

<u>No:</u>	BH2023/00912	<u>Ward:</u>	Wish Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Knoll House Ingram Crescent West Hove BN3 5NX		
<u>Proposal:</u>	Demolition of existing two storey building which provided housing with care and support to adults. Construction of part three, part four storey building providing 28no. apartments for residents varying levels of care requirements as well as staff areas, communal facilities and ancillary works. External works to form new turning head, additional car parking spaces and landscaped gardens.		
<u>Officer:</u>	Mark Thomas, tel: 292336	<u>Valid Date:</u>	17.04.2023
<u>Con Area:</u>		<u>Expiry Date:</u>	17.07.2023
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	PRP Ferry Works Summer Road Thames Ditton KT70QJ		
<u>Applicant:</u>	Mr Andy Witham, Hove Town Hall Norton Road Hove BN3 3BQ		

RECOMMENDATION

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:

- 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	BA10191-2000		27 March 2023
Block Plan	BA10191-2001		27 March 2023
Block Plan	BA10191-2002		27 March 2023
Proposed Drawing	BA10191-2010	A	13 June 2023
Proposed Drawing	BA10191-2011	A	13 June 2023
Proposed Drawing	BA10191-2012	A	13 June 2023
Proposed Drawing	BA10191-2013	A	13 June 2023
Proposed Drawing	BA10191-2014		27 March 2023
Proposed Drawing	BA10191-2020		27 March 2023
Proposed Drawing	BA10191-2021		27 March 2023
Proposed Drawing	BA10191-2022	A	7 June 2023
Proposed Drawing	BA10191-2023	A	7 June 2023
Proposed Drawing	BA10191-2030		27 March 2023
Proposed Drawing	BA10191-2050		27 March 2023
Proposed Drawing	BA10191-2060		27 March 2023
Proposed Drawing	BA10191-2061		27 March 2023
Proposed Drawing	BA10191-2062		27 March 2023

Proposed Drawing	BA10191-2063		27 March 2023
Proposed Drawing	KNH-EDL-XX-ZZ-DR-L-0110-P1		29 March 2023
Report/Statement	KNH-EDL-XX-ZZ-RP-L-0700	Landscape Statement	29 March 2023
Report/Statement		Arb Impact Assessment	27 March 2023
Report/Statement		Flood Risk Assessment	27 March 2023
Report/Statement		Daylight Assessment	27 March 2023
Report/Statement		Design & Access	27 March 2023
Report/Statement		Land Cont Assessment	27 March 2023
Report/Statement		Planning Statement	27 March 2023
Report/Statement		Ecology Appraisal	27 March 2023
Report/Statement		Transport Assessment	27 March 2023
Report/Statement		Energy Statement	27 March 2023
Report/Statement		Overheating Assessment	27 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. Notwithstanding any details shown on the approved plans, no development above ground floor slab level of any part of the development hereby permitted shall take place until details 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 of all cladding to be used, including details of their treatment to protect against weathering
 - c) samples/details of all hard surfacing materials
 - d) samples/details of the proposed window, door and balcony treatments
 - e) samples/details of all other materials to be used externally

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

Reason: To ensure a satisfactory appearance to the development and to comply with policies DM18/DM21/DM26 of Brighton & Hove City Plan Part 2 and CP12/CP15 of the Brighton & Hove City Plan Part One.

4. Prior to occupation of the development hereby permitted, a scheme for landscaping shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be implemented in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. The scheme shall include the following:
 - a. details of all hard and soft surfacing to include the type, position, design, dimensions and materials and any sustainable drainage system used;
 - b. a schedule detailing sizes and numbers/densities of all proposed trees/plants including food-bearing plants, and details of tree pit design, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period;
 - c. details of all boundary treatments to include type, position, design, 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.

5. Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be implemented in strict accordance with the approved details.

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 DM22 of Brighton & Hove City Plan Part 2, and CP12 of the Brighton & Hove City Plan Part One and SPD06:Trees and Development Sites.

6. 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 bio-diversity benefits and to maximise the quality and usability of open spaces within the development in compliance with policies DM22 of Brighton & Hove City Plan Part 2, and CP12 and CP13 of the Brighton & Hove City Plan Part One.

7. 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.

8. The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development 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 the Brighton & Hove City Plan Part Two.

9. The vehicle parking area 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.

Reason: To ensure that adequate parking provision is retained and to comply with policy CP9 of the City Plan Part One and DM36 of City Plan Part Two.

10. Prior to first occupation of the development hereby permitted, details of disabled car parking provision 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 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 disabled staff and visitors to the site and to comply with policy DM36 of the Brighton City Plan Part Two and SPD14 guidance.

11. No development, including demolition, shall take place until a Joint Demolition and Construction Environmental Management Plan (DCEMP) has been submitted to and approved in writing by the Local Planning Authority. They shall include:
 1. The phases (if applicable) of the development hereby permitted, including the forecasted completion date
 2. A scheme setting out 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
3. Details of proposed site accesses and any pitlanes or loading / unloading areas within the highway, which shall be sufficient to allow all vehicles to enter and exit these in forward gear without reversing on the highway
 4. Details of hours of demolition and construction including all associated vehicular movements
 5. Details of the demolition and construction compound
 6. A plan showing demolition and construction traffic routes and the type and the number of vehicles forecast to use these
 7. Details of measures to protect highway assets and to mitigate impacts on public transport and emergency services and provide for their continued operation during the works
 8. Details of vehicle cleaning facilities to prevent mud and dirt being trafficked onto the highway from the site or being washed onto it
 9. Details of any temporary traffic management and signage along the construction routes, at site access and elsewhere in the vicinity of the site
 10. Details of employee and contractor parking

The demolition and construction works shall be carried out in accordance with the approved DCEMP and no part of the development hereby approved shall be occupied until the approved highway works have been carried out in accordance with the agreed details.

Reason: As this matter is fundamental to the protection of neighbouring amenity, highway safety and managing waste throughout development works and to comply with Policies CP8 and CP9 of the Brighton & Hove City Plan Part One, DM20, DM33 and DM40 of the Brighton and Hove City Plan Part Two and SPD03: Construction and Demolition Waste.

12. 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 as per the recommendations of the Flood Risk Assessment and Drainage Strategy by waller Gray Consulting received on 27 March 2023 has been submitted to and approved in writing by the Local Planning Authority. The submission shall include:
 - A full maintenance and management plan identifying tasks required to maintain each drainage element, recommended frequencies for these tasks, and parties responsible for undertaking them;
 - Anticipated peak discharge levels for foul water, and supporting calculations;
 - Evidence of approval for the Section 106 application from Southern Water
 - Results of a CCTV survey, or other evidence demonstrating that the condition of the proposed foul water connection is adequate;
 - Results of intrusive testing confirming ground infiltration rates.

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 policies DM42 and DM43 of City Plan Part and CP11 of the Brighton & Hove City Plan Part One.

13. No development shall take place until an ecological design strategy (EDS) addressing enhancement of the site to provide at least measurable biodiversity net gain of at least 10%, in accordance with the Biodiversity Net Gain Assessment Report (Urban Edge Environmental Consulting, March 2023) and to include Recommendations R8 to R12 in the Preliminary Ecological Appraisal Report (Urban Edge Environmental Consulting, March 2023), provision of a biodiverse green roof, at least 28 swift nesting cavities, and at least 28 bee bricks, has been submitted to and approved in writing by the local planning authority. The EDS shall include the following:
- a) purpose and conservation objectives for the proposed works;
 - b) review of site potential and constraints;
 - c) detailed design(s) and/or working method(s) to achieve stated objectives;
 - d) extent and location /area of proposed works on appropriate scale maps and plans;
 - e) type and source of materials to be used where appropriate, e.g. native species of local provenance;
 - f) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
 - g) persons responsible for implementing the works;
 - h) details of initial aftercare and long-term maintenance;
 - i) details for monitoring and remedial measures;
 - j) details for disposal of any wastes arising from works.
- The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To ensure that any adverse environmental impacts of development activities can be mitigated, compensated and restored and that the proposed design, specification and implementation can demonstrate this, and to provide a net gain for biodiversity as required by Section 40 of the Natural Environment and Rural Communities Act 2006, paragraphs 174 and 180 of the National Planning Policy Framework, Policy CP10 of the Brighton & Hove City Plan Part One and Policy DM37 of the Brighton and Hove City Plan Part Two.

