

LIST OF MAJOR APPLICATIONS

<u>No:</u>	BH2011/03796	<u>Ward:</u>	HANOVER & ELM GROVE
<u>App Type:</u>	Extension to Time Limit Full Planning		
<u>Address:</u>	18 Wellington Road, Brighton		
<u>Proposal:</u>	Application to extend time limit for implementation of previous approval BH2008/03248 for part demolition and conversion of the existing building and construction of a new 3-storey block to provide a total of 26 self-contained units with 24 hour support for people with learning/physical disabilities and the provision of a drop-in learning disability centre for people with learning/physical disabilities.		
<u>Officer:</u>	Aidan Thatcher, tel: 292265	<u>Valid Date:</u>	12/12/2011
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	12 March 2012
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Lewis & Co Planning, Paxton Business Centre, Portland Road, Hove		
<u>Applicant:</u>	The Baron Homes Corporation, c/o Lewis & Co Planning		

1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and the policies and guidance in section 7 of this report and is **MINDED TO GRANT** planning permission subject to a s106 agreement and the Conditions and Informatives set out below.

(i) A Section 106 obligation to secure the following:

- A financial contribution towards off-site highway improvements: £5 900
- A clause restricting the use of the development to provision of housing for those with learning and physical disabilities.

(ii) The following Conditions and Informatives:

Conditions

1. 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.
2. The development hereby permitted shall be carried out in accordance with the approved drawings nos. 0769-004 Photographic Site / Street Survey submitted on 6th October 2008, 0769-002(A) Aerial Image, 0769-003(A) Site Survey, 0769-005(A) Existing Basement & Ground Floor Plan, 0769-006(A) Existing First & Second Floor Plan, 0769-007(A)

Existing Elevations - North & West, 0769-008(A) Existing Elevations - South & East, 0769-016(A) Photomontage & Bay Study, 0769-017 Sun Studies submitted on 21st October 2008, 0769-014(A) Proposed Site Sections submitted on 30th October 2008, 0769-001(B) OS & Block Plan, 0769-009(B) Proposed Site Plan, 0769-010(B) Proposed Ground Floor Plan, 0769-011(B) Proposed Basement, First and Second Floor Plan, 0769-012(D) Proposed Elevations- North & West, 0769-013(D) Proposed Elevations- South & East submitted on 16th December 2008.

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

3. Prior to the commencement of development drawings at 1:20 scale illustrating the detail and finishes of the ramps, and handrails, and details of the glazed link, must be submitted to and agreed in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and retained thereafter.

Reason: To ensure a satisfactory appearance to the development and to comply with policies QD1 and QD2 of the Brighton & Hove Local Plan.

4. The windows servicing the bath and shower rooms shall not be glazed otherwise than with obscured glass and thereafter permanently retained as such.

Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

5. The windows on the west elevation of the new build block which adjoins the boundary with Ainsworth House and those within the east elevation of the extended block which adjoins the boundary with number 20 Wellington Road shall not be glazed otherwise than with obscured glass and thereafter permanently retained as such.

Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

6. The lower half of the sash windows in the rear elevation at first and second story level servicing units labelled '13', '20' and the 'staff accommodation' on drawing number 0769-011B shall not be glazed otherwise than with obscured glass and shall be fixed shut and thereafter permanently retained as such.

Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

7. No development shall take place until samples of the slate to be used in the construction of the external surfaces of the roofs of the development and the windows to be used in the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. 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 QD1 of the Brighton & Hove Local Plan.

8. The external finishes of the development hereby permitted shall match in

material, colour, style, bonding and texture those of the existing building.
Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD1 and QD14 of the Brighton & Hove Local Plan.

9. The railings shown on the approved plans shall be painted black prior to the occupation of the development hereby permitted and shall be retained as such.

Reason: To ensure a satisfactory appearance to the development and to comply with policy QD1 of the Brighton & Hove Local Plan.

10. Construction of the development shall not commence until details of the proposed means of surface water disposal have been submitted to, and improved in writing by the Local Planning Authority. The scheme shall then be approved in strict accordance with the approved details.

Reason: To enable the Local Planning Authority to control foul sewerage and surface water drainage in accordance with policies SU3, SU4 and SU5 of the Brighton & Hove Local Plan.

