

<b><u>No:</u></b>	<b>BH2015/03144</b>	<b><u>Ward:</u></b>	<b>HOLLINGDEAN &amp; STANMER</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Site of Former William Moon Lodge The Linkway Brighton</b>		
<b><u>Proposal:</u></b>	<b>Erection of two storey (plus basement) residential care home providing 75 bedrooms and 18 parking spaces and associated works.</b>		
<b><u>Officer:</u></b>	Liz Arnold Tel 291709	<b><u>Valid Date:</u></b>	18/09/2015
<b><u>Con Area:</u></b>	N/A	<b><u>EOT:</u></b>	28 <sup>th</sup> October 2016
<b><u>Listed Building Grade:</u></b>	N/A		
<b><u>Agent:</u></b>	Lewis and Co Planning South East Ltd, 2 Port Hall Road Brighton BN1 5PD		
<b><u>Applicant:</u></b>	Mr Lindsay Shookhye, C/O Lewis & Co Planning 2 Port Hall Road Brighton BN1 5PD		

## 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 be **MINDED TO GRANT** planning permission subject to a S106 agreement and the Conditions and Informatives set out in section 11.

## 2 SITE LOCATION & DESCRIPTION

- 2.1 This application relates to a site located on the southern side of The Linkway. The site is currently vacant having been formerly used by the Sussex Lantern Trust comprising a large detached single storey building (D1 community use). The former building on the site has been demolished and the site cleared.
- 2.2 In a wider context this site lies in a predominantly residential area. The properties on the northern side of the Linkway, directly opposite the site comprise 3 storey terraced flats, properties to the east, west and south comprise 2 storey terraced dwellings.

## 3 RELEVANT HISTORY

**BH2011/03745** Non Material Amendment to BH2007/02692 to change material as previously approved. Change East & West boundary treatments to 1.8m high close board timber fence. Changes to internal courtyard elevations.  
Approved 04/04/2012

**BH2010/02015:** Application to extend time limit for implementation of previous approval BH2007/02692 for the demolition of existing building and redevelopment of the site to provide new two storey nursing home with 100 bedrooms, together with ancillary day care centre. Provision of 16 car parking

spaces to include 5 disabled spaces and one ambulance bay. Approved 21/08/2012.

**BH2007/02692/FP:** Demolition of existing building and redevelopment of the site to provide new nursing home (2 storeys) for the frail and elderly (100 bedrooms), together with ancillary day care centre. Provision of 16 car parking spaces to include 5 disabled spaces and one ambulance bay. The application was approved 17 October 2007 subject to conditions and a Section 106 Obligation to secure public art works to the value of £20,000, a contribution of £40,000 towards the Sustainable Transport Strategy and the ancillary day-care community facility indicated on the approved plans (drawing no. 2296/01 Rev F) to be provided at the time of first occupation of the nursing home. The ancillary community facility approved to be retained solely for such use (use class D1) and not used for an alternative use. Approved 17/10/2007.

#### **4 THE APPLICATION**

- 4.1 Planning permission is sought for the erection of a two storey, plus basement, residential care home providing 75 bedrooms and 18 parking spaces and associated works. All bedrooms would have en-suite bathroom facilities and the proposal would provide communal lounges/ dining rooms along with central services areas including kitchen, administrative facilities and staff room. The proposed building would be of a traditional design in the form of a two storey rectangular building with pitched roof, arranged around a central internal courtyard. The main entrance and reception area for the building would be on the northern elevation. The proposed materials are brickwork, render and tile hanging for the walls, with a tiled roof and uPVC windows and doors.
- 4.2 The proposal includes cycle parking and of the 18 car parking spaces, 4 of which are stated to be for disabled parking spaces, along with one ambulance bay.

#### **5 PUBLICITY & CONSULTATIONS**

##### **External**

**Neighbours: Four (4)** letters of representation have been received from **101,107 Davey Drive, 42 Horton Road and 14 Widdicombe Way (Owner of 101 Davey Drive)** objecting to the application for the following reasons:

- Concerned for the mature trees on the border between William Moon Lodge and the back gardens of houses on Horton Road. Understood there is a Tree Preservation Order on the site,
- Building is too large for the site. Previous building was single storey and the trees hid/obscured the building,
- Proposal is too big for enclosed neighbourhood,
- Loss of privacy for properties on Davey Drive and other houses immediately surrounding the new building,
- Increased pressure on parking in the area due to overspill parking. Already congestion from parents taking/collecting children from St Joseph's Catholic School on Davey Drive,

## PLANNING COMMITTEE LIST – 14<sup>TH</sup> SEPTEMBER 2016

- Concerned for the safety of pedestrians, especially children as the road has two blind spots and is very narrow, additional traffic will make driving impossible causing traffic jams,
- Pollution from traffic,
- Overshadowing particularly as the site higher than properties on Davey Drive,
- A single storey building should be considered and no windows allowed to look into houses in the street,
- Increase in noise during the night with staff comings and goings and potential for ambulances to be called to the site,
- Noise from deliveries and visitors,
- Noise and disturbance will prevent neighbours from using their gardens, and
- Question the demand for a new nursing home.

