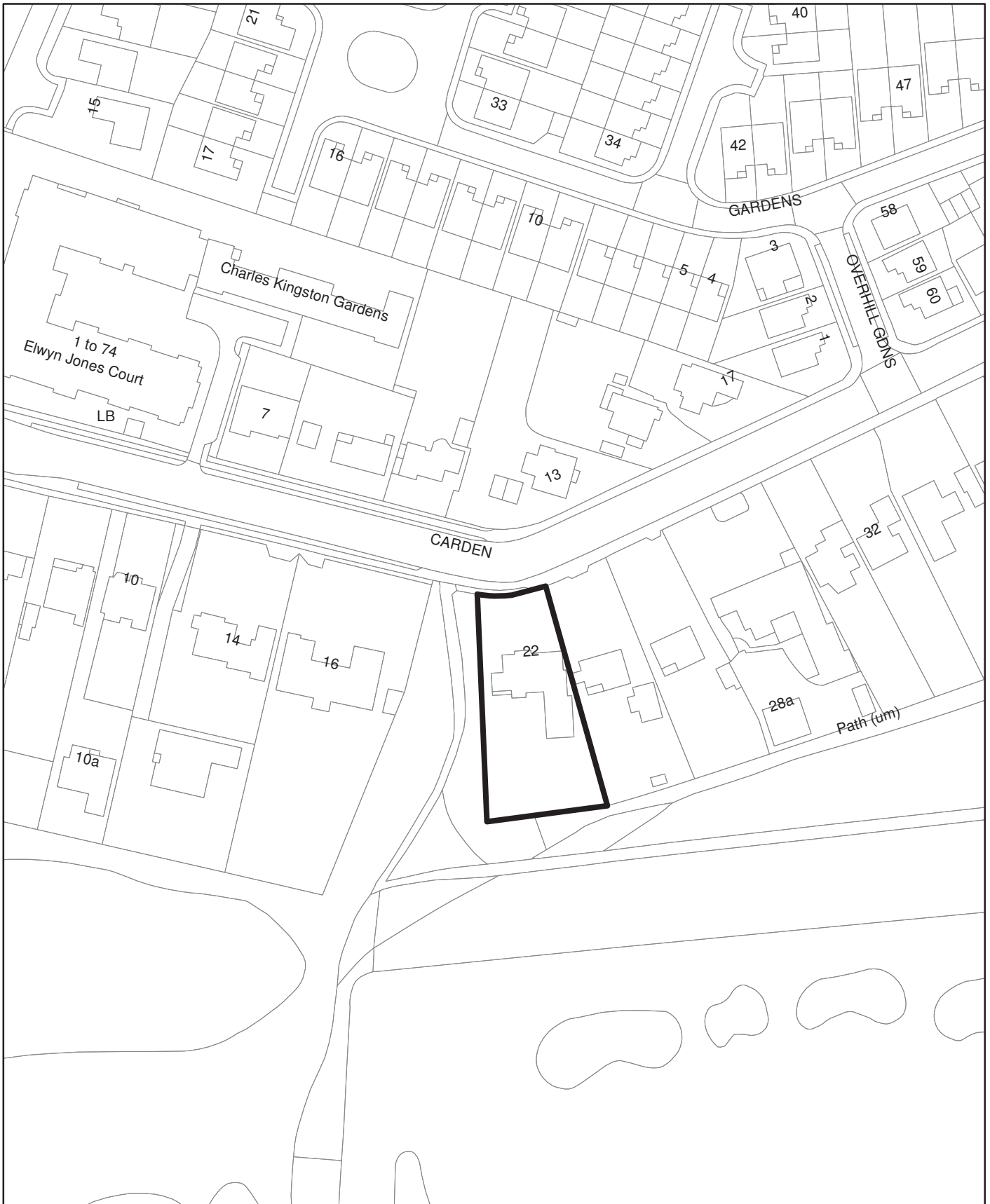


# **ITEM B**

**22 Carden Avenue, Brighton**

**BH2014/03875**  
**Full planning**

**5 AUGUST 2015**



**Brighton & Hove  
City Council**



**Scale: 1:1,250**

PLANNING COMMITTEE LIST- 5 AUGUST 2015

<b><u>No:</u></b>	<b>BH2014/03875</b>	<b><u>Ward:</u></b>	<b>PATCHAM</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>22 Carden Avenue Brighton</b>		
<b><u>Proposal:</u></b>	<b>Demolition of existing day care centre (D1) and erection of two storey care home (C2).</b>		
<b><u>Officer:</u></b>	Adrian Smith Tel 290478	<b><u>Valid Date:</u></b>	05 December 2014
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	30 January 2015
<b><u>Listed Building Grade:</u></b>	N/A		
<b><u>Agent:</u></b>	David Sayer and Associates Ltd, The Manor Farm, Manor Road North Thames Ditton KT7 0BH		
<b><u>Applicant:</u></b>	CMG Ltd, The Care House, Randalls Way, Leatherhead KT22 7TW		

This application was deferred from Committee on 3<sup>rd</sup> June 2015 to allow further ecological assessments/surveys to be carried out and for comments to be received from the County Ecologist.

**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 The application site comprises a detached chalet style bungalow which was last used as a day care centre for up to 12 persons with learning disabilities. The property has a large rear garden which slope upwards steeply towards the rear of the site with some terraced level areas.
- 2.2 The section of Carden Avenue in the vicinity of the application site is primarily characterised by detached houses of mixed design set back from the highway with driveways and gardens between. A number of nursing homes and nurseries sit to the east of the site, including a recently completed large care home at the junction of Carden Avenue with London Road (Maycroft Manor Care Home).
- 2.3 No. 24 Carden Avenue to the west forms a detached chalet style residential bungalow. A footpath to woodland to the rear sits to the east, with a retirement home beyond.