11. All showers within the wheelchair units (number 5, 6, 7, and 8) shall have level access.

Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.

12. Notwithstanding the approved plans, prior to the commencement of development, details of the parking areas shall be submitted to and approved in writing by the Local Planning Authority. They shall include the provision of two designated disabled parking bays on the site near the main entrance. The parking areas shall be implemented in accordance with the approved details and thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.

Reason: In the interest of highway safety and in accordance with policy TR1 and TR18 of the Brighton & Hove Local Plan.

13. Development shall commence until, detailed drawings, including levels, sections and constructional details of the proposed vehicle access and egress, surface water drainage, outfall disposal, have been submitted to and approved in writing by the Planning Authority and be subject to its approval. The scheme shall be implemented in strict accordance with the approved details.

Reason: In the interests of highway safety and for the benefit and convenience of the public at large and in accordance with TR1 and TR7 of the Brighton & Hove Local Plan.

14. The development hereby permitted shall not be commenced until details of secure cycle parking facilities have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than the private car and to comply with policy TR14 of the Brighton & Hove Local Plan.

15. 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 SU2 and QD27 of the Brighton & Hove Local Plan.
16. Prior to the commencement of development, details of measures to ensure that the converted element of the development achieves an “Excellent” BREEAM rating and the remainder of the development achieves Level 4 of the Code for Sustainable Homes shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details.
Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and in accordance with policies S1 of the East Sussex and Brighton & Hove Structure Plan 1991-2011 and SU2 of the Brighton & Hove Local Plan.
17. The new dwellings shall be constructed to Lifetime Homes standards to the satisfaction of the Local Planning Authority.
Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.
18. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme for landscaping, which shall include permeable hard surfacing, means of enclosure, planting of the development, indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.
Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to accord with policy QD15 of the Brighton & Hove Local Plan.
19. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and 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, unless the Local Planning Authority gives written consent to any variation. All hard landscaping and means of enclosure shall be completed before the development is occupied.
Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to accord with policy QD15 of the Brighton & Hove Local Plan.
20. No development shall commence until a scale plan showing the extent of the demolition proposed and a written methodology for the demolition has been submitted to and approved in writing by the Local Planning

Authority. The works shall then be carried out in accordance with the approved details.

Reason: To ensure satisfactory preservation of the existing building and to comply with QD14 of the Brighton & Hove Local Plan.

21. All existing external mouldings, including architraves, hood mouldings, cornices, eaves brackets and corner quoins, shall be retained unless they form part of the building to be demolished, as shown on a demolitions plan. All new mouldings shall exactly match the profile and detail of the existing mouldings.

Reason: To ensure satisfactory preservation of the existing building and to comply with QD14 of the Brighton & Hove Local Plan.

22. No development shall commence until 1:20 scale elevations of the entrance doors/fanlights to the existing and new buildings has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the development and to comply with policies QD1 of the Brighton & Hove Local Plan.

23. The existing chimney stacks shall be retained and restored in accordance with a specification of works to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the development and to comply with policies QD1 and QD14 of the Brighton & Hove Local Plan.

24. The trees covered by a Tree Preservation Order shall all be protected to BS 5837 (2005) Trees on Development Sites during the development. A plan showing the line of protective fencing and a method statement on its construction should be submitted to and approved in writing by the Local Planning Authority prior to any development commencing and the protective fencing shall be completed prior to any demolition, use of the site for storage of materials, lifting of hard and soft surfaces within the site or other works in connection with the development which may affect the root systems of the existing trees on the site.

Reason: To ensure adequate protection of the trees in accordance with QD16 of the Brighton & Hove Local Plan SPD06 Trees and Development sites.

25. A Method Statement regarding the treatment of surfaces in the vicinity of tree roots of the Beech Trees at the rear of the site shall be submitted to and approved in writing by the Local Planning Authority. These trees shall be protected to BS 5837 (2005) Trees on Development Sites during the development.

Reason: To ensure adequate protection of the trees in accordance with QD16 of the Brighton & Hove Local Plan SPD06 Trees and Development sites.

26. No development shall take place until a written statement consisting of a Site Waste Management Plan, confirming how demolition and construction waste will be recovered and reused on site or at other sites, 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.

