

<u>No:</u>	BH2024/00825	<u>Ward:</u>	Patcham & Hollingbury Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Patcham Nursing Home Eastwick Close Brighton BN1 8SF		
<u>Proposal:</u>	Conversion of existing kitchen and office space to form 4no additional bedroom units (C2) and associated works.		
<u>Officer:</u>	Steven Dover, tel:	<u>Valid Date:</u>	07.05.2024
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	02.07.2024
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	16.08.2024
<u>Agent:</u>	Worke & Bussell Architects 72 Summerlee Avenue East Finchley N2 9QH		
<u>Applicant:</u>	KMG C/O Healthcare Management Ltd 302 Alcester Road Birmingham B47 6JR		

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 Plan			7 May 2024
Proposed Drawing	05	C	7 May 2024
Proposed Drawing	08	B	7 May 2024

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 rooms created by the development hereby permitted, a car park layout plan shall have been submitted to and approved in writing by the Local Planning Authority. The approved plan shall be implemented in full prior to first occupation of the rooms created, and maintained thereafter.

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 SPD14 Parking Standards and CP9 of City Plan Part One & DM33 of City Plan Part Two.

4. Prior to the first occupation of the rooms created by the development hereby approved a Parking Strategy & Management Plan shall be submitted to and approved in writing by the Local Planning Authority, which includes details of management of:
- Staff and visitor travel and parking;
 - Deliveries and residents' pick-ups including type of vehicle parking and frequency;
- All parking shall thereafter be carried out in accordance with the approved plan.
Reason: In order to ensure that the safe operation of the development and to protection of the amenities of nearby residents, in accordance with policies CP9 of the Brighton & Hove City Plan Part One, policy DM33 of Brighton & Hove City Plan Part 2, and SPD14: Parking Standards.
5. No deliveries to the premises shall take place between 19:00 and 07:00.
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.
6. The rooms created by the development hereby permitted shall not be first occupied until a scheme for the control of fumes, smells and odours has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in strict accordance with the approved details prior to the first use of the development hereby approved, and shall thereafter be retained as such.
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.
7. The rooms created by the development hereby permitted shall not be first occupied until a scheme for the sound insulation of the odour control equipment referred to in condition 6 has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the first occupation of the development and shall thereafter be retained as such.
Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies DM20 and DM40 of Brighton & Hove City Plan Part 2.
8. The rooms created by the development hereby permitted shall not be first occupied until:
- i) details of external lighting, which shall include details of; levels of luminance, hours of use, predictions of both horizontal illuminance across the site and vertical illuminance affecting immediately adjacent receptors, hours of operation and details of maintenance have been submitted to and approved in writing by the Local Planning Authority.
 - ii) the predicted illuminance levels have been tested by a competent person to ensure that the illuminance levels agreed in part1 are achieved. Where these levels have not been met, a report shall demonstrate what measures have been taken to reduce the levels to those agreed in part i).
- The external lighting shall be installed, operated and maintained in accordance with the approved details and thereafter retained.
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.

9. One or more bee bricks shall be incorporated within the external wall of the development hereby approved and shall be retained thereafter.

Reason: To enhance the biodiversity of the site and to comply with policies CP10 of the Brighton & Hove City Plan Part One, DM37 of the Brighton & Hove City Plan Part Two, and Supplementary Planning Document SPD11: Nature Conservation and Development.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant should be aware that whilst the requisite planning permission may be granted, this does not preclude the department from carrying out an investigation under the Environmental Protection Act 1990, should any complaints be received.
3. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.
4. The applicant should be aware that the site may be 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>
5. The carparking plan required by condition 3 should include details of existing and proposed cycle parking, car parking, electric vehicle parking and charging, mobility scooter parking and charging, disabled parking, loading bays, ambulance / taxi pick-up and drop off, service and delivery areas and signage (markings and signs) for the management of all forms of parking and stopping as appropriate (such as numbered spaces and Department for Transport approved names and symbols (e.g. for a disabled bay) inside and outside of the space).

2. SITE LOCATION

- 2.1. The application relates to Patcham Nursing Home, which is a converted barn, located on the north side of Eastwick Close. The Nursing Home (planning use class C2) is accessed via a front carpark on Eastwick Close and currently contains 30 bedspaces. The large detached property is surrounded by detached residential dwellings and is located adjacent to the South Downs National Park and designated open space areas.