**3 RELEVANT HISTORY**

**BH2014/03938** (24 Carden Avenue) - Demolition of existing three bedroom dwelling and erection of 2no semi-detached four bedroom dwellings. Approved 27/03/2015.

**BH2013/04299** (22 & 24 Carden Avenue) - Demolition of existing day care centre and chalet bungalow and erection of 4no semi-detached and 1no detached four bedroom houses (C3). Approved 10/04/2014.

**BH1997/01422/FP22** (22 Carden Avenue) - Change of use of existing building to Day Care Centre for adults with severe physical and learning disabilities. Approved 29/01/1998.

**BH2010/02709** (287 Dyke Road Hove) - Erection of single storey detached building to West. Approved 03/11/2010.

#### **4 THE APPLICATION**

- 4.1 Planning permission is sought for the demolition of the existing day care centre (D1) and the erection of a three storey care home (C2) to provide residential care accommodation for 16 persons with learning disabilities.

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

##### **External**

- 5.1 **Neighbours: Nine (9)** letters have been received from **24 (x5) & 26 Carden Avenue; 58 Overhill Gardens (x2); and 145 Sackville Road**, objecting to the proposed development for the following reasons:
- Increased traffic
  - Unsafe access and exit arrangements as visibility obscured by parked vehicles. Reversing onto highway likely
  - Increased street parking. Existing levels have increased following the recent completion of the care home at the end of Carden Avenue (Maycroft)
  - Insufficient onsite parking
  - Insufficient space for vehicles to turn within the site
  - The flat roofed design is at odds with surrounding pitch roofed developments
  - The proposal is for a three storey building, not two
  - Recent new residential care homes in the area have changed its character and resulted in the loss of houses
  - The building is too large for the site
  - Loss of light to first floor windows adjacent
  - Noise disturbance from future occupants who may have behavioural problems
  - Overlooking of the site from public footpaths to the rear
  - There is evidence of slowworms and badgers on the site
  - The western site boundary alongside the entrance to Withdean Park unlawfully encroaches onto Council land
  - Loss of light to the pathway into Withdean Park
- 5.2 **Councillor Theobald** and **former Councillor Pidgeon** have objected. A copy of the letter is attached to this report.
- 5.3 **Southern Water: No objection**