Reason: To ensure that the development would include the re-use of

limited resources, to ensure that the amount of waste for landfill is reduced, to comply with policy W10 of the East Sussex and Brighton & Hove Structure Plan, WLP11 of the East Sussex and Brighton & Hove Waste Local Plan, policy SU13 of the Brighton & Hove Local Plan and Supplementary Planning Document 03 Construction and Demolition Waste.

27. Scrub clearance and demolition shall not be undertaken during the bird nesting season, from the beginning of March and the end of August.
Reason: To protect nesting birds in accordance with policy QD18 of the Brighton & Hove Local Plan.
28. No development shall commence until details of the following have been submitted to and agreed by the Local Planning Authority. A bat survey carried out between May and August. The findings of the bat surveys shall be accompanied by an appropriate bat mitigation and enhancement strategy which should provide assurance that the development will comply with wildlife legislation and address the provision of adequate artificial bat roosting structures, soft landscaping and the lighting proposals for the scheme as appropriate to ensure bat habitat is conserved and enhanced on the site. The scheme shall then be implemented in accordance with the approved details.
Reason: To safeguard these protected species from the impact of the development in accordance with policy QD18 of the Brighton & Hove Local Plan.
29. No development shall commence until details of the following have been submitted to and agreed by the Local Planning Authority. A Swift survey has been carried out between May and August. The findings of the surveys shall be accompanied by an appropriate mitigation and enhancement strategy. The scheme shall then be implemented in accordance with the approved details.
Reason: To safeguard these protected species from the impact of the development in accordance with policy QD18 of the Brighton & Hove Local Plan.
30. No development shall commence until nature conservation enhancement as part of the site landscaping scheme has been submitted to and approved by the Local Planning Authority. This shall include the number and locations of bird and bat boxes to be erected and the details of the proposed green wall planting and artificial external lighting.
Reason: To ensure the protection and enhancement of the ecological interest of the site and to comply with policies QD17 and QD18 of the Brighton & Hove Local Plan.

Informatives:

1. This decision to grant Planning Permission has been taken:
 - (i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below, including Supplementary Planning Guidance and Supplementary Planning Documents:
(Please see section 7 of the report for the full list); and

(ii) for the following reasons:-

The principle of the development has been accepted under planning permission BH2008/03248; the site has not significantly changed since permission was granted in 2009. There have been no changes in local planning policy guidance since the previous approval; therefore the development remains acceptable in principle.

- 2) Please note in relation to Condition 14 that cycle parking area shown on the approved plans is in an unacceptable location and should be sited more conveniently within the development.
- 3) The applicant is advised that a European Protected Species Licence must be obtained from Natural England if bats are found to be present on site.

2 THE SITE

The application site is a former Church of England Children's Home and its curtilage comprises 0.2 hectares of land. The property is situated on the southeast side of Wellington Road at a point approximately 50 metres short of its junction with Franklin Road.

The existing building is a large attractive detached Victorian Villa with extensions to its north elevations. There are two existing vehicular access points with a tarmac driveway running parallel to its Wellington Road frontage linking the two access points.

The surroundings are residential and characterised by a mixture of contemporary and period properties. Opposite the application site is a local authority housing estate comprising one low rise block of four storeys and three high rise seven storey blocks of flats. Immediately adjacent to the south of the site is a part three/part two storey block of flats, beyond this is a three storey period property and further down the road is another part three/part two storey block of flats. Beyond the flats on the opposite side of the road is group of Victorian terrace houses. To the rear of the site (the east) occupying higher ground are three storey terrace houses, while to the north of the site, occupying lower ground than the application site are a pair of Victorian houses.

The property is not a statutorily listed building or within a designated conservation area and neither does it appear on the local list of buildings of historic or architectural interest.

3 RELEVANT HISTORY

BH2011/01019: Erection of 9no flats with associated parking and landscaping. Refused 12/07/2011.

BH2008/03796: Part demolition and conversion of the existing building and construction of a new 3-storey block to provide a total of 25 self-contained units with 24 hour support for people with learning/physical disabilities and the

provision of a drop-in learning disability centre for people with learning/physical difficulties. Approved 29/01/2009.

BH2008/00297: Change of use and renovation of existing Victoria villa, including part demolition and rebuilding of east end of building, together with new block of apartments. Withdrawn 21/04/2008.