14. A landscape and ecological management plan (LEMP) shall be submitted to, and approved in writing by, the local planning authority prior occupation of the development. The content of the LEMP shall include the following:
- a) description and evaluation of features to be managed;
 - b) ecological trends and constraints on site that might influence management;
 - c) aims and objectives of management;
 - d) appropriate management options for achieving aims and objectives;
 - e) prescriptions for management actions, together with a plan of management compartments;
 - f) preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
 - g) details of the body or organisation responsible for implementation of the plan;
 - h) ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plans shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To ensure the long term management of habitats, species and other biodiversity features, and to comply with policy CP10 of the Brighton and Hove City Plan Part One and Policy DM37 of the Brighton and Hove City Plan Part Two.

15. No development above ground floor slab level of any part of the development hereby permitted shall take place until details of the construction of the green roofs have been submitted to and approved in writing by the Local Planning Authority. The details shall include a cross section, construction method statement, the seed mix, and a maintenance and irrigation programme. The roofs shall then be constructed in accordance with the approved details and shall be retained as such thereafter.

Reason: To ensure that the development contributes to ecological enhancement on the site and in accordance 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.

16. No development shall take place (including any demolition, ground works, site clearance) until evidence that bat surveys have been carried out in accordance with best practice to provide confidence that roosting bats are likely absent from the building proposed for demolition, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard these protected species from the impact of the development and ensure appropriate integration of new nature conservation and enhancement features in accordance with policies CP10 of the Brighton and Hove City Plan Part One and DM37 of the Brighton and Hove City Plan Part Two.

17. No development shall take place (including any demolition, ground works, site clearance) until a method statement for the control of invasive species listed on Schedule 9 of the Wildlife and Countryside Act 1981, as amended (specifically wall cotoneaster *Cotoneaster horizontalis*) has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:
 - a) purpose and objectives for the proposed works;
 - b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
 - c) extent and location of proposed works shown on appropriate scale maps and plans;
 - d) timetable for implementation, demonstrating that works are aligned with the

- proposed phasing of construction;
- e) persons responsible for implementing the works;
- f) initial aftercare and long-term maintenance (where relevant);
- g) disposal of any wastes arising from the works.

The works shall be carried out in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To prevent spread of an invasive species listed under Schedule 9 of the Wildlife and Countryside Act 1981, as amended and to comply with policies CP10 of the Brighton and Hove City Plan Part One and DM37 of the Brighton and Hove City Plan Part Two.

18. All ecological measures and/or works shall be carried out in accordance with the details contained in Recommendations R1 to R7 of The Preliminary Ecological Appraisal Report (Urban Edge Environmental Consulting, March 2023).

Reason: To ensure that the measures considered necessary as part of the ecological impact assessment are carried out as specified, as required by paragraphs 174 and 180 of the National Planning Policy Framework, Section 40 of the Natural Environment and Rural Communities Act 2006, and to comply with policies CP10 of the Brighton and Hove City Plan Part One and DM37 of the Brighton and Hove City Plan Part Two.

19. The development hereby approved should achieve a minimum Energy Performance Certificate (EPC) rating 'B'.

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. Prior to first occupation of the development hereby approved, details of the photovoltaic array referred to in the 'Energy Statement' 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.

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.

21. No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

No phase of the development hereby permitted shall be brought into use until the archaeological site investigation and post - investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) for that phase has been completed and approved in writing by the Local Planning Authority. The archaeological site investigation and post - investigation assessment will be

undertaken in accordance with the programme set out in the written scheme of investigation approved under condition

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with policy DM31 of the Brighton and Hove City Plan Part two.

- 22.
1. No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the local planning authority:
 - (a) A desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with industry best practice guidance such as BS 10175:2011+A2:2017 - Investigation of Potentially Contaminated Sites - Code of Practice and BS 5930 Code of Practice for Ground Investigations; And if notified in writing by the local planning authority that the desk top study identifies potentially contaminant linkages that require further investigation then,
 - (b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS 10175:2011+A2:2017; And if notified in writing by the local planning authority that the results of the site investigation are such that site remediation is required then,
 - (c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such a scheme shall include nomination of a competent person to oversee the implementation of the works.
 2. The development hereby permitted shall not be occupied or brought into use until there has been submitted to, and approved in writing by, the local planning authority a written verification report by a competent person approved under the provisions of condition (1)c that any remediation scheme required and approved under the provisions of condition (1)c has been implemented fully in accordance with the approved details (unless varied with the written agreement of the local planning authority in advance of implementation). Unless otherwise agreed in writing by the local planning authority the verification report shall comprise:
 - a) built drawings of the implemented scheme;
 - b) photographs of the remediation works in progress;
 - c) certificates demonstrating that imported and/or material left in situ is suitable for use.

Reason: To safeguard the health of future residents or occupiers of the site and to comply with policy DM41 of Brighton and Hove City Plan Part 2.

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. Swift bricks/boxes can be placed on any elevation, but ideally under shade-casting eaves. They should be installed in groups of at least three, at a height of approximately 5 metres above ground level, and preferably with a 5m clearance between the host building and other buildings or obstructions. Where possible avoid siting them above windows or doors. Swift bricks should be used unless these are not practical due to the nature of construction, in which case alternative designs of suitable swift boxes should be provided in their place where appropriate.
3. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level or adjacent to green roofs and/or landscape planting which provides good quality foraging habitat.
4. The water efficiency standard required by condition is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.
5. The applicant is advised that Part L - Conservation of Fuel and Power of the Building Regulations 2022 now requires each residential unit built to have achieved a 31% reduction in carbon emissions against Part L 2013.
6. The applicant should be aware that the site is in a radon affected area. If the probability of exceeding the Action level is 3% or more in England and Wales, basic preventative measures are required in new houses, extensions, conversions and refurbishments (BRE2011). Radon protection requirements should be agreed with Building Control. More information on radon levels is available at <https://www.ukradon.org/information/ukmaps>
7. Where asbestos is found/suspected on site, it will fall under the Control of Asbestos Regulations 2012, overseen by the Health and Safety Executive. Further information can be found here: <https://www.hse.gov.uk/asbestos/>

SITE LOCATION

The application relates to a two-storey detached building, previously occupied as a residential care home predominantly for people over 65 years of age. The care home was closed in 2019 and remains vacant.

The building is centrally set within a wider estate bordered by Portland Road to the south and the railway line to the north. The blocks are low- and mid-rise of two and three storey height with a mix of pitched and flat roofs orientated either north-south or east to west. The wider estate is in a mix of residential uses, either as flats or, as in the case of Sanders House to the west, as a retirement home. Formal communal garden areas are set between the buildings within the estate, and two such areas to the south and east of

Knoll House are designated as open space within policy CP16 of the Brighton and Hove City Plan Part One.

The application property itself has facing brick elevations at ground floor, with decorative red clay tile-hanging to the first floor and a similarly tiled pitched roof. The site rises gently from south to north, and the existing building sits below the height of the nearest adjacent blocks, namely the three storey Stevens Court to the south, Jordan Court to the north, Sanders House to the west and Mountbatten Court to the east.

