

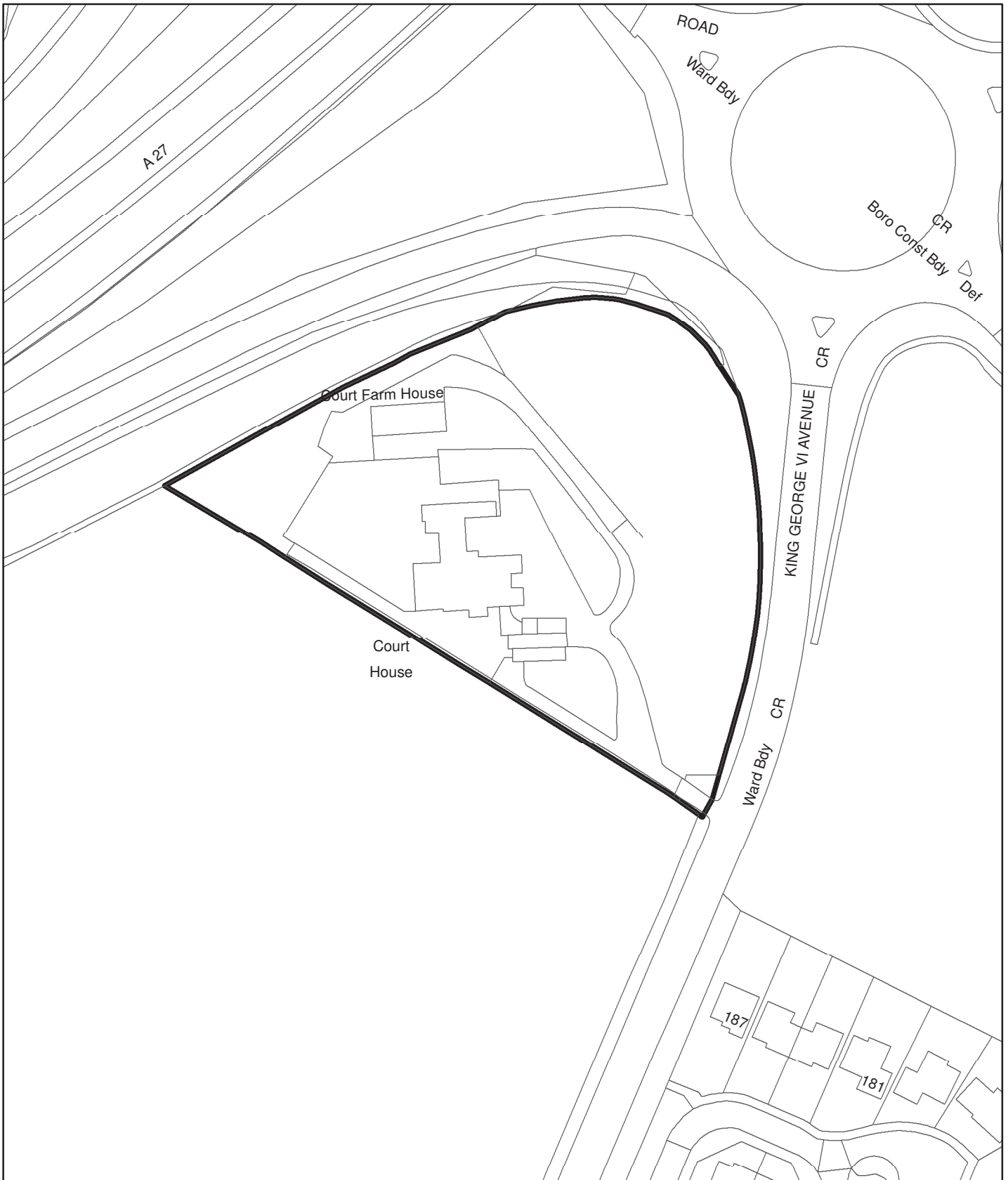
**PLANS LIST  
ITEM B**

**Court Farm House, Court Farm, Devils' Dyke  
Road, Hove**

**BH2012/03446  
Full planning consent**

**13 MARCH 2013**

**BH2012/03446 Court Farm House, Court Farm, Devils' Dyke Road, Hove.**



**Brighton & Hove  
City Council**



**Scale: 1:1,250**

<b><u>No:</u></b>	<b>BH2012/03446</b>	<b><u>Ward:</u></b>	<b>HANGLETON &amp; KNOLL</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Court Farm House, Court Farm, Devils Dyke Road, Hove</b>		
<b><u>Proposal:</u></b>	<b>Demolition of existing buildings and construction of 5no two storey detached dwelling houses and a 58 bed space, part two and part three storey nursing home with associated landscaping and access works and provision of 28 new car parking spaces and 15 cycle spaces.</b>		
<b><u>Officer:</u></b>	<b>Steven Lewis , Tel:290 480</b>	<b><u>Valid Date:</u></b>	<b>13/11/2012</b>
<b><u>Con Area:</u></b>	<b>N/A</b>	<b><u>Expiry Date:</u></b>	<b>12/02/2013</b>
<b><u>Listed Building Grade:</u></b>	<b>N/A</b>		
<b><u>Agent:</u></b>	<b>ABIR Architects Ltd, Unit 1 Beta House, St John's Road, Hove</b>		
<b><u>Applicant:</u></b>	<b>Thornton Properties Ltd, C/O ABIR Architects Ltd</b>		

## **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 **REFUSE** planning permission for the reasons set out in section 11.

## **2 SITE LOCATION & DESCRIPTION**

- 2.1 The application relates to a former farm house, associated outbuildings and curtilage, located on the edge of the city near the 'Devils Dyke roundabout' in Hove. The site lies between King George VI Avenue and the westbound A27 and is presently accessed by vehicles from King George VI Avenue.
- 2.2 The site is located within the urban fringe and outside the Built-up Area boundary of the city defined in the Brighton & Hove Local Plan. To the north of the site is the A27 dual carriageway with open downland beyond forming part of the South Downs National Park.
- 2.3 The site presently comprises a number of uses including housing, storage and some potentially unauthorised business activities, including, at the time of a site visit in December, a solar panel installation office and storage facility.
- 2.4 The house is a 1950's sprawling bungalow that has been substantially extended, including a very large rear extension housing a former swimming pool. From the site visit it is understood that the house presently provides accommodation for a number of families, although there is no fixed number of residents.
- 2.5 There are temporary office buildings located adjacent to and to the north of the farm house and a modern agricultural style building and shipping containers adjacent.

- 2.6 The slope of the site follows a gradient up from south to north, rising approximately 4.5m from the southernmost point to the northern tip of the site. The land is screened from the adjacent A27 by a belt of trees running down the north west or 'rear' boundary, with a fence and more open aspect from the east and south. There are some formal surfaces including a concrete track and hardstanding.
- 2.7 The land was formerly within the Sussex Downs Area of Outstanding Natural Beauty (AONB) which is reflected in the policies of the Local Plan. However, the land was not included within the South Downs National Park (SDNP). Following the National Park designation, the AONB became defunct. The designation for the site within the Local Plan should be considered as 'Countryside' and outside the Built-up Area boundary. The site forms part of the Toad's Hole Valley Strategic Designation within the emerging City Plan (Part One).