5.4 **UK Power Network:** No objection

**Internal:**

5.5 **Sustainable Transport:** No objection

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

5.6 The proposed change of use from a day centre to a care home is unlikely to generate a significant increase in additional trips to the site therefore the Highway Authority has no objections. The Highway Authority does request that a travel plan condition is attached to encourage the use of sustainable modes of transport to the site by staff, residents and visitors.

5.7 The applicant is intending to use an existing vehicular crossover onto Carden Avenue. The access is on the outside of the bend and benefits from good levels of visibility. However, the Highway Authority is aware of recent changes in the nature of on-street parking in the immediate vicinity of the site. This has led to more vehicles parking on and around the bend where the existing access is sited. This has resulted in road safety concerns in relation to both visibility and swept path movements of vehicles through the bend.

5.8 It is acknowledged that in a response by the Highway Authority to a previous proposal at the same site (22 & 24 Carden Avenue, BH2013/04299) no request was made for parking restrictions. It should be noted that there was an alternatively sited access proposed, the road safety concerns were not apparent at that time and the level of movement was not deemed to be as frequent.

5.9 In order to ensure a safe access and egress to the site the Highway Authority would look for the applicant to fund the necessary TRO to implement double yellow line restrictions on the bend of Carden Avenue immediately outside the site. This should be secured by a S106 or a unilateral undertaking of £2000.

5.10 **Arboriculture:** No objection

5.11 **County Ecology:** No objection

The proposed development is unlikely to have a significant impact on biodiversity and can be supported from an ecological perspective. The site offers opportunities for biodiversity enhancements that will help the Council address its duties and responsibilities under the Natural Environment and Rural Communities Act and NPPF.

**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 Local Plan 2005 (saved policies post 2007);
  - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
  - East Sussex and Brighton & Hove Minerals Local Plan (November 1999); Saved policies 3,4,32 and 36 – all outside of Brighton & Hove;
  - 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 relevant policies in the development plan according to their degree of consistency with the NPPF.
- 6.5 The Brighton & Hove City Plan Part One (submission document) is an emerging development plan. The NPPF advises that weight may be given to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies to the policies in 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 Local Plan:

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

- QD17 Protection and integration of nature conservation features
- QD18 Protected species
- QD27 Protection of amenity
- QD28 Planning obligations
- HO11 Residential care and nursing homes

Supplementary Planning Guidance:  
SPGBH4 Parking Standards

- Supplementary Planning Documents:
- SPD03 Construction & Demolition Waste
  - SPD06 Trees & Development Sites
  - SPD08 Sustainable Building Design
  - SPD11 Nature Conservation & Development

Brighton & Hove City Plan Part One (submission document)

- SS1 Presumption in Favour of Sustainable Development
- CP8 Sustainable buildings

## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to the principle of the loss of the day care centre and erection of a care home, the design of the proposal and its impact on the character of the area, transport impacts as well as landscape and sustainability considerations
- 8.2 Principle of change of use  
The site is currently vacant having been last in use as a day care facility for disabled children (Use Class D1). Permission for this use (BH1997/01422/FP) restricted hours of operation from 9am-4.30 on weekdays only, and restricted the number of persons onsite to 15. A number of other nursing/rest homes and sheltered housing schemes are sited within the locality, most notably at Maycroft to the east of the site. Planning permission has previously been granted for the loss of the day care facility at 22 Carden Avenue under application BH2013/04299 and its replacement with five dwellings across the site of both 22 & 24 Carden Avenue.
- 8.3 Policy HO20 states that permission will not be granted for the loss of community facilities such as day care facilities unless when an exception applies. Exceptions apply when:
- a) The community use is incorporated, or replaced within a new development; or
  - b) The community use is relocated to a location which improves its accessibility to its users; or
  - c) Existing nearby facilities are to be improved to accommodate the loss; or
  - d) It can be demonstrated that the site is not needed, not only for its existing use but also for other types of community use.
- 8.4 An assessment of the site has been submitted with the application which identifies a number of shortcomings that restrict the site's ability to continue to function as a day care facility. These focus on the layout, form and condition of