**One (1)** letter of representation has been received from **47 The Linkway**, supporting the application for the following reasons:

- Wonderful opportunity for locals as there will be a lot of employment available.

5.1 **County Archaeologist:** Comment: Recommend a programme of archaeological works.

5.2 **County Ecologist:**  
(Comments 19<sup>th</sup> October 2015) Further information about use of the site by protected species required. Insufficient information has been provided to assess the potential impacts of the proposed development on protected species, most notably, but not restricted to, reptiles and great crested newts.

(Additional comments 27/01/2016 following receipt of Ecology Report) The planning application cannot be determined without further surveys to ascertain use of the site by protected species and to inform appropriate mitigation.

(Additional comments 21/07/2016 following receipt of an additional Reptile Report) Provided the recommendations set out in the submitted reports are carried out, the development is considered unlikely to have a significant impact on ecology and can be supported from an ecological perspective.

5.3 **East Sussex Fire and Rescue:** Comment: No comments to make.

5.4 **Environment Agency:** Comment: The site is located in Flood Zone 1, defined by the National Planning Policy Framework (NPPF) as having a low probability of flooding. In this instance, we have taken a risk based approach and will not be providing bespoke comments or reviewing the technical documents in relation to this proposal.

5.5 **UK Power Networks:** Comment: No objection to the proposed works.

5.6 **Southern Gas Networks:** Comment: A plan showing pipes owned by SGN is included for information.

5.7 **Sussex Police:** Comment: Disappointed that the Design and Access Statement does not mention any crime prevention measures. Note that controlled entry is included to all external doors. Reception has been positioned so as to give good surveillance.

**Internal:**

5.8 **Arboriculturist:** No objection subject to suitable conditions being attached to any planning consent granted.

5.9 **Adult Social Care Commissioning Manger:** Support: Strongly support care home development of those facilities that provide beds/facilities that the Council or Health are able to purchase using their set rates. Nursing homes and all care homes for people with dementia are particularly needed in the city.

5.10 **City Clean:** Comment. As this application is for commercial premises, City Clean would not be collecting waste and recycling from this development. Would therefore request that the development provide suitable storage for the separation of recycling ensuring the waste generated by its operations is in a sustainable manner.

5.11 **Flood Risk Management Officer:** Comment: Further information required via conditions regarding sustainable drainage system.

5.12 **Planning Policy:** Support: The principle of a residential care home development on this site has already been established through prior planning consents one of which is believed to be extant (BH2010/02015).

Policy HO11 in the 2005 adopted Local Plan supports the provision of new residential and care homes provided that certain criteria set out in the policy are met. The proposed scheme is very similar (in terms of its design and layout) to that gaining consent in 2010 but is at a reduced scale (75 bedrooms rather than 100). It is considered that the criteria in HO11 are met.

Further information on sustainable waste management should be required by condition to satisfy the requirements of Waste & Minerals Plan Policy WMP3d.

5.13 **Public Art Officer:** Comment: Due to the reduction in the size of this new proposal, in the event of the application being approved a sum for Public Art would not be sought in this instance.

5.14 **Sustainable Transport:** Support. Recommend approval as the Highway Authority has no objection to the application subject to the inclusion of conditions regarding disabled parking, cycle parking, a travel plan, boundary treatments and doors and gates in addition to the provision of a sustainable transport contribution of £31,350 in accordance with the council's standard contributions methodology.

