

<u>No:</u>	BH2016/01318	<u>Ward:</u>	CENTRAL HOVE
<u>App Type:</u>	Full Planning		
<u>Address:</u>	2 Pembroke Hotel Third Avenue Hove		
<u>Proposal:</u>	Change of use from nursing home (C2) to 1no eight bedroom house (C3) including erection of orangery to first floor and other associated alterations.		
<u>Officer:</u>	Wayne Nee Tel 292132	<u>Valid Date:</u>	18/04/2016
<u>Con Area:</u>	The Avenues	<u>Expiry Date:</u>	13 June 2016
<u>Listed Building Grade:</u>	Grade II		
<u>Agent:</u>	Morgan Carn Partnership, Blakers House 79 Stanford Avenue Brighton BN1 6FA		
<u>Applicant:</u>	Mr & Mrs Papanichola, c/o Morgan Carn Partnership Blakers House 79 Stanford Avenue Brighton BN1 6FA		

This application was deferred at Committee on the 13 July 2016 to allow Members to carry out a site visit.

1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 and resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in section 11.

2 SITE LOCATION & DESCRIPTION

- 2.1 The application relates to a Grade II Listed Building in the Avenues Conservation Area. It is a substantial detached yellow brick villa dating from c1880, subsequently used as flats and more recently a care home. The interior has been affected by modern uses with unsympathetic subdivision of spaces, however many original features survive at least in part.
- 2.2 Externally there have also been alterations, however the property retains a grand presence and makes an important contribution to the group of similar buildings in this location.
- 2.3 The property has an existing Class use of C2 Nursing Home, however it is currently vacant.

3 RELEVANT HISTORY

BH2016/01319 Change of use from nursing home (C2) to 1no eight bedroom house (C3) including erection of orangery to first floor and other associated internal and external alterations – Currently under consideration.

3/93/0519(F) & 3/93/0520(LB) Construction of new conservatory above the existing ground floor extension – Approved 20/12/93.

3/86/0436 Change of use to rest home – Approved 12/12/86.

4 THE APPLICATION

4.1 Planning permission is sought for the change of use from nursing home (C2) to 1no eight bedroom house (C3) including erection of orangery to first floor and other associated alterations.

4.2 The applicant has raised concerns regarding the imposition of recommended condition 9.

5 PUBLICITY & CONSULTATIONS

External

5.1 Neighbours:

Eight (8) letters of representation have been received from (**Flats E & F (x2) 1 Fourth Avenue, Flat 1 of 3 Fourth Avenue Flats 3, 5, 6, 9 of 9 Kings Gardens**) objecting to the application for the following reasons:

- Loss of privacy from Conservatory windows;
- Effect of conservatory and roof alteration on light levels for neighbours;
- Noise of construction;
- Extensions are out of character;
- Loss of views;
- Effect on right to light;
- Set precedent for further extensions that could increase risk of flooding

5.2 **Twelve (12)** letters of representation have been received from (**Flat 7 of 6 Third Avenue, 53 Brunswick Square, 23 Ferndale Road, Flat 4 of 37 Holland Road, Flat 2 of 1 Kings Gardens, Flats 1, 4 & 5 of 2 Kings Gardens, Flat 7 of unknown address in Kings Gardens, Flat 5 of 54 Lansdowne Place, 92 Sandhurst Avenue, Wineham lane Bolney**) supporting the application for the following reasons:

- Good detail to the restoration works;
- Project is not for profit;
- Roof alterations will be a significant improvement;
- Conservatory is proportionate;
- Development will preserve and enhance local heritage;
- In accordance with NPPF and local policy;
- Rare application to be used for original use.

5.3 **Councillor Nemeth** supports the application.

5.4 **Councillor Wealls** supports the application. A copy of the letter is attached to this report.

5.5 **Hove Civic Centre** support the application for the following reason:

- Great opportunity to improve and preserve the building;

5.6 **Conservation Advisory Group:**

The Group welcome the application and recommend approval with the following comments:

- Where the façade is repaired the bricks need to be near-matched to the original and should be imperial and not metric
- Fenestration on all proposed dormers should be either one over one or two over two sliding sash.
- The piers to the road need to be reinstated
- Clarification is needed about the railings

Internal:

5.7 **Environmental Health:** Comment.