the building which is in a generally poor state of repair and the sloping nature of the rear garden that restricts outside activities. The application also identifies that the day care use has been relocated to new facilities at 287 Dyke Road (BH2013/03457), thereby ensuring there is no net loss of day care facilities in the city. Accordingly the loss of the day care facility at this site is considered acceptable in accordance with exception tests a) and b) as set out in policy HO20 of the Brighton & Hove Local Plan.

- 8.5 Policy HO11 states that permission will be granted for new residential care homes where it can be demonstrated that the proposal:
- a) will not adversely affect the locality or neighbouring properties by way of noise or disturbance, or by way of size, bulk or overlooking;
  - b) provision of adequate amenity space- (a minimum depth of 10m and not less than 25m<sup>2</sup> per resident- although a lower standard may apply for nursing homes where residents are less mobile);
  - c) is accessible to people with disabilities; and
  - d) provides for operational parking in accordance with council's standards.
- 8.6 The proposed building would provide residential care (Use Class C2) for up to 16 persons with learning disabilities set in two linked 8-bed units. The application identifies that the building would replace two other care homes in the area run by the applicants at 4 Vallance Gardens and 72-74 Walsingham Road which currently do not meet current Care Standards. The building would provide suitable amenity space, disabled facilities, and operational parking in accordance with criteria b)-d) of policy HO11. Matters relating to impact on the locality and neighbouring amenities are addressed separately below and considered acceptable. Accordingly the principle of providing new residential care facilities in the manner proposed is considered acceptable in accordance with policy HO11 of the Brighton & Hove Local Plan.
- 8.7 **Design and Character**  
Policies QD1, QD2, QD3 and QD5 of the Brighton & Hove Local Plan set out design criteria for applications of the nature proposed. These policies require proposals to make an efficient and effective use of the site, contributing positively to the visual quality of the environment, addressing key principles for the neighbourhood in terms of height, scale bulk and design, whilst providing an interesting and attractive street frontage.
- 8.8 As existing the site forms a single storey bungalow with large extensions to the rear. The building is in a poor state of repair. The extant permission on the site is for three three-storey buildings of similar appearance to that proposed, with brick and rendered elevations and inset top floors completed in a grey lead-effect membrane. Whereas the extant permission sat three buildings across both 22 & 24 Carden Avenue, the proposed single building development sits on the site of 22 Carden Avenue only. As a result the building has a wider footprint and is set deeper on the west side than those to the extant scheme. The building is also wider than that recently approved at no.24 adjacent. Although a bulky addition to the site, the plans detail that the building would be set suitably off the east and west boundaries, would be set behind the building line of the existing bungalow, and would be of the same overall height as both extant schemes. Further the



absence of any buildings directly to the west provides suitable tree screening and space around the building that lessens the impact of its bulk. As such it is considered that the building can be suitably accommodated within the site without resulting in an excessive overdevelopment of the site. The overall design approach is consistent with both extant schemes and would broadly match that approved at no.24 adjacent.

8.9 For these reasons the proposed development is considered suitably scaled, positioned and designed such that it would not harm the overall appearance of the site or wider street scene in accordance with policies QD1, QD2 & QD3 of the Brighton & Hove Local Plan.