## **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.
- 6.6 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
CP5	Culture and Tourism
CP7	Infrastructure and Developer Contributions
CP8	Sustainable Buildings
CP9	Sustainable Transport
CP10	Biodiversity
CP11	Managing Flood Risk
CP12	Urban Design
CP14	Housing Density
CP18	Healthy City
CP19	Housing Mix
CP12	Urban Design
SA6	Sustainable Neighbourhoods

#### Brighton & Hove Local Plan (Saved Policies):

TR4	Travel plans
TR7	Safe development
TR14	Cycle access and parking
TR18	Parking for people with a mobility related disability
SU3	Water resources and their quality
SU5	Surface water and foul sewerage disposal infrastructure

SU9	Pollution and nuisance control
SU10	Noise nuisance
QD5	Street frontages
QD15	Landscape design
QD16	Trees and hedgerows
QD27	Protection of amenity
HO11	Residential care and nursing homes
HE12	Scheduled ancient monuments and other important archaeological sites

Supplementary Planning Guidance:

SPGBH4 Parking Standards

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste

SPD06 Trees & Development Sites

SPD11 Nature Conservation & Development

## **8 CONSIDERATIONS & ASSESSMENT**

8.1 The main considerations in the determination of this application relate to the suitability of the site to accommodate the proposed care home and the impact of the development upon the character and amenity of the area. Regard will also be had to the traffic and travel implications of the development, neighbouring amenity and to sustainability.

### **Background:**

8.2 The site previously contained a single storey building which was used as a day centre by the Sussex Lantern Trust, providing services for visually impaired people. The Trust moved into premises in Hassocks (the Trust's clientele reside across the whole of Sussex, so a more central location was required). The site's use as a day centre would have fallen within Class D1 of the Town and Country Planning (Use Classes) Order 1987.

8.3 As set out above the construction of a care home on the site has previously been approved. The current application is similar to the previously approved scheme, the permission for which expired on the 21<sup>st</sup> August 2015 . The main differences between the previously approved scheme and that now proposed, are;

- Number of bed spaces has been reduced from 100 to 75 spaces,
- Although the current proposal has the same width as the approved scheme, the depth has been reduced front to back, with the building sited a further 7m into the site, so that there is more space at the front of the site,
- A small basement area is now proposed at the rear of the site containing the laundry and linen store,
- Car parking spaces are now located at the front of the site with the exception of two at the east side of the building, and
- The previous consent also included a small day care centre.

Principle of Development:

- 8.4 In policy terms the loss of the day centre facility has been accepted through the grant of the earlier planning consents (BH2007/02692 and BH2010/02015). Furthermore the former day care centre for the visually impaired has been demolished and established case law found that where a use relies on a building to operate it does not survive demolition of the building. As such there is no established lawful use on the site at present.
- 8.5 The planning permission for redevelopment of the site into a 100 bed care home has also been commenced through the demolition of the building that was previously located on the site. Consequently this has started a new chapter in the site's planning history. The site currently has no planning use until the new development is completed and the care home use begins. The proposed care home use is a Class C2 use.
- 8.6 Policy HO11 in the adopted 2005 Local Plan supports the provision of new residential care and nursing home provided criteria a) to d) within the policy are met;
- a) requires that the development will not adversely affect the locality or neighbouring properties by way of noise or disturbance; or by way of size, bulk or overlooking,
  - b) requires that adequate amenity space is provided. This is stated as a minimum depth of 10m and not less than 25sqm per resident although a lower standard may apply where residents are less mobile. The case for a lower standard of provision has already been accepted through prior consents,
  - c) requires accessibility to people with disabilities; and
  - d) requires adequate parking in accordance with the council's standards.
- 8.7 Given that the proposed scheme is very similar to that already approved, albeit at a reduced scale and provision, the policy criteria with respect to residential amenity, amenity space and accessibility are considered to be adequately satisfied.
- 8.8 Planning Policy have commented that the Council's preference in terms of the development of new accommodation for older people with support needs is for Extra Care housing for older people (C3) which offers more independent living facilities but onsite support. However, it is also acknowledged that the adopted development plan policy HO11 is supportive of suitable new residential care and nursing homes. Adult Social Care are strongly in support of the application.

**Design:**

- 8.9 Policy CP12 of the City Plan Part One requires all new development to meet criteria such as raise the standard of architecture and design in the City, establish a strong sense of place, achieve excellence in sustainable building design and construction and ensure that design of the external spaces is an integral element of the overall design approach of schemes. Retained policy QD5 of the Brighton

& Hove Local Plan requires development to provide an interesting and attractive street frontage.

- 8.10 This application proposes the erection of a two storey rectangular building with a central courtyard. Due to the topography of the site the building would be set down below the street level of The Linkway. The footprint of the building would be in the form of a courtyard formation which allows all bedrooms to have a reasonable outlook onto areas of open space and access to natural light. In design terms it is proposed to use a simple palette of materials. Namely, traditional Sussex stock brickwork with the use of tile hanging and render at first floor level to add interest to the facades of the building. It is considered that the building would have a simple design and materials and would sit well within its context in accordance with policy CP12. The traditional design approach is considered acceptable and appropriate in this location. Furthermore the proposed design has already been accepted when approval was granted for the 2007 application and subsequent renewal in 2010.
- 8.11 Overall the proposal is considered to be acceptable in design terms. It is considered that the development would have no significant adverse impact upon the character and appearance of this site or the surrounding area.

