

<u>No:</u>	BH2019/01015	<u>Ward:</u>	Wish Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Brittany Lodge 32 Brittany Road Hove BN3 4PB		
<u>Proposal:</u>	Conversion of existing nursing home (C2) to 2no. 3 bedroom and 2no. 2 bedroom residential flats (C3). Comprehensive remodelling of site, with proposals incorporating: the erection of a single storey rear extension; alterations/additions to fenestration; the demolition of a garage; and associated works.		
<u>Officer:</u>	Russell Brown, tel: 296520	<u>Valid Date:</u>	04.04.2019
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	30.05.2019
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	11.11.2019
<u>Agent:</u>	Mr Mel Humphrey 39 Northease Drive Hove BN3 8PQ		
<u>Applicant:</u>	Dr Leckman (Ravi) Sumoreeah The Coach House Grangeways Brighton BN1 8WL		

1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **GRANT** planning permission subject to the following Conditions and Informatives:

Conditions:

1. The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

Plan Type	Reference	Version	Date Received
Location and Block Plan	2018/167 Sheet 1 of 1		4 April 2019
Proposed Drawing	2018/167 Sheets 1 A, 2 A, 3 A and 4		16 October 2019
Proposed Drawing	Landscaping Details		16 October 2019

2. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

3. The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.

Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with Policies QD14 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

4. The side elevation bathroom window to the ground floor flats and the rear elevation bathroom window to the first floor flat of the development hereby permitted shall not be glazed otherwise than with obscured glass and thereafter permanently retained as such.
Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
5. The hard surface hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.
Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with Policy CP8 of the Brighton & Hove City Plan Part One.
6. None of the residential units hereby approved shall be occupied until each residential unit built has achieved an energy efficiency standard of a minimum of 19% CO2 improvement over Building Regulations requirements Part L 2013 (TER Baseline).
Reason: To ensure that the development is sustainable and makes efficient use of energy to comply with policy CP8 of the Brighton & Hove City Plan Part One.
7. None of the residential units hereby approved shall be occupied until each residential unit built has achieved as a minimum, a water efficiency standard of not more than 110 litres per person per day maximum indoor water consumption.
Reason: To ensure that the development is sustainable and makes efficient use of water to comply with policy CP8 of the Brighton & Hove City Plan Part One.
8. The development hereby permitted shall not be occupied until the dwellings hereby permitted have been completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) and shall be retained in compliance with such requirement thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.
Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.
9. Prior to occupation of the flats hereby permitted, three mature pleached Hornbeam trees shall be planted in accordance with the landscaping plan hereby approved landscaping. Any of the pleached Hornbeam trees which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season on a like-for-like basis.

Reason: To protect the amenity of the properties to the rear on Derek Avenue through the prevention of overlooking from the balconies serving the first floor flats in compliance with Policy QD27 of the Brighton & Hove Local Plan.

10. The development hereby approved shall not be occupied until refuse and recycling storage facilities have been installed to the side or rear of the building and made available for use. These facilities shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with Policies QD27 of the Brighton & Hove Local Plan, CP8 of the Brighton & Hove City Plan Part One and WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.

11. The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development at all times.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan and SPD14: Parking Standards.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant is advised that the application of translucent film to clear glazed windows does not satisfy the requirements of this condition 4.
3. The water efficiency standard required under condition 8 is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.

2. **SITE LOCATION & APPLICATION DESCRIPTION**

- 2.1. Planning permission is sought to change the use of the existing care home (Use Class C2) to residential (Use Class C3) in the form of 2, three bedroom and 2, two bedroom flats. This would involve the erection of an extension to

the side of the existing single storey rear addition, changes to fenestration, boundary treatments and landscaping, and the demolition of a garage.

- 2.2. The site is on the west side of Brittany Road, a residential street with predominantly pre-war detached and semi-detached two storey single dwellinghouses.
- 2.3. It is within Controlled Parking Zone (CPZ) L and the West Hove neighbourhood.

3. RELEVANT HISTORY

- 3.1. None

4. REPRESENTATIONS

- 4.1. **Six (6)** representations have been received objecting to the proposed development for the following reasons:
 - The balcony would overlook neighbouring properties and their gardens, and increase noise.
 - This development could create a precedent for the creation of first floor rear balconies at other houses in the broader area.
 - Overdevelopment of this building.
 - Extending externally is unnecessary to change its use to residential.
 - The provision of 10 bedrooms means the property would have considerably more than the houses on the street; and
 - The flats would generate 8-10 additional cars and the parking arrangement would not allow more than one off-street space, adding to parking stress.
- 4.2. **Councillor Robert Nemeth** objected to the proposed development. A copy of his representation is attached to the report.