### 3 RELEVANT HISTORY

**BH2004/01017/FP:** Demolition of existing stables and construction of new building for storage and vehicle garaging. Approved 14/05/2004.

**3/90/0019:** Change of use from agricultural storage to general storage – Refused 28/02/1990. Appeal Dismissed 13/11/1990.

**84/0357:** Change of use of single dwelling house into Rest Home. Refused 20/07/1984.

**83/0245:** Change of use of single dwelling house to holiday home for mentally retarded adults Class 111 Registration 1947 NHS. Approved 19/05/1983.

**3/81/0241:** Outline application for the erection of a 10,000 sq m hypermarket and associate parking for 1,200 cars. Refused 12/06/1981.

**M/10068/63:** Garage for Agricultural vehicle. Approved 11/10/1963

**M/6484/59:** Extension to ground floor at rear & alterations to provide bathroom WC and bedroom. Approved 06/07/1957.

**M/1736/51:** Outline for a farm bungalow. Approved 12/07/1951.

### 4 THE APPLICATION

- 4.1 Planning permission is sought for the demolition of existing buildings and construction of 5 no. two storey detached dwelling houses and a 58 bed space, part two and part three storey nursing home with associated landscaping and access works and provision of 28 new car parking spaces and 15 cycle spaces.
- 4.2 The nursing home has been designed and laid out to follow the principles of the Housing our Aging Population Panel for Innovation (HAPPI) and would allow use for a number of specialist homes providers to operate the building, being capable of Residential Care (accommodation, meals etc), Specialist Care (dementia, specific needs care) and Nursing (24hr care, meals etc).
- 4.3 The nursing home would be expressed with a series of low linked buildings running across the site (from east to west) and with two projecting wings (north to south). The nursing home buildings would rest within the topography of the site and be landscaped to provide communal and private garden spaces at

ground level and balconies and box bay windows at upper levels. The nursing home has been designed to be capable of meeting BREEAM Outstanding for bespoke buildings.

- 4.4 The five 2 storey dwellings would be sited along the south western boundary of the site and designed to meet Level 5 Code for Sustainable Homes and Lifetime Homes Standards
- 4.5 The existing trees would be retained to provide visual and noise screening from the A27 and the site would be landscaped with informal boundaries, comprising contrasting hard surfaces and planting.

## 5 PUBLICITY & CONSULTATIONS

### External

- 5.1 **Neighbours: Four (4)** letters of representation have been received from **25 Hillside Way (x2), 183 Woodland Avenue** and the **National Trust**, objecting to the application for the following reasons:
  - The proposal would be visible, intrusive and harmful from views within the National Park, from footpaths, roads, rights of way, other public places and harm strategic views.
  - The application is not accompanied by a visual or landscape assessment .
  - The site falls outside of the built area boundary and is contrary to the policies of the adopted Local Plan.
  - The emerging policy framework is at an early stage and should only be afforded limited weight.
  - The proposed access would be unsafe.
  - The nursing home building being 3 storeys and faced with cladding materials would be out of character for the area.
  - The proposal is an overdevelopment, covering too much of the site.
  - The increased traffic generated would cause more noise and disturbance.
  - The development would harm the habitat of protected species, including slow works and reptiles.
  - The new homes are not affordable.
  - The new housing would not be accessible by public transport which is limited and infrequent, specifically in the evenings, placing a dependency upon private travel.
  - There are many large dwellings within the city capable of being converted into nursing homes. Is another private premises needed?
- 5.2 **South Downs Society:** When responding to the consultation on B&HCC's Housing Delivery Options Paper in 2011, the South Downs Society objected to any proposals that provided development on the Urban Fringe in favour of new development being on more 'sustainable' sites to ensure that brownfield sites and those of low landscape values are developed first. This in principle objection was also submitted when the Society objected to the City Plan Part 1 draft.

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- 5.3 With regards to the application, the Society do see merit in demolishing the existing buildings on the Court Farm site. It is recognised that the proposed development is more sympathetic in terms of building design and materials given the location. The current application claims that it would be 'unlikely' or not 'readily' visible from the National Park. The Society do not believe that this should be accepted without further demonstration including visual images from strategic view points.
- 5.4 The Society has previously indicated that both the design and density of any development of the Toad's Hole Valley site would be crucial if it is to avoid damaging the views in and out of the National Park.
- 5.5 Notwithstanding the current use of the Court Farm, the Society strongly believe that any development must be considered in the wider context of the Toad's Hole Valley area as a whole and not in isolation.
- 5.6 The Society understands that the Local Planning Authority is presently considering comments received in consultation in late spring 2012 to the City Plan Part 1 draft and, given this, permission for development should not be granted at this time.
- 5.7 **Highways Agency:** Having undertaken a review of the trip generation methodology to ensure that the approach outlined in the applicant's Transport Statement is suitable robust, the Highways Agency are satisfied with the use of TRICS and the associated site selection criteria for both the residential units and the nursing home.
- 5.8 *Trip Distribution:* An analysis of the likely development trip distribution has not been undertaken within the Transport Statement. Given the close proximity of the site to the A27, a robust distribution profile is usually required to determine the likely impact on the Strategic Road Network. However, given the low number of trips associated with the site, the Highways Agency is satisfied that the proposal is unlikely to have a significant impact upon the A27.
- 5.9 *Access:* The development would utilise the existing access which is under the jurisdiction of the Local Highway Authority. The access would be upgraded to accommodate two-way traffic as part of the application. Given the close proximity to the A27, the Highways Agency would wish to be informed of when the access would be upgraded should permission be granted.
- 5.10 *Travel Plan:* An interim Travel Plan has been included within the Transport Statement. The interim plan would be used as a basis for the production of a final travel plan for the development once the occupiers/operators are known.
- 5.11 Having reviewed the interim Travel Plan the Highway Agency are content with its contents, although it is recommended that the final plan should include more detail on measures to encourage and facilitate walking and cycling rather than focusing upon promotion of such modes.

- 5.12 **Environment Agency:** Having screened the planning application with regard to the low risk of the development type and location of the proposal, the Environment Agency confirms that there are no comments to make in this case.
- 5.13 **Sussex Police:** The level of crime and anti social behaviour in the area of the site is average when compared with the rest of Sussex and there are no major concerns with the proposals. However, it would have be expected that the Design and Access statement should contain some reference to crime prevention measures to be included within the design and layout of the scheme.
- 5.14 It is noted that the residential element of the development would achieve Level 5 of the Code for Sustainable Homes and a BREEAM target of Outstanding for the nursing home. Credits in both these areas can be gained by compliance with Secured by Design.
- 5.15 **East Sussex Fire & Rescue Service:** The Fire Authority has no comments to make at this stage but will examine plans at Building Regulations Approval stage.