**Impact on Amenity:**

- 8.12 Policy QD27 states that planning permission for any development will not be granted where it 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.
- 8.13 The site is bounded predominantly by residential properties of two storeys in height. The proposed building would be two storeys, in keeping with surrounding development and will be set down within the site. To the west of the site is located the garden and rear elevations of residential properties in Horton Road, the closest western sited property is some 22m from the development. To the east is the rear of residential properties located on Davey Drive, with the closest eastern property some 23m from the development. To the south are the gardens and rear elevations of residential properties on Tintern Close, with the closest property some 23m from the development. Given the distances that would be retained between the proposed building and the existing neighbouring properties it is considered that there would not be an unacceptable impact upon neighbouring occupiers by way of overshadowing, loss of light, or overbearing impact so as to justify refusal of this application. Furthermore there are a number of mature trees on the eastern, southern and western boundaries of the site which would provide a high level of screening of the new building during the summer months in addition to a close boarded fence.
- 8.14 It is recognised that some overlooking of the neighbouring residential properties and gardens may occur. However, there is already a significant level of overlooking between properties in this densely populated area as result of the fact that properties surrounding this site are of two and three storeys. Some overlooking between properties in a residential area is to be anticipated and

considering the nature of the proposed use it is not felt that any increase in overlooking or loss of privacy that may occur would result in an unacceptable level of harm to existing neighbouring properties. Again the relationship between the proposed development and neighbouring properties was considered acceptable when the previous application was approved.

- 8.15 Finally subject to conditions to protect amenity with issues such as noise and odour pollution it is considered that the level of noise and activity likely to be generated from the proposed development, in this location, would not be likely to result in unacceptable harm to neighbouring occupiers.

Amenity for residential occupiers

- 8.16 The proposal has been designed with 75 bedrooms (with en-suite facilities), communal lounge and day areas and central service areas including kitchen and administrative facilities and staff room. Conditions are recommended requiring soundproofing and odour control equipment to be installed to minimise any adverse impact by way of noise or smell pollution resulting from the communal kitchen and laundry.

**Sustainable Transport:**

- 8.17 Policy CP9 stipulates that all new development should provide for the travel demand that it creates with a particular emphasis upon promoting sustainable modes of transport.

*Cycle Parking*

- 8.18 Within the submission it is indicated that the proposal would provide 14 cycle parking spaces, 12 more than the minimum required as set out in SPG04. Full details of the proposed cycle parking have not been provided as part of the submission however it is considered that such details could be obtained via a condition.

*Disabled Parking*

- 8.19 The proposal includes the provision of 4 disabled parking bays. The proposed disabled bays do not appear to be designed to guidance standards and as such a revised design should be required via a condition on any permission granted.
- 8.20 If the proposed disabled bays cannot be altered to comply with the guidance a solution would be to relocate 2 of the bays from the front to the eastern side of the building. Another alternative is in the form of free on-street disabled parking bays in the vicinity of the site for disabled residents and visitors to park when visiting the site by car. Therefore in this instance the Highway Authority would not consider the lack of on-site disabled car parking to be a reason for refusal.

*Servicing & Deliveries*

- 8.21 The applicant is not proposing any alteration to their previous off-street servicing and delivery arrangements to and from the site and for this replacement residential care home and ancillary day care centre is deemed acceptable in this case.

*Vehicular Access*

- 8.22 The proposal would not result in any change to the sites separate vehicle access and egress arrangements off and onto the public highway (The Linkway) and for the proposed residential care home this is deemed acceptable in this case.

*Vehicle Parking*

- 8.23 14 parking spaces are proposed additional to the disabled parking discussed above. As a result of the design alterations to the previous application to create the current proposal there would now be surplus hard standing including to the west of the site. The Highway Authority would recommend that this area is closed off to normal vehicle use by bollards that are secured by padlocks that can be easily cropped by the Fire and Rescue Service in the event of an emergency, if not landscaped.

*Trip Generation/Highway Impact*

- 8.24 The Highway Authority does not forecast a significant increase in vehicle trip generation as a result of the proposed replacement residential care home and ancillary day care centre proposal therefore any highway impact would be minimal so the application is deemed acceptable in this case.

*Developer Contribution*

- 8.25 A financial contribution of £31,350 is required towards pedestrian improvements in the form of dropped kerbs and tactile paving and/or bus stop improvements.