8.10 Trees and landscaping

An Arboricultural Implication Study and Method Statement has been submitted with the application. No trees are to be removed to facilitate the development. A number of trees sit along the west side and rear boundaries that may be impacted by the proposals. The Study identifies that those closest to the proposed building form a group of low quality self-seeded Ash trees approximately 10m in height. A further poor quality Sycamore also sits close to the proposed building. These would be unaffected by the development. A large lime tree sits close to the front west corner of the site with a large Beech to the rear west corner. The Study identifies that the root protection zones to both trees sit well into the site, but would not otherwise be disturbed by the proposed development. A condition is attached to ensure the protective fences identified in the Method Statement are installed for the duration of works. The Council's Arboriculturalist has raised no objection on this basis. Subject to this condition the proposed development would accord with policy QD16 of the Brighton & Hove Local Plan.

8.11 In terms of landscaping, the plans detail areas of planting around the front parking areas and terracing to the rear garden. The terracing would be similar to existing, being in the main set at or below existing ground levels. Final details of all hard and soft landscaping, including details of all planting and boundary treatments, are secured by condition.

8.12 A resident has identified protected species as being likely present on the site. The applicants have commissioned a Biodiversity Report and Ecological Audit to identify whether protected species are present onsite. The County Ecologist has commented on the reports and concluded that the proposed development is unlikely to have a significant impact on biodiversity provided the recommended mitigation measures to take a precautionary approach during site clearance are undertaken.

8.13 **Impact on Amenity**

Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use 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.

8.14 The main impact would be on the amenities of the adjacent occupiers to the east at 24 Carden Avenue. There are no properties to the rear or west sides that

would be impacted. The proposal would not appreciably impact on the amenities of the approved development at 24 Carden Avenue.

- 8.15 No.24 Carden Avenue forms a two storey detached house set broadly level with the bungalow. There are first floor windows in the east side elevation serving a master bedroom that look across the roof of the bungalow. As initially proposed, the first and second floors of the three storey building proposed would have sat within 5.6m and 6m respectively of the closest window and considerably reduced light and outlook to the room in general. The plans have subsequently been amended to increase the separation and reduce the extent of the top floor. The arrangement and relationship now proposed closely matches that approved with no.26 (which is identical in layout to no.24) under planning consents BH2013/04299 & BH201403938. The closest window to no.24 would now sit 6.4m and 7.5m from the first and second floors respectively, similar to the 7m and 7.7m separation approved at no.22. The reduction in the depth of the top floor from 11.2m to 8.6m would also improve light levels and outlook to the rear. A daylight and outlook analysis plan has been submitted which shows that the roof of the proposed building would not break a 25° line from the first floor windows to no.24 (the threshold set out in BRE guidance whereby loss of light may become appreciable). The analysis also shows that the angle of unrestricted outlook to the front and rear from the two bedroom windows would be broadly identical to that approved to no.22. For these reasons, whilst the two bedroom windows would lose some outlook and be more enclosed than existing, this impact would be broadly the same as that approved under BH2014/03938 on no.22 adjacent. Consequently it is not considered that the degree of harm to these windows would be so significant as to warrant the withholding of permission.
- 8.16 All first and second floor windows to the flank walls of the proposed building that face no.24 are detailed to be obscurely glazed bathroom windows therefore no significant overlooking would arise. This is secured by condition.
- 8.17 The plans include spot levels which show that the rear part of the garden and the proposed terrace to the west side are at the same level as existing, with the lower terrace set marginally below existing floor level and between 1.3m and 2.3m below garden level to no.24 adjacent. This is sufficient to ensure the proposed landscaping works and amenity spaces would not result in additional overlooking potential.
- 8.18 Objections have been raised concerned at potential noise disturbance from occupants of the development. Given the residential care nature of the proposal, it would be unreasonable to restrict outside use of the site or request a management plan. Noise associated with 16 residents would unlikely to be significantly greater than noise generated by the 15 persons permitted at the existing day care centre, notwithstanding the proposed outside areas being set closer to the boundary with no.24.
- 8.19 For the reasons set out above the proposed development would not result in significant amenity harm, in accordance with policy QD27 of the Brighton & Hove Local Plan.