5. CONSULTATIONS

- 5.1. Private Sector Housing: No comments
- 5.2. **Highway Authority:** No objection subject to recommended conditions relating to boundary treatments (specifically for a bollard and front garden walls) and details of secure cycle storage.

6. MATERIAL CONSIDERATIONS

- 6.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report
- 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, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017)

6.3. Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

7. **POLICIES**

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP8	Sustainable buildings
CP12	Urban design
CP14	Housing density
CP19	Housing mix

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

TR14	Cycle access and parking
SU10	Noise nuisance
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
HO13	Accessible housing and lifetime homes

Supplementary Planning Guidance:

SPD12	Design Guide for Extensions and Alterations
SPD14	Parking Standards
SPD16	Sustainable Drainage

8. **CONSIDERATIONS & ASSESSMENT**

8.1. The main planning considerations material to this application are the principle of development, the design, the impact on the amenity of neighbouring properties, the standard of accommodation to be provided and the impact on highways.

Principle of development

8.2. Local Plan Policy HO11 states that planning permission will not be granted for proposals involving the loss of nursing homes which comply with, or are realistically capable of reaching, the respective standards set out for nursing homes.

- 8.3. The most relevant document is the National Minimum Standards for Care Homes for Older People: A statement of national minimum standards. This is reflected in Building better care homes for adults: Design, planning and construction considerations for new or converted care homes for adults (Care Inspectorate in Scotland, 2018). Compliance with these documents has been assessed within an updated planning statement.
- 8.4. However, in summary, the first floor bedrooms are of insufficient size meaning the building could only accommodate eight residents; none of the en-suite facilities include a bath or shower room and are too small to allow assistance by staff; insufficient communal space is provided; wheelchair users cannot access the first floor; and most of the corridor and door widths are too narrow. It is also worth noting that the stairs are unsuitable for a chair lift given their steepness and the very tight space at the first floor landing.
- 8.5. As such, it is clear that the existing building does not comply with standards for nursing homes and if adapted at great expense and difficult, would limit the number of residents that could be accommodated. Given that the care home has already been demonstrated to be unviable with 13 residents, any further reduction in this number would also be unprofitable. As such, its loss is considered to be acceptable.
- 8.6. Policy HO11 also outlines that the priority for the reuse of care homes is for additional housing units or supported housing for people with special needs. In this case, housing is proposed, specifically to house staff for the applicant's business. Given the difficulty in recruiting and retaining staff in the city due to the cost of living it is proposed to offer staff more affordable accommodation. However, Officers note that this cannot be secured by condition since it would not be enforceable or reasonable.
- 8.7. The City Plan Part 1 Inspector's Report was received in February 2016. The Inspector's conclusions on housing were to agree the target of 13,200 new homes for the city until 2030 as a minimum requirement. It is against this minimum housing requirement that the City's five year housing land supply position is assessed annually.
- 8.8. The Council's most recent housing land supply position is published in the SHLAA Update 2018 (February 2019). However, the figures presented in the SHLAA are subject to the results of the Government's Housing Delivery Test which has not yet been published. The SHLAA shows a marginal five year housing surplus (5.1 years supply) if a 5% buffer is applied. However, the NPPF indicates that if the Housing Delivery Test shows that delivery over the past three years (2015-2018) has been under 85% of the adjusted City Plan housing requirement, then a 20% buffer should be applied to the five year supply figures. This would result in a five year housing shortfall (4.5 years supply).
- 8.9. The council's own informal assessment is that housing delivery over the 2015-2018 period has been less than 80% of the required City Plan figure.

Therefore, for planning policy purposes, it should be assumed that the council cannot demonstrate a five year housing land supply. In that situation, when considering the planning balance in the determination of planning applications, increased weight should be given to housing delivery in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).

- 8.10. The proposed development would provide four new dwellings, which would contribute towards the Council's housing target. Furthermore, the three bed flats would help to fill a deficit in supply given that of all new flats during the period 2017/18 only 12.5% were three beds. Whilst there are no specific policy objections to new dwellings in this location, the acceptability or otherwise of the scheme is subject to the specifics of the area and a satisfactory design. This is discussed below.

Density

- 8.11. The West Hove neighbourhood has a moderately low density of 27 dwellings per hectare (dph) due to large plot sizes, wide streets, and other uses within the neighbourhood. The proposed development would provide nearly 73 dph
- 8.12. On the basis that the proposal would reinforce the residential character of the neighbourhood; would include a mix of dwelling types and sizes that reflect identified local needs; is easily accessible by sustainable transport; is well served by local services; and provides ample garden space, Officers consider the proposed density acceptable in line with City Plan Part One Policy CP14.