*Travel Plan*

- 8.26 The proposed plans submitted show the provision of a staff room with a staff changing room and a shower. Prior to first occupation of the development it is requested that such facilities should be installed within the building, especially for cyclists. In addition it is requested by the Highway Authority that public transport information should be displayed within the building and that an information pack regarding sustainable transport modes be prepared for employees. Such requirements could be ensured via a condition.

*Boundary Treatments*

- 8.27 As what was formerly on the site has been demolished and there are now hoardings in place obscuring visibility of the site a condition regarding boundary treatments, including any proposed gates, is requested for any approved permission to ensure highway safety has been taken into account for example regarding visibility.

**Sustainability:**

- 8.28 Policy CP8 indicates that the proposed development should meet BREEAM 'Excellent'. It is noted that the sustainability checklist submitted with the application states that the scheme would meet BREEAM 'very good'. The planning statement submitted with the application states that the scheme would incorporate many sustainable measures such as double glazing and high levels of insulation. It is also noted that the previous planning permission for a care home required a BREEAM 'Very Good' to be achieved and this was for a larger development however this earlier consent has now lapsed and as such it is considered that the current proposal should meet the requirements of policy

CP8 of the recently adopted City Plan Part One and therefore a condition requiring BREEAM 'Excellent' is recommended.

**Other Considerations:**

Arboriculture:

- 8.29 The Tree Survey submitted with the application is generic and not site-specific. No trees have been surveyed as part of this application.
- 8.30 There is an Area Order Tree Preservation Order covering various trees (TPO (No 3) 2008). This means that any tree that was present in 2008 of any species will be covered by this TPO.
- 8.31 The majority, if not all of the trees on this site are around the perimeter. Plans submitted show that the proposed development would be in the middle of the site and would be at a sufficient distance from the vast majority of trees on the site. They should not therefore be affected by the development.
- 8.32 The Arboricultural Section would recommend that a tree survey to BS 5837 (2012) is carried out and any trees that are deemed to be a Health and Safety issue should be removed from site prior to development commencing.
- 8.33 All remaining trees should be protected to BS 5837 (2012) as far as is practicable. Any construction activity within their Root Protection Zones (such as parking spaces, bin areas etc) should be carried out in such a way as to allow for the retention of any roots in the vicinity.

Ecology

- 8.34 As part of the application two ecology reports have been submitted, which the County Ecologist has confirmed have been carried out in accordance with best practice and are sufficient to inform appropriate mitigation, compensation and enhancement.
- 8.35 The site supports a low population of slow worms which can be accommodated on site. The proposed mitigation strategy outlined in the submitted Reptile Survey is considered appropriate and acceptable.
- 8.36 The risk of great crested newts being present on the site and affected by the proposed development is considered to be negligible and as such no specific mitigation as part of the proposal is required for this species.
- 8.37 With regards to bats the trees located around the boundaries of the site have low potential to support roosts. From the information submitted it is understood that all of the trees are to be retained and would be protected during the construction of the proposal in accordance with British Standards and as such no further bat surveys are required. Any external lighting should take account of best practice guidelines with respect to minimising impacts on nocturnal species.
- 8.38 The site is considered to have the potential to support breeding birds. To avoid disturbance to nesting birds, any removal of scrub/trees that could provide

nesting habitat should be carried out side the breeding season (generally March to August) otherwise a nesting bird check should be carried out prior to any clearance work, an issue which can be controlled via a condition.

- 8.39 The site has the potential to support hedgehogs. As set out in the submitted ecology report site boundaries and fences should be made permeable to wildlife.
- 8.40 The submitted ecology reports set out ways in which the ecology of the site could be enhanced as part of the proposal.
- 8.41 Overall provided the mitigation, compensation and enhancement measures as set out in the submitted ecology report and reptile report are carried out overall it is consider that the proposal is unlikely to have a significant impact on ecology.

Waste Management:

- 8.42 New developments are required to identify the location and provision of facilities intended to allow for the efficient management of waste, e.g. location of bin stores and recycling facilities. These are indicated in the plans submitted and such provision can be ensured via a condition.

Flooding

- 8.43 A change to planning policy in April 2015 requires sustainable drainage systems to be provided in new development wherever this is appropriate. The Lead Local Flood Authority Officer requests that a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods is submitted, which can be dealt with via a condition.

Archaeology

- 8.44 The site does not fall within an Archaeological Notification Area, however the County Archaeologist has commented that the site is a prime location for prehistoric settlement, being on the south facing spur of the South Downs. Finds of Iron Age and roman coins in the vicinity hint at this past activity and raise the potential for archaeological remains to exist on this site. A condition requiring a programme of archaeological works therefore forms part of the recommendation.