There are two access roads into the estate, Ingram Crescent East and West, which allow vehicle and pedestrian access, with branching roads to parking areas and pedestrian paths. There is a further pedestrian access from Portland Road through an undercroft beneath Benson Court.

The site is not within or near a conservation area or any listed buildings.

RELEVANT HISTORY

3/79/0723 New home for 22 elderly people and day care unit for 25 elderly people
Approved 29.01.1980

3/79/0435 Outline application for the erection of new home for 38 elderly people and day centre for 25 elderly people Approved 12.09.1979

APPLICATION DESCRIPTION

Planning permission is sought for the demolition of the existing building and the construction of a part three- part four-storey detached block which would provide 28 flats for occupants with varying levels of care requirements, as well as staff and communal areas. The proposal also includes landscaped gardens, additional car parking spaces and a new turning head.

REPRESENTATIONS

One (1) letter of representation has been received, commenting on the proposed development as follows:

- The proposal to create accommodation for a vulnerable group is a fantastic initiative.
- It is important that the facility has adequate support staff who are trained to deal with challenging behaviours including those with a history of substance abuse.
- Concern is raised about how the facility would manage a resident who may pose a threat to the wider community.

CONSULTATIONS

Internal:

Planning Policy: Comment

First Comment

- The Council residential care home on the site closed in 2019 and is understood to be no longer required, however the loss of the existing use should be clearly justified against one or more of the criteria in Policy DM4.2.

- The proposed use as supported accommodation for people with acquired brain injuries and physical disabilities with special needs falls under CPP2 Policy DM5. Based on information provided in the applicant's Planning Statement and D&A Statement the scheme appears to meet all the criteria in DM5.1 a) - d). It would help to meet a specific demonstrable need in the city; is appropriately located and designed to meet the needs of the intended residents, including providing on-site care/support; meet or exceed residential standards required by Policy DM1; and contribute to creating a mixed, inclusive and sustainable community.
- The development would provide self-contained supported housing apartments falling within Use Class C3 and would therefore contribute towards the adopted City Plan housing target. Since the city has a substantial 5-year housing supply shortfall (equivalent to 1.8 years housing supply), the potential housing delivery would be given increased weight in considering proposals for the site in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).
- All the residential units would be provided as affordable housing for Council rent which would contribute towards meeting the city's affordable need.
- The external building design and interaction with surrounding uses will need to be considered in accordance with CPP2 Policies DM18, DM20, DM22 and DM40.

Second Comment

- It appears from the additional information provided that the previous care home facility is no longer fit for purpose and the cost of refurbishing it for that use would not be financially viable. This would meet criterion DM4.2 b).

Sustainability: Comment

- Carbon emissions: The homes will be energy efficient with high levels of insulation, high performance glazing, and good air tightness of 3m3/m2 @50Pa, to achieve a SAP rating of B (82). Post-occupancy evaluation will be used to assess energy performance against design targets. Overall, there will be carbon savings of 78% over the baseline.
- Ventilation and overheating: External shading is present on the South, West and East elevations with low-transmittance glazing and inset balconies for shading. Dual aspect plans allow cross-ventilation. A Building Regulations Part O compliant overheating analysis is provided. This analysis shows that the dwellings satisfy the overheating risk criteria.
- Heating and hot water: A communal heating system, powered by air source heat pumps, will provide heating and hot water for the 28 flats and the communal areas.
- Renewable energy: It is proposed to install Solar PV of 31kWp on the roof. Renewable energy generated should be used to help reduce the costs of heating and lighting for residents.
- Water: Water use is intended to be less than 105 litres / person / day, using low-flow appliances and fittings, provided these are suitable for the needs of the intended occupants of the dwellings. This meets the council's CP8 policy on water consumption.
- Biodiversity: The Biodiversity Net Gain calculation shows a net gain of 67.5% for area habitats and 95.64% for linear habitats, thus meeting the requirement for a BNG of 20% or more. A green roof of sedum is proposed. Raised beds for food

growing may be provided on the roof. Bird boxes, bee bricks and bat boxes should be created following the guidance in BHCC's Planning Advice Note.

- Circular Economy and demolition and re-build: The Circular Economy Statement and the Whole Life Carbon Assessment together give a picture of how circular economy principles will be followed in the construction of this building.
- The justification for demolishing the existing building, which dates from the 1980's, is that it is unsuitable for the needs of the proposed development. Retention, retrofit and refurbishment were ruled out as potential options. The Circular Economy Statement shows how the new development will address each of the circular economy principles from design through to end of use. For example, use of reclaimed materials and remanufactured components over new; product selection considering its entire lifecycle, such as products which can be remanufactured or reused; products with high recycled content; products designed for disassembly; and recyclable or compostable materials.

Environmental Health: Comment

- The applicant has submitted a Phase 1 Desk Study - dated 14th April 2021 from HOP Consulting. This details the site history and shows that this is a low-risk site for contamination. However, they do recommend an intrusive site investigation as part of the foundation design investigation and I agree with these recommendations.
- The report is acceptable although it predates the update for UK radon. The site now lies within a radon affected area and protection measures need to be included.

Housing strategy: Comment

- Policy CP20 of the Brighton & Hove City Council City Plan Part One requires a provision of 40% onsite affordable housing on sites of 15 or more dwellings, which equates to 11 units on this site. All 28 units would be affordable housing for Council rent.
- There are currently ten flats across supported living schemes within the city, none of which are accessible to people in wheelchairs. There are Extra Care flats that are wheelchair accessible, but age-limited to those over 55. None of these services are suitable for people with behavioural needs, and none provide the opportunity for young people to be clustered together. Whilst there are other wheelchair accessible flats across the city, they do not have support available on site.
- The redevelopment of Knoll House will provide long term accommodation with support for people with physical disabilities and brain injuries. Some units will be specifically for people aged between 18-25, and two of the new flats will be designed for bariatric clients.
- 5% of all homes at the development (1 unit) and 10% of affordable homes (1 home based on 40% affordable housing) provided on site should be fully wheelchair accessible homes in accordance with Building Regulation requirement Part M4(3). 100% homes provided on this site are designed to meet Part M4(3).
- The scheme will be expected to meet secure by design standards. To ensure that all new homes developed are of a good standard that is flexible, adaptable and fit for purpose, schemes should meet the new nationally described space standards.

All homes provided on this site exceed the new nationally described space standards.

Sustainable Transport: Comment

- Site access for vehicles, pedestrians and cyclist would remain as existing.
- Changes are proposed to car parking and the location of the main entrance to improve pedestrians/cyclists' sightlines and visibility. Dropped kerbs are also proposed to facilitate wheelchair access.
- The applicant proposes to improve pedestrian permeability of the site particularly between Portland Road and Knoll House, via an upgraded ramp. The improved landscaped route proposed would include lighting to facilitate journeys during evening hours.
- A hatched area adjacent the main entrance would safeguard space for loading/unloading and emergency vehicle access as well as refuse/recycling collection.
- SPD14 requires 1 cycle parking space per 5 members of staff and 1 visitor space per 10 beds. The applicant is proposing 2 long-stay spaces for staff and 3 visitor spaces (for 28 residents).
- The existing car parking area adjacent to Knoll House is proposed to be redesigned to better accommodate pedestrian activity and increase landscaping.
- SPD14 states a maximum of 1 car parking space per 3 members of staff and 1 visitor space per 8 residents. The proposal is for 2 staff car parking spaces and 4 visitor spaces.
- Two of the proposed parking bays are 2.5 wide and 5.0m in length to facilitate movement and ensure adequate space is provided for the residents, wider than a standard car parking bay, measuring 2.4m x 4.8m, which is welcomed.
- One Blue badge holder parking bay is proposed with a 1.2m safe transfer zone to the left of the bay. No safe access zone is provided to the rear of the bay. The layout/design of the proposed Blue Badge Bay should be secured by condition.
- Passive electric charging which could be activated if there is demand is proposed as a future-proofing mechanism.
- The proposed landscaping will result in the loss of one parking space associated with Stevens Court, although one bay would be allocated as mitigation.
- Refuse and recycling bins are situated within 30metres of the proposed dwelling entrances in line with Manual for Streets (MfS) guidance and PAN05, which is welcomed.
- Swept path analysis has been undertaken demonstrating a refuse collection vehicle (Phoenix 2-12W (with Elite 2 4x2 chassis) could access the site and turn via the proposed turning area to egress.
- The forecast trip generation indicated a maximum of seven trips per day. This is based on a worst-case scenario based on a worse-case scenario that all staff drive.
- A detailed Demolition and Construction Environmental Management Plan (DCEMP) should be secured by condition.