5.8 Noise

It is noted that there is particularly high road traffic noise from the A259. However, the proposed application is roughly 50 metres from the A259, and appears to be offered some protection from 8 Kings Garden. It is therefore not seen that in this particular set of circumstances that an acoustic report is necessary. However changes to the design may alter this.

5.9 Contaminated land

There is a concern that Pembroke Hotel may contain asbestos, which should be viewed as possible contamination. Having previously been a care home there should already be an asbestos risk register relating to the premises in line with the Control of Asbestos Regulations 2012.

5.10 In order to make an informed decision a copy of the register is required. If the register details that there is likely asbestos in the property then further investigation, and a remediation strategy if necessary, would also be required in order to protect future residents.

5.11 While asbestos may have been managed in the property when it was a care home, this is not always appropriate for residential, as occupiers can't be expected to keep track of asbestos locations or integrity.

5.12 **Heritage:**

This application follows pre-application advice provided to the applicants and incorporates welcome improvements to the internal layout, reverting many rooms to their original proportions and also the removal of disfiguring elements of non-original external alterations and reinstatement of appropriate architectural features. During pre-application discussions on site it was noted that there were significant areas of repair that require attention to ensure the proper preservation of this historic building.

5.13 Externally the two main areas of alteration not based on reinstatements are the re-configuration of the roof, and the addition of the glazed extension at first floor.

5.14 Roof

It is accepted that the current overall roof form is not original and does not present a positive element of the building. As it is not known what the original structure looked like, respectful alteration is accepted as an appropriate approach. In general it is considered that this has been achieved with the proposed roof form and individual dormers. The width of the proposed dormers is greater than the guidance provided in SPD 12, however the size and proportions sit reasonably within the roof form and it is considered that for this reason, and in consideration of the previous inappropriate arrangement that this element of the proposal is acceptable.

5.15 The design of the windows, (multi-paned top sashes) contrasts with the rest of the property and it is not clear what opening arrangement is proposed. Please seek amendments/clarification (it is suggested that single pane sliding sashes would be appropriate).

5.16 First floor extension

The proposed light-weight extension above the existing non-original ground floor addition in a contemporary style follows the advice previously provided and is considered successful. The exact position of the glass balustrade is not clear and it is considered that it should be well behind the existing parapet. Confirmation is sought that it is to be frameless, and details of the means of fixing to the historic structure should be provided (by condition).

5.17 Access to the terrace in front of the extension is proposed to be provided from the master bedroom. The design is a plain glazed door and will be in a clearly visible position towards the front of the building. It is considered that this will appear an incongruous feature within this historic part of the building, aligning with the extension rather than the original openings, and should be revised to match the height and reveals of the historic windows. It is suggested that it could have a mid rail at the same level as the adjacent sliding sash meeting rail, and access provided through the bottom sash.

5.18 Ground floor extension

The additional open area behind the existing extension is considered acceptable, however the success of this visually will largely depend on matching brick details and a condition requiring samples of the brick colour and texture and profiles of specials to be submitted for approval is required.

5.19 Landscaping

Any works to boundary walls and railings should be part of this application and further details should be submitted if this is proposed. Mention is made of the replacement of existing entrance tiles with chequerboard 'Victorian' tiles, however no details are provided and full justification for the removal of the existing tiles would be required.

5.20 Details of the position and appearance of the electric charging point are required for consideration.

5.21 Further comments

The amended plans are considered acceptable.

5.22 **Sustainable Transport:**

Recommended approval as the Highway Authority has no objections to this application subject to the inclusion of the necessary conditions.

5.23 Trip Generation/Highway Impact

The change of use from a nursing home to 1 house is unlikely to generate additional trips to the site therefore the Highway Authority has no objection (and does not request developer contributions in this instance).

5.24 Car Parking.

The applicant proposes 1 car parking space with associated crossover as existing and is acceptable and complies with the City Council's Parking Standards SPG04.