Public Art

- 8.45 The original planning consent for a 100 bed care home and subsequent renewal both secured a sum of £20,000 for Public Art under the s106 agreement. However the Public Art Officer has commented that the current application seeks a lower overall size in terms of gross internal floor area than that approved under the 2010 consent and that due to the reduction in the size of this new proposal a sum for Public Art would not be sought in this instance.

**9 CONCLUSION**

- 9.1 The proposed development would provide much needed residential accommodation for the elderly. The proposed building is considered to be of acceptable design and there would be no significant adverse impact upon the character of appearance of this site or the surrounding area. The development would provide a good standard of accommodation for future occupants and would not result in significant harm to neighbouring amenity or highway safety.

## 10 EQUALITIES

- 10.1 The proposal would be fully accessible to the disabled. Lift access is proposed to upper floors. Disabled parking spaces are proposed.

## 11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

### S106 Heads of Terms

- Sustainable Transport contribution of £31,350,
- Construction Training and Employment Strategy including a commitment to using 20% local employment during the demolition and construction phases of the development

### Regulatory Conditions:

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.  
**Reason:** To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
2. The development hereby permitted shall be carried out in accordance with the approved drawings listed below.  
**Reason:** For the avoidance of doubt and in the interests of proper planning.

Plan Type	Reference	Version	Date Received
Site Plan	14/171/08	C	30/06/2016
Location and Block Plan	14-171/skLOC	A	11/09/2015
Site Survey	R1239		11/09/2015
Ground and Basement Floor Plans	14/171/01	A	11/09/2015
First Floor Plan	14/171/02	A	11/09/2015
Roof Plan	14/171/03	A	11/09/2015
Front and Rear Elevations	14/171/04	A	11/09/2015
East and West Elevations	14/171/05	A	11/09/2015
North and South Courtyard	14/171/06	A	11/09/2015
East and West Courtyard	14/171/07	A	11/09/2015

3. If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority), shall be carried out until a method statement identifying, assessing the risk and proposing remediation measures, together with a programme, shall be submitted to and approved in writing by the Local Planning Authority. The remediation measures shall

be carried out as approved and in accordance with the approved programme.

**Reason:** To safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.

4. 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 policies CP8 & CP11 of the Brighton & Hove City Plan Part One.

5. The development hereby approved shall be carried out in strict accordance with the ecological mitigation, compensation and enhancement measures as set out in the Ecological Scoping Survey by The Ecology Consultancy received on 8th June 2016 and the Reptile Survey by The Ecology Consultancy received on 30th June 2016.

**Reason:** To safeguard protected species from the impact of the development and ensure appropriate integration of new nature conservation and enhancement features in accordance with policies QD18 of the Brighton & Hove Local Plan and CP10 of the Brighton & Hove City Plan Part One.

6. No hedgerow, tree or shrub shall be removed from the site between 1st March and 31st August inclusive without the prior submission of a report to the Local Planning Authority which sets out the results of a survey undertaken by a qualified ecologist, to assess the nesting bird activity on the site and describes a method of working to protect any nesting bird interest. The report must be agreed in writing by the Local Planning Authority prior to the removal of any hedgerow, tree or shrub and shall then be carried out in strict accordance with the approved details.

**Reason:** To ensure that wild birds building or using their nests are protected, in accordance with QD18 of the Brighton & Hove Local Plan.

Pre-Commencement Conditions:

7. No development or other operations shall commence on site in connection with the development hereby approved, until a detailed Construction Specification/Method Statement for construction of the bin areas, cycle storage and car parking space etc within the Root Protection Zones of trees has been submitted to and approved in writing by the Local Planning Authority. This shall provide for the long-term retention of the trees.

**Reason:** As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area and to comply with policy CP12 of the Brighton & Hove City Plan Part One and policy QD16 of the Brighton & Hove Local Plan.

8. No development or other operations shall commence on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery) until a detailed Arboricultural Method Statement regarding protection of all trees to remain on site has been

submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in complete accordance with the approved Method Statement.

**Reason:** As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area and to comply with policy CP12 of the Brighton & Hove City Plan Part One and policy QD16 of the Brighton & Hove Local Plan.

9.
  - i) No development shall take place until a programme of archaeological work has been secured in accordance with a Written Scheme of Archaeological Investigation which has been submitted to and approved in writing by the Local Planning Authority.
  - ii) The development hereby permitted shall not be brought into use until the archaeological site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under part i) and that provision for analysis, publication and dissemination of results and archive deposition has been secured.