Arboriculture: Comment

- I have had an opportunity to assess the Arboricultural Impact Assessment (AIA) provided as part of the submission, I also visited the site to assess trees in proximity. There is a level of tree removal proposed, however these are restricted to vegetation directly adjacent to the building or within the current garden; all prominent trees within the surrounds are to be retained.
- Arboriculture raise no objection to the proposed development on the premise robust mitigation planting to offset canopy loss is provided within a landscaping scheme. However, there are a number of high amenity estate trees in proximity to the development, with various levels of incursion identified within designated root protection areas. It will be necessary for the applicant to provide a Tree Protection Plan (including ground protection measures) along with an Arboricultural Method Statement to ensure damage does not occur during the demolition and construction phase. As the impact upon retained trees is not considered to be significant this may be conditioned with the requirement both documents are approved in writing by the local authority pre commencement.

Private Sector Housing: No comments

Economic Development: No comments

Sustainable Drainage: Comment

- According to flood mapping for risk of flooding from surface water, no parts of the site are indicated at above a very low risk of flooding. As the site is less than 1 hectare in size, no formal Flood Risk Assessment is required. At the site, groundwater is more than 5 metres below ground and there is negligible risk of flooding from this source. The risk of flooding from all other sources is also minimal. A formal Flood Risk Assessment has, however, been submitted.
- The proposed drainage system is for surface water to be infiltrated into the ground through new crate soakaways; being captured by a green roof, deep trapped gullies and permeable paving. An intrusive test should be undertaken to confirm the infiltration rates.
- Although the site is not located within a groundwater source protection zone it is within a Groundwater Vulnerability Zone, so consideration and mitigation of contamination is particularly important. Section 4.3 of the report demonstrates that the proposed drainage provides sufficient treatment to mitigate groundwater contamination to acceptable levels.
- We expect the development to match predevelopment conditions for infiltration. This would involve all surface water to be infiltrated.
- Any discharge of surface water into sewers would represent a worsening and is likely to be objectionable without justification.
- No maintenance and management plan has been submitted. However, in section 7.3 of the Flood Risk and Drainage Strategy report, it is recommended that a plan is drawn up based on inspections, recording performance and deriving task frequencies from that. Tasks have been identified although parties responsible and, as noted, suggested frequencies have not. A full maintenance and management plan will need to be submitted, including this information.

- Foul waters are proposed to be discharged to the adjacent public foul sewer via an existing connection. No information concerning the condition of this connection has been submitted, however, the preface to the Flood Risk Assessment and Drainage Strategy does refer to a CCTV survey. This could be used to demonstrate that the condition of this connection is adequate.

Second Comment

- Confirmation that outstanding issues relating to SuDs could be secured by condition.

Urban Design: Comment

- Concern is raised about the shifting of the building footprint to the north, since this would remove the green buffer adjacent the existing pedestrian pathway.
- It is appreciated that the footprint is based on the desire to retain trees although it is important that the pedestrian links do not feel like "alleyways".
- A visually active edge on the northern façade with openings and brick detail can help improve 'natural surveillance'. Lighting installations should be deployed sensitively, to minimize impact on residents and wildlife.
- Ramped access to the community gardens across Ingram Crescent East is welcome.
- The proposed scheme benefits from the inclusion of ecology and Biodiversity Net Gain (BNG) supporting infrastructure across all key levels of urban design.
- Further information is required concerning tree planting.
- Further information is required regarding the SuDs and drainage strategy and planting strategy across the site to optimise performance.
- Consider revising the parking arrangements so that all bay are accessible.
- All apartments have a dual aspect and benefit from either a private patio or an inset balcony. The scheme also includes communal areas and landscaped spaces.
- The green roofs are supported however an opportunity for a green or bio solar roof on the southern wing should be considered.
- A whole life carbon assessment has been submitted by the applicant which demonstrates modest carbon savings. The inclusion of air source heat pumps will significantly reduce the operational energy demand and fossil fuel use.
- The applicant has provided a Daylight and Sunlight Assessment which concludes that the that the proposed scheme will have a negligible impact on surrounding properties.
- The application references the inclusion of solar P.V, however, these are not shown on the roof plan.
- The application describes the circular economic qualities of the proposed development.
- Where possible, bathrooms should be provided with windows - for instance on the blank façade on the west elevation.
- In response to the previous urban design advice the applicant has drawn upon a wider reference area, to inform proposals. Also based on officer advice the applicant has researched more expressive brick detailing which has been included.

External:

Southern Water: Comment

- It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.
- Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

UK Power Networks: Comment

- Plans provided of existing gas pipes, electrical line and plant.

Sussex Police: Comment

- It is welcomed that the entrance provides the staff office with clear arcs of observation to those arriving at the premises and provides passive surveillance over the entrance area. With this mind it is recommended that access control is installed to access the building if the reception is not staffed during daytime hours. A call point at the entrance is recommend in order to request access from staff outside of visiting hours. Internal access control to control specific areas ensuring only authorised persons are allowed entry is recommended. Examples of this are for access to private rooms, staff rooms patient rooms, roof garden etc.
- Consideration should be given to installing a CCTV system that covers the entrances in order to safeguard against missing persons. This would enable an audit trail to be followed for movements when required.
- The applicant is directed to the Secured By design website where the residential SBD Homes 2023 document can be found.

County Archaeology: Comment

- The information provided is satisfactory and identifies that there is a risk that archaeological remains will be damaged. Nonetheless it is acceptable that the risk of damage to archaeology can be mitigated by the application of planning conditions.

County Ecology: Comment

First Comment

- The preliminary Ecological Appraisal (PEA) assesses the building for demolition as having low roost potential for bats. A further survey is required to assess whether there are roosting bats in the building and to inform mitigation.
- A Biodiversity Net Gain (BNG) report has been submitted which indicates that the development could deliver 65.7% BNG in habitat units and 95.64% in hedgerow units, with all BNG delivered on site. The full metric behind these figures should be submitted for assessment. Regardless, it is likely that the scheme can deliver in excess of 10% BNG on site.

- The proposed green roof (presumably Sedum) is stated as being low distinctiveness within the BNG metric. A biodiverse green roof would be preferred and would have a higher score within the metric.
- 28 Swift boxes and 28 bird bricks (one per flat) should be secured.