3. RELEVANT HISTORY

- 3.1. BH2020/01824 - Conversion of existing kitchen and office space to form 4no additional bedroom units (C2) and associated works. Approved (Planning Committee) 11.03.2021.
- 3.2. 96/0433/FP- Conservatory extension on ground floor and 1st floor extension over entrance to form 4 additional bedrooms with laundry room beneath. Approved 25.06.1996.

4. APPLICATION DESCRIPTION

- 4.1. The application seeks consent for the conversion of the existing kitchen and office space to form four additional bedroom units and associated works. The external works would include infilling the existing undercroft to facilitate the relocated kitchen/office/laundry room, a change to the fenestration of the building and the installation of an extract flue.
- 4.2. The existing nursing home currently has 30 beds and proposes the additional 4 no. bedrooms to address a current demand. It has been confirmed that no additional staff would be required.
- 4.3. The application is very similar to the development approved under application BH2020/01824, which is no longer extant.

5. REPRESENTATIONS

- 5.1. In response to publicity, responses were received from **two (2)** comments (excluding repeats from same interested parties) received objecting and raising the following issues:
 - Traffic and parking issues including existing insufficient parking
 - Block close with deliveries, ambulance and vehicles
 - Noise nuisance from deliveries
 - On-going issue with delivery and ambulance vehicles
 - Increasing the capacity of the nursing home will increase problems
 - Access and road not wide enough
 - Infrastructure is already insufficient for the current number of residents
 - Unsuitable for expansion
 - The title of application deceptive
 - Ventilation close to residential properties
 - Light and noise pollution
 - Conversion works will reduce the level of parking
 - The property is already overdeveloped
- 5.2. **UK Power Networks:** No objection.

- 5.3. **Councillor Alistair McNair** has objected to the proposed development and asked that it be determined by the Planning Committee. A copy of this correspondence is attached.

6. CONSULTATIONS

6.1. Environmental Health:

No objections subject to recommended conditions in relation to:

- Odour control details from proposed flues for approval by the LPA
- Sound control details from proposed flues for approval by the LPA
- External lighting details for approval by the LPA
- No deliveries to take place between 19:00 and 07:00

6.2. Sustainable Transport:

No objections subject to recommended conditions in relation to:

- Car park layout plan for approval by the LPA
- Parking Strategy & Management Plan for approval by the LPA

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 Joint Area Action Plan (JAAP) 2019.

8. RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
SA5	The Setting of the South Downs National Park
CP8	Sustainable buildings
CP9	Sustainable transport
CP12	Urban design
CP16	Open Space

Brighton & Hove City Plan Part Two

DM1	Housing Quality, Choice and Mix
DM5	Supported Accommodation (Specialist and Vulnerable Needs)
DM20	Protection of Amenity
DM21	Extensions and alterations
DM22	Landscape Design and Trees
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

Supplementary Planning Documents

SPD11	Conservation & Development
SPD12	Design Guide for Extensions and Alterations
SPD14	Parking Standards
SPD17	Urban Design Framework

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the impacts on the character and appearance of the host building and wider area, as well as on the amenities of local residents and transport considerations.
- 9.2. As set out above, the application follows the approval of an earlier application for a very similar development, but which is no longer extant (ref. BH2020/01824, approved 11 March 2021). That approval must be given weight in considering this application given it was relatively recent, albeit at that time Brighton & Hove Local Plan was part of the development plan, with City Plan Part 2 did not yet adopted.

Design and Appearance:

- 9.3. The external works would include infilling the undercroft to facilitate the relocated kitchen, office and laundry room and a minimal change to the fenestration on the building and the installation of an extract flue. Three new windows would be installed within the rear elevation to serve bedroom 1 and 2, and the existing rear fenestration would be altered to serve bedrooms 3 and 4. New fenestration would be installed within the front elevation (of the infilled undercroft) to serve the kitchen. The extract flue would be located upon the flat roof section of the roof from the kitchen room and a bin area would be located to the front of the kitchen.
- 9.4. The building would retain the overall form and scale of the existing Nursing Home and the overall appearance of the development would result in no harm to the host property, street scene or to the character of the wider area.
- 9.5. The addition of the extract flue, given its location, size and projection, would not result in harm to the appearance of the host building or surrounding area.
- 9.6. The development is therefore acceptable in terms of design and appearance.