**Internal:**

- 5.16 **Planning Policy: Object.** The site is located outside of the designated Built-up Area boundary in the Local Plan. The proposal is contrary to policies NC5 and NC6 in the adopted Local Plan. The status of the land will change significantly as a result of proposals in the City Plan Part 1 to allocate the site as part of a wider strategic allocation for Toad's Hole Valley. The allocation is for a mix of housing, a school and employment floorspace including new road access into the site. The allocation is critical to meeting housing targets, the identified need for employment space and to provide infrastructure for the city. The school is essential to meet demand from new housing provision in the city. It is considered the proposal would undermine the delivery of this strategic allocation which requires a comprehensive approach to the whole site. It is concluded that the proposal would prejudice the implementation of an important strategic allocation in the new strategic City Plan for Brighton & Hove. When the City Plan is agreed at full council on 31 January for submission to the Secretary of State it would gather more weight. However, given the Local Plan remains the adopted plan for this city it is appropriate to also refuse the planning application on the grounds that it is contrary to policies NC5 and NC6 in the Local Plan.
- 5.17 Policy NC6 of the Local Plan restricts development outside of the built-up boundary of the city except in certain circumstances. It is not considered that the proposal meets any of the criteria of this policy. Policy NC5 restricts development in the urban fringe unless certain criteria are met, and again the proposal is not considered to fulfil any of the required criteria. However the developer is relying on the inclusion of the site as a strategic allocation in the emerging City Plan, and the pre-eminence of the NPPF should there be any conflict between the Local Plan and the NPPF (as the Local Plan was not adopted under the 2004 Act), to justify the development in this location.



- 5.18 The site is identified within the emerging City Plan's strategic allocation for Toad's Hole Valley (Policy DA7). Legal advice on the weight to be given to the draft City Plan is that as there is an allocation in a Plan which has been out to consultation, and is due to be submitted for examination next Spring, the relevant draft policies in the City Plan can be given some weight in the determination of the above application. The final content of the Plan to be submitted to the Secretary of State will be determined at Council on 31 January 2013, and it would then gather more weight. Legal advice is that strategic allocations in the City Plan are key to the delivery of the City Plan strategy and therefore if any application is contrary to a strategic allocation the policy in the City Plan would be afforded significant weight.
- 5.19 It is considered that the application proposal would prejudice the implementation of the strategic allocation for the site and is contrary to the policy. The scheme is for 5 homes on a 0.95ha site which is below the 50-75 dwellings per hectare density required by the policy to make best use of the site. It is acknowledged that the nursing home would provide accommodation for 58 residents, however this may not be the best use or layout of the site when considered comprehensively with the wider site. Furthermore the scheme does not provide any employment floorspace. There is no identified requirement for a nursing home in the proposed Policy DA7 though this may be acceptable as part of a comprehensive scheme for the wider area (strategic allocation).
- 5.20 Additionally, road safety is a key issue for any future development of Toad's Hole Valley. The proposal for piecemeal development of this site may also undermine the ability of the wider scheme to provide safe road access to the site.
- 5.21 It is recommended that the application be refused on the grounds that the proposal is contrary to Policies NC5 and NC6 of the Local Plan. Some weight can be given to Policy DA7 of the emerging City Plan. However, the proposal would prejudice the implementation of a comprehensive scheme for the Development Area and would not sufficiently contribute to the primary aim of the strategic allocation through the delivery of housing, employment space and safe road access.
- 5.22 **Case officer note:** It should be noted that following the comments of the Planning Policy Team, the City Plan, including the Toad's Hole Valley designation, was accepted by Full Council on 31<sup>st</sup> January 2013 for submission in Spring 2013 to the Secretary of State. Examination is expected in Autumn 2013.
- 5.23 **Sustainable Transport:** The Highway Authority has no objections to this application subject to the suggested amendments being made, the inclusion of the necessary conditions and the applicant entering into a S106 agreement for the necessary contributions.
- 5.24 **Vehicle Access:** The applicant is proposing to amend the existing vehicular access onto King George VI Avenue. The existing access currently only allows



single vehicular access at a time. The applicant is proposing the upgrade of the access to provide two way access and footway provision for pedestrians.

- 5.25 Given the following factors the Highway Authority would look for the applicant to also provide a right turn lane to provide a safe means of access to the site and also ensure that no congestion is caused that may back up onto the Strategic Road Network (SRN). The factors that suggest a right turn lane is required include:
- Volume of traffic on the major arm
  - Right turns from King George VI Avenue could be the dominant movement into the site, as the majority of traffic approaches the site from the SRN:
  - The site access is located on a slight incline and bend:
  - There has been a collision at this location.
- 5.26 Therefore in order to provide a safe access the Highway Authority would look for the vehicular access to be amended to provide a right turn lane. The applicant's consultants should investigate the potential to provide a right turn lane and provide an amended layout plan. Any amendments made to the public highway could form part of a S278 Agreement which should be secured via a S106 agreement.
- 5.27 *Pedestrian Access:* The applicant has suggested that improvements are made to provide footway provision on the northern side of King George VI Avenue and into the site. The applicant is also proposing a pedestrian refuge island on King George VI Avenue. Such measures would assist in providing pedestrian provision for movements to and from the site.
- 5.28 However, these measures should be extended to:
- a like for like treatment should also be provided on the southern side of King George VI Avenue.
  - Resurfacing of the existing rough track to the existing pedestrian network on King George VI Drive.
- 5.29 *Internal Access Road:* The design of the internal access road is acceptable in principle. The proposed shared surface approach is acceptable given that there is footway provision into the site and necessary treatments such as rumble strips on the entry to the site to distinguish this area as being different to a traditional carriageway arrangement.
- 5.30 It is not apparent from the submission how refuse would be collected from the site. The applicant should demonstrate through a swept path analysis that an appropriately sized refuse collection vehicle can access the site and turn around within the site at the turning head. Further guidance can be found in PAN 05 Design Guidance for the Storage and Collection of Recyclable Materials and Waste.
- 5.31 *Trip Generation:* The submitted Transport Statement details that the proposed change in use is forecast to increase trip generation associated with the site. The Transport Statement does not take account of any existing trip generated

by existing uses on the site and is stated by the applicant's consultants to be a robust assessment of the worst case scenario, as a result of this.

