

**BRIGHTON AND HOVE CITY COUNCIL**

**LIST OF MAJOR OR CONTROVERSIAL APPLICATIONS**

**OR APPLICATIONS CONTRARY TO COUNCIL POLICY**

<b>No:</b>	<b>BH2004/02394/FP</b>	<b>Ward:</b>	<b>PRESTON PARK</b>
<b>Address:</b>	<b>90-96 Preston Road</b>		
<b>Proposal:</b>	<b>Amendment to previously approved residential development scheme (BH2002/00562/FP granted 2/10/02) including reduction in size of proposed central block, increase in width of proposed block fronting Preston Road, alterations to external elevations and alteration of internal layouts.</b>		
<b>Officer:</b>	<b>Hamish Walke, tel: 292101</b>	<b>Received Date:</b>	<b>03 August 2004</b>
<b>Con Area:</b>	<b>Adjoining Preston Park &amp; adjoining Preston Village</b>	<b>Expiry Date:</b>	<b>28 September 2004</b>
<b>Agent:</b>	<b>DRP Architects, 87-88 Upper Lewes Road, Brighton</b>		
<b>Applicant:</b>	<b>Southern Housing Group, Fivash House, 9 Denne Parade, Horsham</b>		

**1 SUMMARY**

This revised application relates to the undeveloped (western) part of the Endeavour site. No objections have been received to the proposal. This revised proposal has similar scale, massing and design to the partially implemented scheme on the site. Officers have some concerns about the design and minor transport issues which it is hoped these can be resolved before the Sub-Committee meeting. The scheme incorporates an appropriate mix of unit sizes. A contribution towards open space improvements can be secured. No significant adverse impact upon neighbours would result. The scheme incorporates an acceptable level of parking and provision for a car club. As a result, the traffic/transport implications are considered acceptable. The development is capable of achieving a high level of sustainability. Subject to the above amendments and the conditions and legal agreement set out in the recommendation, approval is recommended.

It is intended to visit the adjoining, completed building as an implemented site inspection.

**2 RECOMMENDATION**

**Minded to Grant** Planning Permission subject to the receipt of satisfactory revised plans and subject to a S106 Planning Obligation or a Variation of the existing Obligation to secure a contribution towards open space improvements, a percent for art contribution and the establishment of a car club for residents, a green travel pack and to secure highway improvements and other transport initiatives and subject to the following conditions:-

1. 01.01A Full Planning Permission.

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2. 02.05B Refuse and recycling storage (facilities) (B).
3. 03.01B Samples of Materials Non-Cons Area (B).
4. 06.02B Cycle parking details to be submitted (B).
5. Prior to the commencement of development, measures to screen the first and second floor balconies of the northernmost flats hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in strict accordance with the approved scheme. Reason: To avoid overlooking and loss of privacy to neighbouring residential properties to the north and in accordance with policies ENV1 of the Brighton Borough Local Plan and QD27 of the Brighton and Hove Local Plan Second Deposit Draft.
6. 04.01 Landscaping/Planting scheme.  
**Reason:** Add “and to comply with policies ENV61 of the Brighton Borough Local Plan and QD15 of the Brighton and Hove Local Plan, Second Deposit Draft.
7. 04.02 Landscaping/planting (implementation/maintenance).  
**Reason:** Add “and in accordance with policies ENV61 of the Brighton Borough Local Plan and QD15 of the Brighton and Hove Local Plan Second Deposit Draft.”
8. 18.01 Archaeology Delete “within the area indicated on the plan No. X”  
Insert “within the application site”.  
**Reason:** In order to provide a reasonable opportunity to record the history of the site and in accordance with policies EN22 of the East Sussex and Brighton & Hove Structure Plan 1991-2011, ENV43 of the Brighton Borough Local Plan and HE12 of the Brighton and Hove Local Plan Second Deposit Draft.
9. Prior to the commencement of development, details of measures to ensure that the development achieves a “Very Good” or “Excellent” EcoHomes rating shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details.  
**Reason:** To ensure that the development is sustainable and makes efficient use of energy, water and materials and in accordance with policies S1 of the East Sussex and Brighton & Hove Structure Plan 1991-2011 and SU2 of the Brighton and Hove Local Plan Second Deposit Draft.
10. 19.01 Soil contamination.  
**Reason:** Add “and in accordance with policies ENV1 and ENV44 of the Brighton Borough Local Plan and SU11 and QD27 of the Brighton and Hove Local Plan Second Deposit Draft.”
11. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage works shall be completed in accordance with the details and timetable agreed.  
**Reason:** To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal and in accordance with policy SU5 of the Brighton and Hove Local Plan Second Deposit Draft.
12. Prior to being discharged into any watercourse, surface water sewer or

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soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through trapped gullies to BS5911:1982 with an overall capacity compatible with the site being drained.

**Reason:** To prevent pollution of the water environment and in accordance with policy SU5 of the Brighton and Hove Local Plan Second Deposit Draft.

### Informatives:

1. This decision is based on drawing nos. submitted on (Awaiting amended plans)
2. This decision to grant Planning Permission has been taken having regard to the policies and proposals in the East Sussex and Brighton & Hove Structure Plan, Brighton Borough Local Plan and the Brighton & Hove Local Plan Second Deposit Draft set out below and to all relevant material considerations including Supplementary Planning Guidance:  
East Sussex and Brighton and Hove Structure Plan 1991-2011:  
S1 – Twenty One Criteria for the 21<sup>st</sup> Century  
S4 – Strategic Pattern of Development  
S13 – Area policies – Brighton & Hove  
H1 – Housing Provisions  
H4 – Affordable Housing  
H8 – Provision for Small Households  
H9 – Maximising Housing Provision within Urban Areas  
TR3 – Accessibility  
TR16 – Parking Standards for Development  
TR18 – Cycle Parking, EN22 – Archaeological and Historical features  
EN23 – Archaeological and Historical features  
EN24 – Archaeological and Historical features  
Brighton Borough Local Plan:  
ENV1 – General environment objectives and policies  
ENV2 – General environment objectives and policies  
ENV3 – Design in the built environment  
ENV4 – Security in design  
ENV33 – Setting of listed buildings  
ENV43 – Archaeological Sites  
ENV44 – Pollution control  
ENV61 – Trees and landscaping  
H2 – Maximising the supply and use of housing  
H19 – Children/open space provision  
H22 – Needs of People with Disabilities  
TR9 – Relationship to development  
TR33 – Cycle parking  
TR44 – Car parking standards  
Brighton and Hove Local Plan Second Deposit Draft:  
TR1 – Development and the demand for travel  
TR2 – Public transport accessibility and parking  
TR(new policy) – Safe development  
TR6 – Pedestrian routes  
TR12 – Cycle access and parking

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TR16 – Parking for people with a mobility related difficulty  
TR17 – Parking standards  
SU2 – Efficiency of development in the use of energy, water and materials  
SU5 – Surface water and foul sewage disposal infrastructure  
SU11 – Polluted land and buildings  
SU13 – Minimisation and re-use of construction industry waste  
SU15 – Waste management  
SU16 – Infrastructure  
QD1 – Design – quality of development and design statements  
QD2 – Design – key principles for neighbourhoods  
QD3 – Design – efficient and effective use of sites  
QD4 – Design – strategic impact  
QD5 – Design – street frontages  
QD6 – Public art  
QD7 – Crime prevention through environmental design  
QD15 – Landscape design  
QD25 – External lighting  
QD27 – Protection of amenity  
QD28 – Planning obligations  
H01 – Housing sites and mixed use sites with an element of housing  
H02 – Affordable housing – ‘windfall sites’  
H03 – Dwelling type and size  
H04 – Dwelling densities  
H0(new policy) – Provision of private amenity space in residential development  
H05 – Provision of outdoor recreation space in housing schemes  
H06 – Car free housing  
H013 – Accessible housing and lifetime homes  
HE3 – Development affecting the setting of a listed building  
HE6 – Development in Conservation Areas  
HE12 – Schedules ancient monuments and other important archaeological sites  
SPGBH4 – Parking Standards  
SPGBH21 – Brighton and Hove Sustainability Checklist

### **3 THE SITE**

The application site is located on the north-east side of Preston Road, to the north of the junction with Springfield Road. It is rectangular in shape and covers 0.21 hectares. The site has been cleared and is currently used for parking and storage in connection with ongoing development on the adjoining site. The adjoining part of the site to the north-east is under development for affordable housing to provide 50 flats in two blocks of 5 storeys (14.2 metres) in height. The affordable housing element has a site area of approximately 0.21 hectares. The previous use of the whole site was a car sales showroom with ancillary offices and workshops.

The area to the north and east of the site is predominantly residential in nature, the prevailing built form being three/four storey late Victorian houses, often

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divided into flats. Immediately to the north and fronting Stanford Avenue is a 4 storey block of flats dating from the 1930's. Preston Road contains a mix of retail (A1) and food and drink (A3) uses with residential above, accommodated in mainly 3 storey late Victorian houses. To the south on the opposite side of Preston Road is a three storey former Victorian school building, now occupied by City College.

Approximately 55 metres to the north of the site is Preston Park, which is listed on English Heritage's Register of Parks and Gardens of Special Historic Interest. The southern end of the park also forms the boundaries of both Preston Park and Preston Village Conservation Areas. To the south of the site is the prominent London Road railway viaduct, which is a Grade II\* listed building. The application site itself also contains the remains of a Roman villa.

### 4 RELEVANT HISTORY

**BH2004/00274/FP** – Erection of two 6 storey buildings to form 74 flats and a shop (A1), basement parking for 39 cars and 94 bicycles with access from Springfield Road and associated landscaping. Granted 26/04/04 subject to similar legal agreement to BH2002/00562/FP.

**BH2002/03086/FP** – One 16 storey and one 6 storey building to form 74 apartments, basement parking for 12 cars and 75 bicycles, and ground floor showroom for the display of prestige motor vehicles and associated landscaping. (Amendment to west section of site in respect of existing planning permission BH2002/00562/FP, granted 2nd October 2002). Withdrawn 27/01/04.

**BH2002/00562/FP** – Redevelopment to provide three blocks of flats (124 of which 50 are to be affordable) together with 24 parking spaces and landscaped amenity area. Granted following completion of Section 106 agreement 2/10/02. The legal agreement secured affordable housing, percent for art contribution, contribution towards open space improvements, establishment of a car club and other transport initiatives including off site highways works. This permission has been partially implemented as the affordable housing element of the scheme, to the north east of the current application site, is almost completed.

The site was originally in residential use, containing late Victorian houses in the same style as those remaining on Springfield Road. The planning history indicates that the site has been used for car repairs or general workshops since the late 1940's.

Outline Planning Permission was refused in 1985 for the redevelopment of the site for offices.

### 5 THE APPLICATION

Planning permission is sought for the erection of one five-storey and one six-storey block of flats to form a total of 74 affordable and shared ownership flats. The proposal is an amendment to the previously approved residential scheme

(BH2002/00562/FP granted 2/10/02) involving a slight relocation of the two blocks and changes to the external elevations and internal layouts. A central courtyard area is proposed between the two blocks. The basement area would provide car and cycle parking.

## 6 CONSULTATIONS

### External:

**Neighbours:** A letter of objection has been received from **10 residents of Argyle Road**. The letter states that 12 car parking spaces to serve 74 flats is totally inadequate. Parking is a great concern in the neighbourhood and the lack of realistic assessment of residents need will have a serious impact. High density schemes need to take account of their location and the Council should demand better parking provision or reject the application. Given that this is the holiday period, the deadline for comment should be extended.

Two letters have been received from **No. 171 Waldegrave Road and 14 Harrington Villas**. Both letters broadly support the proposed changes. Welcome the shift in vehicular access from Preston Road to Springfield Road and the height transition on west elevation to take account of neighbouring buildings. Good to see more trees behind Stanford Court, which will benefit from more light. Revised similar design to the existing new blocks is absolutely right. Overall impact on neighbourhood is improved by the changes.

Three minor concerns are raised, relating to the appearance of the flat roofs to train passengers, whether enough natural light will reach the ground floor flats and whether the irregular shape of the balconies are appropriate on the Preston Road elevation.

**CAAG:** No comment on the amended design, but urge the retention of the car club element from the original proposal.

**Sussex Police:** No major concerns. The amended scheme is similar to Phase 1, which has just received approval under the “Secured by Design” initiative. Similar principles should be applied to this development. There should be access controls on the pedestrian and vehicular entrances and doors and ground floor windows. Laminated glass should be used on the ground floor fronting Springfield Road and Preston Road.

**County Archaeologist:** No comments to add to those previously made on this site about the need for conditions requiring an archaeological investigation to record the remains ahead of development. The site contains the remains of a Roman villa.

**CABE:** Not able to comment on this scheme.

**English Heritage:** Do not wish to make comments. The proposal should be determined in accordance with government guidance, development plan policies and with the benefit of local conservation advice.

**Internal:**

**Conservation & Design:** No comment.

**Traffic Manager:** Previous comments still apply. Because the parking standards are maximal the under provision of general parking spaces is acceptable provided that compensating provision for sustainable modes is made. The applicants are proposing the provision of a car club and the promotion of some units within the development as car free. In addition to these specific measures proposed in the current Transport Assessment, the Section 106 agreement for the revised application should also retain the obligations previously entered into in respect of private housing which were required by the previous planning permission. In particular, the new agreement should retain the highway works payment, the provision of a car club and the requirement for the applicants to provide a green travel information pack for residents. It should also be confirmed that the applicants should fund the making of any Traffic Regulation Orders necessitated by the development.

The applicants should be required to allocate the appropriate spaces to individual units rather than allow them to be used on a 'first come first served' basis. It should also be a requirement that all car-owning registered disabled residents are allocated spaces irrespective of the particular unit which they buy, and that space for registered disabled car driving visitors is available. At least two disabled parking spaces should be required.

The minimum requirement is for 100 cycle parking spaces. The applicants should be required to submit a detailed plan for approval showing at least 100 spaces.

**Planning Policy:** While the proposal involves minor amendments that do not appear to raise significant policy issues, there are nevertheless some areas that require clarification and further information to be submitted by the applicant prior to a decision. Policy SU2 of the Second Deposit Draft Local Plan requires demonstration of a high standard of efficiency in the use of energy, water and materials. SPGBH16 and SPGBH21 support and reinforce this policy, and a sustainability statement should be prepared to support the application.

In terms of design, the proposed minor amendments to the internal layouts, elevations and block sizes do not raise significant design issues, and the courtyard will remain the same size. There are no policy objections to the changes, however a short design statement would be helpful to detail the rationale behind the changes for completeness, and to accord with QD1.

Subject to receipt of a satisfactory sustainability statement and design rationale, there are no policy objections to the proposed amended scheme.

**Environmental Health:** This proposed development is located close to the main Preston Road and close to the railway viaduct on the Brighton /Lewes line. Traffic noise should be considered and, in addition, the upper stories of the block fronting Preston Rd could be exposed to the railway noise.

The applicant should be asked to submit an assessment in accordance with PPG 24 Planning and Noise. Both traffic and railway noise should be assessed, and in particular the impact of the railway on the upper stories which are close to the top of the viaduct. In accordance with PPG24 – Planning and Noise, an assessment should be provided to the local planning authority prior to development. Conditions should also be imposed regarding soundproofing plant and machinery securing satisfactory refuse storage.

## **7 PLANNING POLICIES**

### **East Sussex and Brighton and Hove Structure Plan 1991-2011:**

**S1** – Twenty One Criteria for the 21<sup>st</sup> Century

**S4** – Strategic Pattern of Development

**S13** – Area policies – Brighton & Hove

**H1** – Housing Provisions

**H4** – Affordable Housing

**H8** – Provision for Small Households

**H9** – Maximising Housing Provision within Urban Areas

**TR3** – Accessibility

**TR16** – Parking Standards for Development

**TR18** – Cycle Parking

**EN22** – Archaeological and Historical features

**EN23** – Archaeological and Historical features

**EN24** – Archaeological and Historical features

### **Brighton Borough Local Plan:**

**ENV1** – General environment objectives and policies

**ENV2** – General environment objectives and policies

**ENV3** – Design in the built environment

**ENV4** – Security in design

**ENV33** – Setting of listed buildings

**ENV43** – Archaeological Sites

**ENV44** – Pollution control

**ENV61** – Trees and landscaping

**H2** – Maximising the supply and use of housing

**H19** – Children/open space provision

**H22** – Needs of People with Disabilities

**TR9** – Relationship to development

**TR33** – Cycle parking

**TR44** – Car parking standards

### **Brighton and Hove Local Plan Second Deposit Draft:**

**TR1** – Development and the demand for travel

**TR2** – Public transport accessibility and parking

**TR(new policy)** – Safe development

**TR6** – Pedestrian routes

**TR12** – Cycle access and parking

**TR16** – Parking for people with a mobility related difficulty



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TR17 – Parking standards  
SU2 – Efficiency of development in the use of energy, water and materials  
SU5 – Surface water and foul sewage disposal infrastructure  
SU11 – Polluted land and buildings  
SU13 – Minimisation and re-use of construction industry waste  
SU15 – Waste management  
SU16 – Infrastructure  
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HE3 – Development affecting the setting of a listed building  
HE6 – Development in Conservation Areas  
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SPGBH4 – Parking Standards  
SPGBH21 – Brighton and Hove Sustainability Checklist

### **8 CONSIDERATIONS**

The main issues for consideration here are the residential environment created, design and visual impact, impact upon features of historic and archaeological interest, impact upon neighbouring properties, sustainability, traffic and transport issues.

It should be noted that this scheme is a relatively minor amendment to the previously approved scheme (BH2002/00562/FP). As the planning history shows, there have been a number of proposed schemes on this site. Originally a scheme involving three blocks of similar design, with cream render/timber clad elevations, was approved. This scheme has been partially implemented. There were subsequently two applications, one for 16 and 6 storey blocks and one for 5 and 6 storey blocks, with a circular design and the use of green render. The current application is an amendment to the original cream render/timber clad scheme.

### **Residential environment**

The principle of residential development has already been established by the existing, partially implemented planning permission (BH2002/00562/FP). This permission included a total of 74 flats on the current application site in two buildings of very similar scale to the revised proposal which forms the basis of this application.

The revised proposal includes a total of 37 one bedroom flats, 34 two bedroom flats and 3 three bedroom flats. This mix is considered to represent a satisfactory mix of unit sizes to accord with Council policy. The density is identical to the approved scheme and is acceptable in a high density city centre location.

Ordinarily 40% affordable housing would be sought through a legal agreement. In this case, the 40% affordable element of the overall scheme is already nearing completion on the site immediately to the north-east. Despite this, the applicants are a housing association and intend that the current proposal would be a wholly affordable housing scheme, comprising a mix of rented and shared ownership flats. This contribution to the city's affordable housing needs is to be welcomed. However, given that the 40% affordable element of the overall scheme has already been secured, it is not appropriate to formally secure this further provision through a legal agreement.

Balconies, roof terraces or direct access onto communal areas are proposed for each flat. The central courtyard would also be accessible for all occupants. Policy H05 requires a contribution towards outdoor recreation spaces such as play areas or formal sports provision. For the previously approved scheme on this part of the site, a contribution of £30,000 was secured. It is recommended that an identical contribution is secured as part of this proposal. This money would be spent on improvements to nearby Preston Park.

### **Design and visual impact**

The proposed scheme represents a minor revision to the approved scheme for the overall site. The minor changes triggering this application involve a relocation of the two blocks approximately 1.4 metres to the east (towards the implemented part of the development) and internal layout and external elevation changes. This shift has no significant impact on the design of the scheme, although it allows a slight improvement in setting the northern flats further back from Preston Road. It has been possible through the sharing of a corridor between the implemented and currently proposed parts of the central block.

The external changes are mainly to the fenestration. The cream render and timber cladding used on the developed part of the site would be continued. With the exception of revisions requested by officers affecting the upper north elevation to reduce the dominance of the timber cladding, the revised elevations are considered acceptable.

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Council policy seeks the inclusion of lively and active frontages within new development. The proposal incorporates a pedestrian entrance from Preston Road, landscaped strip between the building and Preston/Springfield Roads and would have flat windows and outdoor terraces fronting the roads. As such, it would provide the active frontage sought by Council policy.

The revised scheme raises no significant new design and visual impact issues and is considered acceptable in this respect.

### **Impact upon historic and archaeological features**

The site is in close proximity to a number of features of historic interest, including Preston Park and Preston Village conservation areas, the Grade II\* listed railway viaduct and the listed Preston Park. The scheme would be approximately 2.2 metres below the viaduct's parapet wall. Whilst the building would still be partially visible from Preston Park and the conservation areas to the north, it would not rise significantly above surrounding development, as the previously proposed sixteen storey building did, and would be partially screened from the north by Stanford Court. No objections have been made by Conservation and Design or English Heritage.

The application site has recognised archaeological interest, being the site of a Roman villa. As with the previous scheme, it is recommended that a condition requiring archaeological assessment is applied. This condition was applied to the approved scheme and the assessment has been carried out in respect of the affordable housing element of the scheme. Investigation revealed a small element of the Roman villa, a central Roman well and a number of waste pits. It appears that the remaining and larger element of the Roman villa lies within the current application site.

### **Impact upon neighbouring properties**

A Sunlight and Daylight Assessment has been submitted by the applicant. The assessment demonstrates significant improvements to daylight reaching adjoining properties compared to the already approved scheme. In the majority of cases, the daylight impact accords fully with the BRE guidelines. The impact on Nos. 88 Preston Road, 4-8 Springfield Road and one window on the ground floor of Stanford Court is marginally below the BRE guidance. However, the Stanford Court flat has an alternative side window lighting the same room and the Springfield Road windows are bay windows where the windows in the splays of the bays will provide additional light. The internal courtyard has been widened in the revised scheme, allowing additional light to penetrate into the development and to the rear of Stanford Court to the north. Generally, whilst there are minor adverse impacts upon some adjoining properties, the current scheme has a lesser impact than the existing approved scheme and is considered acceptable.

In terms of overlooking, properties on the opposite sides of Springfield and Preston Roads would be between 16.5–28 metres away. The scheme has been

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set back slightly from the Preston and Springfield Road pavements and therefore these distances are an increase on the approved scheme. No overlooking problem would result to neighbours on Springfield or Preston Roads.

A distance of 7-8 metres from Stanford Court and No. 2 Stanford Avenue is proposed. This relationship is the same as in the approved scheme. Fenestration on the three storey elevation facing Stanford Court is similar to the approved scheme, with high level kitchen windows, glazing to light the central corridor and living room windows. The living room windows are located to the west of Stanford Court and would only offer oblique views towards its flats. The corridor glazing would be recessed to a distance of 12 metres from Stanford Court. Oblique views towards Stanford Court may be possible from first and second floor balconies and measures to avoid any possible overlooking can be secured by condition. The distance across the proposed courtyard within the development varies between 10 and 16 metres and there would be a communal area between. Overall, it is not considered that any significant loss of privacy would result from the scheme.

### **Traffic/Transport issues**

The original approved scheme (BH2002/00562/FP) for the overall Endeavour site included 12 basement car parking spaces on the blocks within the current application site. The subsequent approved scheme (BH2004/00274/FP) included 39 basement car parking spaces on the current application site. This revised scheme reverts to the 12 spaces originally approved. This level of provision is within the Council's maximum parking standards.

The previously approved scheme also included provision for a single car club covering the private and affordable elements of the scheme and required the developer to fund membership for two years for occupiers of the private scheme. It is recommended that these provisions are carried forward in a new legal agreement, although it is understood that the developer now hopes to provide dedicated car club spaces on-street. This is considered acceptable in principle as it would allow the scheme to be widened to include surrounding residents.

Cycle parking is indicated on the submitted plans. Transport Planning have some concerns about the number of available spaces and seek a minimum of 100 spaces. An amended plan has been requested from the applicants and this provision can be secured by condition.

Outside the site, £30,000 was previously secured for highway improvements to adjoining footpaths. Again, it is recommended that this provision is carried forward to the new agreement. Overall, the proposal is considered acceptable in traffic and transport terms subject to the conditions set out above.

### **Sustainability**

A Sustainable Development Report has been submitted with the application,

although a formal EcoHomes assessment has not yet been completed. A range of sustainability measures are proposed including low energy appliances and lighting, use of sustainable materials, low water consumption, passive ventilation, recycling facilities. Secured by Design approval will be a Housing Corporation requirement.

The sustainability report demonstrates a clear commitment to achieving a sustainable development. The Housing Corporation require a minimum 'Good' EcoHomes rating. The applicants state that they will strive to achieve a 'Very Good' rating. Given the scheme's size and prominent location, it is considered critical that the development on this site achieves a high level of sustainability. It is therefore recommended that approval is granted subject to details of measures being supplied to ensure that the scheme gains at least a 'Very Good' EcoHomes rating. Officers understand that an 'Excellent' rating, although desirable, would be difficult to achieve. A condition requiring an 'Excellent' or 'Very Good' rating is therefore recommended.

#### **Environmental Impact Assessment**

A previous proposal on this site, for a sixteen storey development, was considered by the Government Office for the South East to require Environmental Impact Assessment on the grounds of height in relation to surroundings, proximity to a listed building, conservation areas and a listed park and due to the long term nature of the impact. The current scheme is a maximum of six storeys high, which is not significantly higher than surrounding buildings. In terms of views, it is not considered to have significant environmental impact upon the conservation areas or park. Its height is also now below the height of the listed viaduct. The site area falls below the area threshold of 0.5 hectares set out in Schedule 2 of the EIA Regulations. It is therefore not considered that EIA is required for this proposal.

#### **Percent for Art**

The legal agreement for the approved scheme incorporates a requirement for a public art contribution. This provision should be carried forward and can be secured through the legal agreement.

### **9 CONCLUSIONS**

This revised proposal has similar scale, massing and design to the partially implemented scheme on the site. Officers have some concerns about the design and minor transport issues which it is hoped these can be resolved before the Sub-Committee meeting. The scheme incorporates an appropriate mix of unit sizes. A contribution towards open space improvements can be secured. No significant adverse impact upon neighbours would result. The scheme incorporates an acceptable level of parking and provision for a car club. As a result, the traffic/transport implications are considered acceptable. The development is capable of achieving a high level of sustainability. Subject to the above amendments and the conditions and legal agreement set out in the recommendation, approval is recommended.

**10 EQUALITIES IMPLICATIONS**

Lift access would be available to all flats and the flats are designed as 'Lifetime Homes.' The provision of 74 affordable units would help to meet the housing needs of the city.

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<b>No:</b>	<b>BH2004/02407/FP</b>	<b>Ward:</b>	<b>HANGLETON &amp; KNOLL</b>
<b>Address:</b>	<b>Land to rear of 98 &amp; 100 Hallyburton Road</b>		
<b>Proposal:</b>	<b>Erection of 4 two bedroom houses with parking &amp; driveway to the rear of 98 &amp; 100 Hallyburton Road.</b>		
<b>Officer:</b>	<b>Steve Walker, tel: 292337</b>	<b>Received Date:</b>	<b>28 July 2004</b>
<b>Con Area:</b>	<b>N/A</b>	<b>Expiry Date:</b>	<b>22 September 2004</b>
<b>Agent:</b>	<b>Turner Associates, 115A Church Road, Hove</b>		
<b>Applicant:</b>	<b>I Johnson Esq &amp; C Hills, 98 &amp; 100 Hallyburton Road</b>		

This application is to be the subject of a Sub-Committee site visit.

## 1 RECOMMENDATION

**Grant** Planning Permission subject to the following conditions:-

1. 00.01 Full Planning.
2. 02.01C No permitted development (to specifically include any addition or alteration to its roof).
3. Samples of materials.  
**Reason:** In the interests of residential and visual amenity in compliance with policies BE1 of the Hove Borough Local Plan and QD1 of the Brighton & Hove Local Plan Second Deposit Draft.
4. 02.05C Refuse and recycling storage facilities.
5. 06.03C Cycle parking details to be implemented.
6. 04.01 Landscaping/planting.  
**Reason:** In the interests of residential and visual amenity in compliance with policies BE41 of the Hove Borough Local Plan and QD15 of the Brighton & Hove Local Plan Second Deposit Draft.
7. Landscaping/implementation.  
**Reason:** In the interests of residential and visual amenity in compliance with policies BE41 of the Hove Borough Local Plan and QD15 of the Brighton & Hove Local Plan Second Deposit Draft.
8. A scheme to insulate the proposed development against noise from the railway shall be submitted to and approved by the Local Planning Authority before development commences. Alternative ventilation shall be provided if windows need to be kept shut as part of the scheme. The occupation of the dwellings shall not commence until the approved works have been carried out to the satisfaction of the Local Planning Authority.  
**Reason:** To ensure a satisfactory living environment for the occupiers of the proposed residential accommodation, in accordance with policies BE1 of the Hove Borough Local Plan and SU10 and QD27 of the Brighton & Hove Local Plan Second Deposit Draft.
9. A scheme to minimise the effects of vibration, where the level of vibration exceeds 0.01m/5 sq. (particle acceleration) on any part of the site, shall be submitted to and approved by the Local Planning Authority before development commences. The occupation of the premises shall not commence until the approved works have been carried out to the

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satisfaction of the Local Planning Authority.