Design and landscaping

- 8.13. The proposed extension would 'square off' the existing rear addition and is modest in size (5.74m²), also matching the height of the existing. As such, it is considered acceptable, subject to a condition requiring it to be finished in materials to match the existing.
- 8.14. The removal of the obtrusive external fire escape to the side elevation is welcomed and no objection is raised to the removal of the rear chimney stacks and changes to the fenestration and boundary treatment.
- 8.15. The balconies would not extend the full width or depth of the roof of the existing ground floor addition and therefore are considered to be appropriately sized in order to provide sufficient external amenity space for Flats 3 and 4. Neither the balcony nor the screening treatment would be visible from the public realm.
- 8.16. In terms of landscaping, lawns are provided for the ground floor flats as well as patios, which would be finished in permeable concrete block paving as with the side passageways. This is considered acceptable.

Impact on neighbouring amenity

- 8.17. In terms of the impact from the proposed extension, no material increase in overshadowing or loss of sunlight or daylight would occur given its small size

and its distance from the boundary. Furthermore, it would not create a sense of enclosure and given the vegetation on the boundary, it is not considered that outlook from the doors of the rear addition at no. 34 would be affected.

- 8.18. Officers recognise that the use of the balconies would give rise to a noise impact. However, it would not be appropriate to condition their hours of use, nor noise levels. Given that these are associated with residential premises, it is considered that the noise generated would be similar from that generated in neighbouring gardens.
- 8.19. The gardens of 33, 35 and 37 Derek Road are 11.5m away from the balconies and their rear windows are a further 11.8m away. It is not considered that their privacy would be adversely affected by the proposed balcony given that three mature pleached Hornbeam trees would be planted creating a green screen. It is recommended that they secured by a condition ensuring they are planted before the first occupation of the flats, maintained in perpetuity and replace on a like-for-like basis if they are diseased or die.
- 8.20. The garage is proposed to be demolished, but this would not have any impact on neighbouring amenity. The fence it abuts would be retained.

Standard of accommodation

- 8.21. The Gross Internal Areas (GIAs) and bedroom sizes of the proposed flats all comply with the guidance within the Technical Housing Standards - Nationally Described Space Standard. Furthermore, the proposed section demonstrates that the internal floor to ceiling heights would be above 2.3m.
- 8.22. In terms of the natural light, ventilation and outlook received by each flat, these matters are considered to be acceptable since all are triple aspect with numerous openable windows.
- 8.23. The outdoor amenity space for Flats 1 and 2 would be approximately 60m² whilst Flats 3 and 4 would benefit from balconies of 13.5m² and 12.6m² respectively. This is considered sufficient for the size of the dwellings and in accordance with Policy HO5.

Sustainable Transport

- 8.24. Given that the site is close to bus stops with six routes plus two night buses, 13 minutes walking to Portslade train station and is a 10 minutes' walk from services in Portslade, it is considered to be in a reasonable sustainable location.
- 8.25. The proposed provision of one car parking space is in line with the maximum parking standards and any overspill parking can be accommodated on-street since, whilst the site is within a CPZ, the permit uptake is 71%. Officers advise that 85% and above permit uptake is a sign of high parking stress. It is noted that the proposed installation of a bollard would prevent cars from parking to the north side of the property.

- 8.26. Six cycle parking spaces have been proposed in the form of three Sheffield stands underneath a shelter with a glazed roof. Since this is low-lit, secure and covered, it is considered acceptable and is recommended to be secured by condition in perpetuity.
- 8.27. The boundary walls are not be more than 600mm high to ensure that drivers can see young children and, as such, there is no need to demonstrate an on-site 2m x 2m pedestrian visibility splay.

Sustainability

- 8.28. City Plan Part One Policy CP8 requires new residential development demonstrate efficiency in the use of water and energy, setting standards that mirror the national technical standard for water and energy consumption. Therefore, conditions are recommended to be applied to ensure the development meets those standards.

Summary

- 8.29. The proposed development would provide four units of accommodation in the city and would generate some economic activity during construction work. The standard of accommodation and amenity space to be provided is considered acceptable and there would be no significant harm to the character of the area or to neighbouring amenity. The impact to the highway network can be managed by condition. The application is therefore recommended for approval.

9. **EQUALITIES**

- 9.1. Policy HO13 seeks access standards above normal Building Regulations. Conditions are attached to ensure the development complies with Requirement M4(2) of the optional requirements in Part M of the Building Regulations.