92/0152/FP: Front single storey addition to form reception area with ramp for disabled persons. Granted permission 12/03/1992.

BN77/495: Change of use from residential children's home to day care centre. Granted permission 26/04/1977.

4 THE APPLICATION

Planning permission is sought to extend the time limit for implementation of previous approval BH2008/03796 for part demolition and conversion of the existing building and construction of a new 3-storey block to provide a total of 26 self-contained units with 24 hour support for people with learning/physical disabilities and the provision of a drop-in learning disability centre for people with learning/physical difficulties.

5 CONSULTATIONS

External:

Neighbours: Six (6) letters of representation have been received from **20 Wellington Road, 23, 29A, 37 and 41 De Montfort Road** and **one unaddressed, objecting** to the application for the following reasons:

- Lack of parking.
- Loss of privacy – overlooking 24/7.
- Loss of light/overshadowing.
- Overdevelopment.
- There will be a negative impact on the building – which is the last remaining Victorian Villa in the road.
- Lack of public consultation – until too late.
- People with learning disabilities should be integrated – not put into an institution.
- Poor integration – segregation of those with learning/physical disabilities.
- Overbearing development – from single storey elements to two.
- Loss of views.
- Increased noise and traffic pollution.
- Drop-in centre – need is queried due to the close proximity of Wellington House and it will lead to greater pressure on parking.
- Lack of amenity space and landscaping to the rear of the site.
- Impact on wildlife.
- Cramped living conditions with poor outlook.

Sussex Police: No objection – the comments on the previous application remain extant.

Southern Water: No objection.

Fire Services: No comment to make on this application.

Southern Gas Networks: No objection subject to the use of hand dug trial holes being used within the vicinity of gas mains.

UK Power Networks: No objection.

Internal:

Heritage: No comments received.

Access Consultant: No comments received.

Occupational Therapist: No comments received.

Sustainable Transport:

No objection: Recommended approval with conditions to protect the interests of the public using the roads and footways.

Environmental Health: No comments received.

City Infrastructure: No details provided on how waste and recycling will be dealt with. This information will be required prior to the commencement of development.

Planning Policy: No comments received.

Housing Commissioning: Support the application to extend the time limit for implementation of previous approval BH2008/03248 for part demolition and conversion of the existing building and construction of a new 3 storey block to provide a total of 26 self contained units along with the provision of a drop in centre for people with learning/ physical disabilities

The scheme would provide much needed accommodation with 24 hour care and support for people with learning/ physical disabilities.

Adult Social Care and Health: Object to the application for the following reasons:

- As you are aware, the current planning permission provides for 24 self contained flats with staff accommodation for people with learning disabilities, some of whom may have physical disabilities. However, since the planning application was approved in February 2009 there have been further developments in government policy and needs assessment that have led to a review of the council's need for the accommodation. In particular;
- The increasing move towards personalisation and individualised budgets requires that those eligible for social care can choose where they live and how they spend their allocated budget. The proposed concentration of 24 one bedroomed flats on the site is not considered to appropriately reflect

current service models nor to provide the necessary flexibility and choice for people with learning disabilities.

- The proposed development is offered to the council under a leasing arrangement that is a higher cost than maximum Housing Benefit payable, requiring top up funding from the social care budget. The need for top up funding will further limit choice and control for social care clients and could increase the costs of support in many instances. The costs to the social care budget arising from the lease are also likely to increase in the light of future reductions in Housing Benefit.
- The Learning Disability Joint Strategic Needs Assessment (JSNA) that commenced in 2010 has provided a more detailed picture on local need and gaps in provision. This has highlighted service gaps for challenging behaviour, low cost supported living options and learning disability services for people with mental health and substance misuse problems. The JSNA has also identified some over provision of residential care and supported living for people with low to moderate needs. As the proposed development is unsuitable to meet the service gaps identified, there is a risk that there will be a shortfall in local referrals that will create additional financial pressures for the authority.

It is therefore concluded that the proposed development at Wellington Road is not needed for people with learning disabilities and as a result we do not support an application to extend the time limit for implementation.