- 5.32 The Transport Statement forecasts that there would be an increase in total daily person trips of approximately 190. This level of trip generation is not considered to cause a significant highway impact, even acknowledging the points raised in the above paragraph.
- 5.33 *Car Parking:* For the residential element of the development of 5 units the maximum car parking standard is 8 spaces. Therefore the proposed level of car parking is deemed to be in line with the maximum standards and acceptable for the houses.
- 5.34 The applicant is proposing 20 car parking spaces which are in line with the maximum car parking standards detailed within SPG04 and deemed acceptable.
- 5.35 Some of the proposed parking spaces detailed on site masterplan (Drawing Number 0214.PL.002) do not appear to have adequate room to the rear of the bays to allow egress from the space. The applicant should therefore amend the layout plan to provide 6m or demonstrate through a swept path analysis that a car can easily access and egress each parking space.
- 5.36 *Disabled Parking:* The applicant has not indicated that they intend to provide any disabled parking spaces. Given the nature of the land use the applicant should provide disabled car parking provision in order to ensure that the development accords with policy TR18 of the Brighton & Hove Local Plan. It would be useful if the applicant also provided a justification for the proposed level of disabled car parking. Any disabled bays should be designed in line with guidance provided in Department for Transport (DfT) produced Inclusive Mobility.
- 5.37 *Cycle Parking:* The applicant is intending to provide cycle storage in each of the enlarged garages. There is adequate room to provide policy compliant cycle parking in each of these.
- 5.38 It is not evident from the submission how many staff would be employed at the nursing home. The applicant is however providing 5 cycle parking spaces for this element of the development. This level of cycle parking is deemed acceptable.
- 5.39 Therefore the Highway Authority would look for this to be secured via condition.
- 5.40 *Travel Plan:* The Council's Travel Plan Officer has the various comments to make on the noted sections of the submitted Travel Plan, including encouragement of sustainable methods, modal shift, reduction of journeys and carbon emissions, commitment from the employers to adhere to the travel plan.
- 5.41 The Highway Authority would also recommend that a condition is included on any permission granted that a Travel Plan is produced.

- 5.42 *Developer Contribution*: To comply with the Brighton & Hove Local Plan 2005 policies TR1 and QD28 and the Council Interim Guidance on Developer Contributions approved by Cabinet on the 17th February 2011 the applicant is expected to make a financial contribution of £35,375.
- 5.43 This sum would go towards sustainable transport improvements in the vicinity of the site specifically pedestrian improvements and the provision of improvements to public transport provision, including the provision of Real Time Passenger Information, accessible bus stops and bus shelters. These would be focussed on the 81 bus service corridor. The 81 bus service provides the main means of access to the site by public transport and provides a key link between the development and several residential areas in Brighton & Hove, Hove and Brighton railway stations and the city centre.
- 5.44 **Ecology: Comment**. The application involves the loss of an area of broadleaved woodland, reptile habitat and habitat suitable for breeding birds. A credible methodology is included for mitigating the loss of the reptile habitat but further information is required regarding mitigation for the loss of the woodland and bird habitat. Similarly, further information is required to ensure adequate nature conservation enhancement is included.
- 5.45 **Environmental Health: Comment**  
*Noise and contaminated land*  
There is insufficient information provided with which to judge that the noise levels and mitigation measures on site are acceptable for the proposed development. This is especially important with respect to the future occupants of the care home because noise and air pollution could have significant effects on the health of these people.
- 5.46 With respect to outside amenity space, as an upper limit to protect the majority of people from being seriously annoyed during the daytime, the outdoor sound level from steady, continuous noise (such as traffic noise) should not exceed 55dB(A) on balconies, terraces and outdoor living areas.
- 5.47 Further clarification of the methodology and data is required in order to make informed judgements.
- 5.48 With respect to the care home, locating such a facility at this location should be seriously considered. This is because the WHO considers the future occupants of such a home as a vulnerable group and noise may not only affect speech intelligibility (especially if they are enjoying the outside space and they suffer from hearing loss – quite possible if they are elderly) but noise could also have an adverse effect on their health.
- 5.49 Therefore in summary, at the present time, from the information provided, it is not possible to agree with the conclusions of the assessment and more information, as detailed more information is required.

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- 5.50 *Contaminated Land*: This site was once a farm, which may have stored various fuels and chemicals used for agriculture on site. Such uses could have resulted in localised land contamination and therefore, a Full Contaminated Land condition would also be recommended for this application.
- 5.51 *Air quality*: There are no foreseeable plans to declare the site or surroundings as an Air Quality Management Area because one or more of the air quality objectives fails. It is not anticipated that the site would exceed air quality objectives now or in the future. However measures are required to mitigate exposure of sustainable homes to emissions and noise from the slip road.
- 5.52 There should be at least thirty metres between the acceleration slip road and living quarters such as bedrooms and living rooms. The majority of existing mature trees are not within the bounds of the development plot and are therefore another party's responsibility. This green screen is essential in order to mitigate noise, particulate, dust and visual impacts of the acceleration lane on the prospective development. The developer should insure that the tree screen is maintained by a specialist. In addition existing trees on the development's side of the boundary should be kept where possible and complementary planting should be added adjacent to the existing thicket.
- 5.53 **Access Consultant**: No objection.
- 5.54 **Planning Projects**: Comment. To make sure the requirements of Policy QD6 are met at implementation stage, it is recommended that an 'artistic component' schedule be included in the section 106 agreement. The local planning authority's preferred approach is for applicants to engage as early as possible with the Arts & Cultural Projects team as experience suggests that this can be more cost-effective to applicants and achieve more efficient results.
- 5.55 *Level of contribution*: This is arrived at after the internal gross area of the development (in this instance approximately 4240 sq m) is multiplied by a baseline value per square metre of construction arrived at from past records of public art contributions for this type of development in this area. This includes average construction values taking into account relative infrastructure costs. It is suggested that the public art element for this application is to the value of £25,500.
- 5.56 **Arboriculture**: No objection subject to suitable conditions being attached to any planning consent granted.
- 5.57 The site is a high, hill-top, wind-swept location, accordingly it is a difficult environment for tree growth. While there are trees on site, there is little of any arboricultural value as individual specimens. Around the perimeter of the site, especially to the northern side, is a belt of trees that act as a fine barrier between the proposed development site and the slip road to the A27. We would expect this perimeter planting to be retained and protected during the course of the development. All trees that are to remain on site should be protected during the course of the development. A landscaping condition

should also be attached to any planning consent granted to ensure replacement planting.

- 5.58 Overall, the Arboricultural team have no objection to the proposals in this application subject to suitable conditions being attached to any planning consent granted to secure tree protection and landscaping.

## **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:
- The Regional Spatial Strategy, The South East Plan (6 May 2009);
  - East Sussex and Brighton & Hove Minerals Local Plan (November 1999);
  - East Sussex and Brighton & Hove Waste Local Plan (February 2006);
  - Brighton & Hove Local Plan 2005 (saved policies post 2004).
- 6.3 The National Planning Policy Framework (NPPF) was published on 27 March 2012 and is a material consideration.
- 6.4 Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF. At the heart of the NPPF is a presumption in favour of sustainable development.
- 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 Local Plan:

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR4	Travel Plans
TR5	Sustainable transport corridors
TR7	Safe development
TR8	Pedestrian routes
TR13	Pedestrian network
TR14	Cycle access and parking
TR18	Parking for people with disability
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU9	Pollution and nuisance
SU10	Noise Nuisance
SU11	Pollution and nuisance control

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SU12	Hazardous substance
SU13	Minimisation and re-use of construction industry waste
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD6	Public Art
QD7	Crime prevention through environmental design
QD15	Landscape design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features
QD18	Species protection
QD27	Protection of Amenity
QD28	Planning obligations
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO11	Residential care and nursing homes
HO13	Accessible housing and lifetime homes
NC5	Urban fringe
NC6	Development in the countryside/ downland
NC7	Sussex Downs Area of Outstanding Natural Beauty

### Brighton & Hove Proposed Submission City Plan – Part One

DA7 Toad's Hole Valley

### Supplementary Planning Guidance:

SPGBH4 Parking Standards

SPGBH9 A guide for Residential Developers on the provision of recreational space

### Supplementary Planning Documents:

SPD03 Construction & Demolition Waste

SPD06 Trees & Development Sites

SPD08 Sustainable Building Design

SPD11 Nature Conservation & Development

### Draft City Plan – Part 1

DA7 Toads Hole Valley

## **8 CONSIDERATIONS & ASSESSMENT**

8.1 The main considerations in the determination of this application relate to:-

- Principle of development
- Design and its impact upon the character and appearance of the area
- Amenity, including noise and air quality
- Transport
- Sustainability
- Ecology and trees



**Background and Planning Policy:**

- 8.2 It is important to clearly consider the status of the site within the emerging City Plan and adopted Local Plan.