Second Comment

- Recommendation in PEA for protection of trees is supported.
- There is no observable evidence of badgers on the site.
- The applicants update has provided an update saying the bat survey has been carried out and no bats were observed emerging from the building. The full report and compliance with any recommendations should be secured by condition.
- As recommended in the PEA (R2), to avoid disturbance to nesting birds, any demolition of buildings or removal of scrub/trees that could provide nesting habitat should be carried out outside the breeding season (generally March to August). If this is not reasonably practicable within the timescales, a nesting bird check should be carried out prior to any demolition/clearance works by an appropriately trained, qualified and experienced ecologist, and if any nesting birds are found, advice should be sought on appropriate mitigation.
- There is suitable habitat for hedgehogs on site. Recommendation R7 to provide access gaps in boundary fences to enable continued dispersal of hedgehogs (and other small mammals) through the site, is therefore supported.
- Approximately 160m² of wall cotoneaster was recorded surrounding the northern boundary; an invasive plant under Schedule 9 of the Wildlife and Countryside Act 1981, as amended. As recommended in the PEA (R4), measures should be taken to prevent the spread of the species. A Biodiversity Method Statement should be required by condition.
- It is recommended that an Ecological Design Strategy (EDS) is required by condition, setting out the measures that will be implemented to achieve measurable BNG of at least 10%, including the recommendations in the PEA and Bat Report once submitted, as well as detailing bird boxes and bee bricks, and the provision of a biodiverse green roof. As BNG should be maintained for 30 years, its long term management should be set out in a Landscape and Ecological Management Plan (LEMP)

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.

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).

RELEVANT POLICIES & GUIDANCE

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
- CP9 Sustainable transport
- CP10 Biodiversity
- CP12 Urban Design
- CP13 Public Streets and Spaces
- CP14 Housing Density
- CP16 Open Space
- CP18 Healthy City
- CP19 Housing Mix
- CP21 Student housing and Housing in Multiple Occupation

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
- DM31 Archaeological Interest
- DM33 Safe, sustainable and active travel
- DM36 Parking and servicing
- DM37 Green Infrastructure and Nature Conservation
- DM40 Protection of the Environment and Health - Pollution and Nuisance
- DM43 Sustainable Drainage
- DM44 Energy Efficiency and Renewables

Supplementary Planning Documents:

- SPD03 Construction & Demolition Waste
- SPD11 Nature Conservation & Development
- SPD14 Parking Standards
- SPD17 Urban Design Framework

CONSIDERATIONS & ASSESSMENT

The main considerations in the determination of this application relate to the principle of the proposed development, the standard of accommodation which would be provided for occupiers, the impact on the amenity of occupiers of neighbouring properties, transport matters, and biodiversity and sustainability implications.

Principle of the Development:

Housing Target

Policy CP1 in City Plan Part One sets a minimum housing provision target of 13,200 new homes for the city up to 2030. However, on 24 March 2021 the City Plan Part One reached five years since adoption. National planning policy states that where strategic policies are more than five years old, local housing need calculated using the Government's standard method should be used in place of the local plan housing requirement. The local housing need figure for Brighton & Hove using the standard method is 2,328 homes per year. This includes a 35% uplift applied as one of the top 20 urban centres nationally.

The council's most recent housing land supply position is published in the SHLAA Update 2022 which shows a five-year housing supply shortfall of 7,711 (equivalent to 1.8 years of housing supply).

As the council is currently unable to demonstrate a five-year housing land supply, increased weight should be given to housing delivery when considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11). As such, the provision of 28 dwellings, as proposed in this application, must be given increased weight.

Affordable Housing

Policy CP20 of the Brighton & Hove City Council City Plan Part One requires the provision of 40% affordable houses on sites of 15 or more dwellings, which equates to 11 units on this site.

As part of Brighton and Hove City Council's ongoing commitment to provide high quality affordable housing for people who are unable to access, or cannot afford housing in the open market, the Council will exceed this requirement and proposes delivering all 28 units as affordable housing for Council rent. This scheme is therefore fully compliant with the requirements of CP20.

Loss of Care Home

Policy DM4 states that proposals that will result in the loss of residential accommodation for older people will be resisted unless it can be demonstrated that at least one of the following criteria apply:

- "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; or
- 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."

Knoll House is currently vacant and has been since 2019. Prior to this it operated as an intermediate care facility with people staying for short periods after being discharged from hospital. It is understood that a review of funding in April 2019 led to staff combining

with another Council-run home and a reduced demand, so alternative provision has been secured for the occupants, in accordance with criterion (b).

During the Covid19 pandemic alternative uses of the existing building were considered, although significant refurbishment of the building would have been required which impacted the viability of its re-use. Further, the applicant has advised that refurbishment of the property within the existing footprint would not be able to meet the requirements of Building Regulations Part M4(3) which sets the modern standard for wheelchair user dwellings. In consideration of all the above it is considered that the loss of the care home is acceptable in accordance with exception criterion (b) of policy DM4.

Where the council is satisfied that development involving the loss of accommodation for older persons is justified, the priority will be for an alternative form of supported housing or general housing (Use Class C3) including an appropriate amount of affordable housing. The proposal is for supported housing, and therefore in accordance with DM4.

Proposed use

Policy DM5 (Supported Accommodation) states that proposals for development aimed to meet the specific accommodation requirements of people with specialist needs will be permitted where the development meets all of the following criteria, namely that it:

“a) contributes towards meeting a demonstrable need within the city and is targeted to meeting the needs of local residents;

b) is accessible, appropriately located and suitable to meet the needs of the intended occupiers in terms of the standard of facilities, the level of independence, and the provision of support and/or care, including appropriate facilities for carers and visitors;

c) complies with the standards set out in Policy DM1 (Housing Quality, Choice and Mix) except where reduced standards are agreed with the council, or comply with Care Quality Commission regulations and standards as relevant to the accommodation provided; and

d) contributes to creating a mixed, inclusive and sustainable community.”

The scheme is considered to meet a demonstrable need of local residents, in accordance with criterion a). The Council's Strategic Housing and Development team have provided comments which state that there are currently no supported living flats within the City which are accessible to people in wheelchairs. There are Extra Care flats that are wheelchair accessible, but these are age limited to those over 55. The proposed development would provide long term accommodation with support for people with physical disabilities and brain injuries. Some units will be specifically for people aged between 18-25, and two of the new flats would be designed for bariatric (weight loss) clients. Housing in the city for people with physical disabilities and brain injuries is a specific need identified by BHCC Health & Adult Social Care (HASC) Directorate so the scheme is considered to meet criterion a).

With regards criterion b) regarding accessibility, the scheme design has been overseen by a project board led by the Health and Adult Social Care Scrutiny Committee (HASC) with representatives from Brighton and Hove City Council Property & Design, Commissioning, Estates, Occupational Therapy, Project Management, Assessment,

Legal, Procurement, Finance, Housing, and the Clinical Commissioning Group (CCG), with views also sought from people with disabilities via the 'Client Design Panel'. All apartments would be self-contained, designed to be accessible and compliant with modern standards. The scheme includes extensive communal areas, including communal lounges on the ground and third floor with smaller communal areas on the first and second floor, and a communal roof terrace/garden, facilitating socialising between residents. The proposal also includes staff overnight accommodation and a guest room for overnight visitors.

With regard to criterion c) relating to the standard of accommodation, the requirements set in Policy DM1 (Housing Quality, Choice and Mix) would be met or exceeded. All of the residential apartments are designed to be 'care-ready' and fully wheelchair accessible meeting or exceeding M4(3) standards thereby creating enabling environments which will assist those with a variety of impairments. All apartments would exceed the minimum residential space standards defined in the Nationally Described Space Standards (NDSS). All apartments have either a private outdoor amenity space in the form of either a patio or balcony.

With regard to criterion d) regarding a mixed community, it is understood that the scheme is designed to accommodate residents of all ages and with a range of different support needs, and the site is located within the wider residential development, with good links to local facilities.

The proposal is therefore considered to fully comply with the requirements of policy DM5.