**8.20 Sustainable Transport:**

Brighton & Hove Local Plan policy TR1 requires all new development to provide for the travel demand it creates, whilst policy TR14 requires that new development should provide covered and secured cycle parking facilities for residents.

8.21 The site as existing provides parking for approximately 7 vehicles on a front hardstanding access via a central dropped kerb onto Carden Avenue. The proposal seeks to formalise the 7 parking bays, including a disabled parking bay, and retain the central access point. The plans detail that the existing tall front boundary fencing is to be replaced with a low 0.6m high wall with railings above. This would improve pedestrian and vehicular visibility in and around the site. Appropriate secure covered cycle parking is proposed in the side passageway and is secured by condition.

8.22 Objections have been received citing increased parking pressure in the area and associated highway safety issues from parked vehicles on the highway. It was noted during the site visit that levels of street parking along Carden Avenue are high and limit visibility in places, most notably outside the application site. Sustainable Transport officers have raised no objection to the proposed development, noting the site is located on the outer side of a curve in the street and generally provides for good lines of sight along the carriageway for existing vehicles (assuming there are no parked vehicles on street). Sustainable Transport officers have calculated that trip generation from the site would be broadly similar to existing trip generation from the day care centre, and that the seven parking spaces meets the maximum standards set out in SPGBH4. However, as parked vehicles do obstruct visibility at this point in the road, Sustainable Transport officers have recommended that the applicants fund the provision of double yellow lines outside and opposite the site to enable safer access and egress onto Carden Avenue. This is considered necessary given that the site would now generate traffic movements throughout the day and night rather than during the current limited opening hours. An appropriate contribution is secured within the Heads of Terms. Two cycle parking spaces are proposed which meets the requirements of SPGBH4. Final details are secured by condition.

8.23 Subject to these conditions the proposal would accord with policies TR1, TR7 & TR14 of the Brighton & Hove Local Plan.

**8.24 Sustainability**

Policy SU2 of the Brighton & Hove Local Plan, including SDP08 'Sustainable Building Design', requires new development to demonstrate a high level of efficiency in the use of water, energy and materials. Both SPD08 and policy CP8 of the submission City Plan Part One require all new non-residential development to meet BREEAM 'Very Good'. The application states that the building will include sustainable measures such as low energy hot water and heating systems and good insulation amongst others, but does not state a particular standard would be met. In this instance a condition is attached to ensure BREEAM 'very good' is secured in line with policy. Appropriate refuse and recycling facilities are proposed within the side passageway and are secured by condition.

**8.25 Other Matters**

The owner of 24 Carden Avenue adjacent has confirmed that the joint development of 22 & 24 Carden Avenue (BH2013/004299) is no longer being pursued, and that their development of 24 Carden Avenue (BH2014/03938) is not viable and also will not be pursued. Notwithstanding this, this application is determined on the basis of both no.24 remaining in situ and being redeveloped as per the extant permission as circumstances may change in the future.

8.26 Matters relating to land ownership and the lawfulness of the western boundary line are not material planning considerations. In any event, the applicants have confirmed in writing that they own the entire application site.

**9 CONCLUSION**

9.1 The proposed development would provide residential care accommodation for up to 16 persons with learning disabilities within a suitably scaled, positioned and designed building that would not harm the appearance of the site or wider street scene. Further the building, as revised, would not substantially harm the amenities of adjacent occupiers and would suitably mitigate its impact on the safe operation of the public highway, in accordance with development plan policies.

**10 EQUALITIES**

10.1 The development would be Part M compliant and includes level thresholds and wheelchair accessible bedrooms.

**11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES**

**11.1 S106 Heads of Terms**

- Contribution of £2000 to amend the Traffic Regulation Order to provide double yellow lines on both sides of Carden Avenue outside the site.

