DELEGATED APPLICATIONS ASSESSMENT SHEET

APPLICATION NO./ADDRESS: 42 Shelley Road/1-3 Tennyson Road WB/09/0481/FULL

DATE OF SITE VISIT: Various during 2009

NEIGHBOURS CHECKED: Y

ADDITIONAL NEIGHBOUR NOTIFICATIONS: N

PROPOSAL, SITE AND SURROUNDINGS:

The application site comprises an irregular-shaped plot (0.31 hectares in area) formerly occupied by the Berkley Lodge Nursing Home which comprised two main elements, consisting of the original villa plot for 42 Shelley Road, extending northwards and wrapping around the rear of 44 Shelley Road, linked to the rear of the original pair of semi-detached villas at 1 and 3 Tennyson Road.

Permission was granted in December 2008 under WB/08/0928/FULL to demolish the existing 39-bedroom nursing home (and various outbuildings/garages) and erect a replacement 65-bedroom nursing home on the site with pedestrian and vehicular access from Shelley Road and Tennyson Road and provision for 13 parking spaces together with landscaped communal gardens. The proposed development, currently under construction, consists of three main building elements, comprising two replica 'villa' buildings on the Shelley Road and Tennyson Road frontages, and a central 2-storey building attached to the rear of the frontage buildings by glazed links. The 2½-storey frontage buildings occupy similar positions to the original villas, but with an enlarged footprint. Their scale, form, architectural composition and detailing has been designed to reflect the traditional Victorian villas that they replaced, and to respond to the historic context of neighbouring buildings within the respective streetcenes. In contrast, the 'link' building comprises a more contemporary form of 2-storey building, with a shallow-pitched roof, wrapping around No.s 38/40 Shelley Road and extending northwards to the rear of 42 Shelley Road as far as the north site boundary.

The internal layout of the nursing home has largely been influenced by industry standards.

The current application seeks various revisions to the approved scheme comprising:-

- The provision of 2 no. dormer windows to the rear (north) of the building; one dormer is a new opening, whilst the other replaces an approved rooflight opening.
- The removal of an approved rooflight plus re-positioning of rooflights on the west side elevation of the Shelley Road 'villa' adjacent to Sussex Clinic.

- The introduction of a slate-tile lift over-run with lead-rolled hip details set behind the main roof structure of the Shelley Road 'villa'. This is required due to the insistence by Building Control of including a 13 person lift within the stairwell enclosure to ensure safe evacuation of residents in the event of an emergency. This requirement has resulted in the lift being re-positioned and in consequence the required over-run cannot be accommodated within the 'bulk' of the approved roof structure.
- Revisions to the glazed sides of the flat-roofed dormers.

On 10 June 2009 a non-material amendment to the approved scheme (08/0928 refers) was approved involving the front wall of the west wing of the Shelley Road 'villa' being re-positioned forward (south) by 400mm.

RELEVANT PLANNING HISTORY

The proposed revisions are largely as a result of discussions with West Sussex Fire & Rescue Service and Building Control regarding the fire strategy, necessitating changes to the approved internal layout of the nursing home. Other changes (for example, to the construction of the flat-roofed dormers) are necessary to comply with the required insulation values under the Building Regulations.

Following the identification of discrepancies on the construction drawings compared to the approved scheme (08/0928/FULL), and subsequent discussion between officers and the applicant's agent, the above-mentioned revisions were considered to materially alter the approved scheme such that they warranted the submission of a fresh planning application.

RELEVANT PLANNING POLICIES

Saved Local Plan policies BE1, H18 and TR9

South East Plan: SP3, CC1, CC2, CC4, CC5, CC6, T4, NRM5, NRM11, W2 and BE1

RELEVANT CONSULTATION RESPONSES AND REPRESENTATIONS:

CAAC raises no objection.

PLANNING ASSESSMENT:

The previous application was considered in relation to the saved Local Plan policies BE1, H18 and TR9, and the saved Structure Plan policies LOC1, CH1, CH4, DEV1, DEV4, DEV5 and ERA1. The Structure Plan has since been superseded by the South East Plan (2009) and the relevant policies against which the current application should now be considered are SEP policies SP3, CC1, CC2, CC4, CC5, CC6, T4, NRM5, NRM11, W2 and BE1. National Government Policy in the form of the relevant Planning Policy Statements and Guidance constitute a material consideration in the

determination of the proposed development (in particular PPS1, PPS3, PPG13 and PPG15).

The principle of the development has already been established by the previous approval (08/0928 refers). The main considerations therefore relate to the impact of the proposed revisions on the appearance of the building, their effect within the streetscene generally, and on the residential amenities of adjoining occupiers.

The proposed lift over-run has been designed to appear as part of the roof structure, with sloping sides and finished in natural slate to match the surrounding roof. It will be glimpsed in angled views from Shelley Road through the gap between No.42 and 44, and in elevated views from the flat block directly opposite (Cranleigh Court). However, it is reasonably discreet in terms of its position at the rear of the 'villa' and well disguised in terms of its treatment, and although it results in an overall less satisfactory roof form compared to the approved scheme, it is not so visually obtrusive or incongruous a feature as to warrant refusing this revised application.