**Reason:** To ensure a satisfactory living environment for the occupiers of the proposed residential accommodation, in accordance with policies BE1 of the Hove Borough Local Plan and SU10 and QD27 of the Brighton & Hove Local Plan Second Deposit Draft.

10. The development shall not be commenced until fences for the protection of trees to be retained in the garden of No.98 Hallyburton Road (as indicated on drawing no.1131/02) have been erected to a specification and in positions to be agreed by the Local Planning Authority, in accordance with BS5837 'Trees in relation to Construction'. The fences shall thereafter be maintained in good repair until the completion of development and no vehicles, plant or materials shall be driven or stored within the areas enclosed by the fences.

**Reason:** To protect trees which are to be retained close to the site, in accordance with policies BE41 of the Hove Borough Local Plan and QD16 of the Brighton & Hove Local Plan Second Deposit Draft.

### Informatives:

1. This decision is based on drawing nos. TA1149/04 -11 inclusive submitted on 10 June 2004.
2. A street lamp located at the access may require relocation. This shall be to the satisfaction of the Local Highway Authority and shall be undertaken at the developer's expense.
3. This decision to grant Planning Permission has been taken having regard to the policies and proposals in the Hove Borough Local Plan and Brighton & Hove Local Plan Second Deposit Draft set out below, and to all relevant material considerations, including Supplementary Planning Guidance:-  
Hove Borough Local Plan:  
BE1 - General guidelines  
BE18 - Refuse disposal  
BE41 - Landscaping  
TR16 - Cycle and motor cycle parking  
TR17 - Road safety  
Brighton and Hove Local Plan Second Deposit Draft:  
SU2 - Efficiency of development in the use of energy, water and materials  
SU10 - Noise nuisance  
HO (new policy) - Provision of private amenity space in residential development  
QD2 - Design - Key principles for neighbourhoods  
QD3 - Design - efficient and effective use of sites  
QD15 - Landscape design  
QD16 - Trees and hedgerows  
QD27 - Protection of amenity  
TR - Safe development (new policy)  
TR12 - Cycle access and parking
4. The applicants attention is drawn to the enclosed letter dated 13/8/04 from Network Rail.



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### 2 THE SITE

This application relates to land currently in the rear garden areas of nos. 98 and 100 Hallyburton Road. The railway line lies immediately to the south of the site, and Boundary House - the DHHS building, lies to the west.

### 3 RELEVANT HISTORY

There is no relevant history in respect of either property.

### 4 THE APPLICATION

This proposal is for the erection of 4 no. two bedroom terraced houses with parking to the rear of Nos. 98 and 100 Hallyburton Road, and new driveway to the west of the dwelling at No.100. They would be arranged as a main block (living room and kitchen on ground floor with two bedrooms and bathrooms above) with courtyards to the rear, beyond which additional single storey accommodation (reception room) is proposed. This would permit south-facing accommodation in the main block, with the block beyond acting as a buffer from railway noise. Four car parking spaces would be provided, with communal area for cycle and refuse storage for three of the units, with the fourth having its own facilities.

### 5 CONSULTATIONS

#### External:

**Neighbours:** The occupiers of neighbouring properties have been consulted on the proposal. One letter of objection has been received **87 Hallyburton Road** – concern in respect of proposed new driveway which would be almost opposite an existing residential access. There is already a problem of speeding drivers, and a Councillor has been contacted in connection with the problem.

**Network Rail:** No objections in principle. Informative should be attached to Decision Notice requiring applicant to take due account of comments.

#### Internal:

**Traffic Manager:** No objection subject to adequate pedestrian sight lines, where achievable.

**Arboriculturalist:** No objections subject to the protection of trees which will be retained in the rear garden to No.98.

**Environmental Health:** Note the possible noise problems to the houses from the railway and suggest conditions in respect of noise insulation and measures against vibration.

**Private Sector Housing:** No objections.

### 6 PLANNING POLICIES

#### Hove Borough Local Plan:

**BE1** – General guidelines

**BE18** – Refuse disposal

**BE41** – Landscaping

**TR16** – Cycle and motor cycle parking

**TR17** – Road safety

**Brighton and Hove Local Plan Second Deposit Draft:**

**SU2** – Efficiency of development in the use of energy, water and materials

**SU10** – Noise nuisance

**HO (new policy)** – Provision of private amenity space in residential development

**QD2** – Design – Key principles for neighbourhoods

**QD3** – Design – efficient and effective use of sites

**QD15** – Landscape design

**QD16** – Trees and hedgerows

**QD27** – Protection of amenity

**TR** – Safe development (new policy)

**TR12** – Cycle access and parking

**7 CONSIDERATIONS**

The main considerations are the suitability of the proposed site to accommodate dwellings, the effects on neighbouring amenity and highway safety.

**The principle of the use of the site for residential accommodation**

The site is a backland site, whereby it has no road frontage of its own, relying on an existing side access between two properties. Whilst traditionally such a location can lead to noise and disturbance from use of the access, and problems of noise, disturbance and loss of privacy to surrounding properties, this particular plot is immediately adjacent to Boundary House, DHSS offices and adjoins the railway to the south, thereby limiting the effects to those of the use of the access and neighbouring amenity to the property to the east. The existing houses in whose grounds the houses would be built would have adequate garden sizes (lengths of 13m and 20m). Private amenity space for the new dwellings would be provided in the form of courtyards which, would be shielded from the railway by additional accommodation.

It is concluded that it would result in an efficient and effective use of large rear garden areas, whilst not resulting in overdevelopment, as required by policy QD3 of the Draft Local Plan.

The Environmental Health Officer has noted the potential for the dwellings to be affected by noise and vibration associated with the use of the railway adjacent, and has suggested appropriate conditions be placed on a Permission in this regard.

The Arboriculturalist has commented that there are several small fruit trees and a mix of trees, which would be lost on the site of the proposed dwellings. However, there is nothing of significant value and no objections are raised. However, there are two substantial pear trees in the rear garden of No. 98 and these should be protected during building works in accordance with BS5837 'Trees in relation to construction'

**Effects on neighbouring amenity**

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The access road would be located between nos. 100 and 104 (there is no no.102) and would take up the whole space between the respective side gables. Whilst the access would therefore run along the western site boundary adjacent to the garden to 104.

The houses themselves would not affect the amenity of this property since they would be built 3m beyond the rear boundary line.

To the eastern side the proposal would be 3m from the side boundary with no. 96. A windowless gable is proposed to this elevation of the new property so as to prevent any overlooking.

### **Transport Issues**

The Transport Engineer has commented that pedestrian sight lines at the point where the drive meets the edge of the footway should conform with standard 2.0 x 2.0m visibility splays, if possible. This cannot be accommodated within the confines of the site, the absence of pedestrian visibility splay in this case would not justify a reason for refusal. Otherwise there are no objections on traffic grounds. The occupier of a property almost opposite the access point has raised concerns in respect of traffic conditions on the road and the possibility of this being exacerbated by the proposal, but with adequate access and parking for the dwellings, it could not be demonstrated that the proposal would alter the existing traffic conditions.

### **Conclusion:**

Whilst a form of backland development, the site would not prejudice surrounding amenity on account of the location of the DHSS building to the west and railway to the south. It would further not harm the amenity of residential properties to either side. There are no objections on highway safety grounds. It is therefore recommended that Planning Permission be granted.

## **8 EQUALITIES IMPLICATIONS**

The new dwellings would be required to meet Part M of the Building Regulations.

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<b>No:</b>	<b>BH2004/02404/FP</b>	<b>Ward:</b>	<b>SOUTH PORTSLADE</b>
<b>Address:</b>	<b>67 Norway Street</b>		
<b>Proposal:</b>	<b>Retrospective application for the change of use of mixed uses B1 (light industry) &amp; B8 (warehousing) to mixed uses B1, B8 &amp; A1 (retail).</b>		
<b>Officer:</b>	<b>Steve Walker, tel: 292337</b>	<b>Received Date:</b>	<b>30 July 2004</b>
<b>Con Area:</b>	<b>N/A</b>	<b>Expiry Date:</b>	<b>24 September 2004</b>
<b>Agent:</b>	<b>Anthony Stevens Associates, 56 The Goffs, Eastbourne</b>		
<b>Applicant:</b>	<b>James Townson Sofas Ltd, 67 Norway Street, Portslade</b>		

### 1 RECOMMENDATION

**Refuse Planning Permission for the following reasons:-**

1. (a) The city is designated as a Priority Area for Economic Regeneration (PAER), the economic regeneration of which is supported by Policy RE7 of RPG9 (Regional Planning Guidance for the South East).
  - (b) Policies E5 and E6 of the East Sussex and Brighton & Hove Structure Plan seek to safeguard the existing stock of industrial and commercial premises.
  - (c) Policy EM1 of the Hove Borough Local Plan resists the loss of land held for Class B1 and Class B2 use.
  - (d) Policy EM1 of the Brighton & Hove Local Plan Second Deposit Draft specifically identifies the site for Class B1 and B2 uses.
- The change of use of premises from B1 to a predominantly retail use is contrary to these policies, and the applicant has failed to submit sufficient justification for a departure to these policies in respect of these premises. The change of use is therefore to the detriment of employment generating land within the city, which in turn will threaten its PAER status.
2. The applicant has not demonstrated that a sequential test has been followed in the choice of the site for a retail use, by firstly examining town centre locations, followed by edge of centre location and finally out of centre location. This is contrary to policies S2, S3 and S4 of the Brighton & Hove Local Plan Second Deposit Draft. Furthermore the applicant has failed to demonstrate that the activity does not cause detriment to the viability or vitality of existing established shopping centres, contrary to policy S2.
  3. Policy SR3 requires that all new retail development should not, amongst other criteria, increase traffic congestion. The premises have poor existing parking and unloading areas resulting in congestion on surrounding streets. The addition of a retail element contributes to this effect, giving rise to a loss of amenity to local residents, contrary to policy QD27 of the Brighton & Hove Local Plan Second Deposit Draft.

### 2 THE SITE

There is no specific allocation for the site in the Hove Borough Local Plan. The site is allocated as an identified employment site on the Brighton & Hove Local Plan Second Deposit Draft, where it is allocated for industrial/business uses.

**3 RELEVANT HISTORY**

In 1956 Planning Permission was granted for the use of the premises as a warehouse. It is understood that the premises gradually became B1 (Business) use and, on noting a return to a storage and distribution use, an application was requested by the council to duly regularise the operations. Thus in 1994, an application was submitted and Planning Permission subsequently granted for the change of use from B1 to B8 (ref.: **3/94/0556 (F)**).

**4 THE APPLICATION**

This application is for the change of a mixed use B1 (Light industrial) and B8 (warehousing) use to a mix of B1, B8 and A1 retail. The status of the existing use is the subject of a further application for a Certificate of Lawfulness (ref. BH2004/02510/CL) which is not yet determined.

The applicant has noted that the floorspace of the premises are roughly divided into thirds, of manufacturing, storage and retail use. The manufacturing area is used exclusively for the production of all of the upholstered goods for sale. These account for 50% of total sales from the retail area, with the other 50% of goods for sale being manufactured off the site. There are approximately 9 staff involved in manufacture and deliveries with 4 sales staff for the retail operation. Machinery used at the premises comprises electric cross-cut saws and hand drills, a compressed air tacker/stapler, and industrial sewing machines.

A site visit indicates that the retail use is the predominant element, with the storage and manufacturing elements supporting this function.

In a statement in support of the application, the agent has noted that the applicant, operating as Martha's Barn, used to operate from 31 New England Street until their licence was not renewed, due to the site being redeveloped as part of the Brighton Station scheme. For 18 months prior to having to vacate the premises, numerous premises were viewed without a suitable alternative being found. On introduction to the current premises, they were found to be in use for the manufacture and storage of furniture, with a display area for trade sales to hotels, restaurants, etc, the latter of which they hope to be able to change the use for retail sales to the public. Whilst appreciating local plan policy provisions protecting business sites, the agent considers that as the business has relocated from just 3 miles away and had previously served customers from all over the city and beyond, the premises would not cause detriment to other established businesses in the city. Furthermore, whilst it is recognised that the policies encourage job generation, it is argued that the 11 employees at the premises is double the number who would be employed if the premises remained as a B8 use. They consider the premises are in close proximity to a retail area, benefiting from bus route access and a main line railway station and that they are ideally suited to the needs of the client for bulky goods, which, the Local Plan acknowledges can be difficult to cater for within or on the edge of town centres. Parking facilities are available with

opening hours of 10am to 6pm on Mondays to Saturdays and 10 am to 5pm on Sundays, (local residents are permitted to use the spaces overnight). In view of the location within a residential area, the applicant would be willing to accept conditions restricting the consent to a 12 month temporary period, for the benefit of their company alone, to prove that they can operate in the area without having adverse effects on neighbouring residential amenity.

## 5 CONSULTATIONS

### External:

**Neighbours:** The occupiers of neighbouring properties have been consulted on the proposal. **23, 25, 55, 63, 65, 73 Norway Street, 35 St Aubyns Road, Vale Park Resident's Association** object on the following grounds:-

1. Increase in traffic – the site is close to a well-used park and 2 schools as well as being in the middle of a residential area. The area has problems with too many HGVs and they are regularly seen not adhering to the one-way system in St. Aubyns Road
2. Lack of parking – Parking is already at a premium. The development will require extra spaces for employees and customers, especially if retail, and this will encourage people to visit thus worsening the problem.
3. Noise and disturbance – the applicants have requested 7 days a week which would mean the residents will have no quiet time from the noise and vehicles.
4. The site has a history of problems relating to hours of operation and the loading and unloading of vehicles. One resident notes that loading and unloading is regularly carried out in the street and transported on forklift trucks, with vehicles mounting the pavement
5. There is no separate public footpath to the premises and the use of the forecourt by both customers and traffic is a considerable health and safety risk.

The Residents' Association additionally requests that the location be the subject of a Committee site visit. One letter queries whether the operators have a right to attach advertising boards to the street furniture at the top of St Aubyns Road, together with a large sandwich board or whether they need, or have, the permission of the Council.

Infinity Foods, which operates a large wholesale business from **67 Norway Street**, shares a yard with the application site for loading and unloading. There is concern that vehicle movements required in connection with the use may be hampered by the large increase in traffic from retail customers. Whilst Martha's Barn has not impacted on operations and has not resulted in much noticeable increase in activity on site, the concern centres on the implications a retail planning permission could potentially have on their operation if it were to expand.

One objector would like to see a restriction on HGV movements to Monday to Friday, not at weekends, particularly Sundays, and not before 7am as there were problems with previous tenants with very large HGVs arriving at all hours of the day and night, disturbing the residential area.

### Internal:

**Traffic Manager:** Comments awaited.

**Economic Development:** Does not support this application as it brings retail use onto a site that is identified as an EM1 site in the local plan and should therefore be safeguarded for B1, B2 and ancillary B8 uses.

**Planning Policy:** The applicant has enclosed extracts from the Local Plan but omitted the most relevant policy EM1 which controls uses on this particular site and seeks to protect employment land. As such, B8 would be allowed if ancillary to the main manufacturing use. A retail use would however, be contrary to policy. The applicant would need to submit evidence to demonstrate the proposal would not harm the viability and vitality of existing established centres. Again, this has not been carried out. The site is unlikely to comply with additional retail policies given highway concerns, and the use of a site which is not allocated for retail use on the Local Plan.

## 6 PLANNING POLICIES

**East Sussex and Brighton & Hove Structure Plan**

**E5** – Safeguarding existing land and premises.

**E6** – Regeneration of existing land and premises

**Hove Borough Local Plan:**

**BE1** – General guidelines

**EM1** – Retention of Class B1 and B2 uses.

**EM2** – Class B2 Uses and Class B8 Uses

**SR3** – Other retail uses

**Brighton & Hove Local Plan Second Deposit Draft**

**EM1** – Identified employment sites (Franklin Road)

**EM3** – Retaining the best sites for industry

**SR2** – New retail development (within or on the edge of existing defined shopping centres)(applied by virtue of SR3)

**SR3** – New retail development beyond the edge of existing established shopping centres (applied by virtue of policy SR4)

**SR4** – Retail warehouses

**QD27** – Protection of amenity

## 7 CONSIDERATIONS

The main considerations are the loss of employment uses and the suitability of the site to accommodate a commercial use with a retail element, plus the impact of the use on the surrounding area.

**Loss of employment use:**

The site lies in the Franklin Road Industrial Area. Policy EM1 of the Hove Borough Local Plan resists the loss of significant sites for B1 or B2 uses except where it would be to a B2 use, and where there are no other suitable sites available, there would be a similar number of jobs created and traffic levels would not cause significant detrimental effects. Policy EM2 accepts the use of B2 and storage uses (B8) provided that there would be no detrimental effects on amenity and there is satisfactory access, servicing and parking

arrangements.

The site is allocated for industrial/business uses on the Brighton & Hove Local Plan Second Deposit Draft for use classes B1 (b) (c) and B2 under Policy EM1. On such sites, B1 (a) and B8 uses would be acceptable in any small starter units, but trade counters are not acceptable in B8 units (N.B. The Local Plan Inspector has, however, advised that B1 (a) be permitted on these sites). Warehousing (Use Class B8) will not be permitted on these sites unless it is ancillary to the main use. Furthermore, policy EM3 notes that land allocated for industrial purposes will not be released for other uses unless the site has been assessed and found to be unsuitable for modern employment needs.

There is therefore a presumption against the establishment of a retail element on EM1 sites in principle. The Economic Development Officer has commented that the land should be safeguarded for B1, B2 and B8 uses. The Policy Team notes that whilst furniture manufacturing is acceptable, depending on the planning history of the site, the other uses would be contrary to policy, and storage would only be permitted if ancillary to the main manufacturing use.

#### **The suitability of the proposed retail element**

Policy S3 of the Hove Borough Local Plan states that within the built-up area, retail warehouses may be permitted subject to meeting all of the following criteria; - the development would not lead to a significant net reduction in the amount of land for housing, industry or other commercial development, there would be no detriment to the character or amenities of the surrounding area, there would be no significant increase in traffic generation and flow, and the proposal in itself, or cumulatively with other recent or proposed retail developments, would not cause detriment to the vitality and viability of existing shopping centres.

Policy SR2 of the Draft Local Plan requires *all* new retail development should not itself or cumulatively cause detriment to the viability or vitality of existing shopping centres, is accessible by a choice of transport, not result in traffic congestion or environmental disturbance, provide adequate space for servicing and deliveries, provide facilities for parent and child the elderly and people with disabilities, and provide for recycling of waste.

Policy SR3 permits new retail development *beyond the edge of existing established centres* which meet the policies of SR2 as stated above, where the site has been identified in the Local Plan for retail development and a more suitable alternative cannot be found in a centre or on the edge of a defined centre, the outlet is intended to provide for an outlying neighbourhood or a new housing development with a local retail outlet for which a need can be identified. In any case, a need must be identified for all sites not identified in the Local Plan.

Policy SR4 relates specifically to *retail warehouses* and states that in order to ensure against wider retail use which would harm the vitality and viability of



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existing shopping centres, permission will only be granted for new retail warehouses which accord with other policies for new retail development outside the shopping centre (as stated in policy SR3 above). Conditions restricting the type of goods to be sold to bulky goods only, prohibiting the subsequent subdivision of the units and restricting the subsequent construction of mezzanine floors are to be applied without exception. The policy notes that it is not always possible for some stores to find suitable site within or on the edge of town centres, due to the proposed scale of development and the nature of the retailing involved which may result in problems of access and deliveries to stores and out to customers. It is vital that the range of goods sold should be different from those which are sold or could be sold from the town centres to ensure there is no direct competition that would draw significant trade away from the town centres, with a consequential detrimental impact.

Whilst the agent has submitted a statement in support of his client, noting that an extensive search was carried out prior to finding the premises, no further evidence has been submitted to support these claims. There has also been no demonstration that the activity will not cause detriment to the vitality or viability of existing established shopping centres, relying on a statement that the premises used to operate elsewhere in the City. Attention has been drawn to the proximity of the Boundary Road/Station Road District Shopping Centre and associated transport links but this is noted to be some distance away (200m), with no public transport in the immediate vicinity. Policy S3 also requires there to be no nuisance to neighbouring properties, and whilst it is acknowledged that traffic congestion may be attributed to the joint use of the access by three companies, it is clear that the combined use has caused significant harm to neighbouring amenity. Additional traffic movements associated with a retail element can only exacerbate an existing traffic problem. Moreover, the policy precludes the use of sites for a retail use, which are not identified for such a use on the Local Plan. As this site is an identified employment site and not allocated for retail use, this criterion would clearly be breached.

### **Transport Issues**

The applicant has stated that there are approximately 3 HGV deliveries per week with 12 other vehicles per week on average (including customers, returning delivery vehicles and twice-weekly waste disposal). 19 car spaces are provided, 8 within the forecourt immediately outside the premises and 11 alongside the access road adjacent to No. 69 Norway Street (although it should be noted that 5 of these are substandard, with vehicles hanging over the access road). The Traffic Engineers comments are formally awaited although it is understood that these will confirm the existing problems of traffic movements in the vicinity, associated with poor access and turning facilities, and an acknowledgement that an additional retail element is compounding the existing problem. This in turn unnecessarily exacerbates existing problems of congestion for existing other operators from the site and affects neighbouring amenity.

**Conclusion:**

The site is allocated for employment uses and loss of land for retail use would contravene policy. Furthermore retail policies would preclude retail development on land not allocated for such a use. Additionally, information submitted in support of the application neither justifies the choice of site having examined all previous alternatives first, nor attempts to quantify the effect on the viability and vitality of the existing centre. It is also considered that given existing poor access and manoeuvring area, a retail use puts additional pressure on this provision, to the detriment of other commercial users and neighbouring residential amenity.

**8 EQUALITIES IMPLICATIONS**

There is no specific disabled parking allocation. There is level access to the retail/display area.

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<b>No:</b>	<b>BH2004/02511/FP</b>	<b>Ward:</b>	<b>STANFORD</b>
<b>Address:</b>	<b>259 Goldstone Crescent</b>		
<b>Proposal:</b>	<b>Demolition of existing builders office &amp; workshop buildings &amp; erection of 8 new dwellings.</b>		
<b>Officer:</b>	<b>Steve Walker, tel: 292337</b>	<b>Received Date:</b>	<b>29 July 2004</b>
<b>Con Area:</b>	<b>N/A</b>	<b>Expiry Date:</b>	<b>07 October 2004</b>
<b>Agent:</b>	<b>Hawkins Fagg Partnership, Suite 5HF, Vantage, New England Road, Brighton</b>		
<b>Applicant:</b>	<b>D J Cook (Builders) Ltd, 259 Goldstone Crescent, Hove</b>		

### 1 SUMMARY

This application is for the erection of 8 houses on the site of a builder's yard. As an employment site, council policies would preclude the loss of the site to other uses without information in support of its loss. An original application for residential use refused, under delegated powers, on highway safety and loss of employment grounds. A subsequent application resolved the highway concerns, and refusal was duly limited to the loss of employment land. However, earlier this year Committee refused an application for business units, after a site visit, which would otherwise in line with council policy, considering it out of keeping with the character and appearance of the surrounding residential area.

The current application returns to the original proposal for housing, which cannot be supported in principle without justification for the loss of employment land. In addition the design of the housing proposed is considered poor, does little to address the site's street frontage and fails to comply with design and transport policies of the existing and emerging development plan.

Retention of existing viable employment sites, in employment use, is a strategic objective aimed at promoting economic growth whilst avoiding the potential for outward expansion of the City. The incremental loss of employment land, in the manner proposed by this application, could impede the future economic success of the City. It is therefore recommended that Planning Permission be refused.

### 2 RECOMMENDATION

**Refuse** Planning Permission for the following reasons:-

1. Policy EM1 of the Hove Borough Local Plan and policy EM6 of the Brighton & Hove Local Plan Second Deposit Draft resist the loss of employment uses unless sufficient evidence is submitted to prove that the premises are genuinely redundant for office purposes, or unsuitable for alternative employment generating uses. The premises are currently in use, and there is no evidence that the site is currently being marketed for an alternative employment use. The proposed conversion to residential use would

therefore be contrary to the respective policies. Furthermore, policy EM3 states that on sites which are genuinely redundant, preference will be given to alternative industrial or business uses followed by uses that meet the Council's key priorities as set out in the Local Plan; that is, live work units or affordable housing. Market housing would in such circumstances be inappropriate alternative, contrary to the terms of the plan.

2. The proposed layout would be unacceptable by reason of (a) the lack of a turning head large enough to accommodate a refuse collection vehicle (b) over provision of parking and (c) inadequate cycle parking provision. This would be detrimental to vehicular safety, and thereby contrary to policies TR16 and TR17 of the Hove Borough Local Plan and TR - Safe Development (new policy) and TR12 of the Brighton & Hove Local Plan Second Deposit Draft.
3. Policy QD2 requires that all new developments should emphasise the positive qualities of the local neighbourhood by taking into account, amongst other criteria, the natural and developed background into which the development will be set, and the layout of streets and spaces. Policy QD5 requires that all development should provide an interesting and attractive frontage, particularly at street level for pedestrians. The development would present bland rear elevations and rear gardens to the street, effectively turning its back on the public domain, together with an isolated row of parking spaces. This would be contrary to the policy, to the detriment of the street scene and surrounding residential amenity.

### **3 THE SITE**

This application relates to a site currently occupied by a builder's yard on the eastern side of Goldstone Crescent between the junctions with Queen Elizabeth Avenue, and the major junction with King George VI Drive. It is unallocated on both the Hove Borough Local Plan and the Brighton & Hove Local Plan Second Deposit Draft.

### **4 RELEVANT HISTORY**

Planning Permission was refused earlier this year for a similar scheme of 8 dwellings (ref. **BH2003/01778/FP**). It was refused firstly on highway grounds, in that the proposed access road would be of inadequate width, without verges and a turning head large enough to accommodate a refuse collection vehicle. Furthermore, garage and parking spaces would be of insufficient size. Secondly, it was noted that the premises were in use, and there was no evidence that the site was being marketed for an alternative employment use. The proposed conversion to residential use would therefore be contrary to policy, which seeks to protect employment land.

Later last year, a similar planning application was refused as the site had not been marketed for alternative employment use, and the conversion to residential use would therefore be contrary to policy (ref. **BH2003/03412/FP**).

A further application earlier this year, which was the subject of a committee site visit, was duly submitted for the erection of 3 office buildings comprising 12

units. This application was supported by the Economic Development Team and yet was refused on the grounds that it would be out of keeping with the character and appearance of the surrounding residential area, contrary to policy (ref. BH2004/01094/FP).

## 5 THE APPLICATION

The proposal is a resubmission of application ref. BH2003/03142/FP for the erection of 8 no. houses comprising three 3 bed terraced houses along the frontage to Goldstone Crescent with five 3 bed houses behind, (arranged as a group of two and three) separated by an access road, which would lead onto Goldstone Crescent at the existing access point, adjacent to No.251.

## 6 CONSULTATIONS

### External:

**Neighbours:** The occupiers of neighbouring properties have been consulted on the proposal.

**Goldstone Valley Residents Association:** Opposed the previous application for commercial units and offices on the same site as, primarily, not being in keeping with the surrounding residential area. A secondary reason has been the safety hazard of a mass exodus of vehicles at the end of the office day on to the already congested Goldstone Crescent close to the dangerous junction with King George VI Avenue. Vehicles exiting a residential development whilst adding to the traffic flow in Goldstone Crescent will only be sporadic, of smaller volume and therefore much less of a safety hazard. The original application for residential development was supported, and the current proposal is similarly supported.