Local Plan

- 8.3 The site is located outside of the designated Built-up Area boundary in the adopted Local Plan. The site was formerly within the Sussex Downs Area of Outstanding Natural Beauty (AONB) which is reflected in the policies of the Local Plan. However, since the designation of the South Down National Park the AONB is now defunct. The designation within the Local Plan is 'Countryside' and outside the Built-up Area boundary. The supporting text to policy NC6 confirms this status.
- 8.4 Policy NC6 of the Local Plan restricts development outside of the built-up boundary of the city except in certain circumstances. Exceptions include other site allocations within the adopted Local Plan, agricultural need, leisure and the re-use of existing buildings worthy of retention. It is not considered that the proposal meets any of the criteria of this policy. Policy NC5, including compliance with policy NC6, restricts development in the urban fringe unless certain criteria are met, and again the proposal is not considered to fulfil any of the required criteria.
- 8.5 The proposal is totally unacceptable when considered against the present adopted policy framework and is contrary to the policies of the Local Plan.
- 8.6 However the applicant is relying on the inclusion of the site as a strategic allocation in the emerging City Plan, the requirement of the Council to demonstrate a 5 year housing land supply against its housing requirements and the pre-eminence of the NPPF should there be any conflict between the Local Plan and the NPPF (as the Local Plan was not adopted under the 2004 Act), to justify the development in this location.

Emerging City Plan

- 8.7 The site is identified within the emerging City Plan's strategic allocation for Toad's Hole Valley (Policy DA7). Legal advice on the weight to be given to the draft City Plan is that as there is an allocation in a Plan which has been out to consultation, and is due to be submitted for examination in Spring 2013, the relevant draft policies in the City Plan can therefore be given some weight in the determination of the application.
- 8.8 The status of the land changed significantly as a result of the South Downs National Park and the designation of the AONB. Consequently, proposals in the City Plan Part 1 to allocate the site as part of a wider strategic allocation for Toad's Hole Valley. The strategic allocation is for a mix of housing, a school and employment floor space, including a new road access into the site. The strategic allocation is critical to meeting the City's housing targets, the identified need for new employment space and to provide vital infrastructure for the city. As well as residential and employment, a new school is sought and would be essential to meet demand from new housing provision in the city.



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- 8.9 The strategic allocations are key to the overall delivery of the City Plan. It is considered that if an application is contrary to a strategic allocation policy in the City Plan and would significantly undetermined delivery of the allocation, the draft policy should be afforded significant weight.
- 8.10 The City Plan has been subject to public consultation and approved by the Council for submission to the Secretary of State, further justifying the weight to be attached.
- 8.11 The detailed comments of the Planning Policy Team are wholly supported. It is considered the proposal would undermine the delivery of the Toad's Hole strategic allocation and it is considered that a comprehensive approach to the whole site should be sought. As such it is considered that the proposal could prejudice the implementation of an important strategic allocation in the City Plan for Brighton & Hove.
- 8.12 The development proposal could severely prejudice the implementation of the strategic allocation for the site and is contrary to the policy. The scheme is for 5 homes on a 0.95ha site which is below the 50-75 dwellings per hectare density required by the policy to make best use of the site. It is acknowledged that the nursing home would provide accommodation for 58 residents. However, this may not necessarily be the best use or layout of the site when considered comprehensively with the allocation. Furthermore the scheme does not provide any employment floorspace. There is no identified requirement for a nursing home in the proposed Policy DA7 though this may be acceptable as part of a comprehensive scheme for the wide strategic allocation.
- 8.13 Additionally, road safety is a key issue for any future development of Toad's Hole Valley. The proposal for piecemeal development of this site may potentially also undermine the ability of the wider scheme to provide safe road access to the site, although recognised it is possible to gain safe access at this time with alterations to the present road layout.
- 8.14 The City Plan was agreed at Full Council on 31 January 2013 for submission to the Secretary of State. The Council's Resolution has increased the weight to be given to the draft policy. However, given the Local Plan remains the adopted plan for this city it is appropriate to also refuse the planning application on the grounds it contrary to policies NC5 and NC6 in the Local Plan

### Uses

- 8.15 The proposed uses within the context of the adopted Local Plan are wholly unacceptable, and as previously covered, do not meet the criteria of policies NC5 and NC6.
- 8.16 If the Toad's Hole Valley strategic designation were adopted and there were a clear and comprehensive approach to the whole site which demonstrated acceptability for residential use of this portion of the site, there would be no objection in principle. However for the reasons outlined in this report, it is considered that the density or timing of the housing is not suitable.

- 8.17 The applicant has submitted a recently commissioned report outlining the need for nursing care/space within the city and wider area. The findings of the report are not necessarily disputed, but the emerging policy framework and the strategic designation prioritise other land uses.
- 8.18 Due to the untimely point at which the application has been lodged and timeframe for consideration, it has not possible to conclusively determine whether the proposed nursing use or layout of the site, when considered comprehensively with the wider site would be prejudicial to the delivery of the wider strategic aims of the policy.
- 8.19 The proposed designation of Toad's Hole Valley provides for housing, employment floor space, school and accompanying infrastructure. The proposed nursing home use does not specifically meet the policy objectives of emerging policy DA7, although there is some recognition that such a use would not necessarily be ruled out within a more comprehensive delivery of the site.

Policy conflicts

- 8.20 Overall, the proposal is considered contrary to Local Plan and City Plan policies and refusal is recommended on that basis.
- 8.21 There are conflicts between the adopted Local Plan and emerging City Plan policies for this site. The proposal remains firmly contrary to the adopted Local Plan whilst the scheme fails to achieve the comprehensive strategic development sought by the emerging City Plan to consider development of the site acceptable at this time. The need to plan and deliver sustainable development is recognised and it is in this context that consideration to the proposal with the emerging policy has been considered.
- 8.22 Notwithstanding this, due to the proposed uses, density, timing, access and relationship to the remainder of the Toad's Hole Valley site, the application fails to demonstrate that it would not prejudice a vital emerging strategic land designation for the comprehensive delivery of housing, employment and infrastructure vital to the sustainable growth of the city.