The additional 'bulk' of the proposed lift over-run would have no significant impacts in terms of residential amenity.

The proposed new dormers on the rear (north) of the Shelley Road 'villa' both serve bedrooms whereas the windows in this part of the approved building served non habitable administration rooms/storage etc. The easternmost rear dormer overlooks the roof of the 2-storey link building, while the westernmost dormer overlooks the strip of garden between the link building and the western site boundary, allowing for angled views across the rear garden of the neighbouring Sussex Clinic (also a residential care home). First-floor windows in the rear of the 'villa' have similar angled views, whilst first-floor windows in the west-facing elevation of the link building have more direct views over the neighbouring garden (at a distance of 10 metres). Thus the revision would result in a marginal increase in the intensity of overlooking of the Sussex Clinic, but not to such an extent as to warrant refusal. In terms of their visual impact, the dormers would not be visible within the streetscene and whilst they result in a slightly less pleasing overall composition are not in themselves unacceptable.

Unfortunately it is not possible to build the glazed side cheeks of the flat-roofed dormers (negotiated as part of the previously approved scheme) in accordance with current Building Regulations. It has been necessary to reduce the glazed area which results in a bulkier appearance. It will not be possible to achieve the light-weight appearance typical of a Victorian dormer and therefore the replacement 'villas' will lose some of their authenticity of appearance. Nevertheless, a glazed element is still considered preferable to the alternative of a solid 'ply membrane' cheek. Although the loss of sympathetic detailing is disappointing, the dormers are relatively modest features and their appearance within the overall composition is considered satisfactory.

Other small alterations have not been specifically referred to by the applicant but include a small re-positioning of the windows resulting in a greater distance between the window heads and eaves on the 'villas', plus a slightly larger gap between the paired windows in the front elevation of both 'villa' buildings and a slightly elongated roof 'ridge' by 200mm. The buildings are not sited any closer to the neighbouring properties as approved and there are no residential amenity implications arising from these changes, but they represent subtle alterations to the original design which cumulatively result in a slightly less authentic and therefore slightly less satisfactory appearance.

The highways considerations are unchanged, since no alterations are proposed to the approved access and parking arrangements and no additional accommodation is proposed compared to the approved scheme. In terms of infrastructure, a signed deed of variation to the S106 unilateral undertaking completed under 08/0928 has been submitted.

RECOMMENDATION

APPROVE subject to conditions:-

1. Prior to first occupation of the development hereby permitted the replacement boundary walls shall be carried out in accordance with the details submitted pursuant to condition 2 of WB/08/0928/FULL and agreed by the Local Planning Authority by letter dated 21 September 2009.
2. Prior to first occupation of the development hereby permitted the car parking and associated areas shall be surfaced in accordance with the details submitted pursuant to condition 3 of WB/08/0928/FULL and agreed by the Local Planning Authority by letter dated 21 September 2009.
3. The development hereby permitted shall not be occupied until the car parking provision and turning provision shown on the approved plans has been provided and constructed. Such provision shall thereafter be retained and shall be used only for the parking and manoeuvring of vehicles.
4. Prior to first occupation of the development hereby permitted secure cycle parking facilities shall be provided in accordance with the details submitted pursuant to condition 5 of WB/08/0928/FULL and agreed by the Local Planning Authority by letter dated 7 May 2009.
5. The accesses to the site from Shelley Road and Tennyson Road shall be provided with 1.5 metre by 1.5 metre pedestrian visibility splays on each side of the accesses. Thereafter, the said splay areas shall be kept free from obstruction to visibility in excess of 0.6 metres above the level of the adjoining carriageway.
6. No construction work shall be carried out on the site unless there is made available within the site provision for parking for construction traffic and an appropriate turning area clear of the public highway in accordance with the details submitted pursuant to condition 7 of WB/08/0928/FULL and agreed by the Local Planning Authority by letter dated 7 May 2009. The agreed facilities shall be retained throughout the entire period of construction work on the site.