**6 Queen Victoria Avenue:** Supports the application to develop housing.

**Cllr Jayne Bennett:** Supports the application. The proposed development for 8 houses is entirely in keeping with the surrounding area. It is mentioned that should there be any first floor windows on the side of the property adjacent to 2/4 Victoria Avenue, it would be helpful if they were of obscured glass.

**Sussex Police:** No comments received (supported the previous similar layout).

### Internal:

**Traffic Manager:** No objections in principle, however:

- secure undercover cycle parking should be provided for each unit (2 per unit plus three for visitors);
- excessive parking is proposed outside of adopted standards. A maximum of 12 space should be provided not the proposed 16;
- sufficient space for refuse vehicles to turn should be provided on site, unless refuse storage is at the front of the site.

**Economic Development:** Objects to the proposal as there is insufficient evidence to suggest the site is redundant, and it is considered that the site could provide for other much needed employment generating uses.

## 7 PLANNING POLICIES

**Hove Borough Local Plan:**

BE1 - General guidelines

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- BE18** - Refuse Disposal
- BE41** - Landscaping
- TR16** - Cycle and motorcycle parking
- TR17** - Road Safety

### **Brighton and Hove Local Plan Second Deposit Draft:**

- EM3** - Retaining the best sites for industry
- H03** - Dwelling size and type
- H04** - Dwelling densities
- QD2** - Design – key principles for neighbourhoods
- QD3** - Design – efficient and effective use of sites
- QD5** - Design – Street frontages
- QD15** - Landscape design
- QD27** - Protection of amenity
- TR6** - Pedestrian routes
- TR12** - Cycle access and parking
- TR17** - (Safe Development)
- SU2** - Efficiency of development in the use of energy, water and materials

### **East Sussex and Brighton and Hove Structure Plan 1991–2011:**

- E5** - Safeguarding existing land and premises
- E6** - Regeneration of existing land and premises

## **8 CONSIDERATIONS**

The main issues are the loss of the existing use, the appropriateness for residential development, the suitability of the layout, the effect on neighbouring residential amenity and highway safety.

### **(i) Loss of the existing use**

Policy E5 of the Structure Plan seeks to protect existing industrial and commercial premises in the County, except for redundant sites that comply with the terms of policy E6. Policy EM3 of the Draft Local Plan protects land in industrial uses unless the site has been assessed and found to be unsuitable for modern employment needs. The criteria for assessment are set out in the policy and include the length of time the site has been vacant and efforts to market the site in ways to attract different employment uses. Where sites have been demonstrated to be genuinely redundant and do not have the potential for industrial use, the preference for re-use will be given to alternative industrial/business uses followed by live work units or affordable housing.

In a statement submitted as part of the previous application, the applicant has stated that the site is being used by Cook's as a base whilst building houses on their last remaining sites within the valley. The existing building comprises a small brick office and asbestos barns, which were originally used as agricultural building supporting the farmland on the other side of King George VI Avenue. When the agricultural use ceased, the barns were sold as builder's stores. The Builders will relocate whilst completing their last remaining scheme. The site backs onto houses on three sides, and as it is predominantly a

## PLANS LIST – 22 SEPTEMBER 2004

storage area for the builders, it creates minimal noise. However, the applicant has not submitted, as part of the previous application or with the current submission, any information to indicate that the premises are redundant, nor that they have been marketed for alternative employment uses nor would otherwise be unsuitable for alternative uses.

The Economic Development Officer does not consider the evidence to be sufficient. No evidence has been submitted to suggest the site is redundant in employment terms. There are limited employment opportunities in this area and this site could be used more effectively to address this issue. The Economic Development Team is aware that there are commercial developers looking for freehold sites to develop for businesses, and this site could provide such an opportunity if the site was marketed accordingly. Due to its location on a major route into the city, and with easy access out of the area to the strategic road network, it could accommodate much needed start up business units without detriment to neighbouring amenity. Recent evidence suggests a high level of demand for small new business units, of the type previously refused, which have proven successful elsewhere (for example English Close). It is further considered that the evidence provided by the applicant is not convincing in its argument that the site is better suited to residential development. In its current form, therefore, both the Economic Development Team and City Planning Team oppose the development in principle. Even if the redundancy of the site for employment use only had been proven and accepted, a preference would be for the site to accommodate live-work units or affordable housing, as stated in Policy EM3 so as to meet the council's other key priorities, and not the market housing proposed.

### **(ii) Design**

The site is surrounded by housing, and there are no other constraints, which would preclude such a use on the site, other than policy presumptions against the loss of employment land and buildings. Setting aside this principle objection to the application, other design matters are cause for concern.

Layout - The proposed layout would retain adequate distances between elevations of the new dwellings and existing properties in Queen Victoria Avenue, Goldstone Crescent and Windsor Close for there to be no overmassing or loss of light to occupiers of neighbouring properties. It would however be necessary to remove permitted development rights in respect of alterations and extensions to prevent unneighbourly additions. It would further be necessary to prevent the insertion of additional windows, and use of clear glazing to some windows to prevent overlooking and consequential loss of privacy.

The proposed layout is traditional in form, with a row of three houses fronting Goldstone Crescent with an access road adjacent, the latter of which turns around the rear of the houses, with a further group of two and three houses behind, and car parking area at the north western end adjacent to the Goldstone Crescent frontage. Each would have three bedrooms and adequate front and

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rear garden area. The resultant layout would necessitate a high wall along the Goldstone Crescent frontage to give privacy to the houses which would be facing into the scheme, and leave an area of parking visible from the Crescent. This is considered to be a poor design feature. Nevertheless the previous, similar scheme had the support of the Crime Prevention Officer.

Appearance – Policy QD2 requires that all new developments should emphasise the positive qualities of the local neighbourhood by taking into account, amongst other criteria, the natural and developed background into which the development will be set, and the layout of streets and spaces. The site is on the edge of the built up area on an important route into the city and on a street with a special character. It is noted that changing site levels have not been incorporated into the design, sloping sites can offer interesting design solutions but these have not been explored by the applicant. The street frontage to Goldstone Crescent is a key focal point for any design of building on site yet little attention has been paid to creating an attractive street frontage. Instead, the development represents bland rear elevations and rear gardens to the street effectively turning its back on the public domain. No information has been presented to show the more detailed appearance of the development from this key vantage point, boundary treatment and landscaping has not accompanied the application, yet the principle of having the rear elevation/garden of new dwellings facing the main street, together with an isolated row of parking spaces, is contrary to any concept of good design and ignores the requirement of policy QD5 of the Brighton & Hove Local Plan Second Deposit Draft which states:

*“All new development should present an interesting and attractive frontage particularly at street level for pedestrians. ...”*

Density - Whilst the density, at 30 per hectare, is above the minimum set out in PPG3 - Housing (2000), both the Policy Team and Urban Design Officer have commented that the proposed arrangement could be better designed, possibly with the incorporation of flats so as to provide a more efficient and effective use of the site in line with policy HO4 and QD3. It could further make more imaginative use of the change of levels in the site. The site could be capable of taking more units than the eight now proposed, but it should also be noted that the shape of the site is irregular and the northernmost strip would present difficulties in developing because of its inadequate depth. As part of the original submission, it was suggested to the agent that an increase in the density of development should be examined and in response, they submitted that the demand for flats in the area is non-existent, despite being adjacent to low rise flats, which they contend are difficult to sell and let. It is not considered that the proposed density would be low enough to warrant refusal of the application.

### **(iii) Effects on highway safety**

The Traffic Engineer has commented that the scheme would broadly comply with the councils' standards. There is no objection to the principle of the access at the proposed point, it being of sufficient distance from the nearest road



junctions. The proposal provides for sufficient width of footway into the site, a feature lacking in the first application for residential development. The scheme currently provides 16 car spaces, which is 4 more than necessary and this has resulted in inadequate turning area for refuse vehicles. The continued lack of covered cycle parking has also been noted. The layout could easily be adjusted to take account of these concerns. However, it should also be noted that as part of the original housing proposal, and previous application for business units, the Traffic Engineer noted that the principle the continued use of the access was accepted for its current or other employment generating use.

**9 CONCLUSIONS**

The site has a current employment use, and the applicant has failed both to demonstrate that the site is redundant and that there is no potential for reuse for other employment uses. In the event of housing otherwise being acceptable in principle, a higher density and more imaginative layout would be preferred, although as the current scheme broadly meets current Government Guidance, this would be a preference rather than a stipulation. The layout would, however, present a bland elevation to Goldstone Crescent, to the detriment of the amenities of the neighbourhood. Furthermore, parking provision would need to be adjusted together with the provision of a turning head. It is therefore recommended that Planning Permission be refused primarily on the grounds of the loss of employment land, but with additional reasons relating to transport and design issues.

**10 EQUALITIES IMPLICATIONS**

The new dwellings would be required to conform to Part M of the Building Regulations.

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<b>No:</b>	<b>BH2004/02220/FP</b>	<b>Ward:</b>	<b>ROTTINGDEAN COASTAL</b>
<b>Address:</b>	<b>96 Longhill Road</b>		
<b>Proposal:</b>	<b>Amendment to approved application BH2003/03839/FP to add single dormer window to rear elevation (part retrospective).</b>		
<b>Officer:</b>	<b>Karen Tipper, tel: 293335</b>	<b>Received Date:</b>	<b>14 July 2004</b>
<b>Con Area:</b>	<b>N/A</b>	<b>Expiry Date:</b>	<b>08 September 2004</b>
<b>Agent:</b>	<b>N/A</b>		
<b>Applicant:</b>	<b>Philip James, 96 Longhill Road</b>		

The application was deferred for a site visit at the last meeting.

**1 RECOMMENDATION**

**Grant** planning permission subject to the following conditions:

1. 01.01 Full Planning Permission.
2. 03.02B Matching Material.
3. 02.03B Obscured Glass (add 'dormer window to the rear elevation' and 'top hung and open outwards').

Informatives:

1. This decision is based on the unnumbered drawings submitted by the applicant on 14<sup>th</sup> July 2004.
2. This decision to grant Planning Permission has been taken having regard to the policies and proposals in the Brighton Borough Local Plan and the Brighton & Hove Local Plan Second Deposit Draft set out below, and to all relevant material considerations, including Supplementary Planning Guidance  
Brighton Borough Local Plan  
ENV.3 – Design of extensions and alterations  
ENV.5 – Siting of extensions and alterations  
ENV.6 – Overlooking and loss of privacy  
Brighton and Hove Local Plan Second Deposit Draft  
QD14 – Extensions and alterations  
QD27 – Protection of amenity  
Supplementary Planning Guidance Note 1 (SPGBH1) 'Roof alterations and extensions'

**2 THE SITE**

The property is situated on a deep plot set on rising ground. The house is set back from and elevated above the road. The properties located to the rear of the site are substantially higher than the site itself. There is a great variety of design in the surrounding street scene.

**3 RELEVANT HISTORY**

**BH2003/03839/FP** – Raise low eaves and replace with new roof to increase

floorspace. Approved 29<sup>th</sup> January 2004.

#### 4 THE APPLICATION

This seeks an amendment to the approved application **BH2003/03839/FP** to add a single dormer window to the rear elevation.

#### 5 CONSULTATIONS

**External:**

**Neighbours:** 6 letters of objection received from **48, 50, 52, 54, 58 Wanderdown Road** and **68 Ainsworth Avenue** on the grounds that the proposed dormer window to the rear of 96 Longhill Road will lead to a direct loss of privacy and overlooking as well as it being out of character with the area. (Comments were also made on the already approved roof alterations; however, these are not relevant to the consideration of this application).

3 letters of support received from **94, 98 and 100 Longhill Road** on the grounds that the overall change is minimal and presents no threat to the amenity value. Wanderdown Road (South side) overlooks all of Longhill Road, to an almost overpowering degree, and therefore overlooking caused by the dormer should not be part of the equation. The new development is a great improvement on the former building. There was already a dormer window that protruded as an integral part of the house.

#### 6 PLANNING POLICIES

**Brighton Borough Local Plan:**

**ENV.3** – Design of extensions and alterations

**ENV.5** – Siting of extensions and alterations

**ENV.6** – Overlooking and loss of privacy

**Brighton and Hove Local Plan Second Deposit Draft:**

**QD14** – Extensions and alterations

**QD27** – Protection of amenity

**Supplementary Planning Guidance Note 1 (SPGBH1) 'Roof alterations and extensions'**

#### 7 CONSIDERATIONS

The application relates to the proposed dormer window to the rear elevation of the extended building with the main issues relating to whether this will have any adverse effect on the site or to any of the neighbours.

The site has already received planning permission to raise the eaves (**BH2003/03839/FP**) therefore this does not form part of the assessment for the current application. Several of the objectors have, however, mentioned this as part of their reasons for objection.

The rear elevation of the original property prior to the roof alterations did have

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a dormer window which was wider than the proposed by approximately 0.3metres, the proposed dormer window will be approximately 0.5metres higher than the original. Considering this, there was already an established potential for loss of privacy and overlooking.

The owner of the property directly to the rear of the site, 54 Wanderdown Road states that the site plan accompanying the application is incorrect. The previous owners of 54 Wanderdown Road purchased part of the rear garden to 96 Longhill Road; however, even taking this into consideration the existing rear garden to the site is substantial at some 20 metres. The gradient of the site will also allow for the dormer window to appear less dominant than were properties on Wanderdown and Longhill Roads at the same level ground.

The proposed dormer window is for an en-suite shower room and shall be obscure glazed, thus minimising any potential for loss of privacy to the neighbours at the rear. There are also various forms of natural screening in the form of hedgerows and trees separating the site and those adjoining it.

It is noted that the construction of the dormer window has already commenced without permission. However, considering the above, the proposed dormer window will not harm residential amenity because of the separating distance and also because it will be obscure glazed. It is also considered that it is not out of keeping with the area, given the previous dormer window and those that are present on other properties within Longhill Road. The existence of rooflights on site but not shown on the plans has also been noted however insertion of rooflights is 'permitted development' and does not need planning permission.

Based on the above the application is recommended for approval.

### **8 EQUALITIES IMPLICATIONS**

None identified.

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<b>No:</b>	<b>BH2004/01263/FP</b>	<b>Ward:</b>	<b>ROTTINGDEAN COASTAL</b>
<b>Address:</b>	<b>Cliff Edge, 28 Marine Drive</b>		
<b>Proposal:</b>	<b>Erection of a block of flats up to 6 storeys in height comprising a total of 9 flats. Associated car parking and bin storage.</b>		
<b>Officer:</b>	<b>Maria Seale, tel: 292322</b>	<b>Received Date:</b>	<b>26 April 2004</b>
<b>Con Area:</b>	<b>N/A</b>	<b>Expiry Date:</b>	<b>21 June 2004</b>
<b>Agent:</b>	<b>Alan Phillips Associates Architects, Unit 7 North, Level 5, New England House, New England Street, Brighton</b>		
<b>Applicant:</b>	<b>Hallmark Developments, C/O agents</b>		

### 1 RECOMMENDATION

**Refuse** planning permission for the following reason:

1. The proposal would, by reason of excessive scale, height and siting in a prominent location fail to relate sympathetically to the predominant character of Rottingdean, which is a village comprised of mainly low-rise buildings. The proposal would therefore be contrary to policies ENV3 in the Brighton Borough Local Plan and QD1, QD2, QD3 and QD4 in the Brighton and Hove Local Plan Second Deposit Draft and approved Supplementary Guidance Note SPGBH15: Tall Buildings.

#### Informatives:

1. This decision is based on APA drawing nos. WC/1533/03/D01A, D02/A, /D03, /D03A, /D05, /D08 & /D09 and design statement and Bedford Eccles Partnership letter submitted on 03/09/04 and additional supporting information submitting regarding sustainability and policy SU7 submitted on 10/06/04.
2. In considering this application the following policies have been taken into account:
  - Brighton Borough Local Plan:
    - ENV1 - General guidelines
    - ENV3 - Design of new development
    - ENV55 - Sites of ecological importance
    - ENV56 - Sites of special scientific interest
    - ENV61 - Landscaping
    - H2 - Maximising use of land
    - H19 - Provision of private amenity space
    - H22 - Needs of the disabled
    - TR9 - Highway considerations
    - TR34 - Cycle parking
  - Brighton and Hove Local Plan Second Deposit Draft:
    - TR1 - Development and the demand for travel
    - TR - Safe development
    - TR12 - Cycle access and parking
    - TR17 - Parking standards

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SU2 - Efficiency of development in the use of energy, water and materials  
SU7 - Development in the coastal zone  
SU8 - Unstable land  
QD1 - Design – quality of development and design statements  
QD2 - Design – key principles for neighbourhoods  
QD3 - Design – efficient and effective use of sites  
QD4 - Design – strategic impact  
QD15 - Landscape design  
QD27 - Protection of amenity  
H04 - Dwelling densities  
H0 - Provision of private amenity space  
H013 - Accessible housing and lifetime homes  
NC2 - Sites of national importance for nature conservation  
SPGBH15: Tall Buildings

### **2 THE SITE**

The site comprises a detached chalet bungalow with access via a driveway off Marine Drive. This also serves a block of 38 flats at Highcliff Court and the rear of properties in Marine Drive. Highcliff Court is 3 – 5 storeys in height and is to the west of the site. There is another block of flats, St Margarets, beyond Highcliff Court to the west which is 6 storeys in height. The rear garden of 36 Marine Drive lies partially to the east of the site, and a public car park. The site is on the cliff top and Rottingdean seafront is below to the south.

### **3 RELEVANT HISTORY**

**BH2003/02036/FP** - Demolition of existing single dwelling house. Erection of an eight storey block of flats comprising 12no. 2 bedroom flats and 2 no. 4 bedroom penthouses. Refused 05/09/03 after a site visit. Appeal dismissed 06/07/04 on grounds of adverse impact to the character and appearance of the locality and neighbouring residents.

### **4 THE APPLICATION**

It is proposed to demolish the existing dwelling and erect a block of varying height, up to a maximum of 6 storeys, to provide 9 flats (2 no. 4-bedroom flats, 3 no. 3-bedroom flats and 4no. 2-bedroom flats are proposed.) The block would comprise two main parts linked by a circular stair/lift tower and would be of contemporary design, taking the form of two 'boats'. A total of 9 car parking spaces are proposed. 3 disabled spaces will be within the site and 6 spaces are proposed on and adjacent to the current driveway access, 3 of which are currently leased to individuals. 28 cycle parking spaces are proposed and refuse storage is indicated.

### **5 CONSULTATIONS**

**External:**

**Neighbours:** letters of objection were received from the following: 10, 11, 12, 20, 22, 29, 30, 32, 34, 36, 95 Marine Drive, 1, 3, 8, 9, 11, 12, 14, 17, 18, 21, 23, 24, 26, 26b, 27 Highcliff Court, Gatefinal Property Management (on behalf of Highcliff Court), 5, 15, 20, 33, 39, St Margarets, St Aubyns Mead Residents Ltd, 11, 21 St Aubyns

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**Mead, 11 Rye Close, 1, 4, 4a, 11, 26, Chailey Avenue, 10, 34 Nutley Avenue, 11a Little Crescent, 28 Cinque Foil, 15 Shirley Avenue, 1, 10 Lenham Road East, 14 Lenham Road West, 111 Deancourt Road, 21 Royles Close, 20 York Villas, 15 St Andrews Avenue, 16 Cranleigh Avenue, 6 Arundel Terrace, 26 Shrewsbury Avenue, 63 Meadow Close, 9 Romney Road, 26 Fife Road, Solent East Drive, 173 Portland Road, 33 King Henry's Road, 44 Eley Drive, 12 Court Road, 4 Gorham Close, 13 Eley Drive, 6/22 Lewes Crescent, 11a Little Crescent, 9 Winton Avenue, 60 Chichester Drive East, 87 Wicklands Avenue, 24 Londfiled Close, 42 Lenham Avenue, 41 Upper Abbey Road, 18, 33 Gorham Avenue, 9, 11 Kipling Court, 8 Newlands Road, 27 Bishopstone Drive, 80 Dean Court Road, 15 Larchwood Glade, Blenheim House Steyning Road, 99 Coombe Vale, 14 West Street, 2 Grand Crescent, 33 Neville Road, on the following grounds:**

- Excessive traffic generation
- Adverse effect to highway safety for pedestrians, vehicles and cyclists
- Inadequate parking for visitors
- Scale, bulk and height excessive
- Out of character with Rottingdean, which is a historic village
- Modern design out of keeping
- Scale of proposal would dwarf listed windmill
- Adverse effect on views from within the Downs
- Adverse effect on conservation area
- Cliffs are unstable
- Adverse impact to SSSI
- Loss of privacy, light and outlook
- Loss of view
- Increased noise and disturbance
- Use of shingle on driveway will be noisy
- Soft landscaping shown on plans unrealistic in this seafront location
- Flats will be luxurious and not affordable
- Exacerbation of drainage problems

**A petition of 194 standard postcard responses were received objecting on the following grounds:**

- access onto the A259 fails to meet minimum safety standards
- cliffs are unstable and subject to erosion
- tall bulky building will have a detrimental effect on the coastline as viewed from the sea level or elsewhere and is completely out of character in Rottingdean, the nearest building being only 3 storeys high.

A letter of support has been received from **36 Wivelsfield Road** on grounds that proposal would enhance Rottingdean and the surrounding area with a building of quality unlike the surrounding flats.

**Councillor Mary Mears: objects to the proposal on the following grounds:**

- over-development and does not comply with council's tall buildings strategy
- out of character with most of buildings in Rottingdean
- detrimental to neighbouring properties

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- access is already dangerous for cars and pedestrians, and this would worsen the situation
- insufficient on-site parking spaces proposed
- cycle and refuse store would block neighbour's access to garages (NB this has since been amended)
- cliffs are unstable with a history of erosion
- insufficient detail shown on plans

**Rottingdean Parish Council:** Object to the proposal on the following grounds:

- adverse impact to traffic safety
- adverse impact to residential amenity to properties in marine drive and Highcliff Court
- overly prominent on coastline, existing blocks are not justification for another, conflict with policy SU7
- adverse impact to historic conservation area and listed windmill
- cliff is unstable
- adverse impact to SSSI and site of Regional Geological Importance
- conflict with tall buildings policy, no supporting information supplied as required
- car parking spaces appear inadequate
- proposal needs to ensure does not contribute to existing drainage problems
- plans should clarify existing and proposed ground levels

**English Nature:** The site of the application is immediately adjacent to the Brighton to Newhaven Cliffs Site of Special Scientific Interest (SSSI), which is noted for its cliff top grassland, the geology of the cliff face and wave cut platform and cliff-nesting birds. Part of the development is very close to the cliff edge and the council is reminded that these cliffs, even though protected to a large extent by the Undercliff Walk and associated sea defences, still suffers periodic falls, some of which can be major. It is imperative that there is no impact to the SSSI, and this applies to the cliff face (through drainage or runoff from the car park for example) as well as the immediately adjacent grassland. If permission were to be granted it is requested that an informative be included stating that no materials should be stored or dumped within the SSSI boundary and there should be no access (pedestrian or vehicular) to the site from within the SSSI boundary.

**Southern Water:** The point and details of the proposed connection to the public sewer will require the formal approval of Southern water, no surface water should be discharged to the foul sewer as this could cause flooding to downstream properties. A water supply can be provided for the development as and when required in accordance with our normal conditions which may include off site improvements.

**Architects' Panel:** Informally viewed the scheme; raised no objection to the design but felt the parking proposals were poor and did not think the tree screen would survive.



**Internal:**

**Conservation & Design:** The content of the Inspector's letter in which he determined the previous 8 storey proposal containing 14 flats as being unacceptable, has been noted, as has the revised submission. This development is a response to the existence of the mid 20th century blocks of flats at the beach entrance to Rottingdean, which, despite sitting on the valley floor, are alien in the wider village context. They are the tallest buildings in the near vicinity and the proposed development rises no higher. Nevertheless the zone of taller development is clearly extended and the proposal will be significantly taller than the mean height of the surroundings. As to the future of the existing blocks of flats, there is no real likelihood that they might be demolished or reduced in height. On the contrary, the current proposal might bring forward a proposal to increase the height of Highcliff Court.

Rottingdean has not been identified as a part of the city suitable for buildings significantly taller than their surroundings. Consequently it is not appropriate to consider the proposal in the context of the city as a whole or to consider it as a gateway to the city. It falls to be assessed as to whether it fits within its immediate surroundings and enhances the positive qualities of the local neighbourhood (policy QD2 refers), particularly having regard to the following characteristics i) height, scale, bulk and design, and ii) topography and skyline. The architect's design statement addresses these issues, but not entirely convincingly.

The proposal is carefully detailed and has interesting features, yet there appears no rationale for rising to the height of St. Margarets. The mean height of the surroundings is much lower. The development will not impact visually on views out of the Rottingdean Conservation Area, nor will it have any significant effect on views across the conservation area from the downs. There are however two key local views across the area from the cliff tops to the east and west. From the east the development will rise at its seaward end 5 storeys above the level of the adjoining public car park. The physical and planning constraints on the site layout has lead to this six storey block standing in isolation some distance from and rising above Highcliff Court when viewed from the promenade at the foot of the High Street. It is not considered that evidence has been submitted to persuade that the proposed height makes a positive contribution to the wider townscape, and would recommend the deletion of the top two floors. It will not serve to screen or in some way reduce the impact of St Margarets flats. From the north it will appear to stand in isolation away from the existing taller apartment blocks. High Cliff Court was designed so as to reduce its mass as it extended eastward, in effect so as to merge into the hill side. There is no townscape justification for any development of Whitecliffs rising to prominence in any views along the coast. The strategic views submitted looking west and north-west confirm in my view the intrusive effect of the top two floors. From the cliff tops and Undercliff walk to the west of Rottingdean the development will be viewed with Highcliff Court in the foreground and the seafront cliffs in the background. No revised illustration of the development's impact on this view has been submitted.

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**Summary:** The proposal is a very refined site specific response to its wider context. However having regard to policy QD2 it seeks to establish an inappropriate model for the regeneration of the wider area. The urban design considerations are finely balanced, yet whilst the building has architectural quality and an appropriate typology, it is not considered that it responds satisfactorily to the wider topography or that the site merits such prominence in this predominately low rise village setting.

**Traffic Manager:** 1 secure, undercover cycle parking space per bedroom is required – a total of 25 or 13 Sheffield type stands. The disabled parking spaces should be 3.5 metres in width and shown on the drawings. Previous comments made with regard to the sight lines apply – those to the west are sub-standard. The proposal is likely to create up to 90 vehicle movements per day, this is less than the daily variation on the A259. There are some concerns about vehicles emerging through queuing traffic and ideally carriageway markings at the access should be laid, at the applicant's expense.

**Ecologist:** No objection.

**Private Sector Housing:** No objection.

**Planning Policy:** SPG15, (Tall Buildings) states in paragraph 5.1 that any new building 18m or taller will trigger the tall buildings guidance in section 7 of the SPG. As the proposal is for a building of 18m in height it is considered that the proposal would need to accord with the guidance set out in SPG15. The proposal will need to demonstrate that the proposal is not significantly taller than the surrounding buildings, and the applicant will therefore need to provide an assessment of the mean height of the surrounding buildings as stated in paragraph 5.2 of the SPG. If it is considered that the building is significantly taller the applicant will need to have regard to section 7 of the SPG in order to meet the requirements of SPG15.

Policy SU2 of the second deposit draft local plan requires proposals to demonstrate how the following factors have been integrated into the siting, layout and design of a scheme:

- a. measures that seek to reduce fuel use and greenhouse gas emissions;
- b. the incorporation/use or the facilitation of the use of renewable energy resources;
- c. measures that seek to reduce water consumption
- d. measures that enable the development to use greywater and rainwater; and
- e. use of materials and methods to minimise overall energy and / or raw material inputs.

The proposal as originally submitted did not demonstrate that the above has been incorporated into the design, layout and siting of the scheme and therefore would not accord with policy SU2 of the plan.

It should be noted that the application lies within the identified coastal zone,

therefore the applicant will need to have regard to the requirements of policy SU7 of the second deposit draft local plan.