**Design:**

- 8.23 Design of the Scheme:  
The nursing home would be expressed with a series of low linked buildings running across the site (from east to west) and with two projecting wings (north to south). The five two storey dwellings would be orientated along the south west boundary, lying below the central 'informal landscaped access track/road' that would integrate both the residential and nursing homes. The aim of the design is to produce a cluster of buildings reminiscent of a farm layout.
- 8.24 The proposed buildings offer reference to the urban fringe/semi rural location, the former agricultural uses of the site and the local Sussex vernacular and detailing but with modern interpretation.
- 8.25 The nursing home would provide a 58 bedroom home, with a floor space of approximately 2,800 sq m over 2 and 3 storeys. The home would be set over a

series of low rise, low linked buildings running both across the site from east to west and through fingers penetrating from the north and south around two primary 'barn' style buildings. The 'barns' would house the reception, staff, nursing, office and main social spaces of the homes; and the bedroom accommodation located within the 'fingers'.

- 8.26 The nursing home clusters are linked visually to the houses and building forms to the south, with the concept of a clustered farmstead and siting to allow visual filtration from the north and south axis.
- 8.27 The proposed dwellings are two storeys with pitched and flat roofs clustering around a south facing courtyard. The roof heights of the dwellings compare favourably to the existing dwelling, varying between 0.3m below and up to 0.95 higher than present.
- 8.28 The building materials have been chosen to accord with the agricultural theme of the development and vernacular of the South Downs. These include facing traditional style brickwork, sheet metal work, burnt horizontal timber cladding, power coated aluminium or timber framed windows to coordinate with the eaves, rainwater goods and coping. In addition, the flat roofs would be covered in a sedum blanket and the down pipes and gutters would be galvanised metal. Notwithstanding the general acceptability of such an approach, it is considered that if the permission were granted planning conditions to secure appropriate samples would be required.
- 8.29 Notwithstanding the earlier policy considerations, the proposed design of the buildings could be considered an acceptable building form and proposal subject to appropriate conditions controlling detailing, materials, landscaping and levels.
- 8.30 There are no objections to the design approach by reason of its massing, form, siting and detailing. It is considered that subject appropriate planning condition controlling materials, levels, landscaping and detailing it is possible that the development would not unduly harm the character and appearance of the site and area.

Design in Context:

- 8.31 The approach to the design could be considered acceptable given the emerging policy context for development upon the site. The designation of the site for future development would bring a built form and harder appearance to the location. It should be recognised that the site will be viewed as developed and in the context of an adjacent developed Toad's Hole Valley and the wider city at some point in the future. Accordingly it should be accepted that the appearance from the South Downs National Park would be affected. As a result, consideration should be given with reference to the potential for development.
- 8.32 Notwithstanding the potential future uses upon the site, a lack of comprehensive approach that has the potential to undermine the delivery of the Toad's Hole Valley strategic allocation, it is considered that the approach to design and its impact upon setting of the South Downs National Park and strategic views would be acceptable in the context it is accepted as a development site.

8.33 The overall scale and massing with earthy natural tones of materials with spacing to allow visual relief would limit the potential for harm. Given the limited additional height, screening from the A27 and the present appearance of the former farmhouse and ancillary buildings, the development could have a moderate visual improvement.

**Landscaping:**

8.34 The scheme seeks to integrate the new buildings within the site by creating a landscape that reflects the adjacent South Downs and retains some of the current screen planting. Around the perimeter of the site, especially to the northern side, is a belt of trees that act as a fine barrier between the proposed development site and the slip road to the A27.

8.35 The new landscaping aims to make use of natural materials and surfacing with linear elements in the forms of hedges and flint edging referring to the palette of the South Downs.

8.36 The vehicular and pedestrian access through the site is an informal track of concrete and gravel. The access track is broken up by a water crossing which would be developed as part of a wider rainwater harvesting strategy.

8.37 The documents submitted with the application outline long chalk meadow grass, wild flowers, tree and shrub planting and hard surfacing to serve the new dwellings and Nursing Home.

8.38 Subject to further and specific detail including all 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; the overall Landscape approach and strategy for the site would be acceptable. In the event permission was granted, further details of landscaping and implementation could be secured by appropriate planning conditions.

**Impact on Amenity:**

8.39 Due to the nature of the proposed development, its density, siting, topography and spacing from nearby neighbours it is considered that the new housing and nursing home would be unlikely to have a seriously harmful impact upon the amenities of adjacent and nearby occupiers. For the reasons outlined above, there is considerable concern about the potential implications of the proposal for the wider Toads Hole Valley development. However, it is not considered that the development would seriously harm the amenities of future occupiers of the remainder of the Toad's Hole Valley Strategic Designation to the south.

8.40 With the exception of the land to the south, the site is boarded by the A27 to the north and west and King George VI Avenue to the East. Further to the north are open downland and the South Downs National Park. Accordingly there are no immediate neighbours to the north, west or south.

8.41 The internal arrangement within the proposed development would be acceptable. The density of the new dwellings is low and each new dwelling

would have sufficient spacing as to not suffer from a harmful amenity impact from the adjacent residential properties or nursing homes.

- 8.42 The layout of the proposed nursing homes, whilst much higher density than the residential element of the scheme. It has been designed to take into account the needs of nursing patients and/or residents. There are some internalised courtyards and inward looking windows, but these are sufficiently spaced as to not cause a harmful loss of amenity.
- 8.43 Overall, the proposal is considered acceptable in terms of residential amenity implications.

**Sustainable Transport:**

Vehiclular & Pedestrian Access

- 8.44 The applicant is proposing to amend the existing vehicular access onto King George VI Avenue, to provide two way access and footway provision for pedestrians.
- 8.45 The Highway Authority state that they would require the applicant to provide a right turn lane from King George VI Avenue to provide a safe means of access to the site and also ensure that no congestion is caused that may back up onto the Strategic Road Network (SRN).
- 8.46 There is currently no pedestrian footpath to the north side of King George VI Avenue and the footpath to the south does not extend as far as the application site. The applicant has suggested that improvements are made to provide footway provision on the northern side of King George VI Avenue and into the site and is also proposing a pedestrian refuge island on King George VI Avenue. These measures would assist with pedestrian provision for movements to and from the site.
- 8.47 However, the measures are insufficient and similar treatment should be provided on the southern side of King George VI Avenue. Resurfacing of the existing rough track should be provided to ensure there is a continuous walking route from the development to the existing pedestrian network on King George VI Drive.
- 8.48 A revised layout would need to be provided that details the extent of the necessary works. Such works would ensure that the development is acceptable and in accordance with policies TR1 Development and the demand for travel and TR8 Pedestrian routes, by providing for the needs of pedestrians and providing safe and attractive walking routes between the site and local amenities.
- 8.49 As per the vehicle access, consideration should also be given to incorporating the pedestrian refuge island into the right turn lane.
- 8.50 The applicant has not confirmed their agreement to these or provided detailed drawings and consequently has failed to demonstrate safe access.