5.25 Cycle Parking

The applicant appears not to have included cycle parking within the submitted drawings. There appears to be adequate space therefore the Highway Authority requests this detail and the condition below is recommended to be attached.

In order to be in line with Policy TR14 of the Brighton & Hove Local Plan 2005 cycle parking must be secure, convenient, well lit, well signed and wherever practical, sheltered. The Highway Authority's preference is for a secure covered store or Sheffield type stands spaced in line with the guidance contained within the Manual for Streets section 8.2.22.

6 MATERIAL CONSIDERATIONS

6.1 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."

6.2 The development plan is:

- Brighton & Hove City Plan Part One (adopted March 2016);
- Brighton & Hove Local Plan 2005 (retained policies March 2016);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
- East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only – site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.

6.3 The National Planning Policy Framework (NPPF) is a material consideration.

- 6.4 Due weight should be given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.
- 6.5 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

7 RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

- SS1 Presumption in Favour of Sustainable Development
- CP1 Housing delivery
- CP9 Sustainable transport
- CP12 Urban design
- CP14 Housing density
- CP15 Heritage

Brighton & Hove Local Plan (retained policies March 2016):

- TR7 Safe Development
- TR14 Cycle access and parking
- SU10 Noise Nuisance
- QD5 Design - street frontages
- QD14 Extensions and alterations
- QD15 Landscape design
- QD27 Protection of amenity
- HO5 Provision of private amenity space in residential development
- HO11 Residential care and nursing homes
- HE1 Listed buildings
- HE6 Development within or affecting the setting of conservation areas

Supplementary Planning Guidance:

- SPGBH4 Parking Standards

Supplementary Planning Documents:

- SPD09 Architectural Features
- SPD12 Design Guide for Extensions and Alterations

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of the application relate to the loss of the care home, the impact of the proposed external alterations on the appearance of the listed building and surrounding conservation area, the standard of accommodation to be provided, and the effects on residential amenity, sustainability and traffic impact.
- 8.2 **Planning Policy:**
Policy HO11 of the Brighton & Hove Local Plan states that planning permission will not be granted for proposals involving the loss of residential care and / or nursing homes which comply with, or are realistically capable of reaching the respective standards set out for residential care or nursing homes. In instances

where the loss is considered acceptable, the priority will be to secure additional housing units or supported housing, for people with special needs.

- 8.3 According to the applicant the care home closed in January 2015. In support of the application the applicant has submitted a Planning Statement that details that building is not suitable for the continued use as a care home, that the care home was not financially viable due to required renovation works, and that the listed building status would not make it possible to bring it up to modern standards. Thus the home would need complete re-decoration and refurbishment to provide any form of residential care.
- 8.4 The submitted evidence suggests that the building has significant restrictions and presents risks and limitations for residents. There are no reasons to dispute the submitted information and it is apparent that the care home was making a loss and would require significant investment in the short term to secure its longer term future.
- 8.5 It is considered that the submitted information sufficiently demonstrates that the existing home is not viable and the works required to meet current standards are not practicable having regard to the financial and internal constraints of the building. The home is not therefore realistically capable of reaching the required standards for residential care homes.
- 8.6 Policy HO11 states a preference for housing or supported housing for people with special needs. However in this case, many of the above adaptations would still be required which would not make the premises viable. On this basis it is considered acceptable in this instance to permit a change of use to a residential dwelling instead.
- 8.7 For these reasons, it is considered that the site does not form a viable care home facility therefore the principle of its release for residential use is accepted.
- 8.8 **Standard of accommodation:**
It is considered that the size, aspect and outlook to the house would be sufficient to provide for a good standard of residential accommodation. The existing rear garden would be acceptable in use as a private amenity space.
- 8.9 All new development is required to make provision for adequate refuse and recycling storage facilities. In this instance refuse and recycling is collected from communal on street bins.
- 8.10 It has been identified that the site is in proximity to high road traffic noise from the A259. However due to the distance from the site in this instance, it is considered that future occupiers would not be impacted upon by this to any significant degree.
- 8.11 **Design:**
The NPPF at para 132 states that when considering the impact of development, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be (for example substantial harm to or

loss of a Grade II Listed Building should be exceptional and substantial harm or loss of assets of the highest significance such as Grade I Listed Buildings, scheduled monuments and world heritage sites should be wholly exceptional). Where the identified harm is limited or less than substantial, the local planning authority must nevertheless give considerable importance and weight to the preservation of the listed building and its setting.