**Reason:** This pre-commencement condition is imposed because it is necessary to ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with policy HE12 of the Brighton & Hove Local Plan.
10. No development shall commence until full details of existing and proposed ground levels (referenced as Ordnance Datum) within the site and on land and buildings adjoining the site by means of spot heights and cross-sections, proposed siting and finished floor levels of all buildings and structures, have been submitted to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved level details.

**Reason:** As this matter is fundamental to the acceptable delivery of the permission to safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, in addition to comply with policies CP12 of the Brighton & Hove City Plan Part One and policy QD27 of the Brighton and Hove Local Plan.
11. No development above ground floor slab level of any part of the development hereby permitted shall take place until samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):
  - a) samples of all brick, render and tiling (including details of the colour of render/paintwork to be used)
  - b) samples of all cladding to be used, including details of their treatment to protect against weathering
  - c) samples of all hard surfacing materials
  - d) samples of the proposed window, door and balcony treatments
  - e) samples of all other materials to be used externally

Development shall be carried out in accordance with the approved details.

**Reason:** To ensure a satisfactory appearance to the development and to comply with policy CP12 of the Brighton & Hove City Plan Part One and policy QD14 of the Brighton & Hove Local Plan.

12. No development above ground floor slab level of any part of the development hereby permitted shall take place until a scheme for the suitable treatment of all plant and machinery against the transmission of sound and/or vibration has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the first occupation of the development and shall thereafter be retained as such.

**Reason:** To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

13. No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site, using sustainable drainage methods, has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design prior to the use of the building commencing.

**Reason:** As this matter is fundamental to the acceptable delivery of the permission to prevent the increased risk of flooding and to prevent pollution of controlled waters by ensuring the provision of a satisfactory means of surface water disposal and to comply with policy SU3 of the Brighton & Hove Local Plan.

14. Prior to commencement of development a scheme for the proposed means of foul and surface water sewerage disposal shall have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water.

**Reason:** As this matter is fundamental to prevent pollution of the water environment and to comply with policy SU3 of the Brighton & Hove Local Plan.

Pre-Occupation Conditions:

15. Prior to first occupation of the development hereby permitted a scheme for the storage of refuse and recycling shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full as approved prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.

**Reason:** To ensure the provision of satisfactory facilities for the storage of refuse and to comply with policy QD27 of the Brighton & Hove Local Plan.

16. 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.

17. Prior to first occupation of the development hereby permitted, a scheme for landscaping shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:
- a. details of all hard surfacing;
  - b. details of all proposed planting, including numbers and species of plant, and details of size and planting method of any trees.
  - c. details of landscaping or bollards to prevent parking to the west of the building.

All hard landscaping and means of enclosure shall be completed in accordance with the approved scheme prior to first occupation of the development. All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

**Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area, to ensure over-spill parking does not occur to the west of the building and to comply with policies CP12 and CP9 of the Brighton & Hove City Plan Part One and policies QD15 and QD27 of the Brighton & Hove Local Plan.

18. Prior to first occupation of the development hereby permitted a scheme for the fitting of odour control equipment to the building shall have been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the first occupation of the development and shall thereafter be retained as such.

**Reason:** To safeguard the amenities of the occupiers of adjoining properties and to comply with policy QD27 of the Brighton & Hove Local Plan.

19. Prior to first occupation of the development hereby permitted a scheme for the sound insulation of the odour control equipment referred to in the condition 16 shall have been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the first occupation of the development and shall thereafter be retained as such.

**Reason:** To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

20. Unless otherwise agreed in writing by the Local Planning Authority, the non-residential development hereby approved shall not be occupied until a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the non-residential development built has achieved a minimum BREEAM rating of 'Excellent' has been submitted to, and approved in writing by, the Local Planning Authority.