Internal Access Road

- 8.51 The design of the internal access road is acceptable in principle. The proposed shared surface approach is acceptable given that there is footway provision into the site and necessary treatments such as rumble strips on the entry to the site to distinguish this area as being different to a traditional carriageway arrangement.
- 8.52 It is assumed that the proposed road would remain as private and that the applicant is not offering it up for adoption. Other issues, such as refuse vehicle access have not been fully addressed. The Highway Authority recommends that further details as to the construction and design of the proposed internal road are secured via condition.

Trip Generation

- 8.53 The Transport Statement details that the proposed change in use is forecast to increase trip generation associated with the site. It does not take account of any existing trips generated and is stated by the applicant's consultants to be a robust assessment of the worst case scenario.
- 8.54 The Transport Statement forecasts that there would be an increase in total daily person trips of approximately 190. This level of trip generation is not considered to cause a significant highway impact. Further details in relation to trip generation and to S106 contributions are detailed within section 5 of this report.
- 8.55 As a result of the additional trip generation and to comply with the Brighton & Hove Local Plan policies TR1 and QD28 and the Council's Interim Guidance on Developer Contributions the highway authority seeks a financial contribution of £35,375.
- 8.56 This sum would go towards sustainable transport improvements in the vicinity of the site specifically pedestrian improvements and the provision of improvements to public transport provision, including the provision of Real Time Passenger Information, accessible bus stops and bus shelters. These would be focussed on the 81 bus service corridor. The 81 bus service provides the main means of access to the site by public transport and provides a key link between the development and several residential areas in Brighton & Hove, Hove and Brighton railway stations and the city centre.

Car Parking

- 8.57 For the 5 houses the applicant is proposing to provide off-street car parking within garages. For the residential element of the development of 5 units the maximum car parking standard is 8 spaces. Therefore the proposed level of car parking is deemed to be in line with the maximum standards and deemed acceptable for the houses.
- 8.58 The maximum car parking standard for a nursing home in this location is 20 spaces for staff and visitors plus 1 car space per resident staff. The applicant is proposing 20 car parking spaces which are in line with the maximum car parking standards detailed within SPG04 and deemed acceptable.



- 8.59 Some of the proposed parking spaces do not appear to have adequate room to the rear of the bays to allow egress from the space. Spaces 1 to 7 only have 4m clearance to the rear of the bays. Normally a clear space of 6m should be provided. If otherwise acceptable the applicant would be requested to amend the layout plan to provide 6m or demonstrate through a swept path analysis that a car can easily access and egress each parking space and this could be secured by planning conditions.

Disabled Parking

- 8.60 The applicant has not indicated that they intend to provide any disabled parking spaces. Given the nature of the land use the applicant should provide disabled car parking provision in order to ensure that the development accords with policy TR18 of the Brighton & Hove Local Plan.
- 8.61 Any disabled bays should be designed in line with guidance provided in Department for Transport (DfT) produced Inclusive Mobility. Where a bay is perpendicular to the access aisle the bay should be 4.8m by 2.4m with an additional clear space of 1.2m either side of the bay and to the rear.
- 8.62 The applicant should provide a revised layout plan detailing the provision of disabled parking spaces in line with the guidance and this could be secured by planning conditions.

Cycle Parking

- 8.63 For the residential element of this development of 5 residential units the minimum parking standard is 5 cycle parking spaces for residents and 2 for visitors. The applicant is intending to provide cycle storage in each of the enlarged garages. There is adequate room to provide policy compliant cycle parking in each of these, therefore if recommended for approval a planning condition could have been used to secured these
- 8.64 For a nursing home the minimum cycle parking standard is 1 space per 10 staff. It is not evident from the submission how many staff would be employed at the nursing home. The applicant is however providing 5 cycle parking spaces for this element of the development. This level of cycle parking is acceptable. The proposed location could be improved by being closer to the main entrance of the building. Further details as to the nature of the stands should be secured via condition.

Transport conclusions

- 8.65 The application fails to demonstrate that satisfactory and safe vehicle and pedestrian access to and from the development would be achieved. In addition it has not been shown that it would not compromise access into the remainder of the Toad's Hole Valley strategic designation. No agreement has been reached, given its early stage, on access arrangements for the Toads Hole Valley development. These could involve realignment or relocation of King George VI Drive. Furthermore, the application in the absence of a S106 agreement to secure contribution toward sustainable transport methods and potential off site highways fails to provide for the travel demand it creates. Consequently the scheme is recommended for refusal on transport grounds.



**Environmental Health issues**

- 8.66 The application fails to provide a robust noise assessment demonstrating the suitability of outside areas of the development and ground noise levels, particularly for vulnerable groups and users of the nursing homes.
- 8.67 A Road Traffic Noise Assessment has been submitted with this application. The assessment is based on the now withdrawn PPG24, but it is stated that the target internal noise levels are based on guidelines set by the World Health Organisation (WHO).
- 8.68 The results raise questions about the outside amenity areas and the consultants recommend that consultation takes place between the client and the planning authority with regard to permissible noise levels on balconies. However, this does not address ground floor levels, which are going to be significantly above the upper limit. In such areas, the noise from traffic is likely to cause serious annoyance to the majority of people and is something to seriously consider especially as this plan includes a care home which may be considering using the outside areas for convalescence.
- 8.69 With respect to the care home, locating such a facility at this location should be seriously considered. This is because the WHO considers the future occupants of such a home as a vulnerable group and noise may not only affect speech intelligibility (especially if they are enjoying the outside space and they suffer from hearing loss – quite possible if they are elderly) but noise could also have an adverse effect on their health.

Land Contamination

- 8.70 The site was once a farm, which may have stored various fuels and chemicals used for agriculture. Such uses could have resulted in localised land contamination. A full contaminated land condition would be recommended if the scheme were otherwise acceptable.

Air Quality

- 8.71 The Environmental Health team confirm that there are no foreseeable plans to declare the site or surroundings as an Air Quality Management Area because one or more of the air quality objectives fails. It is not anticipated that the site would exceed air quality objectives now or in the future. However measures are required to mitigate exposure of sustainable homes to emissions and noise from the fast A27 acceleration lane.
- 8.72 There should be at least thirty metres between the acceleration slip road and living quarters such as bedrooms and living rooms. The majority of existing mature trees are not within the bounds of the development plot and are therefore another party's responsibility. This green screen is essential in order to mitigate noise, particulate, dust and visual impacts of the acceleration lane on the prospective development. The Environmental Health team consider that the tree screen should be maintained by a specialist. In addition, existing trees on the development's side of the boundary should be kept where possible and complementary planting should be added adjacent to the existing thicket.

- 8.73 Development access during operation and construction would be via George VI Avenue. On the other side of the plot the westbound acceleration lane is close to Court Farm and is engineered into the slope with a 400m straight that avoids a slower bend exiting the roundabout. The long straight is designed for fast acceleration from the roundabout onto the trunk road. Fast acceleration with associated noise and emissions is not an ideal scenario adjacent to code 5 residential development such as the one proposed.