**11.2 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.

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Plan Type	Reference	Version	Date Received
Site location plan	01	-	18/11/2014
Existing site plan	02	-	18/11/2014
Existing street scene	03	-	24/11/2014
Proposed site plan	03	B	01/06/2015
Proposed site setting out plan	04	A	01/06/2015
Proposed floor plans	05	B	01/06/2015
Proposed elevations	06	B	01/06/2015
Comparison site plans	07		24/11/2014
	08	A	01/06/2015
Existing and proposed street scene	07	A	01/06/2015
Existing house	09	-	03/12/2014

- 3) The first and second floor windows in the east side elevation of the development hereby permitted shall be obscure glazed and non-opening, unless the parts of the window/s which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and thereafter permanently retained as such.  
**Reason:** To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
- 4) Access to the flat roofs over the development hereby approved shall be for maintenance or emergency purposes only and the flat roofs shall not be used as a roof garden, terrace, patio or similar amenity area.  
**Reason:** In order to protect adjoining properties from overlooking and noise disturbance and to comply with policy QD27 of the Brighton & Hove Local Plan.
- 5) The vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved.  
**Reason:** To ensure that adequate parking provision is retained and to comply with policy TR19 of the Brighton & Hove Local Plan.
- 6) 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 SU4 of the Brighton & Hove Local Plan.
- 7) The development hereby permitted shall be carried out in accordance with the mitigation measures set out in Section 6 of the Baseline Ecology Audit received on 14 July 2015

**Reason:** To safeguard protected species from the impact of the development in accordance with policies QD17 and QD18 of the Brighton & Hove Local Plan.

11.3 Pre-Commencement Conditions:

- 8) 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 policies QD1 & QD2 of the Brighton & Hove Local Plan.

- 9) No development shall commence until the fences for the protection of the trees adjacent to the site as detailed within the Arboricultural Method Statement received on 18 November 2014 have been fully installed. The fences shall be erected in accordance with BS5837 (2012) and shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences.

**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 policies QD1 and QD16 of the Brighton & Hove Local Plan.

11.4 Pre-Occupation Conditions:

- 10) 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 'Very Good' 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 SU2 of the Brighton & Hove Local Plan and policy CP8 of the Submission City Plan Part One.

- 11) 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 boundary treatments;

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c. details of all proposed planting, including numbers and species of plant, and details of size and planting method of any trees.

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 and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.

- 12) The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.

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

- 13) 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.

- 14) Within 3 months of first occupation of the development hereby approved, the applicant, owner or developer shall submit to the Local Planning Authority for approval in writing a detailed Travel Plan (a document that sets out a package of measures and commitments tailored to the needs of the development, which is aimed at promoting safe, active and sustainable travel choices by its users (carers, staff, visitors, residents & suppliers).

**Reason:** To ensure the promotion of safe, active and sustainable forms of travel and comply with policies TR1 and TR4 of the Brighton & Hove Local Plan.

### 11.5 Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local

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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 residential care accommodation for up to 16 persons with learning disabilities within a suitably scaled, positioned and designed building that would not harm the appearance of the site or wider street scene. Further the building, as revised, would not substantially harm the amenities of adjacent occupiers and would suitably mitigate its impact on the safe operation of the public highway, in accordance with development plan policies.
3. The applicant is advised that a formal connection to the public sewerage system and water supply is required in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)
4. The applicant is advised that the Travel Plan required under condition 13 shall include such measures and commitments as are considered necessary to mitigate the expected travel impacts of the development and should include as a minimum the following initiatives and commitments:
  - (i) Promote and enable increased use walking, cycling, public transport use, car sharing, and car clubs as alternatives to sole car use
  - (ii) A commitment to reduce carbon emissions associated with commuter travel:
  - (iii) Increase awareness of and improve road safety and personal security:
  - (iv) Undertake dialogue and consultation with adjacent/neighbouring tenants/businesses:
  - (v) Identify a nominated member of staff to act as Travel Plan Co-ordinator, and to become the individual contact for the Local Planning Authority relating to the Travel Plan.
  - (vi) Provide information such as walking & cycle maps, public transport information to staff, residents and visitors, to promote the use of sustainable travel.
  - (vii) As part of staff induction personalised travel planning should be implemented for journeys to work.
5. 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



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to a bat roost. If bats are seen during construction, work should stop immediately and Natural England should be contacted on 0300 060 0300.