**Reason:** To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy CP8 of the Brighton & Hove City Plan Part One.

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21. Prior to first occupation of the development hereby permitted, revised details of disabled car parking provision 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 scheme 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 the development provides for the needs of disabled staff and visitors to the site and to comply with policy TR18 of the Brighton & Hove Local Plan and SPG4 guidance.
22. The development hereby permitted shall not be brought into first occupation until the vehicle parking areas shown on the submitted plans and as agreed in condition 21 have been laid out and surfaced in accordance with details that have been submitted to and agreed in writing by the Local Planning Authority. The parking areas shall not be used otherwise than for the parking of vehicles of residents, staff and visitors associated with the development.  
**Reason:** To ensure that adequate parking provision is retained and to comply with policy CP9 of the City Plan Part One.
23. Prior to first occupation of the development hereby approved the staff changing facilities and showers, as shown on the approved plans, shall be fully implemented and made available for use and public transport information shall be displayed within the building, and shall thereafter be retained for use at all times.  
**Reason:** To seek to reduce traffic generation and encourage sustainable modes of transport in accordance with policy TR4 of the Brighton & Hove Local Plan.
24. Prior to first occupation of the development hereby permitted an information sustainable transport modes pack for employees shall be submitted to and approved in writing by the Local Planning Authority and retained thereafter.  
**Reason:** To seek to reduce traffic generation and encourage sustainable modes of transport in accordance with policy TR4 of the Brighton & Hove Local Plan.
25. Prior to first occupation of the development hereby permitted a plan detailing the positions, height, design, materials and type of all existing and proposed boundary treatments, including any proposed gates into the highway, shall have been submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be provided in accordance with the approved details prior to first occupation of the development and shall thereafter be retained at all times.  
**Reason:** In the interest of highway safety and to enhance the appearance of the development in the interest of the visual and residential amenities of the area and to comply with policies TR7, QD15 and QD27 of the Brighton & Hove Local Plan and policies CP9, CP12 and CP18 of the City Plan Part One.

Informatives:

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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 development would provide much needed residential accommodation for the elderly. The proposed building is considered to be of acceptable design and there would be no significant adverse impact upon the character of appearance of this site or the surrounding area. The development would provide a good standard of accommodation for future occupants and would not result in significant harm to neighbouring amenity or highway safety.
3. The applicant is advised to contact the East Sussex County Archaeologist to establish the scope for the Written Scheme of Archaeological Investigation as required by condition 9.
4. The applicant is advised of the presence of Low/Medium/Intermediate Pressure gas mains in the proximity to the site. There should be no mechanical excavations taking place above or within 0.5m of the low pressure system, 0.5m of the medium pressure system and 3m of the intermediate pressure system. Where required the position of the main should be confirmed using hand dug trial holes.
5. The applicant is advised that with regards to condition 13 the following details should be submitted as part of a Flood and Drainage Risk Assessment;
  - Details of the developments existing drainage and surface water run-off rates,
  - Details of the existing flood risk to the site, i.e. surface water, sewer, groundwater and coastal,
  - Proposed mitigation measures to reduce any identified flood risk,
  - Details of the proposed drainage. The applicant must provide this data in accordance with the non-statutory technical standards for the design, maintenance and operation of sustainable drainage systems and Brighton & Hove City Council Strategic Flood Risk Assessment (Section 6.2.2),
  - Demonstration that any proposed drainage system can cope with up to the 1 in 100 year plus climate change event (=30%). Any calculations must look at both winter and summer storms.

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- If soakaways are proposed as drainage for the site, appropriate tests in accordance with BRE Digest 365 Soakaway design must be completed and any results should be shown in the Flood and Drainage Assessment.
- 6. The applicant is advised that formal applications for connection to the public sewerage system and to the water supply are required in order to service this development. Please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel. 0330 303 0119), or [www.southernwater.co.uk](http://www.southernwater.co.uk).
- 7. Southern Water advises that detailed design of the proposed drainage system should take into account the possibility of surcharging within the public sewerage system in order to protect the development from potential flooding.
- 8. The applicant is advised that advice regarding permeable and porous hardsurfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens' which can be accessed on the DCLG website ([www.communities.gov.uk](http://www.communities.gov.uk)).
- 9. The applicant is advised that details of the BREEAM assessment tools and a list of approved assessors can be obtained from the BREEAM websites ([www.breeam.org](http://www.breeam.org)).
- 10. The applicant is advised that under Part 1 of the Wildlife and Countryside Act 1981 disturbance to nesting birds, their nests and eggs is a criminal offence. The nesting season is normally taken as being from 1st March – 30th September. The developer should take appropriate steps to ensure nesting birds, their nests and eggs are not disturbed and are protected until such time as they have left the nest.
- 11. The applicant is advised of the possible presence of bats on the development site. All species of bat are protected by law. It is a criminal offence to kill bats, to intentionally or recklessly disturb bats, damage or destroy a bat roosting place and intentionally or recklessly obstruct access to a bat roost. If bats are seen during construction, work should stop immediately and Natural England should be contacted on 0300 060 0300.
- 12. The applicant is advised that any external lighting should take account of best practice guidelines with respect to minimising impacts on nocturnal species.
- 13. The applicant is advised that the Councils Arboricultural Section would recommend that a tree survey to BS 5837 (2012) is carried out and any trees that are deemed to be a Health and Safety issue should be removed from site prior to development commencing.