## **6 PLANNING POLICIES**

### **Brighton Borough Local Plan:**

**ENV1** - General guidelines  
**ENV3** - Design of new development  
**ENV55** - Sites of ecological importance  
**ENV56** - Sites of special scientific interest  
**ENV61** - Landscaping  
**H2** - Maximising use of land  
**H19** - Provision of private amenity space  
**H22** - Needs of the disabled  
**TR9** - Highway considerations  
**TR34** - Cycle parking

### **Brighton and Hove Local Plan Second Deposit Draft:**

**TR1** - Development and the demand for travel  
**TR** - Safe development  
**TR12** - Cycle access and parking  
**TR17** - Parking standards  
**SU2** - Efficiency of development in the use of energy, water and materials  
**SU7** - Development in the coastal zone  
**SU8** - Unstable land  
**QD1** - Design – quality of development and design statements  
**QD2** - Design – key principles for neighbourhoods  
**QD3** - Design – efficient and effective use of sites  
**QD4** - Design – strategic impact  
**QD15** - Landscape design  
**QD27** - Protection of amenity  
**H04** - Dwelling densities  
**H0** - Provision of private amenity space  
**H013** - Accessible housing and lifetime homes  
**NC2** - Sites of national importance for nature conservation

### **SPGBH15: Tall Buildings**

## **7 CONSIDERATIONS**

The main issues to consider are the impact to the character and appearance of the locality, the impact to the amenity of existing and proposed residents, the impact in terms of highway safety and traffic generation, and the impact to the adjoining site of special scientific interest (SSSI).

### **Character and appearance of the locality**

Central government advice and local plan policies seek to make effective and efficient use of land in urban areas to reduce pressure for development elsewhere and greenfield sites in particular. Higher density developments will be allowed where schemes exhibit high standards of design and architecture,

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the site is well served by public transport and local services, a mix of dwelling types is provided, and the area has the capacity to accommodate additional dwellings. Development should, however, avoid 'town cramming' and special attention should be paid to the design and quality of spaces between buildings and the general character of the surrounding area.

The locality is considered to have the capacity to accommodate a relatively modest development of 9 flats in principle. The site is within easy walking distance of bus routes and local services. A mix of size of residential units are proposed (2, 3 and 4-bed units). The design of the proposal is considered to be of high architectural quality. There are concerns, however, regarding the overall scale and height of the proposal, and its siting in this prominent location, and how the proposal relates to its context.

It is considered that in this seafront location, in an area of properties of varying scales and architectural styles with a distinct separation from the historic village centre, a flat development would not cause demonstrable harm in principle. The scale of the application proposal, however, is considered excessive. The Conservation Officer considers that the urban design considerations are finely balanced, however, does not consider that the proposal respects the general character of the area. It is not considered that the proposal responds satisfactorily to the wider topography or that the site merits such prominence in this mainly low rise village setting. Whilst there are some examples of other substantial buildings in the vicinity of the site such as Highcliff Court and St Margaret's (the latter of which is higher than the proposal), these are the exception rather than the rule, and are considered alien in the wider village context. There is considered to be no rationale to extend this small group of taller buildings. The proposal, whilst of good design, is not considered to enhance the positive qualities of the local neighbourhood. The site is very prominent, and is on rising ground, and does not benefit from an immediate backdrop of tall buildings, and would stand in isolation from Highcliff Court and St Margarets from key viewpoints. Highcliff Court was designed to so as to reduce its mass as it extended eastwards, to merge into the hillside, and there is considered to be no townscape justification for any development of the site rising to prominence in any views along the coast.

The amended proposal is 16.8 metres high at its highest point. For the purposes of Supplementary Planning Guidance Note SPGBH15: Tall Buildings, a 'tall' building is classed as being 18 metres high or taller (approximately 6 storeys) which is significantly taller than surrounding buildings. Given the prevailing low rise character of Rottingdean it is considered that the proposal is a 'tall' building, notwithstanding the existence of Highcliff Court and St Margarets. SPGBH15 states that an assessment needs to be made of the mean height of buildings within a 100 metre zone, and a development may be 'significantly taller' and not yet be the tallest building in the zone. SPGBH15 identifies nodes and corridors in the city where tall buildings would be suitable following a detailed urban analysis of Brighton and Hove, and Rottingdean is not identified as a suitable site for a tall building. It is not considered that the proposal would

have an adverse effect on the setting of Rottingdean Conservation Area or the setting of the listed windmill, and this is the Inspector's conclusion on the previous scheme (which was substantially higher than the current scheme).

### **Residential amenity**

The relationship between the proposal and the properties to the rear in Marine Drive is considered acceptable. A substantial distance of between 33 - 40 metres would be maintained between habitable room windows, which is sufficient to prevent undue loss of privacy, and a distance of approximately 18.8 - 23 metres would be maintained to the garden boundaries.

There was originally concern regarding the proposal as first submitted with regard to the impact to the amenity of residents of Highcliff Court and 36 Marine Drive. There were concerns that the proposal would, by reason of height and proximity and facing windows and terraces, result in a loss of outlook and loss of privacy. The amended scheme is considered, on balance, to satisfactorily overcome the aforementioned concerns. The windows in the nearest part of the scheme facing west towards Highcliff Court have been screened and now face south, preventing overlooking. The proposal would be four storeys high at its nearest point to Highcliff Court, some 4 storeys lower than the appeal proposal, however, it would be closer. A distance of approximately 13-14 metres would be maintained between Highcliff Court and the proposal, which is, on balance, considered sufficient to ensure the scheme is not unduly overbearing. The scheme would be set down in the site to match the ground floor levels of Highcliff Court and the highest (southern) part of the scheme angles away from Highcliff Court, which lessens the impact to that property. The upper floors of the scheme adjacent to Highcliff Court (in the northern part of the scheme) have been set back off the western boundary in the amended scheme. **Note:** A further set of amended plans have been requested to indicate a larger set back of the fourth floor on this northern element adjacent to the western boundary, and subject to satisfactory submission of these, the impact of the proposal on Highcliff Court is deemed acceptable. Should these plans not be submitted by the date of the committee meeting, the late representation list will be updated accordingly.

All balconies and habitable room windows facing east and north overlooking the garden of 36 Marine Drive have been omitted which satisfactorily addresses concerns regarding loss of privacy. The assessment of the impact of the proposal to the outlook of no.36 is finely balanced. It is acknowledged that the proposed scheme is to be located on part of two boundaries of no.36, and the appeal scheme affected just one boundary primarily, and in principle, such a scheme may have the potential to be overbearing. The appeal scheme was, however, significantly taller and was nearer to boundary with no 36. The current scheme has been amended and has been moved further away from the southern boundary of no.36, and the upper floors of the proposal have been set back off the northern and eastern boundaries, to reduce the impact. The proposal would be a substantial distance from the bungalow, and affect a portion of garden located away from the main bungalow, and it should be noted

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that the bungalow and garden have an open aspect to the east. Existing properties, including no.36, currently enjoy a relatively open aspect across much of the application site, and there is no doubt the proposal would have an impact to occupiers of adjacent residential properties. The proposal would, however, make effective and efficient use of the land and sufficient distances between the proposal and adjacent properties would be maintained. On balance, it is not considered that the impact of the proposal would be so harmful as to warrant a refusal of permission (subject to the slight amendment on the western elevation referred to above). The diminished sea view that some adjacent properties would experience as a result of the proposal is regrettable, however, the right to a view is not a material planning consideration.

### **Standard and layout of accommodation & sustainability**

Each flat proposed would benefit from a balcony or a roof terrace, in accordance with the requirements of policy H0. There is also a communal garden area proposed. Adequate refuse and bicycle storage would be provided. The development would incorporate measures such as the use of photovoltaic panels, evacuated water heating tubes, highly insulated sto-rend and masonry, and orientation to make use of passive solar gain, and the scheme would partially meet the criteria in the Sustainability Checklist. Lift access is proposed to the upper floors of the building, and disabled parking spaces, and a condition is recommended to ensure the residential units are built to Lifetime Homes standards, in accordance with policy H013.

### **Highway safety and traffic generation**

The proposal would lead to an increase in traffic using the access and driveway, however, this is not considered to compromise highway safety or lead to excessive congestion. Whilst there are some concerns regarding the sub-standard sight lines of the west side of the access, it is not considered that the provision of carriageway markings at the access could be insisted upon. This is on the basis that the Inspector considering the appeal for the previously refused scheme did not consider that a greater scheme (for 14 flats) would amount to such an intensification as to give rise to a seriously increased risk to highway safety or free flow of traffic. It should be noted that the scheme proposes to re-allocate use of existing spaces which are leased or used directly by the applicant, and thus the amount of additional traffic generated on the site would be significantly less overall. Parking standards are a maximum rather than a minimum, and it is considered that 9 spaces, 1 per dwelling, is satisfactory. For clarity, an amended site plan has been requested indicating the existing spaces on or adjacent to the driveway prior to the committee meeting. The site is located close to a bus route. It is not considered that a refusal of planning permission on traffic grounds could be sustained at appeal.

### **Impact to SSSI and stability of cliff**

The building would not be located within the SSSI. The southernmost edges of the proposed landscape area would be directly adjacent to the boundary of the SSSI. The council's Ecologist raises no objection to the proposal. English Nature state that it is imperative that there is no impact on the SSSI, and

request that an informative be included stating that no materials should be stored or dumped within the SSSI boundary and there should be no access to the site from within the SSSI boundary. The Inspector who considered the appeal into the previously refused scheme commented that concerns regarding storage of materials and preventing access to the site from the SSSI could be adequately dealt with by way of conditions. In consideration of the landscaping buffer adjacent to the SSSI boundary it would be ensured that only vegetation appropriate to the SSSI is included. The applicant has submitted a structural report which was submitted at the appeal, and the Inspector considered this gave broad reassurance with regard to the feasibility of the development in terms of the stability of the land. Ultimately the stability or otherwise of the cliff top would be dealt with at the Building Regulations stage.

**Conclusion:**

The merits of the proposal are finely balanced. The proposal will have an impact on the amenities of adjacent residential properties, however, on balance this is not considered to be to an extent to which planning permission could be withheld. The proposal would not result in a significant increase in traffic generation or compromise highway safety. Subject to appropriate conditions, the proposal would not adversely affect the SSSI. There are concerns regarding the impact the proposal would have on the predominantly low-rise character of Rottingdean due to its scale and height and prominent siting. The application is considered to conflict with local plan policies and supplementary planning guidance in this respect and refusal is therefore recommended.

**8 EQUALITIES IMPLICATIONS**

The new dwellings would need to comply with Part M of Building Regulations. Lift access is proposed to upper floors.

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<b>No:</b>	<b>BH2004/01213/FP</b>	<b>Ward:</b>	<b>QUEEN'S PARK</b>
<b>Address:</b>	<b>St George's Church, St George's Road</b>		
<b>Proposal:</b>	<b>Demolition of glazed vestibule and erection of side extension for use as post office.</b>		
<b>Officer:</b>	<b>Steve Lewis, Tel: 292321</b>	<b>Received Date:</b>	<b>15 April 2004</b>
<b>Con Area:</b>	<b>EAST CLIFF</b>	<b>Expiry Date:</b>	<b>10 June 2004</b>
<b>Agent:</b>	<b>Clive Mercer Associates, The Old Church, Whyke Road, Chichester</b>		
<b>Applicant:</b>	<b>Kemp Town Crypt Trustees, Kemp Town Crypt Community Centre</b>		

### 1 SUMMARY

The proposal is to replace a glazed vestibule on the north side of a Grade II listed church. This would provide a new entrance for the existing community centre in the crypt and most significantly a shop/post office counter on the ground floor. The Sub-Committee visited the site as recently as November 2003 in respect of a previous application for a nursery.

There is an existing post office at the eastern end of St Georges Road, however the freehold is not with the Post Office. At present the business is run by a postmaster who it is understood is unable to continue due to ill health. It is also understood that it is the intention that of the current postmaster to redevelop the site. Current policies require that a replacement post office facility should be located within the retail centre.

The application has been revised, with a new design in response to comments from conservation bodies. Some of the design issues have been addressed; however, there are still significant conservation issues arising from the development.

There has been a great deal of public interest in the proposal, with many letters and petitions, both supporting and objecting.

### 2 RECOMMENDATION

**Refuse** planning permission for the following reasons:

1. The applicant has failed to demonstrate that no suitable site can be identified within the existing local centre. The development is therefore contrary to policy SR2 of the Brighton and Hove Local Plan Second Deposit Draft.
2. The extension by reason of its design and materials detracts from the appearance and character of the adjoining listed building. This is contrary to policies ENV.31 and ENV.33 of the Brighton Borough Local Plan and HE1 and HE3 of the Brighton and Hove Local Plan Second Deposit Draft.
3. The proposal would be a prominent and incongruous feature in the street scene, which fails to preserve or enhance the appearance of the conservation area. This is contrary to policies ENV.22 and ENV.27 of the



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Brighton Borough Local Plan and Policy HE6 of the Brighton and Hove Local Plan Second Deposit Draft.

### Informatives:

1. This decision is based on CMA architects drawing nos. C190.04/001/002/003/004/005/006 and 007 submitted on 01/07/2004.
2. In considering this application the following policies have been taken into account:

#### Brighton Borough Local Plan:

ENV1 – Development

ENV3 – Extensions and alterations

ENV11 – Advertisements

ENV12 – Advertisements in conservation areas

ENV22 – Development in Conservation areas

ENV27 – Conservation areas

ENV31- Listed buildings

ENV32 – Change of use in listed buildings

ENV33 – Development affecting the setting of conservation area

TR33 – Cycling

#### Brighton and Hove Local Plan Second Deposit Draft:

HE1 – Listed Buildings

HE3 – Development within or affecting the setting of a listed building

HE6 – Development within or affecting the setting of a conservation area

SR2 - New retail development within or on the edge of existing defined shopping centres.

QD14 – Quality of development

QD27 – Protection of amenity

TR12 - Cycle parking

### **3 THE SITE**

The application relates to a grade II listed building situated on the north side of St. Georges Road in Kemptown. The building is situated within the East Cliff conservation area and on an 'island' site of symmetrical appearance. Each elevation is visible from the public highway and of equal importance. The church dates from *circa* 1824-1825, with later additions, dating from the early and late 19<sup>th</sup> century. The most prominent addition is a late 20<sup>th</sup> century glazed vestibule on the north elevation. The site is located on the outside but within close proximity of the St Georges Road defined local shopping centre.

### **4 RELEVANT HISTORY**

**BH1997/01719/FP** – Demolition of existing vestry; excavation of existing crypt to provide additional head room for community centre; and erection of entrance lobby to crypt area – approved 23/6/1998.

**BH1998/01790/LB** – Excavation of existing crypt to provide additional headroom for community centre and erection of entrance lobby to crypt area – approved 28/10/1998.

**BH2003/02456/FP** – Extension of St George's Crypt Community centre to

create new space to accommodate nursery/child care facilities – approved 26/11/2003.

**BH2003/02523/LB** - Extension of St George's Crypt Community centre to create new space to accommodate nursery/child care facilities – approved 26/11/2003.

## 5 THE APPLICATION

The proposal is for the demolition of the glazed vestibule on the northern elevation and the erection of a replacement single storey extension. The extension will provide facilities for a post office and so the application seeks a change of use and mixed use on the site. The proposed extension measures approximately 15 metres in length, 4.7 metres wide by 3.5 metres high and would be constructed in rendered blockwork under a flat felt roof with a timber fascia. Windows would be timber framed and double glazed.

## 6 CONSULTATIONS

**External:**

**Neighbours: Letters of objection: 44 St Georges Road, 34 St Michael's Place, 4 Queens Park Rise, 7/38 St George's Road, 13 Sussex Square, 25 Evelyn Glennie Court, 15 Crescent Place, 5 Charles Street, 13 Marine Square, 22 Sudeley Place, 14 Braybon Avenue, 10 Sudeley Street, 12 Grafton Street, 12 Marine Square, 23 Longhill Road, 25 Camelford Street, 21 Furze Croft, 3/7 Lewes Crescent (Kempton Society).**

These objections are on the following grounds:

1. The proposal is an unsympathetic addition to a listed building.
2. The proposal has a negative impact upon the setting of the conservation area.
3. There are other properties available for use as a post office within the shopping centre.
4. Loss of Regency character of the building.
5. Development will require signage which will be out of character with the rest of the development.

Letters of support:

**9 John Howard Cottages, Penthouse Chichester House, 18 Seymour Square, 2<sup>nd</sup> resident at 18 Seymour Square, 26A Bloomsbury Street, 45 Canning Street, 8 Cavendish Court, 14 Danny Sheldon House, 24 Great College Street, 29 College Gardens, 8 John Howard Cottages, 9 St Matthews Court, 6 Hereford Street, 66 Greenways, 24 Prince Regent's Close, 9 St John's Mews, 22 Canning Street, 23 Cavendish Court, Kemp Town Community Centre, 28 Cavendish Court, 14 Cavendish Court, 4 Chichester House, 11 Portland Place (3 letters from separate residents), 2 Eastern Terrace, Flat 6 2 Eastern terrace, 6 Hereford Court, 40 Reading Road, 4 Sudeley Place, 22 Brangwyn Crescent.**

These letters of support are for the following reasons:

1. The design of the proposal will be an improvement upon the glazed vestibule.
2. The design of the proposal will be in keeping with the existing building and surrounding (conservation) area.
3. The proposal will continue to reduce the need to travel.

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4. The proposal will provide a vital local service, particularly for groups such as the elderly and disabled.

### **Petitions:**

**51 Signature petition objecting** to the proposal on the grounds that the proposal would be of detriment to the listed building, conservation area and their settings.

**120 Signature petition objecting** on grounds that the development will spoil the character and setting of the listed church.

**18 Signature petition supporting** the proposal on the grounds that the proposal would provide a service that is accessible for those with mobility problems.

**134 Signature petition supporting** the proposal.

**Dr Des Turner MP:** Strongly supports the application, does not agree with the comments of the Senior Conservation officer, considers that the proposal will be a sympathetic addition to the church. Request that the planning committee visit the site to see the context of the proposal.

**Cllr Warren Morgan (via email):** Supports the application, considers a central and accessible post office branch is vital to the local community.

**Cllr Craig Turton (via email):** Supports the application as the proposed post office will allow local residents with mobility problems to access vital local services.

**The Georgian Group:** St Georges Church is a fine example of late Georgian classical church. The group has serious concerns regarding the scale of the proposals. The north elevation is simply detailed with a strong use of proportion and rhythm established through the pattern of the fenestration. The group considers the roof height preferable to that of the existing vestibule. The larger footprint and mass would obscure three rather than two of the lower windows and further erode the symmetry of the building and aid in unbalancing the church as a whole. No details of signage have been submitted but given the sensitive location the group would be likely to object to any future provision.

**Regency Society:** Object to the scheme and support the comments of the Council's conservation and design team and recommend refusal.

**The Kingscliffe Society:** Strongly object to the proposal. Kingscliffe Society dispute applicant's reasons for not locating within the local centre. Consider that the development would be damaging to the listed building, the conservation area and the viability of the shopping centre.

**English Heritage (received pre amendment):** Did not object but suggested some changes before planning permission is granted. Asked if it is possible to fenestrate the proposal? If it was necessary for the extension to be so large?

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Asked if a justification statement has been received with the application?

English Heritage asks if alternatives have been sought first? And what would happen if it doesn't pay its way, would signage be required?

Also note that the extension would require blocking up of day light from another window under the north gallery. Ask if this blocking would have an impact on the interior of the church.

(English Heritage did not wish to comment upon the revised plans).

**CAAG:** The Group was not persuaded of the merits of this proposal, considering it ill considered and lacking in detail. Recommended its refusal and supported the views of the Conservation team.

**Internal:**

**Conservation & Design:**

Summary:

Despite a slight reduction in size and bulk and an amended elevational treatment, the proposed extension would be an over dominant extension to the listed building, which would fail to respect the architectural character of the building. It would be a prominent and incongruous feature in the street scene which would fail to preserve the appearance of the conservation area.

Plans

The amended plans remain lacking in the level of quality and detail that should be expected for a prominent extension to an important listed building. They show a slight reduction in the length of the proposed extension (by approx. 400mm) and a minor reduction in height arising from the change from a parapet roof to an eaves. It is acknowledged that a further reduction in footprint is not possible but the size of the proposed extension remains large in the context of the north elevation.

The external treatment of the extension has been revised to a largely glazed structure with a facing brick panel, with the apparent intention of it appearing as a light, transparent modern structure. However, it is questionable how transparent the structure will, in fact, be with the shop area, lift, staircase and other paraphernalia in place. The proposed north elevation indicates a glazing system with very slim mullions but the east and west elevations indicate a more substantial, much less delicate framing system. The plan is different again and implies a butt jointed glazing system. The framing proportions on the elevations do not relate to the proportions of the church elevations at all. There are no details of materials. Will any of the glazing open? How will the extension be ventilated? The eaves/fascia detail lacks relief and the use of felt for the roof is questioned on the basis of its short life span and lack of aesthetic quality. It is also wholly unclear how the roof will drain.

The Access Officer has raised concerns about the proposed entrance arrangements, where the entrance to the community crypt is immediately

adjacent to the entrance to the post office, leading to potential conflict.

Supporting Statement

The supporting statement refers to the problems with the design and construction of the existing modern glazed vestibule. It should therefore be questioned whether it is the correct approach to replace it with a larger modern glazed structure. There appears to be no reassurance that the design and construction problems referred to as inherent in the existing structure will not be present on the proposed extension, especially given the lack of detail in the application drawings.

With regard to the matter of signage, the intention to have only internal etched glass signage, visible through the glazing, is a laudable one but the concern remains that this will not prove to be sufficient in view of the location of the post office out of sight of St George's Road. The success of the post office will depend upon its commercial viability which will in turn depend upon attracting custom.

**Policy and Strategy Team:** The proposed post office use falls outside the eastern extent of the St George's Road Local Centre. New retail development within or on the edge of existing defined shopping centres is subject to policy SR2 of the Second Deposit Draft Local Plan, and this policy has been supported by the Local Plan Inspector. The final paragraph of the policy states:

“Applications for new retail development on the edge of existing established shopping centres will be required to demonstrate, firstly, that there is a need for the development and, secondly, that no suitable site can be identified within the existing centre. The development should also be appropriate in scale with the centre – whether regional, town, district or local – to which it is intended to serve.”

The purpose of the policy is to ensure that new retail development supports and enhances existing shopping development. The policy reflects the guidance in PPG6 and draft PPS6 on the application of the sequential approach to retail development whereby sites in town (and other) centres are preferred, followed by edge of centre sites, and only then other sites that are well served by a choice of means of transport.

In this instance, the onus is on the applicant to demonstrate that there is a need for the post office use, and that it cannot be accommodated within St George's Road local centre. That local residents would benefit from a new Post Office facility is a reasonable argument, but it is the *location* of such a facility that is particularly important. A survey of the centre in August 2003 shows that there were several vacant units in the defined local centre, of which 4 were previously in A1 use. A more up to date survey could reveal more units (or fewer). In either case, the applicant should deal with each of the potentially available local centre units individually, in order to demonstrate that the church is the only feasible location for the proposed use. As no such information has been seen, therefore the proposal in its current form is contrary to policy SR2.

**Traffic Manager:** No objections on traffic grounds.

## **7 PLANNING POLICIES**

**Brighton Borough Local Plan:**

**ENV1** – Development

**ENV3** – Extensions and alterations

**ENV11** – Advertisements

**ENV12** – Advertisements in conservation areas

**ENV22** – Development in Conservation areas

**ENV27** – Conservation areas

**ENV31**– Listed buildings

**ENV32** – Change of use in listed buildings

**ENV33** – Development affecting the setting of conservation area

**TR33** – Cycling

**Brighton and Hove Local Plan Second Deposit Draft:**

**HE1** – Listed Buildings

**HE3** – Development within or affecting the setting of a listed building

**HE6** – Development within or affecting the setting of a conservation area

**SR2** – New retail development within or on the edge of existing defined shopping centres.

**QD14** – Quality of development

**QD27** – Protection of amenity

**TR12** – Cycle parking

## **8 CONSIDERATIONS**

The application must consider the effect of the development upon the special architectural and historic character of the listed building and its setting. The application must also consider the need for this use in a location outside an existing defined shopping centre.

The proposal is to demolish the existing glazed vestibule and build a replacement extension which is intended to accommodate a post office. The proposal has undergone revisions and changed its appearance in response to comments from the conservation bodies.

**Conservation and design issues:**

The plans have been reduced in size and bulk and the elevations amended. This was in response to English Heritage comments on the original proposal. The Conservation and Design team still consider that the proposal would be an over dominant extension to the listed building which would fail to preserve or respect the architectural and historic character of the listed building and the conservation area.

The reduction of the extension in the revision is approximately 0.4 metres in length and a minor reduction in the height that arises from a change in parapet roof to an eaves. It is acknowledged that the footprint cannot be further reduced it remains large in the context of the building.

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The external treatment of the extension is a largely glazed with a facing brick panel intended to give a transparent, light appearance. However in view of the likely contents and paraphernalia such as a shop area, post office counter, lift and staircase it is questionable whether the appearance will remain light and simple in form.

The proposed northern elevation displays a system of glazing, with slim mullions but the west and east elevations indicate a more substantial, framing system. The plans imply a butt jointed glazing system and it is considered that the proposed framing proportions do not relate to the proportions of the church.

The Access Officer is concerned about the proposed entrance arrangements where the entrance to the community crypt is immediately adjacent to the proposed post office entrance.

The Conservation and Design team, the Kingscliffe Society and the CAAG all recommend refusal on listed building and conservation area grounds.

The applicant has submitted a statement which includes many photographs of the surrounding area, pointing out unsympathetic additions and views from some of the surrounding streets. This statement addresses the point that the extension will not be visible from the St Georges Road and only partially from Paston Place. It is however clear having conducted a site visit the church is visible from many public vantage points and there is significant potential for this proposal to harm the appearance of the area.

### **Retail development/ policy constraints**

In response to the planning Policy and Strategy Team comments the applicant has also submitted a statement of needs and justification. This seeks to meet the sequential tests within PPG6 (Planning Policy Guidance: Town Centres and Retail Developments), which is also a requirement of policy SR2.

It is considered that the applicant would have to satisfy policy SR2 of the Brighton and Hove Local Plan Second Deposit Draft. To meet the criteria, it is considered necessary to demonstrate - firstly, that there is a need for the development and, secondly, that no site can be identified within the existing centre.

It is clear that there is significant advantage in providing a service such as a post office for a local shopping area such as St Georges Road. The nearest alternatives are in Whitehawk Road and St James's Street. A post office is an important service and anchor in any shopping centre, which helps to support the viability of other local services. It is considered that a need can be demonstrated in this instance.

The justification submitted by the applicant addresses existing vacant properties within the vicinity which are considered unsuitable for a post office

either because of space or financial constraints (or both). The applicant has only commented on properties drawn to their attention by the local planning authority and is therefore not exhaustive; there is no sufficient further information to demonstrate that a thorough assessment of alternatives within defined centres has been carried out by the applicant.

PPG6 (Paragraph 1.10) requires 'that all potential town centre options have been thoroughly assessed before less central sites are considered for key town centre uses' and this advice is reflected in policy SR2.

It is clear that the applicant has not done this exercise and so the application has been considered on available information.

## **9 CONCLUSIONS**

The application has some merit, in that it seeks to provide a vital community facility. However it is considered that the applicant has failed to meet all of the criteria of policy SR2. Not all suitable sites have been thoroughly assessed and so the application fails to meet all of the tests of PPG6 and local plan policy. Furthermore, the proposal would not be a satisfactory addition to this listed building. It is considered that it fails to respect the architectural character of the listed building. The addition would be an overly dominant, incongruous feature in the street scene, which would fail to preserve the appearance of the conservation area.

Refusal is therefore recommended.

## **10 EQUALITIES IMPLICATIONS**

The development would be required to meet Part M of the Building Regulations.



MINOR APPLICATIONS

<b>No:</b>	<b>BH2004/02118/FP</b>	<b>Ward:</b>	<b>PATCHAM</b>
<b>Address:</b>	<b>25 Braeside Avenue</b>		
<b>Proposal:</b>	<b>Retrospective application for a single storey rear extension (retrospective).</b>		
<b>Officer:</b>	<b>Luke Perkins, tel: 292178</b>	<b>Received Date:</b>	<b>05 July 2004</b>
<b>Con Area:</b>	<b>N/A</b>	<b>Expiry Date:</b>	<b>03 September 2004</b>
<b>Agent:</b>	<b>N/A</b>		
<b>Applicant:</b>	<b>D Gillespie, 25 Braeside Avenue</b>		

**1 RECOMMENDATION**

**Grant** planning permission, subject to the following conditions:

1. 02.07B Flat Roofed Extensions.
2. The eastern elevation of the ground floor extension shall be rendered and painted to match the colour and texture of the rest of the extension within 3 months of the date of this consent.