Design and Appearance:

Proposed Building

The overall height and massing of the proposed building is considered acceptable. The existing building is two storeys and sits below the height of the three storey blocks which surround and are more typical of the wider estate. Whilst the proposed building would be significantly taller than the existing, it is noted that it would remain below the height of the nearest residential block, which is Jordan Court to the north. The nearest buildings to the east and west are also three storeys in height, and set on higher ground than Knoll House due to a rising topography from south to north. The wider estate comprises a mix of two and three storey blocks, with a general predominance of three storey buildings, with a mix of flat and pitched roofs. The proposed building would comprise a flat roof, which is not atypical of the immediate area, and the recessed top floor is welcomed to lessen its visual impact and the overall prominence of the new building. The stepping back of the front elevation as it extends north is also welcomed to add visual interest and lessen the impact of the increased height and bulk. The introduction of recessed balconies would also punctuate the front and rear elevations and provide a pleasing rhythm to the design.

The building would comprise red facing brick elevations. This is the predominant elevation material within the locality and is considered acceptable. Brick samples would be secured by condition to ensure the new building blends appropriately with those that surround. Contrast brickwork detailing in off white would be used for the recessed top floor and for the inset balconies. This would further punctuate the elevations and break up the more extensive use of red brick. Decorative brickwork would be incorporated

above windows and as a banding detail. Subject to the submission of brick samples, which can be secured by condition, the proposed elevational treatment is considered acceptable and compatible with the prevailing character of the locality.

Proposed windows, doors, railings, canopy detail and privacy screens would all be coloured in bronze. The use of a single colour for these features would prevent the design of the building appearing overly busy whilst also serving to tie these details into a building of unified character and design. Samples of these proposed external finishes shall be secured by condition to ensure a satisfactory appearance and an appropriate blend with the proposed brickwork.

The proposed building would have a similar overall footprint to the existing building, although extending further north. There is an existing pedestrian footpath between Knoll House and Jordan Court to the north which would be retained, with the footway itself widened and with lighting introduced. However there is an existing green buffer between Knoll House and the existing footpath which would be significantly reduced, resulting in a much tighter relationship between the proposed building and Jordan Court to the north than currently exists. It is understood from the submission documents that the reason for this is to ensure an optimum number of units within the development whilst retaining established trees close to the southern boundary of the site.

Whilst the reasons behind the loss of the green buffer and enclosure of the pathway are appreciated, it is noted that the northern elevation has been amended during the course of the application to include more window openings. The proposed openings would assist in providing a more visually active boundary to the pedestrian pathway, as well as introducing increased natural surveillance which would promote a feeling of safety when using the path. Therefore whilst the proposal would reduce the quality of the pedestrian link between Knoll House and Jordan Court the harm identified is balanced against the wider benefits of the proposed development.

Overall, the proposed height, bulk, design and detailing of the new building would be appropriate to the locality.

Density:

Policy CP14 (Housing Density) of the Brighton and Hove City Plan Part One requires that residential development should be of a density that is appropriate to the identified positive character of the neighbourhood, but that it will be permitted at higher densities where it can be adequately demonstrated that the proposal complies with the following criteria.

- “1. Would be of a high standard of design and would help to maintain or create a coherent townscape;
2. Would respect, reinforce or repair the character of the neighbourhood and contribute positively to its sense of place;
3. Would include a mix of dwelling types, tenures and sizes that reflect identified local needs;
4. Is easily accessible by sustainable transport or has the potential to be easily accessible;
5. Is well served by local services and community facilities; and

6. Provides for outdoor recreation space appropriate to the demand it would generate and contributes towards the 'green network' where an identified gap exists.”

New residential development in Brighton & Hove will be expected to achieve a minimum net density of 50 dwellings per hectare (dph), provided it contributes positively to creating or maintaining sustainable neighbourhoods and that all of the aforementioned criteria can be satisfactorily met.

In this case, the site falls within the Portland character area of the West Hove neighbourhood, as identified in the Urban Characterisation Study 2009. The Portland character area is an area of late 20th Century public housing and commercial development close to the railway line. The gross density of the neighbourhood area is 27 dwellings per hectare.

The proposed block and its curtilage would occupy approximately 0.275 hectares. The development density is, therefore, approximately 101dph. The development density is significantly higher than that for the wider West Hove Area, although is likely to be closer to that of the Portland character area (the immediate estate) which comprises low to mid-rise blocks of flats as discussed earlier in this report.

In this instance the development is broadly considered to be well designed and would respect and reinforce the character of the neighbourhood and contribute positively to its sense of space. The mix of properties meets an identified need and is appropriately proposed as supported housing. The site is well positioned for public transport, including nearby bus and train stops, and is close to local shops. Outdoor amenity space is provided within the proposals which are considered of an appropriate density and compliant with policy CP14 of the Brighton and Hove City Plan Part One.

Landscaping and Trees

The development would result in the removal of some seven trees, although these are restricted to those directly adjacent to the existing building or within the current garden area at the southern end of the existing building, with all other prominent trees in the surrounds are to be retained. The submitted Arboricultural Method Statement notes that six of the seven trees which are to be removed to facilitate the development are of low quality. The report sets out that a low quality tree is one with a remaining life expectancy of 10-19 years or young trees with a stem diameter below 150mm.

The most significant tree to be lost would be a Mountain Ash (Rowan), annotated as tree T7, which is of moderate quality and situated at the southern end of the site, and therefore visible when entering the estate from the undercroft pedestrian entrance from Portland Road. In mitigation for the tree removal, replanting is proposed as part of the wider landscaping proposal.

The proposed landscaping masterplan divides the site into four character areas which are proposed to receive different treatments. The four areas are the front parking/entrance area which also includes the planted area to the southern end of the site, the western courtyard at the northern end of the building, an eastern courtyard which comprises a strip of land running along the eastern elevation and a roof garden. The roof garden would be situated on the flat roof of the front projecting three storey wing.

The front parking/entrance area would be set out as a formal car parking hardstand area with seven bays for motor vehicles and an additional dedicated space for ambulances. Adjacent the bays closest to the entrance would be two new trees, a 1.2m high hedgerow and native and non-native climate change resilient planting. Two further trees and planting would be introduced to the southern end of the carpark. To the planted area at the southern end of the site 5 new trees would be planted as well as hedgerows, grasses and climate resilient plants. Ramped access would be introduced to give access to Stevens Court to the south and Portland Road beyond.

The western courtyard would be largely hard landscaped with paving stones to provide outdoor amenity space with seating. The courtyard would be broken up by planting, including 7 trees, raised planters and climbing plants.

The eastern courtyard would accommodate planting to the northern end, with 7 new trees and a paved area to the southern end. The proposed roof garden would incorporate raised planters, and a pergola structure.

The landscaping plan is considered to comprise an appropriate mix of hard and soft landscaping and the amount of planting would soften the visual impact of the development to the front, rear and southern sides. The planting proposed is considered sufficient to mitigate the loss of trees which require removal to enable the development. Full details of the planting, including sizes and species of proposed plants and trees, as well as details of the materials to be used for the paved areas shall be secured by condition. In addition it will be necessary for the applicant to provide a Tree Protection Plan and an Arboricultural Method Statement to ensure damage does not occur to retained trees on or in close proximity to the site during the demolition and construction phases, which shall be secured by condition.

Standard of Accommodation

Policy DM1 (Housing Quality, Choice and Mix) states that planning applications for new residential development will be expected to meet the nationally described space standards (NDSS). The NDSS were introduced by the Department for Communities and Local Government in 2015 to establish acceptable minimum floor space for new build developments.