Arboriculturist: No objection but would like to re-iterate their comments to the previous application:

(Previous Application Comments)

The Survey is comprehensive and the Arboricultural Section are in full agreement with it. No objection is raised to the application being granted consent, with the imposition of conditions relating to protection of trees covered by a Tree Preservation Order to BS5837 (2005) Trees on Development Sites and a Method Statement to be submitted regarding the treatment of surfaces in the vicinity of tree roots again to BS5837 (2005). Details of the new planting should also be submitted stating the species.

The trees protected by a Tree Preservation Order should all be protected to BS 5837 (2005) Trees on Development Sites during the development, a plan showing the line of protective fencing and a method statement on its construction should be submitted to and approved by the Arb Section prior to any development commencing.

A Method Statement should also be submitted regarding the treatment of surfaces in the vicinity of tree roots - the Beech Trees at the rear are surrounded by tarmac and it is presumed this will need to be lifted and replaced as part of the development. Again, BS 5837 (2005) refers.

Drawing number 0769-009 shows extensive new planting, which is

commendable, however a species list is needed.

Ecology: No objection subject to conditions 27 & 28 relating to application no. BH2008/03248 are retained as part of any planning approval.

6 MATERIAL CONSIDERATIONS

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that “if regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

The development plan is the Regional Spatial Strategy, The South East Plan (6 May 2009); East Sussex and Brighton & Hove Minerals Local Plan (1999); East Sussex and Brighton & Hove Waste Local Plan (February 2006); Brighton & Hove Local Plan (21 July 2005).

7 RELEVANT POLICIES & GUIDANCE

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR4	Travel plans
TR5	Sustainable transport corridors and bus priority routes
TR7	Safe development
TR8	Pedestrian routes
TR10	Traffic calming
TR13	Pedestrian network
TR14	Cycle access and parking
TR18	Parking for people with a mobility related disability
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU3	Water resources and their quality
SU4	Surface water run-off and flood risk
SU5	Surface water and foul sewerage disposal infrastructure
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU13	Minimisation and reuse of construction industry waste
SU15	Infrastructure
SU16	Production of renewable energy
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD5	Street frontages
QD6	Public art
QD15	Landscape design
QD16	Trees and hedgerows
QD27	Protection of amenity
QD28	Planning obligations

HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential developments
HO6	Provision of outdoor recreation space in residential development
HO15	Housing for people with special needs
HO13	Accessible housing and lifetime homes
HO20	Retention of community facilities

East Sussex and Brighton & Hove Waste Local Plan

WLP11	Reduction, Re-use and Recycling during Demolition and Design, and Construction of New Developments
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Supplementary Planning Documents:

SPD03:	Construction and demolition waste
SPD08:	Sustainable Building Design

Supplementary Planning Guidance Notes:

SPGBH4:	Parking standards
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8 CONSIDERATIONS

The development proposed in this application for an extension to the time limit for the implementation has already been granted consent. The extant consent expired on 29 January 2012. This application was submitted prior to that date. The determining issues to consider relate to whether there have been any new material planning considerations.

The site has undergone some alteration since the approval of the 2008 application. Specifically, a non-original part of the Victorian Villa has been demolished and the windows to the Villa itself have been bricked up in an attempt to stop the building being squatted.

A legal opinion has been obtained as to whether the demolition of part of the site has in effect implemented the consent, however as the pre-commencement conditions had not been discharged prior to the expiry of the permission, it has been confirmed that the permission has not been implemented.

Issues relating to design, residential amenity, accessibility, ecology, sustainability, trees and transport remain identical to the previous application.

There has been no change in local or national policy that would affect these issues and planning conditions would need to be used to ensure the development remains acceptable on these issues.

Conditions

Planning Approval BH2008/03248 was approved with 29 conditions attached, all of which are repeated here, with an additional condition relating to approved plans.

Other Issues

The objections received are noted however the issues of the scale of the development, impact on traffic and amenity were considered when the 2008 application was approved and there have been no change in local or national policy that would affect these issues in the present day and it is considered that for these reasons the development remains acceptable.