COUNCILLOR REPRESENTATION

Mr Andrew Huntley - Planning Officer  
Brighton and Hove City Council  
King's House  
Grand Avenue  
Hove  
BN3 2LS

20<sup>th</sup> January 2015

Dear Mr Huntley

**Planning Application BH2014/03875 - 22 Carden Avenue, Patcham**

We are writing to you in our capacity of Ward Councillors for Patcham formally to object to planning application BH2014/03875 - demolition of existing day care centre (D1) and erection of two storey care home (C2).

In summary, we believe that the planning application, as submitted, is incorrect in several respects.

Firstly, according to the submitted plans, the proposed development will be on three floors, not two as stated on the application form.

Secondly, the applicant states that there will be no gain or loss of residential units as a result of the proposal. This is not correct. Five houses, over 22 and 24 Carden Avenue, which have recently been granted planning permission, will be lost at a time when there is a dire shortage of good quality family housing in Brighton & Hove. We would mention that there is already a recently built 80-bed care home on the junction of Carden Avenue and London Road - Maycroft. This development was itself achieved by the destruction of what were eight attractive family homes. There is also another substantial residential care home between Maycroft and 22 Carden Avenue and, of course, Elwyn Jones Court on the other side of Carden Avenue.

Residents, a number of whom have contacted us, are concerned that the character of this part of Patcham is changing because of the number of care homes being built, and the parking chaos that this is causing.

Thirdly, the applicant states that the site is not within an area at risk of flooding. This again we believe is not true. The whole of Carden Avenue is clearly highlighted on the Environment Agency's maps as an area at high risk of surface water flooding. No flood risk assessment has been submitted by the applicant to show how this high risk could be alleviated. Also, this development will increase pressure on the already overloaded sewerage / water pipes along Old London Road and London Road.

COUNCILLOR REPRESENTATION

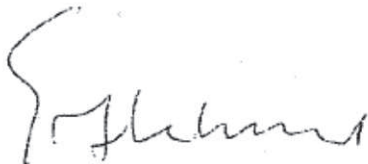
Our final objection relates to traffic issues and parking. The applicant states that the proposed development will have sixteen rooms for residents and that nineteen members of staff will be employed at the premises. This is not to mention the numerous visitors that there will inevitably be to such a care home. Yet the applicant is only proposing to provide seven general use parking spaces. It is inevitable, therefore, that there will be a large increase in demand for on-street parking in Carden Avenue and surrounding side roads.

This increase in on-street parking will potentially be dangerous as the site is situated on the bend of what is a very busy main road. Also, on-street parking will reduce the visibility of drivers of vehicles leaving the site.

As we predicted, the Maycroft care home is already causing considerable on-street parking problems, including the parking of vehicles on the pavement. Staff were supposed to be using bus services as part of an agreed Travel Plan, but many do not. These problems are so significant that the Council is considering introducing enforcement measures and/or applying double yellow lines. Either of these schemes will extend from London Road to Overhill Gardens of which 22 Carden Avenue is almost in the middle. Patcham Local Action Team, with Police presence, regularly discuss residents' concerns about the traffic situation in this part of Carden Avenue.

For all the above reasons, we urge you to reject the application under your delegated powers. However, should this not be the case, we ask that the application is brought before the Council's Planning Committee for determination and this letter be printed on the agenda.

Yours sincerely



Cllr. Brian Pidgeon  
Cllr. Geoffrey Theobald