Twenty-Eight supported housing units are proposed: one 2-bed unit and 27 one bed units. All would significantly exceed the Gross Internal Area (GIA) figure in the NDSS as well as the bedroom sizes, reflective of the specific needs of future occupants. All flats would be wheelchair accessible to building regulations M4(3) standard or higher. The internal floor to ceiling heights are considered acceptable with all units achieving 2.3m headroom. The applicant has ensured that all apartments have a dual aspect and will benefit from either a private patio or an inset balcony. Internal rooms would benefit from appropriate levels of natural light, and this is supported by the conclusions of the submitted Daylight and Sunlight assessment. The scheme includes communal areas and residents can benefit from access to the landscaped spaces that are intended to create a sense of privacy and retreat within the development.

Refuse and recycling would be stored within the building in an allocated room. Implementation of the refuse/recycling scheme shall be secured by condition.

The proposal would provide acceptable living conditions for future occupiers, compliant with policies DM1 (Housing Quality, Choice and Mix) and DM5 (Supported Accommodation) of the Brighton and Hove City Plan Part Two.

Impact on Amenity:

Policy DM20 (protection of amenity) of the Brighton and Hove City Plan Part Two states that planning permission for development will not be granted where it would cause unacceptable loss of amenity to the proposed, existing, adjacent or nearby users, residents, occupiers or where it is not liable to be detrimental to human health.

The proposed development would intensify the use of the site, however any increase in noise levels or disturbance from the development when occupied is not predicted to cause significant harm to neighbouring occupiers.

The proposed building would be taller than the existing, and the additional height and bulk has potential to cause increased overshadowing. The properties most likely affected would be the neighbouring blocks to the north at Jordan Court, the west at Sanders House and the east at 1-29 Mountbatten Court. The southern elevation of Jordan Court features no windows on its southern elevation facing the proposed building. Similarly, the nearest elevations at Sanders House (east facing) and Mountbatten Court (west facing) do not feature any windows. Sanders House and Mountbatten Court do have windows on the south facing elevations set perpendicular to the proposed building.

A Daylight and Sunlight Assessment has been submitted with the application which considers the impact upon these windows on the closest blocks, as well as those less likely to be impacted to the south of the proposal (Stevens Court and Benson Court). The report compares the impacts of the development against the recommendations within the BRE publication "Site Layout Planning for Daylight and Sunlight". The assessment concludes, with regards to the impact of the proposed development on neighbouring buildings, that the BRE recommendations for Vertical Sky Component (VSC) would be met for 90% of the existing windows. For those windows which would not meet the standard, this is reflective of the existing pre-development scenario, and there would be no worsening as a result of the proposed development. The report also concludes that 80% of the windows at neighbouring blocks would benefit from 5+ hours of sunlight throughout the year and similarly to above, those windows which would not benefit from 5+ hours sunlight do not currently, and there would therefore be no worsening of the existing arrangement as a result of the proposed development.

With regards to the impact upon privacy, windows at the new building would provide views towards surrounding buildings and gardens. There are existing views afforded from the current building, and there is also existing mutual overlooking between surrounding blocks within the estate due to its layout and the positioning of buildings. It is not considered that the proposed development would provide for new views which would be significantly more harmful than the existing arrangement.

The new building would retain a similar separation from Sanders House, Mountbatten Court and Jordan Court as the existing building, and as previously stated, the nearest facing elevations of these blocks do not contain any windows. Given this, it is not

considered that neighbouring properties would be subject to a significantly harmful increased sense of enclosure or loss of outlook over the existing arrangement as a result of the proposed development.

Sustainable Transport:

The application proposes seven car parking spaces, one of which would be allocated to Stevens Court to replace one lost to the landscaping of the site. SPD14 sets a maximum of 1 car parking space per 3 members of staff and 1 per 8 residents. The standard would be met in the number of spaces proposed, and it is appreciated from the submitted information that the carpark would be used flexibly subject to demand. This flexibility is considered appropriate given that demand could be subject to change dependent on whether occupants drive. The site is within Controlled Parking Zone L, which currently has 65% permit uptake, suggesting that there is some capacity with permits available if needed. Whilst the proposed parking bays are larger than average they are not all sufficiently sized to be considered a 'blue badge' parking provision. One space is large enough to be considered a "blue badge" space however, and the implementation and retention of the parking layout shall be secured by condition.

A hatched area would be provided to safeguard space for loading/unloading and refuse/recycling collection. A swept path analysis has been submitted which demonstrates that a refuse collection vehicle could access the site with sufficient space to turn.

Vehicle trips associated with the proposed use would be expected to be low. The submitted transport assessment estimates 7 two-way trips a day. This is based on a worse-case scenario of all 5 members of staff driving whilst the actual amount of trips is likely to be lower given the good access to local buses from the site.

The impacts of demolition and construction will need to be considered by the applicant, especially given the location of the site within a cul-de-sac with some narrow approach roads. A detailed Demolition and Construction Environment Management Plan (DCEMP) would be secured by condition.

Storage for bicycles would be in an internal store with capacity for 6 bicycles. SPD14 requires 1 cycle parking space per 5 members of staff and 1 visitor space per 10 beds equating to 5 spaces for the proposed development. The provision is considered acceptable, and would be appropriately secure and convenient to encourage cycle use. Implementation of the cycle store shall be secured by condition.

Sustainable Drainage:

Policy DM43 (Sustainable Drainage) states that the design and layout of all new buildings, and the development of car parking and hard standing, will be required to incorporate appropriate Sustainable Drainage Systems (SuDS) capable of ensuring that there is a reduction in the level of surface water leaving the site unless it can be demonstrated not to be reasonably practicable.

Flood mapping for risk of flooding from surface water indicates that no parts of the site are indicated at above a very low risk of flooding. Given the scale of the site being below

1 hectare, there is no requirement for a formal flood risk assessment to accompany the application, although one has nevertheless been submitted.

The applicant has confirmed that there is an error on the originally submitted application form which states that some surface water would discharge into the sewer. A revised application form has been submitted which confirms that the intention is to discharge all surface water via infiltration. The proposed drainage would incorporate filtration from new soakaways, with water captured by a green roof, deep trapped gullies and permeable paving. The submitted report also confirms that appropriate measures would be incorporated to mitigate groundwater contamination to acceptable levels.

With regards foul water drainage, this would be discharged into the public sewer via an existing connection. The submitted flood risk assessment refers to a CCTV survey to establish the condition of the connection.

The council's Flood Risk team have assessed the submitted report and have confirmed that the proposals are acceptable in principle, although further information is required. They have indicated that it would be appropriate for the outstanding information to be secured by condition. The following information shall be secured for submission prior to the commencement of the development:

- A full maintenance and management plan identifying tasks required to maintain each drainage element, recommended frequencies for these tasks, and parties responsible for undertaking them.
- Anticipated peak discharge levels for foul water and supporting calculations.
- Evidence of approval for sewer connection application from Southern Water.
- Results of the CCTV survey, or other evidence demonstrating that the condition of the proposed foul water connection is adequate.
- Results of intrusive testing confirming ground infiltration rates.

Biodiversity:

Policy CP10 (Biodiversity) of the Brighton and Hove City Plan Part One states that all development proposals should conserve biodiversity, protecting it from the negative indirect effects of development; provide net gains for biodiversity wherever possible, taking account of the wider ecological context of the development and of local Biosphere objectives; and contribute positively to ecosystem services by minimising any negative impacts and seeking to improve the delivery of ecosystem services by a development.

Policy DM37 (Green Infrastructure and Nature Conservation) of the Brighton and Hove City Plan Part Two states that development proposals will be required to demonstrate that they safeguard and/or contribute positively to the existing multifunctional network of Green Infrastructure, the interrelationship between these spaces, and ensure that the natural capital of the area is retained, enhanced and further complements UNESCO Biosphere objectives. All development should seek to conserve and enhance biodiversity and geodiversity features ensuring a net gain in biodiversity is achieved; that recognised priority species and habitats are protected and supported; that appropriate and long-term management of new or existing habitats is secured; and the control and eradication of any invasive non-native species on site.