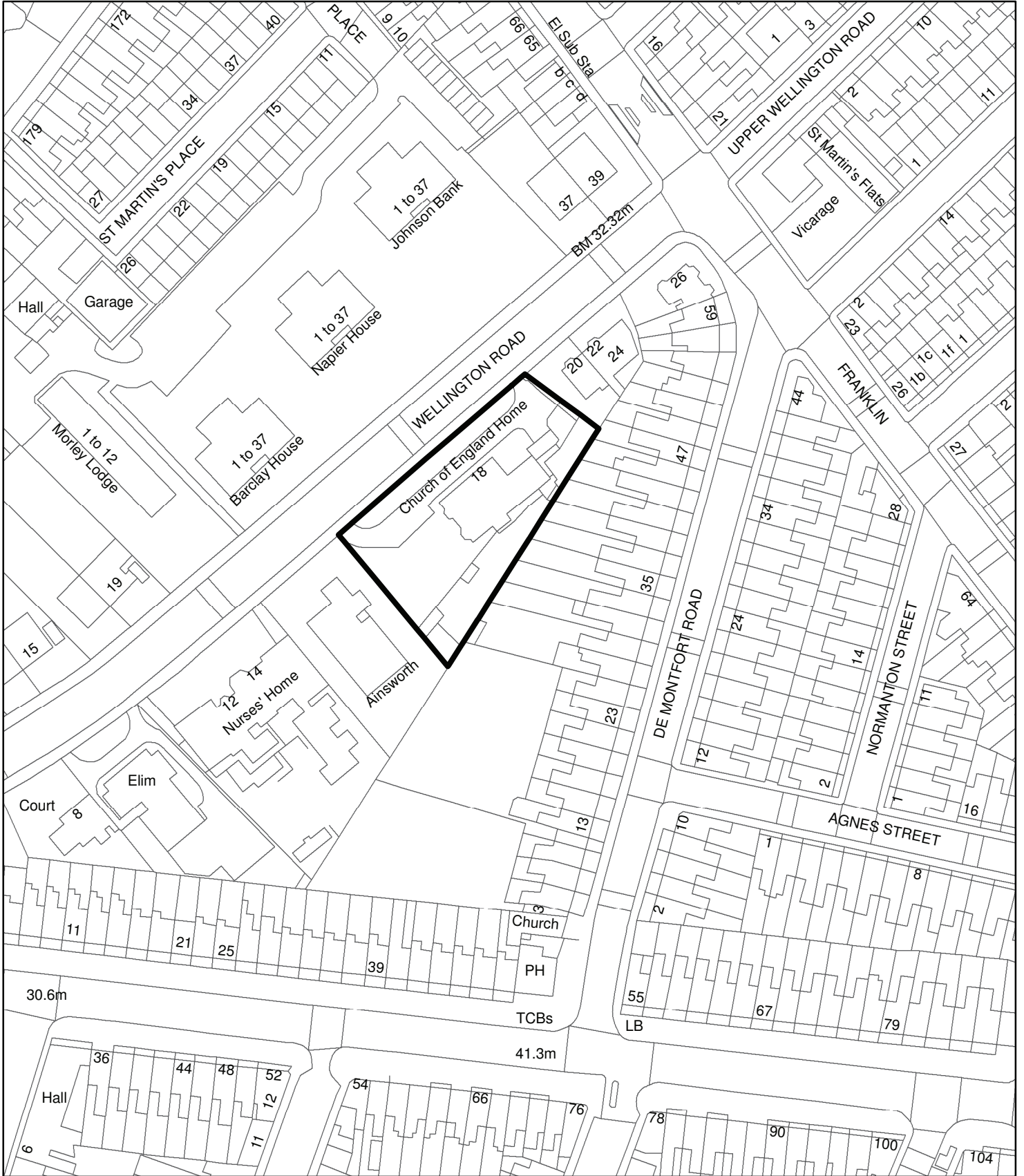
9 CONCLUSION

The principle of the development has been accepted under planning permission BH2008/03248; the site has not significantly changed since permission was granted in 2009. There have been no changes in local planning policy guidance since the previous approval; therefore the development remains acceptable in principle.

10 EQUALITIES IMPLICATIONS

Two disabled parking bays will be secured by condition to the front of the site. The Council's Occupational Therapists are satisfied with the layout of the development with respect to accessibility.

BH2011/03796 18 Wellington Road, Brighton.



**Brighton & Hove
City Council**



Scale: 1:1,250