**Reason:** To ensure a satisfactory appearance for the development in the interests of visual amenity and to comply with policies ENV.1 and ENV.3 of the Brighton Borough Local Plan and policies QD1 and QD14 of the Brighton & Hove Local Plan Second Deposit Draft.

Informatives:

1. This decision is based on drawings submitted on 2 July 2004 and 9 July 2004.
2. This decision to grant Planning Permission has been taken having regard to the policies and proposals in the Brighton Borough Local Plan and the Brighton & Hove Local Plan Second Deposit Draft set out below, to Supplementary Planning Guidance on Roof Alterations and Extensions (SPGBH1) and to all other relevant material considerations.

Brighton Borough Local Plan:

ENV.1 - General objectives and policies

ENV.3 - Design in the built environment

ENV.5 - Extensions and alterations

ENV.6 - Extensions and alterations

ENV.7 - Extensions and alterations

Brighton and Hove Second Deposit Draft:

QD1 - Design – quality of development and design statements

QD14 - Extensions and alterations

QD27 - Protection of amenity

**2 THE SITE**

The site is located on the north side of Braeside Avenue between Solway Avenue and Sanyhills Avenue and contains a two storey chalet bungalow. The dwelling has an existing extension on the rear of the property which measures approximately 3.3 metres long by 3.55 metres wide and contains a kitchen. This

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extension is flush with the side of the property adjacent to the drive.

### 3 RELEVANT HISTORY

**BH2004/30332/FP** – Planning permission sought for the construction of a replacement garage and for the enlargement of the rear dormer window. Planning permission was refused but the dormer (which had already been built) was accepted as having been built under permitted development rights.

### 4 THE APPLICATION

The applicant seeks permission for a new rear extension he has already built. This extension sits in the gap between the existing rear kitchen extension and the boundary of the property with 27 Braeside Avenue and measures approximately 5.3 metres wide by 3.3 metres long.

### 5 CONSULTATIONS

**External:**

**Neighbours:** Three letters of objection have been received, two from **27 Braeside Avenue** and one from **Councillor Brian Pidgeon** (letter attached).

**27 Braeside Avenue** are concerned that the roof of the extension may be used as a roof terrace, that the extension is very close to the dividing fence between the two properties and that the extension appears to be incomplete. The occupiers are also concerned that the applicant's plans are inaccurate as they do not reflect the attachment of the extension into the roof of 27 Braeside Avenue. The occupiers of 27 Braeside Avenue highlight that the roof of the extension lifts the bottom right-hand tile of the roof of 27 Braeside Avenue.

### 6 PLANNING POLICIES

**Brighton Borough Local Plan:**

**ENV.1** - General objectives and policies

**ENV.3** - Design in the built environment

**ENV.5** - Extensions and alterations to houses and commercial properties

**ENV.6** - Extensions and alterations to houses and commercial properties

**ENV.7** - Extensions and alterations to houses and commercial properties

**Brighton and Hove Second Deposit Draft:**

**QD1** - Design – quality of development and design statements

**QD14** - Extensions and alterations

**QD27** - Protection of amenity

Supplementary Planning Guidance on Roof Alterations and Extensions (SPGBH1)

### 7 CONSIDERATIONS

**Loss of light and privacy**

No part of the ground floor rear extension overlooks or overshadows neighbouring properties. The extension has been built alongside the existing single storey rear extension of 27 Braeside Avenue and is equal in height. Furthermore, sight of the extension is screened from neighbouring occupiers

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by foliage along the boundary between 25 and 27 Braeside Avenue. It is considered that the possibility of the extension's roof being used as a roof terrace shall be controlled by condition.

### **Design issues**

Visiting the site confirmed that the extension is in keeping with the style of the existing extension and the rest of the property. However the eastern elevation of the extension, which faces 27 Braeside Avenue, appears to be incomplete. This elevation has been left as bare block-work. It is considered that completion of this elevation should be controlled by condition to match the rest of the property in the interests of visual amenity.

## **8 EQUALITIES IMPLICATIONS**

None identified.

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<b>No:</b>	<b>BH2004/02367/RM</b>	<b>Ward:</b>	<b>PATCHAM</b>
<b>Address:</b>	<b>Land between Charmcot and Guisboro, Braypool Lane</b>		
<b>Proposal:</b>	<b>Erection of detached house (Reserved Matters in relation to planning application BH2002/00946/OA Allowed on Appeal).</b>		
<b>Officer:</b>	<b>Andy Watt, tel: 292525</b>	<b>Received Date:</b>	<b>28 July 2004</b>
<b>Con Area:</b>	<b>N/A</b>	<b>Expiry Date:</b>	<b>22 September 2004</b>
<b>Agent:</b>	<b>L Flower, Southbank, Newhall Lane, Small Dole</b>		
<b>Applicant:</b>	<b>Mr S Slee, 21 Baranscraig Avenue, Brighton</b>		

**1 RECOMMENDATION**

**Approve Reserved Matters subject to the following conditions:**

1. 02.01B No permitted development (extensions) (B).
2. 02.02B No permitted development (windows) (B).
3. 03.01B Samples of Materials Non-Cons Area (B).
4. 06.01B Retention of parking area (B).
5. 06.02B Cycle parking details to be submitted (B).
6. 04.01 – Landscaping/planting scheme.

**Reason:** Standard – add ‘and to safeguard the privacy of the occupiers of the adjoining properties, to comply with Policies ENV.1, ENV.60, ENV.61 and ENV.62 of the Brighton Borough Local Plan and Policies QD16, QD17 and QD27 of the Brighton & Hove Local Plan Second Deposit Draft’.

7. 04.02 – Landscaping/planting (implementation/maintenance)

**Reason:** Standard – add ‘and to comply with Policies ENV.60, ENV.61 and ENV.62 of the Brighton Borough Local Plan and Policies QD16 and QD17 of the Brighton & Hove Local Plan Second Deposit Draft’.

8. A report shall be submitted for approval in writing by the local planning authority addressing the conservation of reptiles on the site. The report shall be produced by a suitably qualified ecologist and shall address details of reptile survey methodology, personnel, timing of all works and the mitigation measures which shall be introduced in the event that reptiles are discovered on site. The reptile survey report shall be approved in writing prior to commencement of works and shall be implemented as approved thereafter.

**Reason:** To ensure prevention of harm to protected reptiles, in accordance with the Wildlife & Countryside Act 1981 and Policy QD18 of the Brighton & Hove Local Plan Second Deposit Draft.

**Informatives:**

1. This decision is based on drawing nos. P/02 and P/03 submitted on 28 July 2004.
2. This decision to grant reserved matters has been taken having regard to the policies and proposals in the Brighton Borough Local Plan and Brighton & Hove Local Plan Second Deposit Draft set out below, and to all relevant material considerations:

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### Brighton Borough Local Plan:

ENV.1 – General objectives and policies

ENV.2 – General objectives and policies

ENV.3 – Design in the built environment

ENV.60 – Trees and landscaping

ENV.61 – Trees and landscaping

ENV.62 – Trees and landscaping

H.2 – Housing – general policies and objectives

H.19 – Children/open space provision

### Brighton & Hove Local Plan Second Deposit Draft:

TR1 – Development and the demand for travel

TR – Safe development (new policy)

TR17 – Parking standards

SU2 – Efficiency of development in the use of energy, water and materials

QD1 – Design – quality of development and design statements

QD3 – Design – efficient and effective use of sites

QD4 – Design – strategic impact

QD5 – Design – street frontages

QD16 – Trees and hedgerows

QD17 – Protection and integration of nature conservation features

QD18 – Species protection

QD27 – Protection of amenity

H03 – Dwelling type and size

H04 – Dwelling densities

H0 – Provision of private amenity space in residential development (new policy)

NC6 – Development in the countryside/downland

### East Sussex and Brighton & Hove Structure Plan 1991-2011:

S1 – Twenty one criteria for the 21st century

S5 – Urban Areas – Definition of development boundaries

H9 – Maximising housing provision within urban areas

Planning Policy Guidance Note 3: Housing

Planning Policy Guidance Note 13: Transport

Supplementary Planning Guidance Note BH4: Parking Standards

## **2 THE SITE**

This is a lightly vegetated undeveloped plot bounded by Braypool Lane to the east and the A23 to the west. Dwellings known as Charmcot and Guisboro adjoin the site to the north and south respectively. Land slopes down from east to west. General area is characterised by 15 single-storey or chalet-type detached dwellings with the RSPCA animal shelter, 2 larger dwellings and a recreation ground at the end of the road. A footpath runs along the western boundary of the site, which serves the front of the plots on Braypool Lane. Beyond is the A23 leading into Brighton and running parallel to that is the main Brighton to London railway line. Further to the south lies the A27.

It was noted during a site inspection that a right of way exists through the north-western corner of the site, as shown by the existence of a gate to the site

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followed by another gate through the shared boundary wall with Charmcot. The site was previously Council-owned and was sold in early 2002.

### 3 RELEVANT HISTORY

**BH1997/01853/OA:** Outline application for the erection of a single storey dwelling with rooms in the roof (Plot 2 [between Charmcot and Guisboro]) – granted 2 February 1998 [but never implemented and permission has now lapsed].

**BH2002/00946/OA:** Erection of a single dwelling house (Plot between Charmcot and Guisboro) – refused 2 August 2002; granted on appeal 23 October 2003.

**BH2003/00238/OA:** Erection of a single dwelling house (Re-submission following refusal of application BH2002/00946/OA) (Vacant plot of land between Charmcot and Guisboro [Plot 2]) – refused 10 April 2003; superseded by grant of planning permission on appeal 23 October 2003 [see above].

*The following applications on different sites in Braypool Lane are also relevant:*

**BH1997/01852/OA:** Outline application for the erection of a single storey dwelling with rooms in the roof (Plot 1 [between Sunny Bank and Bromleigh]) – granted 2 February 1998 [but never implemented and permission has now lapsed].

**BH1997/01854/OA:** Outline application for the erection of a single storey dwelling with rooms in the roof (Plot 3 [between The Mount and Highmead]) – granted 2 February 1998 [but never implemented and permission has now lapsed].

**BH1997/01855/OA:** Outline application for the erection of two single storey dwellings with rooms in the roof (Plot 4 [adjacent to Ben-Ma-Chree]) – granted 2 February 1998 [but never implemented].

**BH2000/00337/OA:** Outline application for the erection of two single storey dwellings with rooms in the roof (amendment to outline permission BH1997/01855/OA) (Plot 4 [adjacent to Ben-Ma-Chree]) – granted 25 April 2000.

**BH2000/02488/RM:** Reserved matters application for approval of siting, design and materials pursuant to permission ref: BH1997/01855/OA for the erection of two single storey dwellings with rooms in the roof (Plot 4 [adjacent to Ben-Ma-Chree]) – granted 6 December 2000.

**BH2002/00945/OA:** Erection of a single dwelling house (Vacant plot between Bromleigh and Sunnybank) – refused 21 August 2002.

**BH2002/01166/OA:** Erection of a single dwelling (Land between The Mount and Highmead) – refused 5 July 2002.

**BH2002/03180/OA:** Erection of a single dwelling (Land between The Mount and Highmead) – granted by the Sub-Committee in January 2003.

**BH2003/00534/OA:** Erection of single dwelling house (Plot 1 adjoining Sunnybank and Bromleigh) – refused 10 April 2003.

**BH2003/01183/RM:** Erection of a chalet bungalow with detached garage (Plot between The Mount and Highmead) – refused 4 June 2003.

**BH2003/02276/RM:** Re-submission of refused reserved matters application BH2003/01183/RM (Plot between The Mount and Highmead) – granted 9 September 2003.

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**BH2003/02571/OA:** Erection of a single dwelling [Highmead] – refused 26 September 2003.

**BH2003/03674/OA:** Erection of a single dwelling (re-submission of BH2003/02571/OA) [Highmead] – refused 15 January 2004.

**BH2004/01266/OA:** Outline Application for the erection of a single dwelling [Highmead] – granted by the Sub-Committee 9 June 2004.

### 4 THE APPLICATION

Approval is sought for the reserved matters of an outline application granted on appeal in October 2003 (BH2002/00946/OA; Planning Inspectorate ref: APP/Q1445/A/03/1107916) for the erection of a 4 bedroom detached chalet-type dwelling with additional lower ground floor and detached double garage at the entrance to the site.

The proposed dwelling will be oriented east-west and set back from the building line offered by Charmcot and Guisboro adjacent. However, it will bear more resemblance in this respect to the front building lines of The Mount and Sunnybank two properties away either side. It will be located closer to the A23 than either of these latter properties though. Most vegetation on the site will be cleared, although trees will be retained on the boundary with the A23 and shrubs closest to the boundaries with both adjoining dwellings. The roof form will be hipped, except for the lower part to the rear and a feature front gable/dormer. The ridge height will be the same as that at Charmcot and slightly higher than that at Guisboro, although this is achieved by excavating the site somewhat. Materials have been specified, with concrete plain roof tiles, painted rendered walls with brick detailing above the window heads and UPVC windows.

### 5 CONSULTATIONS

#### **External:**

**Neighbours:** 2 letters of objection from **Charmcot and Guisboro, Braypool Lane:** Plans show a house – believed that no houses were to be built here, only chalet bungalows.

#### **Internal:**

**Arboriculturalist:** The application states that no trees will be felled. The far end has several multi-stemmed elms/sycamores/hawthorns up to 5 metres in height, which are presumed will remain to screen off the main road. There are a few hawthorns/elders/conifers along the side and top boundaries of the site. However, none of the above are of any significant value, and therefore we have no comment to make on this application.

**Traffic Manager:** Awaiting response.

### 6 PLANNING POLICIES

#### **Brighton Borough Local Plan:**

**ENV.1 – General objectives and policies**

**ENV.2 – General objectives and policies**

**ENV.3 – Design in the built environment**

**ENV.60** – Trees and landscaping  
**ENV.61** – Trees and landscaping  
**ENV.62** – Trees and landscaping  
**H.2** – Housing – general policies and objectives  
**H.19** – Children/open space provision

**Brighton & Hove Local Plan Second Deposit Draft:**

**TR1** – Development and the demand for travel  
**TR** – Safe development (new policy)  
**TR17** – Parking standards  
**SU2** – Efficiency of development in the use of energy, water and materials  
**QD1** – Design – quality of development and design statements  
**QD3** – Design – efficient and effective use of sites  
**QD4** – Design – strategic impact  
**QD5** – Design – street frontages  
**QD16** – Trees and hedgerows  
**QD17** – Protection and integration of nature conservation features  
**QD18** – Species protection  
**QD27** – Protection of amenity  
**H03** – Dwelling type and size  
**H04** – Dwelling densities  
**H0** – Provision of private amenity space in residential development (new policy)  
**NC6** – Development in the countryside/downland

**East Sussex and Brighton & Hove Structure Plan 1991-2011:**

**S1** – Twenty one criteria for the 21st century  
**S5** – Urban Areas – Definition of development boundaries  
**H9** – Maximising housing provision within urban areas

**Planning Policy Guidance Note 3: Housing**

**Planning Policy Guidance Note 13: Transport**

**Supplementary Planning Guidance Note BH4: Parking Standards**

**7 CONSIDERATIONS**

**Impact of proposal on locality**

Braypool Lane exhibits a very mixed building style, with each dwelling being different in size, height and siting within the plot. Because of this general lack of cohesion within, curvature of, and distance from, Braypool Lane and nature of vegetation in the area, the dwelling as submitted is unlikely to be harmful in design terms to the locality.

While concern has focused on the height of the building, the design has taken into consideration the slope of the land and utilised the lowest part of the site to construct a below-ground storey. The height of the building rises no higher than Charmcot and is slightly taller than Guisboro. The siting of the double garage at the front of the site is in keeping with that at Charmcot and further up the road, as previously approved in reserved matters applications for



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Amberleigh, The Corner Stone and Woodsmill.

### **Effect of proposal on neighbouring amenity**

Adjoining houses are located towards the western end of their plots. Given the sloping sites, some potential for overlooking could result, although the setting back of the proposed dwelling would mitigate these effects. Subject to boundary vegetation being retained and enhanced, privacy to and from neighbouring properties should be retained.

### **Conclusion:**

The details of the proposed dwelling in design terms are now considered satisfactory, although more detailed landscaping matters have still to be fully agreed. Conditional approval is therefore recommended.

## **8 EQUALITIES IMPLICATIONS**

The dwelling will be accessible to people with mobility difficulties and will have to comply with Part M of the Building Regulations.

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<b>No:</b>	<b>BH2004/02244/FP</b>	<b>Ward:</b>	<b>PATCHAM</b>
<b>Address:</b>	<b>Exion 27, Hollingbury Business Estate</b>		
<b>Proposal:</b>	<b>Variation of condition 11 of planning permission BH1999/02167/FP dated 8th June 2000 to allow use of the building for offices (B1a), Research and Development (B1b), light industry (B1c) or general industry (B2).</b>		
<b>Officer:</b>	<b>Hamish Walke, tel: 292101</b>	<b>Received Date:</b>	<b>06 July 2004</b>
<b>Con Area:</b>	<b>N/A</b>	<b>Expiry Date:</b>	<b>14 September 2004</b>
<b>Agent:</b>	<b>Hepher Dixon, 100 Temple Chambers, Temple Avenue, London</b>		
<b>Applicant:</b>	<b>Albermarle Securities Limited</b>		

**1 SUMMARY**

Planning permission is sought to vary an existing planning condition in order to permit use of the premises for B1(a) office use. No objections have been raised by the Planning Policy or Economic Development teams. The Traffic Manager requires a Travel Plan.

The principle of a B1(a) office use on this site is considered acceptable and, given the extensive marketing, in accordance with emerging Council policy. The proposal raises significant transport concerns though. A Travel Plan is required in order to ensure that an unacceptable increase in travel by non-sustainable means is avoided and to encourage the use of buses, cycling and walking. Further information has been requested from the applicant on transport issues. Approval is recommended subject to a condition requiring a Travel Plan.

**2 RECOMMENDATION**

**Minded to Grant Planning Permission** subject to the receipt of satisfactory further information addressing transport issues and subject to the following conditions:

1. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 and any subsequent amendment, the development hereby approved shall be used for offices (B1(a)), research and development (B1(b)), light industry (B1(c)) and general industry (B2) only.  
**Reason:** To ensure that a satisfactory range of employment generating sites are available within the city and in accordance with policy EM1 of the Brighton and Hove Local Plan Second Deposit Draft.
2. Prior to the first occupation of the premises, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority containing measures to encourage travel by sustainable means (such as walking, cycling and public transport), details of on-site improvements to assist in this aim and a full schedule and timescale for implementation. The Travel Plan shall be carried out in strict accordance with the agreed details and thereafter implemented at all times.  
**Reason:** To encourage travel by sustainable means, to reduce traffic generation and in accordance with policies TR9 of the Brighton Borough

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Local Plan and TR1, TR3, TR Travel Plans (new policy) and TR12 of the Brighton & Hove Local Plan Second Deposit Draft.

### Informatives:

1. This decision is based on the Supporting Town Planning Statement submitted on 6 July 2004.
2. The applicant is advised that the other conditions attached to planning permission BH1999/02167/FP continue to apply to this development.
3. This decision to grant Planning Permission has been taken having regard to the policies and proposals in the Brighton Borough Local Plan and the Brighton & Hove Local Plan Second Deposit Draft set out below and to all relevant material considerations:

#### Brighton Borough Local Plan:

EP1 – Industry

TR9 – Relationship to development

#### Brighton and Hove Local Plan Second Deposit Draft:

TR1 – Development and the demand for travel

TR2 – Public transport accessibility and parking

TR3 – Development in areas of low public transport accessibility

TR(new policy) – Travel Plans

TR12 – Cycle access and parking

TR17 – Parking standards

SU2 – Efficiency of development in the use of energy, water and materials

EM1 – Identified employment sites (industry and business)

### **3 THE SITE**

The building is a modern two storey commercial building (2,666m<sup>2</sup>) with green aluminium cladding and grey tinted glass. There are 55 car parking spaces on the site. The premises have been vacant since construction in 2001. The site lies at the northern end of Hollingbury Business Estate, in a prominent location at the edge of the built up area and visible from the A27. The Hollingbury Business Estate contains buildings in a range of B1, B2 and B8 uses together with some retail (A1) outlets. The A27 bypass lies to the north, with the Hollingbury junction immediately adjacent to the site. The Sussex Downs AONB lies to the north and east of the application site. The emerging Local Plan also designates a greenway and Local Nature Reserve to the north, west and east.

### **4 RELEVANT HISTORY**

**BH1999/02167/FP** – Erection of 2 storey industrial building with ancillary offices and 55 car parking spaces (Amended scheme). Granted 08/06/00. Condition 11 of the permission states:

*“Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 and any subsequent amendment, the development hereby approved shall be used for general and light industrial/research and development purposes only (i.e. B2, B1(b) and B1(c) only). The offices shall be occupied only as ancillary accommodation to the principal industrial use. Reason: The area is considered to be unsuitable for office use due to its location and lack of alternative modes of transport. Such a use would involve the loss of potential industrial floorspace in an area identified for*

*such purposes in the adopted Borough Plan.”*

**5 THE APPLICATION**

Planning permission is sought to vary condition 11 of the 1999 permission to allow use of the premises as offices (B1(a)).

**6 CONSULTATIONS**

**External:**

**Neighbours:** No responses.

**Internal:**

**Economic Development:** The application is fully supported by the economic development team as it allows a more flexible use of the currently vacant building but within the general use classes B1 and B2. It is confirmed that the supporting evidence submitted by the applicant is correct and the building, although in a prominent location and of modern day design and specification, has been vacant since completion. This is mainly due to the condition the applicant is requesting a variation to with this application. The property has been on the council's commercial database since completion and has been offered to a large number of interested enquiries to no avail. The variation of this condition will allow the building to more flexible to modern business requirements and will bring it into employment use to the benefit of the city.

**Traffic Manager:** Concerned about the application. The reason for the original condition was the location and lack of alternative transport other than the car. Despite the local bus services the above reason still applies and is even more valid because the proposed office use will generate more employees than the currently permitted use classes. A higher number of employees would therefore be expected to travel to the site by car, resulting in more trips for to/from the site and a need for more parking spaces. The applicant should provide a draft Travel Plan detailing what could be done to encourage sustainable transport, particularly the use of buses, cycles and walking. It should include things such as shower facilities and enhanced secure cycle and motorcycle parking. The Travel Plan should be agreed before any change to the conditions is agreed.

**Planning Policy:** The premises lie within Hollingbury Industrial Estate to which Policy EM1 applies. Policy EM1 was originally drafted to exclude B1(a) offices from the traditional manufacturing sites for two reasons:

- 1) Siting densely occupied offices on sites without good transport communications would be contrary to the council's sustainable transport policy. However the sustainable transport policies have been approved by the Inspector so the council has the means to ensure that any future office occupier would provide for the travel needs of the development by sustainable means.
- 2) Developers' hopes for the higher land value achieved for offices could exclude new manufacturing occupiers. Despite the policy, this is already happening so the policy, as drafted, is not achieving its objective.

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The City Council has therefore accepted the Inspector's recommended amendment to the Policy. The Policy therefore reads as follows:

*'EM1 - The sites listed overleaf are identified primarily for industrial and business use under Use Classes B1(b) (c) and B2 but not excluding B1(a).*

*B1(a) and B8 uses would be acceptable in any small starter units on the identified industrial sites. Trade counters will not be acceptable in the B8 units.*

*Warehousing (Use Class B8) will not be permitted on these sites unless it is ancillary to the main uses or in accord with the criteria in policy EM7.*

It is noted that the premises has been marketed for several years without success. Due to the lack of interest in the site and the proposed modifications to the policy it is felt a relaxation of the condition to remove the restriction relating to B1(a) is acceptable.

There is a need however for a Travel Plan as requested by the traffic team. Whilst the applicant details the various buses that operate in the area the actual frequency of the buses, in order for the service to be considered accessible, is not good. The public transport accessibility is moderate during the morning peak traffic time but poor off peak and during the evening peak traffic time (4pm-6pm). A sustainable travel plan should therefore be submitted and agreed prior to approval.

Due to individual circumstances of this proposal there are no policy objections subject to the submission and approval of a sustainable travel plan.

### **7 PLANNING POLICIES**

#### **Brighton Borough Local Plan:**

EP1 – Industry

TR9 – Relationship to development

#### **Brighton and Hove Local Plan Second Deposit Draft:**

TR1 – Development and the demand for travel

TR2 – Public transport accessibility and parking

TR3 – Development in areas of low public transport accessibility

TR(new policy) – Travel Plans

TR12 – Cycle access and parking

TR17 – Parking standards

SU2 – Efficiency of development in the use of energy, water and materials

EM1 – Identified employment sites (industry and business)

### **8 CONSIDERATIONS**

The main issues for consideration are the acceptability of the proposed use in terms of the Council's employment policies and the transport implications.

#### **Employment issues**

Policy EM1 within the Brighton and Hove Local Plan Second Deposit Draft

originally sought to allow only research and development (B1(b)), light industry (B1(b)) and general industry (B2) on such sites. The Inspector, whilst recognising the Council's reasons for proposing this policy, felt it to be *"over-controlling in tone and intention, for no very good land use planning reason."* He felt that no significant harm would result from modest office demand in such locations.

The Council has accepted the Inspector's recommendations on policy EM1. It now permits B1(a) office uses, as set out in the comments received from the Planning Policy team, whilst clearly prioritising other B1 and B2 uses. In this case, the Economic Development and Planning Policy teams have raised no objections and, given the extensive marketing carried out to date, B1(a) office use is considered acceptable.

### **Transport issues**

The applicant has submitted a supporting statement which suggests that the proposal would create approximately 166 full time jobs, based on standard office occupancy. This compares to around 129 full time jobs as a result of the current approved B1(b and c) and B2 uses. This increase of around 40 jobs would result in increased travel movements to and from the site. The building currently has 55 car parking spaces. The site's location on the periphery of the city and the lack of alternative means of transport was one of the reasons that the existing condition restricting use was applied. A separate condition was attached requiring the provision of cycle parking.

No increase in car parking provision is proposed as part of this application. The existing level of parking provision is in accordance with the Council's maximum parking standards and further parking provision should be discouraged. The Traffic Manager has requested a Travel Plan in order to encourage travel by sustainable means. The Travel Plan would set out measures to promote travel by more sustainable means, such as improved cycle facilities, including showers, promotion of bus and walking routes to employees and encouragement of car sharing.

The applicants have been requested to supply further information regarding sustainable means of travel and their response will be reported on the late list or verbally at the Sub-Committee meeting. However, officers are satisfied that, subject to appropriate details being received and to a condition requiring the submission and implementation of a Travel Plan, that the proposal is acceptable in traffic terms.

## **9 CONCLUSIONS**

The principle of a B1(a) office use on this site is considered acceptable and, given the extensive marketing, in accordance with emerging Council policy. The proposal raises significant transport concerns. A Travel Plan is required to ensure that an unacceptable increase in travel by non-sustainable means is avoided and to encourage the use of buses, cycling and walking. Further information has been requested and a condition requiring a Travel Plan is set

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out above.

- 10 EQUALITIES IMPLICATIONS**  
None arising.

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<b>No:</b>	<b>BH2004/02391/FP</b>	<b>Ward:</b>	<b>PATCHAM</b>
<b>Address:</b>	<b>165 Ladies Mile Road</b>		
<b>Proposal:</b>	<b>Loft conversion to form new bedroom and bathroom (Re-submission of refused application BH2004/00808/FP).</b>		
<b>Officer:</b>	Trisha Taylor, tel: 291709	<b>Received Date:</b>	29 July 2004
<b>Con Area:</b>	N/A	<b>Expiry Date:</b>	23 September 2004
<b>Agent:</b>	Mr F G Williams, 26 Surrenden Park, Brighton		
<b>Applicant:</b>	Mr Nick Williams, 165 Ladies Mile Road		

**1 RECOMMENDATION**

**Grant** planning permission, subject to the following conditions:

1. 01.01 Full Planning Permission.
2. 03.02B Materials to match Non-Cons Area (B).