Environmental Sustainability

- 8.74 The new dwellings are designed to meet Level 5 Code for Sustainable Homes and Lifetime Homes Standards, whilst the nursing home has been designed to be capable of meeting BREEAM Outstanding.
- 8.75 This would meet the requirements of current and emerging planning policy on sustainability. If the scheme were otherwise acceptable conditions could be used to secure these standards

**Ecology/Nature Conservation**

- 8.76 The application involves the loss of an area of broadleaved woodland, reptile habitat and habitat suitable for breeding birds. A credible methodology is included for mitigating for the loss of the reptile habitat, but further information is required for the loss of the woodland and bird habitat is needed. Similarly, further information is required to ensure adequate nature conservation enhancement is also included.
- 8.77 The ecological report submitted in support of the application shows that the development would affect biodiversity through the loss of an area of broadleaved woodland, reptile and breeding bird habitat.
- 8.78 Both Common Lizard and Slow-worm are protected under the Wildlife and Countryside Act 1981 and are therefore also protected by Local Plan policy QD18. The application includes a description in outline for a mitigation strategy for these species, although detail is lacking regarding the area of land made available for them under the proposals.
- 8.79 Paragraph 3.8 of the preliminary ecological appraisal indicates that House Sparrow (a UK BAP Priority Species) may be breeding on site. Other common birds are likely to use the scrub proposed for removal as feeding and breeding habitat. Further information is required regarding compensation for the loss of this habitat.
- 8.80 The Sustainability report submitted in support of the application states that the design team would implement all of the recommendations from the Ecology Report and provide at least a minor enhancement of the ecological value of the site. However the policy context requires more than minor nature conservation enhancement. Policy QD17 requires developments to include measures to enhance biodiversity, irrespective of the current nature conservation value of the development site. This is also supported by Annex 6 of SPD 11 which includes a method for quantifying the amount of new biodiversity developments

are expected to provide. This position is also supported by paragraph 117 of the NPPF.

- 8.81 No serious attempt has been made in this application to quantify the nature conservation enhancements. Measures addressing the requirements of SPD 11 should be tabulated and submitted as part of the application to ensure the requirements of Local Plan policy QD17 are met. Given the recommendation to refuse permission and that the application has not fully demonstrated all necessary ecology requires a further reason for refusal pertaining to ecology should be added in this case.

#### Arboriculture

- 8.82 The site is a high, hill-top, wind-swept location and is a difficult environment for tree growth. While there are trees on site, there is very little arboricultural value as individual specimens.
- 8.83 Located around the perimeter of the site, especially to the northern side, is a belt of trees that act as a barrier between the proposed development site and the slip road to the A27. It is expected this perimeter planting would be retained and protected during the course of the development. All trees that are to remain on site should be protected during the course of the development.
- 8.84 Overall, the Arboricultural team have no objection to the proposals in this application subject to suitable conditions being attached to any planning consent granted to secure tree protection and landscaping. A landscaping condition should also be attached to any planning consent granted to ensure replacement planting.

## **9 CONCLUSION**

- 9.1 Policy NC6 of the Local Plan restricts development outside of the Built-up Area boundary of the city except in certain circumstances. It is not considered that the proposal meets any of the criteria of this policy. Policy NC5 restricts development in the urban fringe unless certain criteria are met, and again the proposal is not considered to fulfil any of the required criteria.
- 9.2 The proposal could undermine the delivery of the Toad's Hole Valley strategic allocation and it is considered that a comprehensive approach to the whole site should be sought. As such it is considered that the proposal could prejudice the implementation of an important strategic allocation in the new strategic City Plan for Brighton & Hove.
- 9.3 For the reasons set out in this report, issues pertaining to transport, ecology and noise remain unresolved and a S106 agreement to secure the necessary mitigation, developer contributions and highway works continue to be unresolved.

**10 EQUALITIES**

10.1 The new dwellings would be built to Lifetime Homes Standards and the Nursing Home is designed to meet the needs of people with a variety of disabilities and the elderly.

**11 REASON FOR REFUSAL / INFORMATIVES**

**11.1 Reasons for Refusal:**

1. The site lies outside the present Built-up Area boundary defined by the Brighton & Hove Local Plan and the application fails to demonstrate that the development would justify a countryside location contrary to policies NC5 and NC6 of the Brighton & Hove Local Plan.
2. The application, due to its proposed uses, density, timing, access and relationship to the remainder of the Toad’s Hole Valley allocated site fails to demonstrate that it would not prejudice an emerging strategic land designation for the comprehensive delivery of housing, employment and infrastructure vital to the sustainable growth of the city. This is contrary to Policy DA7 of the emerging Brighton & Hove City Plan – Part One.
3. The application does not demonstrate sufficient mitigation for the loss of the woodland and bird habitat or demonstrate that the development makes adequate nature conservation enhancements to the site. This is contrary to policies QD17 of the Brighton & Hove Local Plan and SPD11 (Nature Conservation).
4. The application fails to demonstrate satisfactory and safe vehicle and pedestrian access to the proposed development. The scheme fails to demonstrate that it would not prejudice development of the remainder of Toad’s Hole Valley strategic designation in the emerging City Plan. Furthermore, the application in the absence of detailed measures to promote and encourage sustainable transport and provide highway improvements and fails to provide for the travel demand it creates. As such, the proposal is contrary to policies TR1, TR7, TR8 and QD28 of the Brighton & Hove Local Plan and policy DA7 of the emerging Brighton & Hove City Plan Part One.
5. The application fails to demonstrate that future occupants of the development would not suffer unacceptable noise disturbance. The submitted report does not robustly demonstrate the suitability of outside areas of the development particularly with respect to potential vulnerable groups and users of the nursing home, contrary to policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.

**11.2 Informatives:**

1. This decision is based on the drawings listed below:

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan	0214.PL001	-	29/10/2012
Site Master Plan	0214.PL.002	A	29/10/2012
Site Elevation 1 of 2	0214.PL.003	-	29/10/2012
Site Elevation 2 of 2	0214.PL.004	-	29/10/2012
Floor Plans Nursing Home	0214.PL.010	A	29/10/2012

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Nursing Homes			
South & East Courtyard elevations – Nursing Homes	0214.PL.011	A	29/10/2012
North & West Courtyard elevations – Nursing Homes	0214.PL.012	A	29/10/2012
East & West Elevations – Nursing Homes	0214.PL.013	A	29/10/2012
Residential units 1, 3, 4	0214.PL.020	-	29/10/2012
Residential units 2, 5	0214.PL.021	-	29/10/2012
Residential units	0214.PL.022	-	29/10/2012
Residential Units - Lifetime homes	0214.PL.023	-	29/10/2012
Site Plan	0214.EXG.002	-	29/10/2012
Existing Site Buildings plans and elevations	0214.EXG.003	-	13/11/2012
Site Sections Sheet 1	0214.EXG.200	-	29/10/2012
Site Sections Sheet 2	0214.EXG.201	-	29/10/2012

2. In accordance with the National Planning Policy Framework 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.