Impact on Amenity:

- 9.7. Policy DM20 of City Plan Part Two states that planning permission for any development or change of use would be granted where it would not cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 9.8. The external works, including additional windows and the reconfiguration of the internal space would not result in amenity harm. The infilling of the undercroft to facilitate the internal works would not result in additional bulk or massing to the existing building and therefore the proposed alterations would not result in overshadowing, loss of light or loss of outlook for neighbouring properties. The proposed fenestration serving the re-located kitchen would not result in overlooking and the windows serving bedrooms 1,2,3 and 4 would face onto existing boundary treatment/open space to the rear of the site and would not result in overlooking or loss of privacy to neighbouring properties.
- 9.9. The provision and location of the bin storage area is considered adequate for the development and is not considered to result in amenity harm.
- 9.10. The reconfiguration of the internal layout to provide 4no. additional bedrooms for the existing Nursing Home would provide adequate bedroom sizes and would be a functional layout, with all having ensuite facilities and access to the communal lounge. The development is therefore considered to meet the requirements of policy DM1 and DM5 for the standard of accommodation for future residents.
- 9.11. The flue, positioned away from neighbouring properties, is unlikely to have a significant detrimental impact on neighbouring amenity by way of noise, vibration or odour disturbance. The Environmental Health Officer has commented that subject to compliance with appropriately worded conditions, the kitchen extract would not have an adverse impact in terms of noise or odour as the details would need to be approved by the Local Planning Authority (LPA) prior to first use.
- 9.12. Concerns have been raised by residents regarding the existing noise output of the Nursing Home and that this could be exacerbated by the increased number of residents. It is not considered that an increase of 4no beds would result in increased noise or disturbance to warrant refusal of the application.
- 9.13. However, it is recognised that complaints have been made in respect of deliveries and a condition would be attached limiting the hours in which these can take place (i.e. to between 07:00 and 19:00 on any day). In addition, any external lighting would be conditioned for approval by the LPA to ensure that it does not affect surrounding residents.

Sustainable Transport :

- 9.14. The provision of four additional bed spaces is not considered to be a significant increase in trip generation from the development particularly given that there would be no increase in staff numbers.

- 9.15. However, the proposed development is located outside of a controlled Parking Zone (CPZ). The on-site parking is accessed from a residential cul-de-sac and the current parking on site does result in overspill parking on-street. The applicant is proposing to address this problem by marking out specific bays, but the proposed layout and arrangement is not considered satisfactory due to some of the bays creating manoeuvring issues that may cause safety and obstruction issues. It is, however, considered that this can be overcome and therefore, a revised parking layout would be secured via condition.
- 9.16. The applicant has offered to produce a parking strategy document which is welcomed as it would ensure that staff, visitor and deliveries/ ambulances are managed to reduce any on-street impact. A parking strategy/management plan condition has therefore been attached and would need to be agreed before first use of the proposed development. This should include disabled parking and a dedicated ambulance/emergency services parking area according to Transport Officers comments to remove congestion/blockage of the road during emergencies.
- 9.17. No cycle parking is indicated and therefore the provision and detail of this will be secured via condition.

Biodiversity

- 9.18. The Council has adopted the practice of securing minor design alterations to schemes with the aim of encouraging the biodiversity of a site, particularly with regards to protected species such as bumblebees. A suitably worded condition will be attached to secure an appropriate number of bee bricks within the proposal in order to help meet the requirements of policies CP10 of the CPP1 and DM37 of the CPP2 as well as Supplementary Planning Document 11: Nature Conservation.

Other Considerations:

- 9.19. The proposed development to the site, although in close proximity to the South Downs National Park (SDNP) which is located 100m to the north on the opposite side of the A27, would not be visible in close or long views due the ground levels with sharply rising slopes to the rear, and that the A27 Highway is situated in between.
- 9.20. Concerns have been raised by local residents that the current undercroft is used for the storage of refuse bins and that the relocated bins would reduce the existing parking area. The development is attempting to rectify the parking issues by marking out bays and the size of the bin store would not impact this. The Highways Officer has not raised an objection to this.
- 9.21. Issues have been raised during the consultation process relating to the existing situation at the Nursing Home and the application is deceptive as the undercroft will form part of the development. This application for the addition of 4no bedspaces (including internal and external alterations) has been fully assessed and subject to conditions is considered acceptable.

10. EQUALITIES

- 10.1. Section 149(1) of the Equality Act 2010 provides:
- 1) A public authority must, in the exercise of its functions, have due regard to the need to—
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 10.2. Officers considered the information provided by the applicant, together with the responses from consultees (and any representations made by third parties) and determined that the proposal would not give rise to unacceptable material impact on individuals or identifiable groups with protected characteristics.
- 10.3. No disabled user parking bay has been provided, but this would be sought as part of the car park layout plan and parking strategy/ management plan condition.

