessed from Preston Park Avenue that are close to the site and sit lower than it (2A and 4 Preston Park Avenue, and the Lodge). Further, the rear of the building is currently stepped, decreasing to two storeys in height towards

the rear of the site, where it is proposed to be four storeys in its entirety. There is therefore the potential for increased impact on these properties to the rear.

- 9.28. However, the closest building at 2A Preston Park Avenue has no windows facing the site, but faces a large garden area to the west. The Lodge and 4A Preston Park Avenue have some windows facing the site, but these are already significantly overlooked and enclosed by the existing building. There may be some loss of morning sun to the dwellings and their gardens but it is not considered the scheme would result in any significant loss of light, outlook or privacy beyond what is currently the case, particularly given the oblique relationship between the properties.
- 9.29. The potential for increased noise and disturbance is not considered significant, particularly as there would be fewer residents on site, and the main access would be from Stanford Avenue. There is likely to be some noise from plant such as air conditioning and heating units, as will currently be the case, so a condition is proposed ensuring this is limited to an acceptable level.
- 9.30. Overall therefore the scheme is considered acceptable in terms of its impact on the amenity of neighbouring residents.

Sustainable Transport

- 9.31. 8.32 As previously noted, it is proposed that secure parking for cars and cycles would be provided at the lower ground floor level, accessed via a ramp from Stanford Avenue, with 17 carparks provided (including one disabled space) and 14 cycle parking spaces, as well as two disabled carparking spaces and two cycle spaces at ground level. The ramped access would make use of an existing crossover so there would be no change to the site access from the highway.
- 9.32. Transport Officers have raised a number of concerns about the proposal, including regarding the proposed pedestrian ramp leading to the main entrance, noting that it would link directly to the pavement so those parking in the basement would have to enter the building via the highway. While not ideal, it is noted that the existing ramp leads from the highway, and that those parking outside of the building have to enter the site via the highway. There is not, therefore, considered to be a worsening over the current provision, particularly a lift would be provided from the basement to the upper floors.
- 9.33. Three disabled parking spaces are proposed, addressing concerns raised by Highway Officers over the provision, and while there may be some difficulty in manoeuvring into spaces, the spaces meet requirements and the site is constrained so it is difficult to see how this could be overcome, particularly while meeting requirements for carparking provision. On this basis, the scheme is considered acceptable in this regard.
- 9.34. In response to concerns raised by Highway Officers the cycle parking has been reconfigured to allow for cargo bike parking and allow better spacing, as well as better visibility.

- 9.35. In terms of trip generation, the submitted information confirms there would be a reduction in movements of 27 each day, primarily due to the reduced resident numbers and associated reduction in staff and visitor numbers. The impact on highway capacity is therefore beneficial, and would be enhanced by the Travel Plan measures to be secured by condition.
- 9.36. On the basis of the above the scheme is considered acceptable in terms of its impact on highway capacity and road safety.

Sustainability

The proposal would replace a dilapidated older building with a modern facility so would include up-to date energy efficiency measures, benefitting sustainability. In addition, Policy CP8 of City Plan Part 1 requires, among other things, that non-residential new-builds that are 'major' developments, as is this scheme, achieve BREEAM 'excellent' (i.e. Building Research Establishment Environmental Assessment Method, an accredited, independent method for assessing the environmental performance of non-residential buildings).

- 9.37. The applicant has confirmed the following in relation to sustainability measures:
- A 34.8% reduction in carbon emissions over Building Regulations Part L, which means that the development would meet the BHCC CPP1 CP8 policy requirement of a reduction of 19% in carbon emissions.
 - An 'Excellent' BREEAM rating.
 - A range of passive design energy saving measures in the building fabric, including good air permeability values.
 - Use of natural ventilation of offices, consultation and therapy rooms, nurse stations and day care room, and bedrooms (toilets, bathrooms and kitchens to be mechanically ventilated).
 - Installation of a communal air source heat pump and solar PV panels.
 - Use of LED lighting throughout, with lighting controls .
 - Electric vehicle charging points on 10% of the proposed parking spaces with all spaces to be provided with cable ducting to fit charging points in the future.
- 9.38. Details of the solar panels and air source heat pump would be required by condition, as would the requirement to achieve BREEAM excellent.
- 9.39. Given all of the above the development would comply with policy CP8 of the City Plan Part One subject to appropriate conditions.

Other Matters

- 9.40. The site is not within an archaeological notification area so the County Archaeologist's request for a desk-based archaeological impact assessment is considered unreasonable, particularly as the site has been previously extensively developed.
- 9.41. To ensure the development results in biodiversity net gain, a condition would be imposed requiring the provision of bird and bat boxes as well as bee bricks. This, along with a landscaping scheme to be secured by condition is considered sufficient to ensure the limited habitat on site would be enhanced.

- 9.42. Drainage Officers note that the scheme would result in reduced run-off and therefore reduce the risk of flooding off-site, subject to a detailed drainage scheme being secured by condition.

10. EQUALITIES

- 10.1. Ramped access is provided to the main entrance along with a wheelchair accessible lift to all floors of the building.
- 10.2. The proposal would also replace an outdated facility providing residential care for the elderly with a modern, well designed facility providing treatment and residential care for the elderly and people with psychiatric needs in the city.

11. CLIMATE CHANGE/BIODIVERSITY

- 11.1. As noted above, the scheme includes a range of measures to improve sustainability and energy efficiency, as well as biodiversity.