Informatives:

1. This decision is based on drawing nos. FW/39/04 submitted on 29 July 2004.
2. This decision to grant Planning Permission has been taken having regard to the policies and proposals in the Brighton Borough Local Plan and Brighton & Hove Local Plan Second Deposit Draft set out below, and to all relevant material considerations, including Supplementary Planning Guidance:

Brighton Borough Local Plan:

ENV.1 General objectives and policies

ENV.3 Design in the built environment

ENV.5 Extensions and alterations to houses and commercial properties

ENV.6 Extensions and alterations to houses and commercial properties

Brighton and Hove Local Plan Second Deposit Draft:

QD1 Design – quality of development and design statements

QD2 Design – key principles for neighbourhoods

QD14 Extensions and alterations

QD27 Protection of amenity

**2 THE SITE**

The site is located on the northern side of Ladies Mile Road, and contains a single storey, semi-detached bungalow. Access to the site is via a shared driveway at the side of the bungalow, leading to a single storey detached garage.

**3 RELEVANT HISTORY**

**BH2001/00408/FP:** Proposed single storey rear extension – refused.

**BH2001/01050/FP:** Proposed single storey rear extension – refused.

**BH2003/02480/FP:** Loft conversion including hip to gable roof alterations, installation of two front rooflights and rear dormer to form bedroom and



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bathroom – refused. Appeal to Planning Inspectorate, dismissed in February 2004.

**BH2004/00808/FP:** Loft conversion comprising a hipped-roof dormer at side of property, rear dormer and installation of two front rooflights. (Resubmission of refused application BH2003/02480/FP) – refused.

### 4 THE APPLICATION

The applicant seeks approval for a loft conversion to form new bedroom and bathroom (Re-submission of Refused application BH2004/00808/FP).

This proposal includes a hipped roof to half-hip roof extension, a front rooflight and a rear dormer window.

### 5 CONSULTATIONS

**External**

**Neighbours: 163 Ladies Mile Road,** objects to the proposal on the grounds that their garden will be overlooked.

### 6 PLANNING POLICIES

**Brighton Borough Local Plan:**

ENV.1 – General objectives and policies

ENV.3 – Design in the built environment

ENV.5 – Extensions and alterations to houses and commercial properties

ENV.6 – Extensions and alterations to houses and commercial properties

**Brighton and Hove Local Plan Second Deposit Draft:**

QD1 – Design – quality of development and design statements

QD2 – Design – key principles for neighbourhoods

QD14 – Extensions and alterations

QD27 – Protection of amenity

Supplementary Planning Guidance on Roof Alterations and Extensions (SPGBH1)

### 7 CONSIDERATIONS

**Recent appeal decision for 155 Ladies Mile Road**

A similar roof extension application at 155 Ladies Mile Road (BH2003/01003/FP) was refused under delegated powers in May 2003 on the grounds that the roof alterations would have a detrimental impact on the character and design of the dwelling and surrounding streetscape by creating a loss of symmetry in the roof design with the adjoining property (157 Ladies Mile Road). The applicant appealed the Council's decision and this appeal was dismissed.

Although the appeal was dismissed in June this year, it was noted in the Inspector's report that:

*“While the adjoining dwelling retains a hip roof, several other dwellings in the local area have been modified to form gable ends. Consequently there is little unity and coherence to the group and even though the proposal would*

*unbalance the pair of semi-detached bungalows, in my opinion this would not appear incongruous in this locality. The varied nature of the area would allow the roof extension to be absorbed into the street scene without detriment to the character and appearance of the area as a whole.* Overall, the principle of the roof extension (hip to gable) in this locality was considered acceptable.

In the light of this decision, the applicant subsequently amended the proposal slightly to omit the proposed balcony at the rear of the widened dormer and change the design of the roof alteration. Overall, the proposal was largely similar to the previous application. This application (BH2004/01540/FP) was approved in July this year.

#### Current application

Following the comments made by the Inspector in respect of the above-mentioned appeal, the applicant has submitted a new application for loft conversion which is very similar to the application which was approved at 155 Ladies Mile Road (BH2004/01540/FP), subsequent to the appeal decision.

Although the proposal is clearly contrary to the Council's guidance on roof alterations and extensions, and notwithstanding the previous, dismissed, appeal relating to this site, the more recent appeal decision relating to no.155 is in this instance a very relevant material planning consideration which must therefore be accorded considerable weight in assessing the merits of this application.

The proposed rear dormer will not be visible from the street. Although it is large in size, it was noted by the Inspector in relation to no. 155, that rear dormers of this nature would not be an unusual feature in area.

#### Impact on amenity

The proposed rear dormer will overlook the rear garden. The property adjoins a large open space and the nearest property at the rear is located approximately 90m away.

At the side, there is an existing shared driveway, providing additional separation between the application site and no. 167 Ladies Mile Road, mitigating overlooking and loss of privacy. The proposed side window will overlook the roof area of the adjacent property and will not affect privacy.

The front roof light will overlook the highway and will not impact on the amenities enjoyed by nearby residential properties.

#### **Conclusion:**

The proposal is contrary to Council policy and guidance; however, given the planning history of the immediately surrounding area and the character of the area, where many of the neighbouring, similar properties have had roof extensions, consent is recommended.

PLANS LIST - 22 SEPTEMBER 2004

None identified.

PLANS LIST – 22 SEPTEMBER 2004

<b>No:</b>	<b>BH2004/02365/FP</b>	<b>Ward:</b>	<b>PATCHAM</b>
<b>Address:</b>	<b>47 Old Mill Close</b>		
<b>Proposal:</b>	<b>Roof extension to provide first floor accommodation with new half hipped roof. Single storey rear extension.</b>		
<b>Officer:</b>	Trisha Taylor, tel: 291709	<b>Received Date:</b>	27 July 2004
<b>Con Area:</b>	N/A	<b>Expiry Date:</b>	21 September 2004
<b>Agent:</b>	N/A		
<b>Applicant:</b>	D Gillespie, 25 Braeside Avenue, Brighton		

**1 RECOMMENDATION**

**Grant** planning permission, subject to the following conditions:

- 01.01 Full Planning Permission.
- The window frames and fenestration shall match the existing ground floor windows in material, colour and style.  
**Reason:** To ensure a satisfactory appearance to the development in the interests of visual amenities and to comply with policies ENV.1 and ENV.3 of the Brighton Borough Local Plan and policies QD1 and QD14 of the Brighton & Hove Local Plan Second Deposit Draft.
- The location of the first floor windows shall be as shown on the additional elevational drawing submitted on 25 August 2004 and not the first floor layout plan submitted on 27 July 2004.  
**Reason:** To ensure a satisfactory appearance to the development in the interests of visual amenities and to comply with policies ENV.1 and ENV.3 of the Brighton Borough Local Plan and policies QD1 and QD14 of the Brighton & Hove Local Plan Second Deposit Draft.

Informatives:

- This decision is based on the unnumbered drawings depicting existing elevations, ground floor plans, first floor plan and block plan submitted on 27 July 2004 and the unnumbered additional plan depicting amended front and rear proposed elevations submitted on 25 August 2004.
- This decision to grant Planning Permission has been taken having regard to the policies and proposals in the Brighton Borough Local Plan and Brighton & Hove Local Plan Second Deposit Draft set out below, and to all relevant material considerations, including Supplementary Planning Guidance on Roof Alterations and Extensions (SPGBH1):  
Brighton Borough Local Plan:  
ENV.1 - General objectives and policies  
ENV.3 - Design in the built environment  
ENV.5 - Extensions and alterations to houses and commercial properties  
ENV.6 - Extensions and alterations to houses and commercial properties  
Brighton and Hove Local Plan Second Deposit Draft:  
QD1 - Design – quality of development and design statements  
QD14 - Extensions and alterations

QD27 - Protection of amenity

**2 THE SITE**

The site is located on the north-western side of Old Mill Close, which is a cul-de-sac extending north from Ridgeside Avenue. The site contains a single storey bungalow with loft conversion. There is a rear extension, as well as front and rear dormer windows. There is vehicular access to the front of the site that leads to an internal single garage.

**3 RELEVANT HISTORY**

**BH1999/00705/FP:** Installation of dormers at first floor level to front and rear elevation. Erection of single storey extension to rear. Approved.

**4 THE APPLICATION**

The applicant seeks approval for a roof extension to provide first floor accommodation with a new half-hipped roof and a single storey rear extension.

The first floor accommodation consists of three bedrooms with ensuite bathrooms and a w.c. The rear extension relates to an existing conservatory, which is to be rebuilt and extended.

**5 CONSULTATIONS**

**External:**

**Neighbours: 43 Old Mill Close,** objects to the proposal on the grounds that the proposed development will be out of character in the corner of a small close, the height would be out of proportion and upset the balance of the close, and the increased capacity of the dwelling would result in increased traffic movements and parking demand.

**6 PLANNING POLICIES**

**Brighton Borough Local Plan:**

**ENV.1** - General objectives and policies

**ENV.3** - Design in the built environment

**ENV.5** - Extensions and alterations to houses and commercial properties

**ENV.6** - Extensions and alterations to houses and commercial properties

**Brighton and Hove Local Plan Second Deposit Draft:**

**QD1** - Design – quality of development and design statements

**QD14** - Extensions and alterations

**QD27** - Protection of amenity

Supplementary Planning Guidance on Roof Alterations and Extensions (SPGBH1).

**7 CONSIDERATIONS**

**Impact on amenity**

***Impact on no. 45***

The adjacent dwelling at no. 45 is located closer to the front boundary and

highway than the dwelling at no. 47. Its front building line is aligned with those to the south, including 41 and 43 Old Mill Close. As such, the rear building line at no. 45 is set behind that at no. 47 and the rear outlook is already obscured by the existing dwelling. Along the boundary there is existing boundary fencing and mature vegetation, which provides an effective screen.

The property at no. 45 is located to the south of the application site and as such is unlikely to be affected by overshadowing.

***Impact on no. 49***

The adjacent dwelling at no. 49 is oriented away from the application site. At the rear, there is a separation distance of 15m between the two dwellings. The orientation of the dwelling ensures that the proposal will not affect the rear outlook enjoyed by no. 49. At the front, the outlook is already obscured by the existing dwelling.

The property at no. 49 is located to the north of the application site. The additional separation distance between the two dwellings will mitigate the impact of overshadowing caused by the proposed extensions.

***Impact on rear adjacent properties along Ridgeside Avenue***

The site has a large rear garden, part of which is completely fenced. This provides additional separation distance between the application site and those rear adjacent properties along Ridgeside Avenue. There is approximately 40m separation distance between the dwelling at no. 47 and those at no. 11 and 13 Ridgeside Avenue. As such, it is considered that the proposal will not affect the amenities enjoyed by these properties.

Overall, it is considered that the proposal is unlikely to have any significant impact on the amenities enjoyed by adjacent residential properties.

**Impact on design and appearance of dwelling and street scene**

The proposed extensions consist of an additional storey to the dwelling with a half-hipped roof. The extensions will be constructed using vertical tiles to the first floor elevations, and tiles for the roof. The new windows and the conservatory will be Mahogany coloured uPVC windows to match the existing rear windows. These materials are considered acceptable.

The applicant has submitted amended front and rear elevation drawings which show the new windows aligned with the existing windows. This improves the overall symmetry and visual appearance of the proposed extensions.

Although the proposed roof alterations and extensions are substantial and will represent a significant change to the appearance of the dwelling, the site is located within a street that does not have a uniform appearance. There are a variety of dwelling styles and designs, as well as a variety of materials used. Within the immediate street scene, there are both single storey and two storey dwellings, both detached and semidetached. As such, it is considered that the street scene could absorb the changes to the appearance of the dwelling without a detrimental impact on its overall character and appearance.

- 8** **EQUALITIES IMPLICATIONS**  
None identified.

PLANS LIST – 22 SEPTEMBER 2004

<b>No:</b>	<b>BH2004/02353/FP</b>	<b>Ward:</b>	<b>REGENCY</b>
<b>Address:</b>	<b>21A &amp; 23 Market Street &amp; 9,10,11 &amp; 11A Regent Arcade</b>		
<b>Proposal:</b>	<b>Creation of additional retail floorspace (Re-submission of Refused application BH2004/01292/FP).</b>		
<b>Officer:</b>	<b>Andy Watt, tel: 292525</b>	<b>Received Date:</b>	<b>23 July 2004</b>
<b>Con Area:</b>	<b>OLD TOWN</b>	<b>Expiry Date:</b>	<b>17 September 2004</b>
<b>Agent:</b>	<b>Phil Purvis, Purvis Draughting Ltd, 13 Petworth Road, Brighton</b>		
<b>Applicant:</b>	<b>Baron Homes Corporation, Princes House, Princes Place, Brighton</b>		

**1 RECOMMENDATION**

**Grant Planning Permission subject to the following conditions:**

1. Full Planning Permission.
2. The party wall at ground floor level between Nos 21-22 and 23 Market Street shall be reinstated in solid masonry before the shop units are occupied.

**Reason:** To safeguard the character and appearance of the Old Town Conservation Area and listed building, to comply with Policies ENV.1, ENV.22 and ENV.33 of the Brighton Borough Local Plan and Policies HE3 and HE6 of the Brighton & Hove Local Plan Second Deposit Draft.

3. Before the shop units are occupied, the existing shopfronts and pilasters shall be replaced at the same time as the new shopfronts are installed, in accordance with a design that shall have been submitted to and approved by the Local Planning Authority before the works are commenced.

**Reason:** To safeguard the character and appearance of the Old Town Conservation Area and listed building, to comply with Policies ENV.1, ENV.9, ENV.22 and ENV.33 of the Brighton Borough Local Plan and Policies QD10, HE3 and HE6 of the Brighton & Hove Local Plan Second Deposit Draft.

4. Detailed elevational and sectional drawings at 1:20 scale and joinery and stucco moulding details at 1:1 scale of the new shopfronts shall be submitted to and approved by the Local Planning Authority before work commences and the works shall be fully carried out in accordance with the approved drawings.

**Reason:** To safeguard the character and appearance of the Old Town Conservation Area and listed building, to comply with Policies ENV.1, ENV.9, ENV.22 and ENV.33 of the Brighton Borough Local Plan and Policies QD10, HE3 and HE6 of the Brighton & Hove Local Plan Second Deposit Draft.

**Informatives:**

1. This decision is based on drawing nos. 1861/1A and 1861/2B submitted on 23 July 2004.
2. This decision to grant Planning Permission has been taken having regard to the policies and proposals in the Brighton Borough Local Plan and Brighton & Hove Local Plan Second Deposit Draft set out below, and to all relevant material considerations, including Supplementary Planning



## PLANS LIST – 22 SEPTEMBER 2004

### Guidance:

#### Brighton Borough Local Plan:

ENV.1 – General objectives and policies

ENV.9 – Shopfronts

ENV.22 – Conservation Areas – general policies

ENV.33 – Listed buildings

S.5 – The sub-regional shopping centre

#### Brighton & Hove Local Plan Second Deposit Draft:

QD10 – Shopfronts

SR5 – Regional shopping centre

HE3 – Development affecting the setting of a listed building

HE6 – Development within or affecting the setting of Conservation Areas

## 2 THE SITE

The site refers to the western part of the Regent Arcade shopping centre, bounded by Market Street, Bartholomews and East Street and within the Old Town Conservation Area. This arcade is also surrounded by external retail units, one of which (23 Market Street) is Grade II listed. Access is currently gained in all four directions through the arcade. The western end – five storeys in height and sited at a higher level than the eastern end – was originally closed off.

## 3 RELEVANT HISTORY

**BN88/1784/F** and **BN88/1785/CAC**: Demolition of 21 and 22 Market Street and the ground floor of 9, 10 and 11 Regent Arcade. Erection of a 5-storey building fronting Market Street comprising a new retail arcade on the ground floor linking through to Regent Arcade with offices over (net office increase 939 square metres, net retail increase 344 square metres) with basement car parking for 9 cars with access from Market Street as existing. Provision of a 2-bedroom maisonette on first and second floor of retained 23 Market Street. Alterations and refurbishment to existing shopfronts in arcade and new arcade entrance from East Street/Bartholomews/Market Street and construction of new roof enclosure – granted 5 June 1990.

**97/0334/FP**: Change of use of 11A Regent Arcade from A1 retail to A3 restaurant. Construction of glass link to connect the rear of 1 Bartholomews with Regent Arcade covering yard area – granted 19 June 1997.

**97/0335/CA**: Demolition of structures between rear of 1 Bartholomews and 11A Regent Arcade – granted 19 June 1997.

**BH2003/02187/AD**: Installation of one illuminated fascia sign and one internally illuminated projecting sign at Market Street entrance – granted 2 September 2003.

**BH2003/02218/FP**: Alterations to entrance to Regent's Arcade – granted 28 August 2003.

**BH2004/01292/FP**: Creation of additional retail floorspace and installation of new shopfront – refused 10 June 2004.

**BH2004/01554/LB**: Creation of additional floorspace; installation of new shopfronts – granted 16 July 2004.

**4 THE APPLICATION**

Seeks planning permission – in conjunction with recently granted listed building consent – for the creation of 95 square metres of additional retail floorspace within the existing units and western access to Regent Arcade. A new shopfront is proposed at 22 Market Street and internally, adjacent to Unit 8. It is a re-submission of a previously refused application.

**5 CONSULTATIONS**

**External:**

**Neighbours:**

**1 Bartholomews: Objects** – proposed development will ruin the very nature of the arcade by restricting the movement of pedestrians throughout. The application is selfish as it completely disregards the interests of the other shopkeepers and will take away a very popular and prominent feature in the city centre.

**CAAG:** No comment.

**Internal:**

**Conservation & Design:** The existing shopfronts are poorly proportioned, designed and detailed and detract from the character and appearance of the Conservation Area and of the Listed no 23 Market St. At present the north party wall of the listed building has shopfronts in it facing onto the arcade which maintain its separation as a distinct unit.

The loss of the arcade entrance on Market Street could be justified as part of a scheme to reinstate the party wall of the Listed unit and replace the poor shopfronts with better quality traditional ones.

The drawing shows proposed new shopfronts in the infill part of the frontage based on the poor modern shopfronts which would be a worsening of the situation. Their design detracts from the character and visual amenities of the Conservation Area. However these are annotated as being "Illustrative Only" and better quality traditional timber shopfronts should be secured by way of conditions, which are better proportioned and detailed and reinstate the fascia and cornice of Nos 21-22. Recommends approval subject to conditions.

**Planning Policy (comments on previous application):** This proposal for the amalgamation of six small A1 units into two larger A1 units within Regent Arcade has no policy implications in principle. Nevertheless, the effective 'blocking' of one of the entrances to the arcade by a new shopfront, albeit that customers can pass through the unit into the arcade, may disrupt pedestrian activity in that area by altering the perceptions of access through this part of The Lanes. In turn, this could have a detrimental effect on the businesses that otherwise would have been directly accessible and visible through the arcade. The listed building application (BH2004/01554/LB) will allow for detailed conservation officer comments regarding the design of the proposed shopfront. Overall, there are no in principle policy objections, but concerns remain regarding the potential effect that the street pattern may have on

pedestrian flow patterns and the viability of surrounding businesses.

**Traffic Manager (comments on previous application):** No objections.

## **6 PLANNING POLICIES**

**Brighton Borough Local Plan:**

ENV.1 – General objectives and policies

ENV.9 – Shopfronts

ENV.22 – Conservation Areas – general policies

ENV.33 – Listed buildings

S.5 – The sub-regional shopping centre

**Brighton & Hove Local Plan Second Deposit Draft:**

QD10 – Shopfronts

SR5 – Regional shopping centre

HE3 – Development affecting the setting of a listed building

HE6 – Development within or affecting the setting of Conservation Areas

## **7 CONSIDERATIONS**

**Additional retail floorspace**

95 square metres of additional retail floorspace are proposed and there are no policy objections to this. The blocking up of the western entrance to Regent Arcade and loss of smaller units within is regretted but this access was not original to the arcade and the ramp is too steep for satisfactory disabled access. Three other entrances to the arcade will be retained, however.

**Effect on Old Town Conservation Area and setting of adjacent listed building**

Now that the design of the shopfront is shown indicatively only, there would be no negative implications of the external shopfront of the wider Conservation Area and adjacent listed building at no. 23.

**Conclusion:**

The principle of extending the retail floorspace is acceptable, and the exclusion of the shopfront design from this permission means that the scheme is now considered acceptable. Approval is therefore recommended.

## **8 EQUALITIES IMPLICATIONS**

The proposed shop would be fully accessible to people with mobility difficulties from inside Regent Arcade where a new ramp would be constructed.

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<b>No:</b>	<b>BH2004/02377/FP</b>	<b>Ward:</b>	<b>REGENCY</b>
<b>Address:</b>	<b>35 Montpelier Road</b>		
<b>Proposal:</b>	<b>Provision of new ground floor windows and provision of extract duct on roof.</b>		
<b>Officer:</b>	<b>Andy Watt, tel: 292525</b>	<b>Received Date:</b>	<b>28 July 2004</b>
<b>Con Area:</b>	<b>CLIFTON HILL</b>	<b>Expiry Date:</b>	<b>22 September 2004</b>
<b>Agent:</b>	<b>David Pennington, 26 Suffolk Street, Hove</b>		
<b>Applicant:</b>	<b>Mr N Saxon, 35 Montpelier Road</b>		

**1 RECOMMENDATION**

**Grant Planning Permission subject to the following conditions:**

1. 01.01 Full Planning Permission.
2. 03.03 – Odour control equipment.  
**Reason:** Standard – add ‘and to comply with Policies ENV.1, ENV.44 and ENV.45 of the Brighton Borough Local Plan and Policy QD27 of the Brighton & Hove Local Plan Second Deposit Draft’.
3. 03.04 – Odour control equipment – sound insulation.  
**Reason:** Standard – add ‘and to comply with Policies ENV.1, ENV.44 and ENV.45 of the Brighton Borough Local Plan and Policy QD27 of the Brighton & Hove Local Plan Second Deposit Draft’.
4. 03.10 – Soundproofing plant/machinery.  
**Reason:** Standard – add ‘and to comply with Policies ENV.1, ENV.44 and ENV.45 of the Brighton Borough Local Plan and Policy QD27 of the Brighton & Hove Local Plan Second Deposit Draft’.
5. Details of the proposed windows, shown at a scale of 1:20 elevation drawings and 1:1 joinery details, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The works shall be implemented in accordance with the approved details and thereafter be retained.  
**Reason:** To safeguard the character and appearance of the Clifton Hill Conservation Area, to comply with Policies ENV.3, ENV.5 and ENV.22 of the Brighton Borough Local Plan and Policies QD14 and HE6 of the Brighton & Hove Local Plan Second Deposit Draft.
6. Details of the proposed extraction vent, shown at a scale of 1:10 elevation drawings, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The works shall be implemented in accordance with the approved details and thereafter be retained.  
**Reason:** To safeguard the character and appearance of the Clifton Hill Conservation Area, to comply with Policies ENV.3, ENV.5 and ENV.22 of the Brighton Borough Local Plan and Policies QD14 and HE6 of the Brighton & Hove Local Plan Second Deposit Draft.
7. The doors hereby permitted shall not be open except between 0800 hrs and 2230 hrs Mondays to Saturdays and 0900 hrs and 1800 hrs Sundays.

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**Reason:** In the interests of neighbouring amenity, to comply with Policy ENV.1 of the Brighton Borough Local Plan and Policy QD27 of the Brighton & Hove Local Plan Second Deposit Draft.

### Informatives:

1. This decision is based on drawing no. One/One submitted on 28 July 2004.
2. This decision to grant Planning Permission has been taken having regard to the policies and proposals in the Brighton Borough Local Plan and Brighton & Hove Local Plan Second Deposit Draft set out below, and to all relevant material considerations, including Supplementary Planning Guidance:

#### Brighton Borough Local Plan:

ENV.1 – General objectives and policies

ENV.3 – Design in the built environment

ENV.5 – Extensions and alterations to houses and commercial properties

ENV.9 – Shopfronts

ENV.22 – Conservation areas – general policies

ENV.44 – Pollution control

ENV.45 – Pollution control

#### Brighton and Hove Local Plan Second Deposit Draft:

SU9 – Pollution and nuisance control

QD2 – Design – key principles for neighbourhoods

QD5 – Design – street frontages

QD10 – Shopfronts

QD14 – Extensions and alterations

QD27 – Protection of amenity

## **2 THE SITE**

This is a three-storey over basement building located on a prominent corner opposite Waitrose on Montpelier Road and Western Road. The building is predominantly in use as The Mad Hatter café bar on the first, ground and lower ground floors, although there is also a flat on the second floor. Adjacent, and to the north, is a restaurant with flat within (no. 36). The main outdoor space is on the Montpelier Road frontage. Opening hours are between 0900 hrs and 2300 hrs Mondays to Saturdays and 0900 hrs to 1800 hrs Sundays.

## **3 RELEVANT HISTORY**

**96/0029/FP:** Change of use from A2 to A3 – granted 26 February 1996.

**BH2001/02682/FP:** Change of use of basement, ground and first floors from retail (A1) to café bar (A3) – granted 9 May 2002.

**BH2002/00608/FP:** Installation of new shop front window and new external staircase and access to basement level – granted 20 May 2002.

**BH2003/02148/AD:** Display of large helium balloon above premises – refused 27 August 2003.

## **4 THE APPLICATION**

Seeks consent to install new opening doors on the Montpelier Road façade, in place of fixed plate glass windows, and a new extract duct on the roof.

**5 CONSULTATIONS**

**External:**

**Neighbours: GFF, 36 Montpelier Road: Objects** – no problem with applicant opening out his windows to the outside area except he has done nothing to combat the unnecessary and excessive noise from within and outside on the seating area.

**Internal:**

**Environmental Health (Verbal comment):** Standard noise attenuation and odour control conditions should be applied. Doors should not be open after 2230 hrs, although any further noise can be dealt with under EH legislation.

**6 PLANNING POLICIES**

**Brighton Borough Local Plan:**

**ENV.1** – General objectives and policies

**ENV.3** – Design in the built environment

**ENV.5** – Extensions and alterations to houses and commercial properties

**ENV.9** – Shopfronts

**ENV.22** – Conservation areas – general policies

**ENV.44** – Pollution control

**ENV.45** – Pollution control

**Brighton and Hove Local Plan Second Deposit Draft:**

**SU9** – Pollution and nuisance control

**QD2** – Design – key principles for neighbourhoods

**QD5** – Design – street frontages

**QD10** – Shopfronts

**QD14** – Extensions and alterations

**QD27** – Protection of amenity

**7 CONSIDERATIONS**

**Effect of proposal on Clifton Hill Conservation Area**

The new doors are in proportion with the doors on the corner and far northern end of the building, and in any case, the principle of this type of opening fenestration has already been established by the grant of planning permission two years ago on the Western Road frontage.

The new extract vent is not visible from any part of the street, obscured as it is by the roof in front. For this reason, views at higher levels will also be limited. It is significantly lower than the existing chimney nearby on this building, and as such, the proposed feature is unlikely to harm the character or appearance of the building or Conservation Area.

**Impact on neighbouring properties**

The new door openings could increase noise levels slightly to adjacent properties, but not to such an unacceptable degree because of the corner door already in situ. The outdoor terrace on this side of the building is apparently

## PLANS LIST – 22 SEPTEMBER 2004

able to be used until 2300 hrs, so a sensible compromise would be to allow the use of these opening windows but only for a limited period, until 2230 hrs each day. Any excessive noise complaints would otherwise be dealt with under the Environmental Health legislation.

**Conclusion:**

The proposal conforms to plan policies; approval is therefore recommended.

**8 EQUALITIES IMPLICATIONS**

None identified as part of this proposal. The premises are accessible to people with mobility difficulties.