- 8.12 The existing roof form is not original and does not present a positive element of the building. The Heritage Team have highlighted that it is not known what the original structure looked like. The replacement of the existing roof alteration with individual dormers is therefore considered acceptable in principle.
- 8.13 The proposed dormers are not in strict accordance with guidance provided in SPD 12. The overall size and width of the dormers do not relate to the windows directly below. However, the dormers are considered an improvement on the inappropriate roof form as existing and amendments received during the course of the application have further refined the dormers and reduced in size, which are considered appropriate additions.
- 8.14 The proposed front dormer has been altered in width during the application process, and all proposed dormer windows have been altered in terms of their detail. However the overall size and width of the dormers does not relate to the windows directly below.
- 8.15 It is clear however there is a public benefit to the overall scheme, in that it would bring the building back into use, and would involve substantial improvements to the internal assets of the listed building. It is therefore not agreed that the harm identified is substantial and the public benefits and the upkeep of the building in the future are considered to outweigh the harm.
- 8.16 In accordance with the NPPF, the finding of less than substantial harm is judged against the positive public benefits of the proposal and these are outlined in this report. Whilst considerable weight is given to the finding of harm, this is considered to be outweighed by the advantages of the scheme.
- 8.17 The proposed first floor conservatory extension above the existing non-original ground floor addition would have a contemporary style that is considered acceptable in design terms by the Heritage Team. The exact position of the glass balustrade is not clear and it is considered that it should be well behind the existing parapet. Further details of the balustrading and details of the means of fixing would be required by condition.
- 8.18 The proposed front terrace at first floor level would be accessed by a new door via the master bedroom. The design of the door has now been amended during the course of the application and is considered acceptable.
- 8.19 At ground floor level, the proposed additional open area behind the existing extension would replace the existing decking area and is considered acceptable, subject to matching brick details and confirmation of the brick colour and texture and profiles which can be conditioned.

Overall the proposal is considered to not be detrimental to the appearance of the building or the wider Conservation Area in accordance with policies QD14, HE1 and HE6.

8.20 Impact on Amenity:

Policy QD27 protection of amenity confirms that permission will not be granted where development would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.

8.21 This is a predominantly residential area; it is therefore considered that the proposed conversion of the building in principle would not result in significant harm to the detriment of neighbouring amenity.

8.22 A main consideration is with regard the impact of the residential unit on the amenities of all immediately adjoining properties, by way of loss of light, overlooking and loss of privacy. The proposed first floor extension would be in close proximity in particular to the residents of the flats of no. 9 Kings Gardens.

8.23 It is considered that the proposed structure would be of a height and of sufficient distance away that it would not result in significant loss of light to this neighbouring property, or to any other neighbouring properties in the vicinity.

8.24 The proposed extension would result in an extensive amount of glazing that would provide direct views towards the shared rear garden and rear windows of no. 9 Kings Gardens, as well as more longer distance and more oblique views towards other properties to the south. However it is considered that this issue could be overcome by way of a condition for obscure glazing to two sections of the proposed south elevation. It is considered that the remaining glazing would not provide significant overlooking due to the distance and oblique nature of the views.

8.25 The proposed upper ground floor terrace area towards the rear would have no more significant views than from the existing terrace which it is to replace. It is considered that the roof alterations would result in new windows overlooking neighbours however due to their distance would not result in significant harm in terms of privacy or indeed to light levels.

8.26 Sustainable Transport:

Policy TR1 of the Brighton & Hove Local Plan requires new development to address the demand for travel they create and should be designed to promote the use of sustainable modes of transport in and off site, so that public transport, walking and cycling are as attractive as use of a private car.

8.27 The proposed change of use from a care home to residential house is unlikely to generate additional trips. The proposed level of car parking is as existing and within the maximum parking standards SPG04.