The applicant has provided a Preliminary Ecological Appraisal (PEA) report which assesses the existing building which is proposed for demolition as offering low bat roost for potential. A survey has been carried out by CSA Environmental and the summary results state that no bats were seen emerging from the building during the survey period. A full report is currently being prepared and can be secured by condition as can any mitigations recommended by that report.

In addition to any mitigation which may be necessary for bats, pending submission of the full report, the site offers opportunities for enhancement which would help the site deliver measurable biodiversity net gain (BNG) in accordance with DM37. Paragraph 174 of the National Planning Policy Framework (NPPF, 2021) requires biodiversity net gains to be achieved and the Government has made it a mandatory requirement for certain development to achieve a minimum 10% BNG through the Environment Act 2021. Accordingly, the council's Biodiversity Net Gain Interim Technical Advice Note (October 2022) requires a 10% net gain. The submitted BNG assessment report indicates that the development could deliver 65.7% BNG in habitat units and 95.64% in linear/hedgerow units, with all net gain delivered on site. It is noted that the development would comprise a substantial green roof. Full details have not been provided at this stage, although the PEA states that the roof would be of 'low distinctiveness' based on DEFRA's habitat classification. A biodiverse green roof would offer moderate biodiversity value and should be considered by the applicant in accordance with DM37 requirements. Full details of the proposed green roof shall be secured by condition as shall securing a minimum 10% BNG in accordance with the NPPF and the Council's interim technical note.

The PEA recommends a provision of bird boxes. SPD11 states that new build development of 5 metres or greater in height are required to incorporate swift bricks/boxes, and that major development should seek to secure provision as recommended by the council's ecology advisor. The County Ecologist has recommended 28 swift bricks/boxes (one per flat) which shall be secured by condition. SPD11 also requires new building development to incorporate bee bricks at a rate of one per dwelling. 28 bee bricks shall be secured by condition- the County Ecologist has recommended that the provision should be installed adjacent to green roofs and/or landscape planting that provides good quality foraging habitat.

As recommended in the submitted Preliminary Ecological Appraisal (PEA) in order to avoid disturbance to any nesting birds any demolition of the buildings or removal of scrub or trees that could provide nesting habitat should be carried out outside the breeding season (generally March to August). If this is not reasonably practicable within the timescales then a nesting bird check should be carried out prior to any demolition/clearance works by an appropriately trained, qualified and experienced ecologist, and if any nesting birds are found, advice should be sought on appropriate mitigation. There is also suitable habitat for hedgehogs on site. The PEA recommends the provision of access gaps in boundary fences to enable continued dispersal of hedgehogs (and other small mammals) through the site. Compliance with the recommendations of the PEA shall be secured by condition.

Sustainability:

Policy CP8 (Sustainable Buildings) of the Brighton and Hove City Plan Part One requires new development to demonstrate a high level of efficiency in the use of water and energy. Policy CP8 requires new development to achieve at least 19% (now 31%) above Part L for energy efficiency, and to meet the optional standard for water consumption. Policy DM44 (Energy Efficiency and Renewables) requires new build residential development to achieve a minimum Energy Performance Certificate (EPC) rating of 'B'.

The submitted details indicate that the new building would be energy efficient with high levels of insulation, high performance glazing, and good air tightness, to achieve a Standard Energy Procedure (SEP) score of 82 equivalent to Energy Performance Rating (EPC) rating of B. There would be carbon savings of 78% over the baseline. The building would use a communal heating system powered by air source heat pumps and Solar PV is also proposed to the roof. The solar PV is not shown on the submitted plans, so further details would be required by condition. Meeting an EPC rating of B shall also be secured by condition.

Water use is intended to be less than 105 litres/person/day which meets with the water consumption target set by CP8. This would be achieved by using low-flow appliances and fittings. A water use limit of 110 litres/person/day shall be secured by condition.

A Building Regulations Part O overheating analysis has been provided which shows that the risk of overheating has been considered. The dual-aspect would allow cross-ventilation and shading would be provided on the south, west and east elevations and within the inset balconies.

The submitted Circular Economy Statement and the Whole Life Carbon Assessment together demonstrate how circular economy principles would be followed in the construction of the building, for example, use of reclaimed materials and remanufactured components over new; product selection which considers its entire lifecycle, such as products which can be remanufactured or reused; products with high recycled content; products designed for disassembly; and recyclable or compostable materials.

Subject to securing the necessary measures by condition the proposal is considered to be in accordance with sustainability policies CP8 of the Brighton and Hove City Plan Part One and DM37 of the Brighton and Hove City Plan Part Two.

Archaeology:

Policy DM31 (Archaeological Interest) states that development proposals affecting heritage assets with archaeological interest will be permitted where it can be demonstrated that development will not be harmful to the archaeological interest of the heritage assets or their settings, having regard to their significance.

The site is not within an Archaeological Notification Area but there are such areas within 1km of the site. The applicant has provided a desk-based assessment report undertaken by Chris Butler MCI(A) Archaeological Services Ltd. The report concludes that few archaeological investigations have taken place within the Study Area, but on the available evidence the site holds a low potential for archaeology of all periods except the Roman and medieval which hold moderate potential, and the post-medieval which has

a high potential. The report has been assessed by the County Archaeologist and the information provided is considered satisfactory and identifies that there is a risk that archaeological remains will be damaged. Nonetheless, it is accepted that the risk of damage to archaeology can be mitigated by the application of planning conditions.

Other Considerations:

The applicant has considered ground contamination within their submission and included a Phase 1 Desk Study from HOP Consulting which details the site history and shows that this is a low-risk site for contamination. The report recommends an intrusive site investigation as part of the foundation design investigation. Compliance with this recommendation can be secured by condition.

The site lies within a radon affected area and protection measures need to be included. An informative shall be attached to any grant of planning permission highlighting this to the applicant.

Conclusion:

The proposed development meets an identified need for supported living within the city and the loss of the previous care home has been adequately justified. The proposed building would meet the council's sustainable objectives and would offer future occupiers a good standard of living accommodation and would not cause harm to neighbouring amenity. The applicant has appropriately addressed the transport needs of the development whilst limiting the impact on the local highway network. The proposals would achieve biodiversity net gain and would make more efficient use of this site. Whilst some harm has been identified due to the northward projection of the new building, which would partially close the gap between the site and Jordan Close to the north, it is considered that the benefits of the scheme would outweigh this disbenefit. For these reasons, approval is recommended.

COMMUNITY INFRASTRUCTURE LEVY

Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23 July 2020 and began charging on all CIL liable planning applications on and from the 5 October 2020. The exact amount will be confirmed in the CIL liability notice which will be issued as soon as practicable after the issuing of planning permission. However, it is noted that the proposed development comprises affordable housing which is exempt from CIL.

EQUALITIES

The application would introduce 28 supported living flats suitable for wheelchair occupants and those with brain injuries. The development would include accessible parking and the provision of ramps suitable for wheelchair users.

BIODIVERSITY & CLIMATE CHANGE

This application makes efficient use of the existing site in a sustainable location, which is welcomed. Conditions are attached to ensure the proposal will provide improved

biodiversity with additional landscaping including habitat creation with the inclusion of swift boxes. Some existing trees would be retained and new trees would be planted to mitigate any losses. In addition, sustainable measures such as Photo Voltaics and cycle parking are to be provided on the site amongst others.



Signature of Reviewing Officer:
Dated: 14 June 2023