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<b>No:</b>	<b>BH2004/02095/LB</b>	<b>Ward:</b>	<b>REGENCY</b>
<b>Address:</b>	<b>92 Montpelier Road</b>		
<b>Proposal:</b>	<b>Internal and external alterations including reinstatement of staircase to lower ground floor, replacement of tiling to front path, alterations to and reinstatement of fire places, re-roofing extension, removal of partition wall and existing rear conservatory and alterations to windows and doors (part retrospective).</b>		
<b>Officer:</b>	<b>Andy Watt, tel: 292525</b>	<b>Received Date:</b>	<b>23 June 2004</b>
<b>Con Area:</b>	<b>CLIFTON HILL</b>	<b>Expiry Date:</b>	<b>31 August 2004</b>
<b>Agent:</b>	<b>Alan Phillips Associates Architects, Unit 7 North, Level 5, New England House, New England Street</b>		
<b>Applicant:</b>	<b>Southpark Land Consultancy Ltd, c/o Alan Phillips Associates Ltd,</b>		

**1 RECOMMENDATION**

**Minded to Grant** Listed Building Consent subject to consideration of any further representations, the receipt of amended plans showing the correct existing and proposed front first floor window above the door, and the following conditions:

1. Details of the following shall be submitted and approved in writing by the Local Planning Authority prior to development and the works shall be implemented in accordance with the approved details and thereafter retained:
  - a) 1:20 elevations and sections of all new and replacement doors, windows, fireplaces and the new stair from ground to basement level;
  - b) 1:1 sections including of all new and replacement stair banisters and handrails architraves, skirting boards, picture rail, window and door joinery and new and replacement cornices;
  - c) 1:10 scale layout plan of the new paving to the front path and steps;
  - d) samples of the materials, including the new paving, tiling and slates.

**Reason:** To ensure the satisfactory preservation of this listed building, to comply with Policy ENV.31 of the Brighton Borough Local Plan and Policy HE1 of the Brighton & Hove Local Plan Second Deposit Draft.

2. All existing original features including fireplaces, stairs, balustrades, windows, shutters, doors, architraves, skirting boards, picture rails, cornices, plaster ceiling mouldings, corbelled arches and other decorative features shall be retained and all new work shall match exactly the original features.

**Reason:** To ensure the satisfactory preservation of this listed building, to comply with Policy ENV.31 of the Brighton Borough Local Plan and Policy HE1 of the Brighton & Hove Local Plan Second Deposit Draft.

Informatives:



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1. This decision is based on drawing nos. MR/1628/04/C/A01, 02, 03, 04, 05, 06, 07, 08 and MR/1628/04/C/D03, 04, 05 and 06 submitted on 23 June 2004 and drawing nos. MR/1628/04/C/D01A and 02A submitted on 7 September 2004.
2. This decision to grant Listed Building Consent has been taken having regard to the policies and proposals in the Brighton Borough Local Plan and Brighton & Hove Local Plan Second Deposit Draft set out below, and to all relevant material considerations, including Supplementary Planning Guidance:  
Brighton Borough Local Plan:  
ENV.31 – Listed buildings  
Brighton & Hove Local Plan Second Deposit Draft:  
HE1 – Listed buildings

### **2 THE SITE**

This is a sizeable two-storey over basement mid-terraced building forming a group of six similar buildings plus larger end-of-terrace dwellings and church on the eastern side of Montpelier Road between Western Road and Montpelier Terrace. Most recently in use as a single dwellinghouse, the property is a Grade II listed building, dating from the early 1820s, and lies within the Clifton Hill Conservation Area. The group is characterised by a semi-detached appearance of buildings with hipped roofs, linked to each other by recessive flat-roofed elements, all following the downward slope of the street. No. 92 exhibits typical Regency features, such as decorative eaves brackets, columnar front entrance, shuttered full-height windows, blockwork and ornate balconies to the lower part of the façade; while to the rear, there is a single storey extension, non-original ground floor conservatory (now demolished), full-width terrace and feature full-height bow window. The rear garden is of a size commensurate with the size of similar buildings in the area, and fully vegetated to the rear boundary.

### **3 RELEVANT HISTORY**

**18.61.751:** Alterations and additions – granted 30 May 1961.

**BH2004/02093/FP:** External alterations including replacement of tiling to front path, re-roofing rear extension, demolition of existing rear conservatory and installation of new windows and doors – awaiting determination.

### **4 THE APPLICATION**

Seeks listed building consent – in conjunction with planning permission – for various internal and external alterations, much of which are retrospective. They include the replacement of various windows and doors throughout; replacement front path, steps, and balconies with new dressings/claddings; reinstated fireplace; reinstated staircase; replacement slate roof to the rear extension; demolition of non-original rear conservatory and removal of non-original basement extension. There are also some minor changes to the internal layout, primarily to facilitate the reversion into a single dwellinghouse.

No consent is sought for the installation of seven spotlights on the underside of the eaves and another above the main entrance door. Enforcement action to

have these inappropriate features removed is to be instigated.

## 5 CONSULTATIONS

### External:

#### Neighbours:

10 letters of objection from occupiers of **26 Aylesbury, York Avenue; Flat 1, 50; 94A; 95; and 96 Montpelier Road; The Garden Flat, 1 Montpelier Terrace; 17 Powis Square; and The Montpelier and Clifton Hill Association (x3)** on the following grounds:

- Installation of spotlights on the underside of the eaves is completely inappropriate, bright, and garish;
- Tiled balcony and path/steps are not in keeping;
- Reclaimed doors and various window styles are wrong;
- Loss of cast iron regency latticework arches in the rear garden;
- Internal staircase to be reinstated should be replaced with the exact copy of the original;
- Application is retrospective.

### Internal:

**Conservation & Design (Initial comments):** This application is made following an enforcement investigation and is in part retrospective. The modern conservatories at basement and ground floors have already been removed. Whilst there is no objection to some stripping out of some modern overboarding of the walls in the entrance lobby and general repair and redecoration work, I understand that work has continued on new elements that require Listed Building Consent, including the cladding of the steps and path with new tiles. A site visit is required with the Enforcement Officer to check what works have been carried out.

The drawings of the existing and proposed front (west) elevation does not show what the basement door is currently like or will look like. This needs to be rectified.

The removal of the modern conservatories and the reinstatement of doors and windows at the rear is welcome. However, the used of reclaimed doors and windows is not appropriate as it is likely to be impossible to achieve an exact match in terms of sizes, styles and moulding profiles and bespoke new joinery should be used. The application should be amended to delete the reference to reclaimed doors and windows

Also the new doors and French doors should open inwards, not outwards, as this is the traditional method for buildings of this style and period. The design of the French doors is not quite right. They should have deeper bottom panels, roughly up to cill level (as with the proposed ground floor rear door onto the terrace).

The reinstatement of the staircase from ground to basement level is welcomed, subject to its design and detailing being appropriate to the building. An elevation/section at 1:20 scale is required.

The opening up of the fireplace in the basement rear room to accommodate an

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Aga is acceptable, provided that it has a traditional surround and mantle shelf. A 1:20 elevation and section is required of this. The inside faces of the fireplace should be tiled, in accordance with details to be approved.

The removal of the small kitchen and partition in the front entrance lobby area is also acceptable, subject to details of making good including new skirtings architraves etc.

The reinstatement of a fireplace in Living Room 2 (rear ground floor) is also welcomed, but details are required, including a 1:20 elevational drawing and section.

The removal of the green mineral felt and its replacement with reclaimed slate is welcomed, subject to approval of a sample.

The front steps and path were clad in modern white marble tiles which were inappropriate and their removal is welcome. However, further on-site assessment is needed to confirm what exactly would be an appropriate replacement. If Regency style tiles are acceptable, a large scale detailed plan showing the pattern will be required and it should have either black slate or white marble side edgings and bull nosings to the front of the treads.

**Conservation & Design (revised comments):** I have now had the opportunity to revisit the site and also look at the other buildings in this group and consider the matter of the steps and front path further. It is clear that originally all the buildings had York Stone paving slabs on the path and the steps were of white limestone, probably Portland, with bull-nosed front edges to the treads. All the others in the group still retain their limestone steps and York stone paths, except for one which has red clay pavers on the path.

In view of this, I consider that if the front steps and path of No. 92 are to be altered, they should be restored to the original condition using limestone and York stone, and not be tiled. The best approach would be to invite the applicants to revise their drawings to show this.

Unfortunately, the works have already been carried out. More regrettably, they have not been carried out in an historically or architecturally correct manner, as the tiles used are too large and the pattern and borders are incorrect. White marble or black slate edging strips and bull-nosed edges to the treads have not been used and modern step edging quarry tiles used instead. The result is most unsatisfactory. Even if it were appropriate to agree to the use of tiles, the whole lot would have to be lifted and redone with new tiles anyway, in accordance with an approved large scale drawing showing the pattern and setting out.

Also, the front balcony has been clad in the same black and white tiles, which is inappropriate. The balconies of these buildings were originally constructed of close boarded timber which was painted on the underside and most of the buildings are still like this. Most of them are now clad in mineral roofing felt, but they originally would have been clad in lead. If the balcony needed to be reclad, this should have been done in lead, not tiling. I have doubts that the tiling will be

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watertight, as the joints are likely to open up and there may be risks of the timbers rotting and damp penetration into the building, depending how the deck of the balcony was protected (if at all) before the tiles were laid.

One of the buildings in this group has had its balcony railings and decking recently removed and work is underway in replacing it. The new decking appears to be blockboard type sandwich construction of ply with a narrow board core, which is inappropriate. This work requires Listed Building Consent.

### **6 PLANNING POLICIES** **Brighton Borough Local Plan:** **ENV.31 – Listed buildings**

**Brighton & Hove Local Plan Second Deposit Draft:**  
**HE1 – Listed buildings**

### **7 CONSIDERATIONS** **Effect on listed building:**

The revised drawings have been submitted in response to negotiations with the Conservation officer. The proposals are now considered acceptable, as submitted on these later plans. However, because much of the works have already been carried out, enforcement action is to be undertaken alongside this decision, to ensure that the unauthorised works are removed and the works instead reflect what has hereby been agreed. This should result in the scheme preserving and enhancing the character and appearance of the listed building.

#### **Conclusion:**

The proposal complies with plan policies and approval is therefore recommended.

### **8 EQUALITIES IMPLICATIONS** None identified.

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<b>No:</b>	<b>BH2004/02093/FP</b>	<b>Ward:</b>	<b>REGENCY</b>
<b>Address:</b>	<b>92 Montpelier Road</b>		
<b>Proposal:</b>	<b>External alterations including replacement of tiling to front path, re-roofing rear extension, demolition of existing rear conservatory and installation of new windows and doors (part retrospective).</b>		
<b>Officer:</b>	<b>Andy Watt, tel: 292525</b>	<b>Received Date:</b>	<b>24 June 2004</b>
<b>Con Area:</b>	<b>CLIFTON HILL</b>	<b>Expiry Date:</b>	<b>31 August 2004</b>
<b>Agent:</b>	<b>Alan Phillips Associates Architects, Unit 7 North, Level 5, New England House, New England Street</b>		
<b>Applicant:</b>	<b>Southpark Land Consultancy Ltd, c/o Alan Phillips Associates Ltd,</b>		

**1 RECOMMENDATION**

**Minded to Grant** Planning Permission subject to consideration of any further representations, the receipt of amended plans showing the correct existing and proposed front first floor window above the door, and the following conditions:

1. Details of the following shall be submitted and approved in writing by the Local Planning Authority prior to development and the works shall be implemented in accordance with the approved details and thereafter retained:
  - a) 1:20 elevations and sections of all new and replacement doors and windows;
  - b) 1:1 sections including of all new and replacement window and door joinery;
  - c) 1:10 scale layout plan of the new paving to the front path and steps;
  - d) samples of the materials, including the new paving, tiling and slates.

**Reason:** To safeguard the character and appearance of the Clifton Hill Conservation Area and to ensure the satisfactory preservation of this listed building, to comply with Policies ENV.1, ENV.3, ENV.5, ENV.22 and ENV.31 of the Brighton Borough Local Plan and Policies QD2, QD14, HE1 and HE6 of the Brighton & Hove Local Plan Second Deposit Draft.

2. All existing original features including windows, shutters and doors shall be retained and all new work shall match exactly the original features.

**Reason:** To safeguard the character and appearance of the Clifton Hill Conservation Area and to ensure the satisfactory preservation of this listed building, to comply with Policies ENV.1, ENV.3, ENV.5, ENV.22 and ENV.31 of the Brighton Borough Local Plan and Policies QD2, QD14, HE1 and HE6 of the Brighton & Hove Local Plan Second Deposit Draft.

**Informatives:**

1. This decision is based on drawing nos. MR/1628/04/C/A01, 02, 03, 04, 05, 06, 07, 08 and MR/1628/04/C/D03, 04, 05 and 06 submitted on 23 June

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2004 and drawing nos. MR/1628/04/C/D01A and 02A submitted on 7 September 2004.

2. This decision to grant Planning Permission has been taken having regard to the policies and proposals in the Brighton Borough Local Plan and Brighton & Hove Local Plan Second Deposit Draft set out below, and to all relevant material considerations, including Supplementary Planning Guidance:

Brighton Borough Local Plan:

ENV.1 – General objectives and policies

ENV.3 – Design in the built environment

ENV.5 – Extensions and alterations to houses and commercial properties

ENV.22 – Conservation areas – general policies

ENV.31 – Listed buildings

Brighton & Hove Local Plan Second Deposit Draft:

QD2 – Design – key principles for neighbourhoods

QD14 – Extensions and alterations

QD27 – Protection of amenity

HE1 – Listed buildings

HE6 – Development within or affecting the setting of Conservation Areas

## 2 THE SITE

This is a sizeable two-storey over basement mid-terraced building forming a group of six similar buildings plus larger end-of-terrace dwellings and church on the eastern side of Montpelier Road between Western Road and Montpelier Terrace. Most recently in use as a single dwellinghouse, the property is a Grade II listed building, dating from the early 1820s, and lies within the Clifton Hill Conservation Area. The group is characterised by a semi-detached appearance of buildings with hipped roofs, linked to each other by recessive flat-roofed elements, all following the downward slope of the street. No. 92 exhibits typical Regency features, such as decorative eaves brackets, columnar front entrance, shuttered full-height windows, blockwork and ornate balconies to the lower part of the façade; while to the rear, there is a single storey extension, non-original ground floor conservatory (now demolished), full-width terrace and feature full-height bow window. The rear garden is of a size commensurate with the size of similar buildings in the area, and fully vegetated to the rear boundary.

## 3 RELEVANT HISTORY

**18.61.751:** Alterations and additions – granted 30 May 1961.

**BH2004/02095/LB:** Internal and external alterations including reinstatement of staircase to lower ground floor, replacement of tiling to front path, alterations to and reinstatement of fire places, re-roofing extension, removal of partition wall and existing rear conservatory and alterations to windows and doors – awaiting determination.

## 4 THE APPLICATION

Seeks planning permission – in conjunction with listed building consent – for various external alterations, much of which are retrospective. They include

the replacement of various windows and doors throughout; replacement front path, steps, and balconies with new dressings/claddings; replacement slate roof to the rear extension; demolition of non-original rear conservatory and removal of non-original basement extension.

No consent is sought for the installation of seven spotlights on the underside of the eaves and another above the main entrance door. Enforcement action to have these inappropriate features removed is to be instigated.

## 5 CONSULTATIONS

**External:**

**Neighbours:**

10 letters of objection from occupiers of **26 Aylesbury, York Avenue; Flat 1, 50; 94A; 95; and 96 Montpelier Road; The Garden Flat, 1 Montpelier Terrace; 17 Powis Square; and The Montpelier and Clifton Hill Association (x3)** on the following grounds:

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- Internal staircase to be reinstated should be replaced with the exact copy of the original;
- Application is retrospective.

**Internal:**

**Conservation & Design (Initial comments):** This application is made following an enforcement investigation and is in part retrospective. The modern conservatories at basement and ground floors have already been removed. Whilst there is no objection to some stripping out of some modern overboarding of the walls in the entrance lobby and general repair and redecoration work, I understand that work has continued on new elements that require Listed Building Consent, including the cladding of the steps and path with new tiles. A site visit is required with the Enforcement Officer to check what works have been carried out.

**The drawings of the existing and proposed front (west) elevation does not show what the basement door is currently like or will look like. This needs to be rectified.**

The removal of the modern conservatories and the reinstatement of doors and windows at the rear is welcome. However, the used of reclaimed doors and windows is not appropriate as it is likely to be impossible to achieve an exact match in terms of sizes, styles and moulding profiles and bespoke new joinery should be used. The application should be amended to delete the reference to reclaimed doors and windows

Also the new doors and French doors should open inwards, not outwards, as this is the traditional method for buildings of this style and period. The design of the French doors is not quite right. They should have deeper bottom panels, roughly up to cill level (as with the proposed ground floor rear door onto the

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terrace).

The reinstatement of the staircase from ground to basement level is welcomed, subject to its design and detailing being appropriate to the building. An elevation/section at 1:20 scale is required.

The opening up of the fireplace in the basement rear room to accommodate an Aga is acceptable, provided that it has a traditional surround and mantle shelf. A 1:20 elevation and section is required of this. The inside faces of the fireplace should be tiled, in accordance with details to be approved.

The removal of the small kitchen and partition in the front entrance lobby area is also acceptable, subject to details of making good including new skirtings architraves etc.

The reinstatement of a fireplace in Living Room 2 (rear ground floor) is also welcomed, but details are required, including a 1:20 elevational drawing and section.

The removal of the green mineral felt and its replacement with reclaimed slate is welcomed, subject to approval of a sample.

The front steps and path were clad in modern white marble tiles which were inappropriate and their removal is welcome. However, further on-site assessment is needed to confirm what exactly would be an appropriate replacement. If Regency style tiles are acceptable, a large scale detailed plan showing the pattern will be required and it should have either black slate or white marble side edgings and bull nosings to the front of the treads.

**Conservation & Design (revised comments):** I have now had the opportunity to revisit the site and also look at the other buildings in this group and consider the matter of the steps and front path further. It is clear that originally all the buildings had York Stone paving slabs on the path and the steps were of white limestone, probably Portland, with bull-nosed front edges to the treads. All the others in the group still retain their limestone steps and York stone paths, except for one which has red clay pavers on the path.

In view of this, I consider that if the front steps and path of No. 92 are to be altered, they should be restored to the original condition using limestone and York stone, and not be tiled. The best approach would be to invite the applicants to revise their drawings to show this.

Unfortunately, the works have already been carried out. More regrettably, they have not been carried out in an historically or architecturally correct manner, as the tiles used are too large and the pattern and borders are incorrect. White marble or black slate edging strips and bull-nosed edges to the treads have not been used and modern step edging quarry tiles used instead. The result is most unsatisfactory. Even if it were appropriate to agree to the use of tiles, the whole lot would have to be lifted and redone with new tiles anyway, in accordance with an approved large scale drawing showing the pattern and setting out.



Also, the front balcony has been clad in the same black and white tiles, which is in appropriate. The balconies of these buildings were originally constructed of close boarded timber which was painted on the underside and most of the buildings are still like this. Most of them are now clad in mineral roofing felt, but they originally would have been clad in lead. If the balcony needed to be reclad, this should have been done in lead, not tiling. I have doubts that the tiling will be watertight, as the joints are likely to open up and there may be risks of the timbers rotting and damp penetration into the building, depending how the deck of the balcony was protected (if at all) before the tiles were laid.

One of the buildings in this group has had its balcony railings and decking recently removed and work is underway in replacing it. The new decking appears to be blockboard type sandwich construction of ply with a narrow board core, which is inappropriate. This work requires Listed Building Consent.

## **6 PLANNING POLICIES**

### **Brighton Borough Local Plan:**

**ENV.1** – General objectives and policies

**ENV.3** – Design in the built environment

**ENV.5** – Extensions and alterations to houses and commercial properties

**ENV.22** – Conservation areas – general policies

**ENV.31** – Listed buildings

### **Brighton & Hove Local Plan Second Deposit Draft:**

**QD2** – Design – key principles for neighbourhoods

**QD14** – Extensions and alterations

**QD27** – Protection of amenity

**HE1** – Listed buildings

**HE6** – Development within or affecting the setting of Conservation Areas

## **7 CONSIDERATIONS**

### **Effect on character and appearance of Clifton Hill Conservation Area and listed building:**

The revised drawings have been submitted in response to negotiations with the Conservation officer. The proposals are now considered acceptable, as submitted on these later plans. However, because much of the works have already been carried out, enforcement action is to be undertaken alongside this decision, to ensure that the unauthorised works are removed and the works instead reflect what has hereby been agreed. This should result in the scheme preserving and enhancing the character and appearance of the Conservation Area and listed building.

### **Conclusion:**

The proposal complies with plan policies and approval is therefore recommended.

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**8 EQUALITIES IMPLICATIONS**

None identified.

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<b>No:</b>	<b>BH2004/02343/CA</b>	<b>Ward:</b>	<b>REGENCY</b>
<b>Address:</b>	<b>50 Sillwood Street</b>		
<b>Proposal:</b>	<b>Conservation Area Consent to demolish existing building.</b>		
<b>Officer:</b>	Hamish Walke, tel: 292101	<b>Received Date:</b>	21 July 2004
<b>Con Area:</b>	REGENCY SQUARE	<b>Expiry Date:</b>	15 September 2004
<b>Agent:</b>	R C King, 361 Upper Shoreham Road, Shoreham-by-Sea, Shoreham		
<b>Applicant:</b>	Mr M R Corfield, 30 Dyke Road Avenue		

### 1 RECOMMENDATION

**Grant** Conservation Area Consent subject to the following conditions:

1. 01.04A Conservation Area Consent.
2. 13.07B No demolition until contract signed (B).

#### Informatives:

1. This decision to grant Conservation Area Consent has been taken having regard to the policies and proposals in the Brighton Borough Local Plan and the Brighton & Hove Local Plan Second Deposit Draft set out below and to all relevant material considerations:

#### Brighton Borough Local Plan:

ENV22 – Development in Conservation Areas

#### Brighton and Hove Local Plan Second Deposit Draft:

HE8 – Demolition in conservation areas

### 2 THE SITE

The site contains a small two storey disused, derelict and boarded up building. There is a gated access onto the site between this building and No. 48 Sillwood Street to the east. The existing building is attached to the rear of Nos. 52 Sillwood Street/21 Norfolk Square. The adjoining house to the east (No. 48 Sillwood Street) is a two storey rendered house. The surrounding area is largely residential although there is a takeaway food outlet on the ground floor of No. 52 Sillwood Street. The site lies within the Regency Square conservation area.

### 3 RELEVANT HISTORY

**BH2004/02342/FP** – Demolition of existing store and erection of three storey house with integral garage. Undetermined and reported elsewhere on this agenda.

**BH2003/01721/FP** – Demolition of derelict store and erection of a 3 storey house and garage. Refused 24/07/03. Subsequent appeal dismissed 24/02/04 on design grounds.

**92/0032/FP & 92/0033/CA** – Demolition of derelict store/workshop and erection of a three storey (three bedroom) house with integral garage. Granted 08/09/92. The drawings show a house identical to the one currently proposed.

**BN85/1973/F** – Alterations to convert derelict workshop into a single

dwellinghouse. Granted 01/04/86.

**4 THE APPLICATION**

Conservation Area Consent is sought to demolish the existing building.

**5 CONSULTATIONS**

**External:**

**Neighbours:** A letter of objection has been received from the operator of the adjoining takeaway food outlet at **No. 52 Sillwood Street**. The letter raises concerns about adverse impact on the takeaway business. The objector states that the business would be obscured from view during construction work and may appear closed. Concerned to ensure that the front of the proposed house and its front door is level with the front of No. 52. Also queries the length of time that works will take and when they would commence. Concerned about noise disturbance. There are no garages on this side of the street and it would look odd. The ground floor bedroom would be located close to the kitchen extractor fans and the new neighbour may complain about noise from the kitchen.

**CAAG:** Welcome the proposed redevelopment.

**Internal:**

**Conservation & Design:** The CA application has no information at all on the store to be demolished, however this issue has been considered in the past and is still acceptable.

The proposed replacement building addresses the criticisms of the previous scheme and subject to confirmation of some details is considered to be a sympathetic infill scheme.

**Matters of detail:** The window and door frames should be painted white or cream and the windows should be sliding sashes. The garage and entrance doors should be timber. We will need details of the railing design and forecourt surface.

**6 PLANNING POLICIES**

**Brighton Borough Local Plan:**

**ENV22 – Development in Conservation Areas**

**Brighton and Hove Local Plan Second Deposit Draft:**

**HE8 – Demolition in conservation areas**

**7 CONSIDERATIONS**

The main issue for consideration is the impact of demolition of the existing building upon the character and appearance of the Regency Square conservation area.

The principle of demolishing the existing building was established in 1986 and permission renewed subsequently. In the intervening years, the building has

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fallen into disuse and it is now in a derelict state. In its original state the building may have made a minor positive contribution to the character and appearance of the Regency Square conservation area. In its current state though, it has a negative visual impact. The derelict state of the building means that rebuilding is the only feasible option.

CAAG and Conservation and Design raise no objection to the demolition. Policy HE8 states that demolition will not be acceptable without acceptable redevelopment proposals. Elsewhere on the agenda, approval is recommended for development of a single house on the site. This redevelopment scheme is considered to be in keeping with the surrounding area and approval of this Conservation Area Consent application is therefore recommended.

### **8 EQUALITIES IMPLICATIONS**

None arising.

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<b>No:</b>	<b>BH2004/02342/FP</b>	<b>Ward:</b>	<b>REGENCY</b>
<b>Address:</b>	<b>50 Sillwood Street</b>		
<b>Proposal:</b>	<b>Demolition of existing store and erection of three storey house with integral garage.</b>		
<b>Officer:</b>	<b>Hamish Walke, tel: 292101</b>	<b>Received Date:</b>	<b>21 July 2004</b>
<b>Con Area:</b>	<b>REGENCY SQUARE</b>	<b>Expiry Date:</b>	<b>15 September 2004</b>
<b>Agent:</b>	<b>R C King, 361 Upper Shoreham Road, Shoreham-by-Sea, Shoreham</b>		
<b>Applicant:</b>	<b>Mr M R Corfield, 30 Dyke Road Avenue</b>		

**1 RECOMMENDATION**

**Grant** Planning Permission subject to the following conditions:

1. 01.01A Full Planning Permission.
2. 02.01B No permitted development (extensions) (B).
3. 02.04B No cables, aerials, flues and meter boxes (B).
4. No development shall take place until samples of the materials (including colour of render, paintwork or colourwash and details of forecourt surface) to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.  
**Reason:** To ensure a satisfactory appearance to the development, to protect the character and appearance of the Regency Square conservation area and to comply with policies ENV1, ENV3 and ENV22 of the Brighton Borough Local Plan and QD1, QD2, QD5 and HE6 of the Brighton and Hove Local Plan Second Deposit Draft.
5. All new windows shall be white or cream painted softwood, double hung vertical sliding sashes with concealed trickle vents and shall be retained as such. **Reason:** To ensure a satisfactory appearance to the development, to protect the character and appearance of the Regency Square conservation area and to comply with policies ENV1, ENV3 and ENV22 of the Brighton Borough Local Plan and QD1, QD2, QD5 and HE6 of the Brighton and Hove Local Plan Second Deposit Draft.
6. Prior to the commencement of development, full details of the proposed garage doors, which shall be timber, shall be submitted to and approved in writing by the Local Planning Authority. The doors shall be implemented in strict accordance with the agreed details and shall be retained as such.  
**Reason:** To ensure a satisfactory appearance to the development, to protect the character and appearance of the Regency Square conservation area and to comply with policies ENV1, ENV3 and ENV22 of the Brighton Borough Local Plan and QD1, QD2, QD5 and HE6 of the Brighton and Hove Local Plan Second Deposit Draft.
7. Prior to the commencement of development, full details including 1:1 profiles of the proposed railings shall be submitted to and approved in writing by the Local Planning Authority. The railings shall be implemented in strict accordance with the agreed details and shall be painted black prior

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to the occupation of the development hereby permitted and shall be retained as such.

**Reason:** To ensure a satisfactory appearance to the development, to protect the character and appearance of the Regency Square conservation area and to comply with policies ENV1, ENV3 and ENV22 of the Brighton Borough Local Plan and QD1, QD2, QD5 and HE6 of the Brighton and Hove Local Plan Second Deposit Draft.

8. 03.02 Soundproofing of building.

**Reason:** Add “and in accordance with policies ENV44 and ENV45 of the Brighton Borough Local Plan and SU10 and QD27 of the Brighton and Hove Local Plan Second Deposit Draft.”