No proposed cycle storage is shown on the drawings. It appears that there is adequate space on site for cycle storage. However locations to the front, due to their prominence, could be detrimental to the Conservation Area. Details of proposed cycle parking would be required through condition.

8.28 Other Considerations:

The site has been identified as potentially containing asbestos. Further investigation, and a remediation strategy if necessary, would be required in order to protect future residents. This can be addressed as an informative.

9 CONCLUSION

- 9.1 The proposed works would cause less than substantial harm to the listed building. The repair and re-use of the listed building is a material consideration.
- 9.2 The proposed development would not result in the loss of a viable care home and would provide a residential unit with a good standard of accommodation. The external alterations would not harm the appearance of the listed building or the surrounding Conservation Area, would not harm the amenities of neighbouring properties or create a harmful demand for travel. The proposal is considered to be in accordance with development plan policies.

10 EQUALITIES

- 10.1 None identified

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

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

Plan Type	Reference	Version	Date Received
Location plan	1559-P-101	P1	14/04/2016
Second floor	1559-P-105	P1	14/04/2016
Proposed joinery	1559-P-109	P2	29/06/2016
Existing internal details	1559-P-110	P1	14/04/2016
Proposed first floor extension	1559-P-115	P2	29/06/2016
Proposed joinery	1559-P-116	P2	29/06/2016
Basement level	1559-P-102	P2	20/06/2016
Ground floor	1559-P-103	P2	20/06/2016
Third floor	1559-P-106	P2	20/06/2016
Roof plan	1559-P-107	P2	20/06/2016
Section A-A	1559-P-108	P2	20/06/2016
First floor	1559-P-104	P2	20/06/2016

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East elevation	1559-P-111	P2	20/06/2016
South elevation	1559-P-112	P2	20/06/2016
West elevation	1559-P-113	P2	20/06/2016
North elevation	1559-P-114	P2	20/06/2016
Daylight analysis	1559-P-117	P3	20/06/2016

- 3) Prior to first occupation of the development hereby permitted, details of secure cycle parking facilities for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.
Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.
- 4) No external works shall take place until full details of frameless glass balustrades, including details for the means of fixing to the historic structure, have been submitted to and approved by the Local Planning Authority in writing. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.
Reason: As insufficient information has been submitted, and it is fundamental to ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.
- 5) No external works shall take place until full details of first floor extension, including 1:1 scale joinery details and framing colour and roof detailing materials and colours, have been submitted to and approved by the Local Planning Authority in writing. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.
Reason: As insufficient information has been submitted, and it is fundamental to ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.
- 6) No fenestration works shall take place until full details of all new windows and doors, including 1:1 scale joinery details, have been submitted to and approved by the Local Planning Authority in writing. Details should include the depth of reveals and profiles of cills, and comparison for joinery dimensions with originals in the building to ensure exact matches. . Bespoke detailing for the new door leading to the terrace from the master bedroom, and the jib door between music room and dining room are required. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.
Reason: As insufficient information has been submitted, and it is fundamental to ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.
- 7) No external works shall take place until samples the proposed brick colour and texture, and profiles of specials and mortar mix and colour and joint profile

have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in strict accordance with the approved details.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan and CP15 of the City Plan Part One.

- 8) The removal of the fire escape shall include the full removal of embedded metalwork from the masonry and the sensitive reinstatement of brickwork and pointing in matching materials, colours and profiles.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan and CP15 of the City Plan Part One.

- 9) The central and western window panes in the flank (south) elevation of the first floor extension hereby permitted shall be obscure glazed and non-opening, unless the parts of the window/s which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, 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.

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. This decision to grant Planning Permission has been taken:
 - (i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, 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 proposed works would cause less than substantial harm to the listed building. The repair and re-use of the listed building is a material consideration.

The proposed development would not result in the loss of a viable care home and would provide a residential unit with a good standard of accommodation. The external alterations would not harm the appearance of the listed building or the surrounding Conservation Area, would not harm the amenities of neighbouring properties or create a harmful demand for travel. The proposal is considered to be in accordance with development plan policies.

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3. The property may contain asbestos, the applicant is advised that the existence of asbestos and its remediation is the applicant's responsibility and falls under separate legislation to planning.