7. Provision shall be made within the site to accommodate all temporary contractors' buildings, plant and stacks of materials associated with the development in accordance with the details submitted pursuant to condition 8 of WB/08/0928/FULL and agreed by the Local Planning Authority by letter dated 21 September 2009. The agreed provision shall be retained for these purposes throughout the entire period of construction work on the site.
8. The scheme for the suppression of dust during the construction period submitted pursuant to condition 9 of WB/08/0928/FULL and agreed by the Local Planning Authority by letter dated 7 May 2009 shall be implemented throughout the entire course of construction work on the site.
9. No work for the implementation of the development hereby permitted shall be undertaken on the site on Sundays or on Bank Holidays. On all other days such work shall only be implemented between the hours of 8.00 am and 6.00 pm inclusive.
10. The scheme of hard and soft landscaping submitted pursuant to condition 11 of WB/08/0928/FULL and agreed by the Local Planning Authority by letter dated 11 June 2009 shall be carried out in the first planting season following occupation of the building or the completion of the development, whichever is the sooner. Any trees or plants within a period of 5 years etc.
11. The scheme for the protection of trees on the site submitted pursuant to condition 12 of WB/08/0928/FULL and agreed by the Local Planning Authority by email dated 12 March 2009 shall be implemented throughout the entire course of construction work on the site.
12. The development hereby permitted shall be completed in accordance with the schedule and samples of materials and finishes to be used for the external walls and roofs of the buildings submitted pursuant to condition 13 of WB/08/0928/FULL and agreed by the Local Planning Authority by letters and email dated 7 May 2009, 21 September 2009 and 16 November 2009.
13. The detailed design, materials and external finishes of the main entrance porch and porticos to the replica villas shown on the approved drawings shall be carried out in accordance with the details submitted pursuant to condition 14 of WB/08/0928/FULL and agreed by the Local Planning Authority by email dated 16 November 2009.
14. The decorative mouldings, window surrounds, eaves brackets and chimneys of the replica villas shall be carried out in accordance with the details submitted pursuant to condition 15 of WB/08/0928/FULL and discharged by the Local Planning Authority by email dated 21 October 2009.
15. The windows of the replica villas shall consist of vertical sliding sashes on 2 vertical planes in accordance with the details submitted pursuant to condition 16 of WB/08/0928/FULL and agreed by the Local Planning Authority by email dated 21 October 2009.
16. Provision shall be made for combined TV aerial facilities to serve the development hereby permitted.

17. Prior to first occupation of the development hereby permitted, refuse/recycling facilities shall be provided in accordance with the details submitted pursuant to condition 19 of WB/08/0928/FULL and agreed by the Local Planning Authority by email 16 November 2009.
18. If during the course of the implementation of this approval visible contaminated or odorous material is found to be present at the site this shall be investigated by the developer at the earliest opportunity; the Local Planning Authority shall be informed by the developer of the nature and degree of contamination present; a method statement shall be prepared by the developer detailing how the suspected contamination shall be dealt with and submitted to the Local Planning Authority; construction work shall cease until such time as the method statement has been approved by the Local Planning Authority and the construction works shall not proceed other than in full accordance with any such approval.
19. Any external lighting or floodlighting of the development shall only be carried out in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
20. The development hereby permitted shall not be occupied until all drainage works have been carried out and completed in accordance with the details submitted pursuant to condition 23 of WB/08/0928/FULL and agreed by the Local Planning Authority by letter dated 11 June 2009.
21. Prior to first occupation the sustainable design features of the development hereby permitted, including the installation of a ground source heat pump as detailed in the Energy Statement prepared by Bespoke Builder Services Limited, submitted pursuant to condition 24 of WB/08/0928/FULL and agreed by letter dated 11 June 2009, shall be carried out and implemented; or such other measures agreed in writing by the Local Planning Authority which ensure a proportion of not less than 10% of the operational energy demand of the nursing home hereby permitted is met or secured by decentralised and renewable and /or low carbon energy sources, as compared to the operational energy demand of the nursing home built without such measures (but in compliance with the prevailing Building Regulation standards). Such approved measures shall be retained thereafter and operated and maintained in accordance with the manufacturers' instructions.
22. Upon first occupation of the development the Green Travel Plan submitted pursuant to condition 25 of WB/08/0928/FULL and agreed by the Local Planning Authority by letter dated 7 May 2009 shall be carried out and implemented in accordance with the requirements of the Highway Authority's Business Travelwise Officer.
23. The number of resident bed spaces at the nursing home shall be no more than 65.
24. The following windows shall be obscure glazed and fixed shut etc.
25. Prior to occupation of the development the signage details and road markings delineating the one-way system for vehicular traffic through the site, and highlighting the one-way system within the

public highway for those exiting the site onto Tennyson Road, shall be carried out in accordance with the details submitted pursuant to condition 29 of WB/08/0928/FULL and agreed by the Local Planning Authority by letter dated 7 May 2009.

26. The wheel-washing facility approved pursuant to condition 30 of WB/08/0928/FULL shall be retained and implemented throughout the course of construction works on the site.

REASONS FOR RECOMMENDATION:

Whilst the proposed revisions are frustrating, they appear to be unavoidable, largely as a consequence of Building Regulations requirements, and it would be difficult to argue that the overall appearance of the revised scheme is significantly worse such as to now warrant refusal.

HUMAN RIGHTS:

Article 8 (Right to Respect of a Private and Family Life) and Article 1 of the First Protocol (Protection of Property) of the Human Rights Act 1998 are relevant to this application. It is accepted that the proposal, if approved, would have some impact on the neighbouring properties. However, it is considered that on balance, existing residential quality of life would not be significantly adversely affected as a result of the proposal. Accordingly it is considered that it is acceptable with regard to Article 8 and Article 1.

IS RECOMMENDATION CONTRARY TO LETTER (S) OF REPRESENTATION?

No

Case Officer
Sign..... [redacted] .....Date.....21.12.09.....

Authorising Officer
Sign..... [redacted] ....Date.....21.12.09.....