Informatives:

1. This decision is based on drawing no. 10,975/a submitted on 24 August 2004.
2. This decision to grant Planning Permission has been taken having regard to the policies and proposals in the Brighton Borough Local Plan and the Brighton & Hove Local Plan Second Deposit Draft set out below and to all relevant material considerations:

Brighton Borough Local Plan:

ENV1 – General environment objectives and policies

ENV2 – General environment objectives and policies

ENV3 – Design in the built environment

ENV22 – Development in Conservation Areas

ENV44 – Pollution control

H2 – Maximising the supply and use of housing

H19 – Children/open space provision

TR33 – Cycle parking

TR44 – Car parking standards

Brighton and Hove Local Plan Second Deposit Draft:

TR(new policy) – Safe development

TR12 – Cycle access and parking

TR17 – Parking standards

SU9 – Pollution and nuisance control

QD1 – Design – quality of development and design statements

QD2 – Design – key principles for neighbourhoods

QD3 – Design – efficient and effective use of sites

QD4 – Design – strategic impact

QD5 – Design – street frontages

QD27 – Protection of amenity

H03 – Dwelling type and size

H04 – Dwelling densities

H0(new policy) – Provision of private amenity space in residential development

H06 – Car free housing

HE6 – Development in Conservation Areas

HE8 – Demolition in conservation areas

**2 THE SITE**

The site contains a small two storey disused, derelict and boarded up building. There is a gated access onto the site between this building and No. 48 Sillwood Street to the east. The existing building is attached to the rear of Nos. 52 Sillwood Street/21 Norfolk Square. The adjoining house to the east (No. 48 Sillwood Street) is a two storey rendered house. The surrounding area is largely residential although there is a takeaway food outlet on the ground floor of No. 52 Sillwood Street. The site lies within the Regency Square conservation area.

**3 RELEVANT HISTORY**

**BH2004/02343/CA** – Conservation Area Consent to demolish existing building. Undetermined and reported elsewhere on this agenda.

**BH2003/01721/FP** – Demolition of derelict store and erection of a 3 storey house and garage. Refused 24/07/03. Subsequent appeal dismissed 24/02/04 on design grounds.

**92/0032/FP & 92/0033/CA** – Demolition of derelict store/workshop and erection of a three storey (three bedroom) house with integral garage. Granted 08/09/92.

**BN85/1973/F** – Alterations to convert derelict workshop into a single dwellinghouse. Granted 01/04/86.

**4 THE APPLICATION**

Planning permission is sought for the erection of a three storey house with integral garage.

**5 CONSULTATIONS**

**External:**

**Neighbours:** A letter of objection has been received from the operator of the adjoining takeaway food outlet at **No. 52 Sillwood Street**. The letter raises concerns about adverse impact on the takeaway business. The objector states that the business would be obscured from view during construction work and may appear closed. Concerned to ensure that the front of the proposed house and its front door is level with the front of No. 52. Also queries the length of time that works will take and when they would commence. Concerned about noise disturbance. There are no garages on this side of the street and it would look odd. The ground floor bedroom would be located close to the kitchen extractor fans and the new neighbour may complain about noise from the kitchen.

**CAAG:** The proposal is a welcome improvement.

**Internal:**

**Conservation & Design:** The CA application has no information at all on the store to be demolished, however this issue has been considered in the past and is still acceptable.

The proposed replacement building addresses the criticisms of the previous scheme and subject to confirmation of some details is considered to be a



sympathetic infil scheme.

Matters of detail: The window and door frames should be painted white or cream and the windows should be sliding sashes. The garage and entrance doors should be timber. We will need details of the railing design and forecourt surface.

**Traffic Manager:** No objections.

**Economic Development:** The applicant has submitted no details in respect of the size of the store, its previous use and for how long it has been derelict. There is no evidence in respect of marketing of the store. If this information can be provided and supported then the economic development team will have no adverse comments to make.

## 6 PLANNING POLICIES

### **Brighton Borough Local Plan:**

**ENV1** – General environment objectives and policies

**ENV2** – General environment objectives and policies

**ENV3** – Design in the built environment

**ENV22** – Development in Conservation Areas

**ENV44** – Pollution control

**H2** – Maximising the supply and use of housing

**H19** – Children/open space provision

**TR33** – Cycle parking

**TR44** – Car parking standards

### **Brighton and Hove Local Plan Second Deposit Draft:**

**TR(new policy)** – Safe development

**TR12** – Cycle access and parking

**TR17** – Parking standards

**SU9** – Pollution and nuisance control

**QD1** – Design – quality of development and design statements

**QD2** – Design – key principles for neighbourhoods

**QD3** – Design – efficient and effective use of sites

**QD4** – Design – strategic impact

**QD5** – Design – street frontages

**QD27** – Protection of amenity

**H03** – Dwelling type and size

**H04** – Dwelling densities

**H0(new policy)** – Provision of private amenity space in residential development

**H06** – Car free housing

**HE6** – Development in Conservation Areas

**HE8** – Demolition in conservation areas

## 7 CONSIDERATIONS

The main issues for consideration are the principle of the residential use, design and appearance of the proposed building, impact upon the character and appearance of the Regency Square conservation area, impact upon adjoining properties and parking issues.

**Principle of residential use**

The applicant has not supplied details of recent marketing. However, the existing building is derelict and incapable of use. The principle of residential use was established in 1986 and permission renewed in 1992. The previous appeal was solely dismissed on design grounds. There is no evidence of employment generating use in the last 12 years and it is not considered that refusal could be sustained on this basis. The principle of providing a house on this plot is acceptable and would make good use of this derelict central urban site.

**Design and conservation issues**

The revised proposal includes a ground floor entrance door enclosed by railings, with garage doors located to the eastern side of the house. Centrally located windows are proposed at first and second floors. The previous scheme incorporated a full width balcony and bay window on upper floors. The Inspector stated that they were *“overly ornate and grand features that would appear out of place on a relatively small house located behind the much larger terraces of Norfolk Square.”* The appeal was dismissed these design grounds. The revised scheme has a much simpler appearance and a similar character to adjoining properties in Sillwood Street. It is considered that the applicant has successfully addressed previous design and conservation area concerns, subject to appropriate detailing and materials being secured.

**Amenity of adjoining properties**

The previous Inspector concluded that no overlooking or loss of light would result from the proposal. The revised scheme has identical bulk, massing and window locations and raises no new concerns on these issues.

The objector has raised concerns about possible noise disturbance from the kitchen of the adjoining takeaway. The proposed house would have no windows facing towards No. 52 and would have a part two/part three storey wall on the shared boundary. It is not considered that significant disturbance would result, subject to a condition requiring soundproofing details for the proposed house. The proposed house would not project forward of the adjoining takeaway and would not screen it from views from the east.

**Parking**

The proposal incorporates an integral garage. In considering design issues, the previous Inspector stated *“... Workshops or garages are not uncommon and indeed No. 48 includes a gated entrance to a courtyard. In my view the inclusion of a garage within the proposed building is not thus in itself inappropriate.”*

There are parking controls in the surrounding area including double yellow lines immediately outside the site. Although the site occupies a central location, has good public transport links and Policy H06 of the emerging Local Plan supports car free housing, the proposed provision of one off street parking space accords with the Council’s parking standards and is considered

acceptable.

**Other issues**

Some disturbance to neighbouring properties during construction works may result but this is not a material planning consideration. The start date and duration of building works is also not a planning consideration.

**Conclusion:**

The revised scheme is considered to have an acceptable design in keeping with the character of Regency Square conservation area, no significant impact upon neighbours would result and the proposed parking provision is considered acceptable. Approval is recommended.

**8 EQUALITIES IMPLICATIONS**

The main habitable rooms would be on upper floors and wheelchair users would be unable to access the majority of the building.

PLANS LIST – 22 SEPTEMBER 2004

<b>No:</b>	<b>BH2004/02185/FP</b>	<b>Ward:</b>	<b>ST. PETER'S &amp; NORTH LAINE</b>
<b>Address:</b>	<b>4-7 &amp; 15-20 Kensington Street</b>		
<b>Proposal:</b>	<b>Construction of 10 affordable residential units consisting of 4 houses at 4 to 7 Kensington Street and 6 flats at 15-20 Kensington Street (Re-submission of Withdrawn application BH2004/00530/FP).</b>		
<b>Officer:</b>	<b>Julie Cattell, tel: 292336</b>	<b>Received Date:</b>	<b>13 July 2004</b>
<b>Con Area:</b>	<b>NORTH LAINE</b>	<b>Expiry Date:</b>	<b>13 September 2004</b>
<b>Agent:</b>	<b>R H Partnership Architects, 15 Bond Street, Brighton</b>		
<b>Applicant:</b>	<b>Affinity Housing Group, 37-39 Perrymount Road, Haywards Heath</b>		

**1 RECOMMENDATION**

**Minded to Grant** Planning Permission subject to a Section 106 Obligation to ensure the development is “car free”, satisfactory amended plans, further information about sustainability issues and the following conditions:

1. 01.01 - Full Planning.
2. The development hereby approved shall not be commenced until the following have been submitted to and approved by the Local Planning Authority and the works shall be carried out in full as approved
  - i) samples of all external materials, including colour of render and paving to recessed entrances and rainwater goods
  - ii) sample elevations and elevations at a scale of not less than 1:20, showing windows, doors, cill and eaves details and balustrades
  - iii) full size details or sample of windows and doors

**Reason:** To ensure a satisfactory appearance to the development and to comply with policies ENV.22 of the Brighton Borough Local Plan and HE6 of the Brighton and Hove Local Plan Second Deposit Draft.

3. 02.05B Refuse and recycling storage to be implemented.
4. 06.03B Cycle parking facilities to be implemented.
5. 02.04B No cables, aerials, flues and meter boxes (alter reason to read – “..policies ENV1 and ENV.22 of the Brighton Borough Local Plan and QD1, QD27 and HE6 of the Brighton Borough Local Plan).
6. 02.02B - No permitted development (extensions, alterations).
7. All windows to be inward opening.

**Reason:** To ensure a satisfactory appearance to the development and to comply with policies ENV.22 of the Brighton Borough Local Plan and HE6 of the Brighton and Hove Local Plan Second Deposit Draft.

**Informatives:**

1. This decision to grant Planning Permission has been taken having regard to the policies and proposals in the Brighton Borough Local Plan and Brighton & Hove Local Plan Second Deposit Draft set out below and to all relevant material considerations, including supplementary guidance:

**Brighton Borough Local Plan:**

ENV.1 - General principles including amenity

## PLANS LIST – 22 SEPTEMBER 2004

ENV.2 – New development  
ENV.3 – Design  
ENV.22 – Development in Conservation Areas  
TR.33 – Cycle parking  
H.19 – Amenity space in residential development  
Brighton and Hove Local Plan Second Deposit Draft:  
SU2 – Sustainable development  
TR12 – Cycle parking  
QD1 – Design – quality  
QD2 – Design – Key principles for neighbourhoods  
QD5 – Street frontages  
QD27 – Protection of amenity  
HO2 – Affordable Housing  
HO6 – Car-free housing  
HO (new) – Amenity space in residential developments  
HE6 – Development in Conservation Areas  
SPGBH16 – Renewable Energy and Energy Efficiency  
SPGBH21- Sustainability Checklist

### 2 THE SITE

These vacant sites are located on the west side of Kensington Street in the North Laine Conservation Area. The sites back onto commercial properties in Kensington Gardens, some of which have residential uses above.

The North Laine area is characterised by a lively mix of residential, retail, leisure and entertainment uses. The area is subject to a Controlled Parking Zone.

### 3 RELEVANT HISTORY

There were formerly dwelling houses on the site, dating from the late 19<sup>th</sup> century. They were demolished in the mid-1980s and the sites used for open parking. The sites are owned by the council and are currently being marketed.  
**BH2002/01565/FP** – 4-7 Kensington Street – redevelopment to provide 4 houses – Approved 16/01/2003.

**BH2002/03275/FP** – 15-20 Kensington Street – redevelopment to provide 5 houses – Approved 06/02/2003.

**BH2002/03276/FP** – 9-10 Kensington Street – redevelopment to provide 3 storey office building – Approved 15/01/2003.

**BH2004/00530/FP** – 4-7 & 15-20 – redevelopment to provide 3 houses and 6 flats – Withdrawn.

### 4 THE APPLICATION

The application seeks Planning Permission to develop the sites for residential use, all for the affordable sector and comprising four houses, (1 x 2 storey, 3 x 3 storey) on 4-7 and six flats on 15-20 in a three storey block. Both blocks have painted render finish to the front elevations, facing brickwork to the rear and natural slate pitched roofs.

## PLANS LIST – 22 SEPTEMBER 2004

The design of the scheme follows the morphology of the North Laine and reflects the original plot divisions.

The style is a modern interpretation of a typical commercial terrace with hoist doors on the upper levels and large openings at ground floor level.

### 5 CONSULTATIONS

#### External:

**Neighbours: 40 Argus Lofts** – Concerned that the scheme is three storeys in height and will directly overlook and cause overshadowing to Argus Lofts. Would prefer two storey development, which would be a much better solution;  
**18 Kensington Gardens (shop)** – Object – the dustbins will be visible and the smell is likely to affect customers, new building will lead to loss of light to all floors and windows in rear elevation will need to be obscure glazed to prevent overlooking. Feature panel to stairwell should be more interesting.

**North Laine Community Association:** Object to scheme, which seems uninspiring, windows not appropriate, no effort has been made to reflect the grain of the North Laine area.

**CAAG:** Recommend further negotiations regarding window detail and design.

#### Internal:

**Conservation & Design:** The development of these long-vacant sites is very welcome, scheme reflects morphology and plot development of North Laine. Design acceptable, please add conditions for materials and windows.

**Traffic Manager:** (Verbal) Please ask for legal agreement to amend traffic order to prevent new residents from applying for residents' parking permits.

**Environmental Health:** No response.

**Private Sector Housing:** No response.

### 6 PLANNING POLICIES

#### Brighton Borough Local Plan:

ENV.1 - General principles including amenity

ENV.2 – New development

ENV.3 – Design

ENV.22 - Development in Conservation Areas

TR.33 - Cycle parking

H.19 - Amenity space in residential development

#### Brighton and Hove Local Plan Second Deposit Draft:

SU2 - Sustainable development

TR12 - Cycle parking

QD1 - Design – quality

QD2 – Design – Key principles for neighbourhoods

QD5 - Street frontages

QD27 - Protection of amenity

H02 - Affordable Housing

H06 - Car-free housing

H0 (new) - Amenity space in residential developments

**HE6 – Development in Conservation Areas**

**7 CONSIDERATIONS**

**Principle of development**

The sites have been vacant for nearly 20 years and are an eyesore in the North Laine Conservation Area.

The use of the sites for parking in such a central location is unsustainable against the background of national local and demand for new housing in urban areas, particularly on brownfield sites.

The principle of residential development was established under the two recent approvals BH2002/01565/FP BH2002/03275/FP.

**Quality of accommodation**

Given the constraints of the site, the units offer good quality living space meeting the recommended guidelines for room size and layout. The three storey houses show first floor living and kitchen areas, which maximise the use of light. The houses and the ground floor flats have access to private amenity space to the rear. Although it is desirable to provide amenity space for all dwellings, it is not always possible in centrally located sites.

**Effect on amenity and functioning of the area**

No off-street parking is proposed and there is a high demand for on-street parking spaces. The Traffic Manager has requested that the site be made car-free by amending the local traffic order so that the new residents will not be permitted to apply for resident's permits. The applicants have agreed to enter into a S106 Obligation to pay a commuted sum to fund the change to the traffic order.

The site is centrally located, within close walking distance of good public transport links, shops, entertainment and leisure facilities, thus reducing dependence on the private vehicle. Covered cycle parking is indicated on the plans and all units have covered refuse storage.

The main amenity issues are overlooking and overshadowing, with particular respect to properties in Kensington Gardens. A detailed Rights of Light report was prepared for the previously approved schemes and the current scheme has relied on this report. The previous approval for 4-7 was for a similar scheme, although the bulk of it was two storeys. However, as there is one window on the rear of 32 Kensington Gardens, which is in commercial use, no adverse overlooking or loss of light will occur. Windows on the first floor rear are all secondary and are shown as high level. On the first and second floor rear, bedroom windows to the new scheme face each other over a distance of 4 metres. Although this is not ideal, they can be staggered to reduce overlooking and this has been requested as an amendment.

On 15-20, the height and bulk of the scheme is very similar to the previous

approval. In fact, the situation is slightly improved as the current scheme does not have the rear wings and roof terraces. The rear windows to the ground and first floors of numbers 17, 18 and 19 Kensington Gardens will be adversely affected. However, as they are in commercial use (retail and restaurant) with the main activity to the front of the building, it would be difficult to argue a case refusal, particularly with the previous approval in place.

Overlooking to the site opposite will be no worse than any similar situation in a dense urban area and is not considered to be detrimental to either side.

#### **Design and effect on North Laine Conservation Area**

The design of the scheme is a modern interpretation of a traditional North Laine warehouse and respects the existing plot forms. A high standard of finish and detailing is expected and will be controlled by conditions.

#### **Sustainability**

Officers have assessed the scheme against the criteria in SPGBH21. The scheme fully meets most of the criteria relevant to residential development. Further information has been requested and will be available before the sub-committee meeting.

#### **Response to representations**

The objections have been covered above. The objectors at 18 Kensington Gardens have requested compensation, but this is a civil matter to be dealt with by the applicant.

#### **Conclusion:**

The proposal offers a good quality modern infill development on a centrally located brownfield site and will assist in achieving national and local housing targets and relieving pressure for development outside the city boundary. Approval is therefore recommended.

### **8 EQUALITIES IMPLICATIONS**

Mobility issues arise. There is level access to all ground floors. One of ground floor flats has been designed specifically to wheelchair standards. The scheme will also need to comply with Part M of the Building Regulations.



PLANS LIST – 22 SEPTEMBER 2004

<b>No:</b>	<b>BH2004/01722/FP</b>	<b>Ward:</b>	<b>WITHDEAN</b>
<b>Address:</b>	<b>Land adjacent 20 Gableson Avenue</b>		
<b>Proposal:</b>	<b>Construction of a three bedroom detached dwellinghouse (Re-submission of refused application BH2004/00201/FP).</b>		
<b>Officer:</b>	<b>Sue Dubberley , tel: 292097</b>	<b>Received Date:</b>	<b>18 May 2004</b>
<b>Con Area:</b>	<b>N/A</b>	<b>Expiry Date:</b>	<b>04 August 2004</b>
<b>Agent:</b>	<b>Alan Phillips Associates, Unit 7, North Level 5, New England House, New England Street, Brighton</b>		
<b>Applicant:</b>	<b>Mrs Saleh, c/o Agent</b>		

**1 RECOMMENDATION**

**Grant** planning permission, subject to the following conditions:

1. 01.01 Full Planning Permission.
2. 03.01(B) Samples of materials non-cons area (B).
3. 06.02B Cycle parking details to be submitted (B).
4. 02.05B Refuse and recycling storage facilities (B).
5. 04.01 Landscaping/planting scheme ... include planted privacy screen.  
**Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to safeguard the privacy of occupiers of adjoining residential properties and to comply with policies ENV1 and ENV3 of the Brighton Borough Local Plan and QD1, QD2 and QD27 of the Brighton & Hove Local Plan Second Deposit Draft.
6. 04.02 Landscaping / planting (implementation / maintenance).

Informatives:

1. This decision is based on drawing nos. GA/04/1603/D05, D06, D07, D09, A01, A02 submitted on 18 May 2004 and GA/04/1603/D01a, D02a, D03A, D08A submitted on 17 August 2004.
2. This decision to grant Planning Permission has been taken having regard to the policies and proposals in the Brighton Borough Local Plan and Brighton & Hove Local Plan Second Deposit Draft set out below, and to all relevant material considerations:  
Brighton Borough Local Plan:  
 ENV.1 General objectives and policies  
 ENV.3 - design of development  
 H19 Provision of private amenity space  
 TR34 Cycle parking  
Brighton and Hove Local Plan- Second Deposit Draft:  
 QD1- Design – quality of development  
 QD2- Design – Key principles for neighbourhoods  
 QD3- Design – efficient and effective use of sites  
 QD27 - protection of amenity  
 H0 - provision of private amenity space in residential development (new Policy)

## PLANS LIST – 22 SEPTEMBER 2004

TR12 – Cycle access and parking  
SPGBH1 – Roof Alterations

### 2 THE SITE

The application relates to a site located on the east side of Gableson Avenue, close to the junction with Valley Drive and forms part of the garden of No.20 Gableson Avenue. To the rear of the site are the backs of properties in The Parade, Valley drive, a parade of shops with residential accommodation over. There is parking for one car in the form of a covered hardstanding to the north side of the house

### 3 RELEVANT HISTORY

**BH2004/00201/FP** - Construction of one three bedroom detached dwelling. Refused 15/03/04 under delegated powers.

### 4 THE APPLICATION

The proposal is to demolish the existing garage on the site and erect a detached dwelling. Due to the slope of the land the house would appear as single storey at the front and two storey at the rear. The roof is in the form of a hipped roof building with 4 flat roofed dormers, one on each elevation.

### 5 CONSULTATIONS

**External:**

**Neighbours:** objections received from 11, 17,19, 21, 23 Gableson Avenue, 4/8 The Parade, Valley Drive on the grounds that - the garden of no.20 is steeply sloping and very small. The proposed development is too large almost filling the site and close to the existing building. The appearance would be cramped and unattractive removing the open feeling in the area and causing over-shadowing loss of light and overlooking of neighbouring properties, especially Valley Parade shops. Three storey building will obstruct views, out of character with the area. Contextual drawings misleading. Parking is already a problem in the area any increase in traffic will lead to problems with emergency vehicles, refuse vehicles already have problems. Object to loss of existing off street parking. No.20 will be left with no garden or off street parking.

**Internal:**

**Traffic Manager:** No objection on traffic grounds.

**Private Sector Housing:** No objection.

### 6 PLANNING POLICIES

**Brighton Borough Local Plan:**

**ENV.1** - General objectives and policies

**ENV.3** - design of development.

**H19** - Provision of private amenity space

**TR34** - Cycle parking

**Brighton and Hove Local Plan- Second Deposit Draft:**

**QD1-** Design – quality of development

**QD2-** Design – Key principles for neighbourhoods

**QD3-** Design – efficient and effective use of sites

**QD27** – protection of amenity

**HO** – provision of private amenity space in residential development (new Policy)

**TR12** – Cycle access and parking

**SPGBH1** – Roof Alterations

## **7 CONSIDERATIONS**

The application has been assessed against the above policies. The main issues are the principle of having a dwelling on the site and the effect on the street scene and adjoining residential properties.

The application is a resubmission of an application that was refused earlier this year ref BH2004/00201/FP under delegated powers. The application was refused for two reasons firstly on the grounds of overdevelopment, excessive site coverage and proximity to existing buildings and secondly on the effect on the rear of properties in The Parade, Valley Drive in terms of overlooking and loss of privacy.

With regard to the first reason for refusal, the current scheme differs significantly from the previous scheme with a much smaller footprint, the earlier scheme also included a garage that is no longer part of the scheme. The width of the proposed dwelling has been reduced from 13.1m to 10m and the length from 7.3m to 6m this has enabled the amount of amenity space to be increased so that the dwelling now sits more comfortably on the plot.

The second reason for refusal was overlooking and loss of privacy to the rear of The Parade. The rear of The Parade is the main entrance to the residential accommodation above the shops with habitable windows facing the rear of the application site. The previous scheme included two balconies, which led off from the kitchen and living room, these are now no longer part of the proposal. The current scheme has no windows on the first floor, the ground floor windows would be screened by a proposed planted privacy screen, while the rear dormer window has a high level window which is to the stairway. It is therefore considered that the overlooking issues have been adequately dealt with in the current proposal and refusal on the grounds of overlooking could no longer be justified.

Following negotiations the design has been amended to overcome concerns regarding the size and position of the proposed dormers. The dormers have been reduced in volume and stepped back further into the roof line rather than rising direct off the supporting walls and are now considered to be in accordance with SPG1.

The neighbours concerns regarding traffic and parking are noted; however, the Traffic Engineer has no objection to the proposals.

## PLANS LIST – 22 SEPTEMBER 2004

**Conclusion:**

It is considered that the previous reasons for refusal have been overcome and the recommendation is therefore for approval.

**8 EQUALITIES IMPLICATIONS**

The building would have to comply with Part M of the Building Regulations.

PLANS LIST – 22 SEPTEMBER 2004

<b>No:</b>	<b>BH2004/02528/TA</b>	<b>Ward:</b>	<b>WITHDEAN</b>
<b>Address:</b>	<b>Withdean Grange AMC, London Road</b>		
<b>Proposal:</b>	<b>Re-orientate and raise 4 existing antennas on their existing pole mounts to a maximum height of 18.7m above ground level.</b>		
<b>Officer:</b>	<b>Andy Watt, tel: 292525</b>	<b>Received Date:</b>	<b>02 August 2004</b>
<b>Con Area:</b>	<b>N/L</b>	<b>Expiry Date:</b>	<b>04 October 2004</b>
<b>Agent:</b>	<b>Alan Dick &amp; Company Ltd, 7 Beech Tree Drive, Chesterfield</b>		
<b>Applicant:</b>	<b>Crown Castle UK Ltd, c/o agent</b>		

**1 RECOMMENDATION**

That the council is minded to determine that Prior Approval is **not required**.

Informatives:

1. This decision is based on drawing nos. 19533\_00\_004\_01, 19533\_04\_100\_M17\_17 and 19533\_04\_150\_M17\_17 submitted on 9 August 2004 and drawing no. 19533\_04\_150\_M17\_17A submitted on 31 August 2004.
2. This decision to determine that prior approval is not required has been taken having regard to the policies and proposals in the Brighton Borough Local Plan and Brighton & Hove Local Plan Second Deposit Draft set out below, and to all relevant material considerations:  
Brighton Borough Local Plan:  
ENV.1 – Environmental protection  
Brighton and Hove Local Plan Second Deposit Draft:  
QD23 – Telecommunication apparatus (general)  
QD27 – Protection of amenity

**2 THE SITE**

The application relates to the BT Telephone Exchange building located on the western side of London Road. The surrounding area is residential, with Cedars Gardens located to the north and Leahurst Court Road to the south. The site is not within a Conservation Area.

**3 RELEVANT HISTORY**

**TA/96/0002:** Erection of aerials and installation of equipment room – planning permission not required 27 March 1996.

**BH2001/00041/TA:** Proposed siting of 2 equipment cabins (1 on roof, 1 at base of building south elevations) and erection of 2 antennae on roof – withdrawn 29 January 2001.

**BH2001/01870/TA:** Installation of antenna and equipment cabins – prior approval not required 17 September 2001.

**BH2002/00040/FP:** Installation on existing site of 3 x antennae on tripods, 2 x dishes 300mm in diameter and ancillary equipment cabin – granted 14 March 2002.

**BH2002/01694/FP:** Installation of telecommunication antenna – 3 x panel and 3

x 0.6 m diameter dishes, 1 x equipment cabin and ancillary development – granted 5 September 2002.

#### **4 THE APPLICATION**

The proposed development constitutes Permitted Development under Part 24 of the Town and Country Planning (General Permitted Development) Order, and therefore the principle of the development has been established. This application has been submitted to determine whether the council considers that Prior Approval is required for the siting or appearance of the proposal. The Local Planning Authority must determine the application within 56 days of receipt, otherwise the proposal has deemed consent and may be erected by default (the 56 days expires before the next Sub-Committee meeting).

It is proposed to re-orientate 4 no. antennas – mounted on 2 no. separate double headed frames – by 10 and 20 degrees respectively and to raise them on the existing pole to the maximum height possible (which will be up to 18.7 metres above ground level, approximately 1.0 metre above the existing level). The general height of this 3 and 4 storey building is approximately 12.5 metres with the service area being 14.8 metres high.

#### **5 CONSULTATIONS**

**External:**

**Neighbours:** No responses to date. However, this application has been placed on the agenda prior to the consultation period expiring to ensure a decision can be made within the 56-day deadline.

**Internal:**

**Environmental Health:** Given the current information on mobile phone technology cannot object on grounds that the development could be prejudicial to health or a nuisance in accordance with environmental health legislation.

**Traffic Manager:** No objections on traffic grounds.

#### **6 PLANNING POLICIES**

**Brighton Borough Local Plan:**

**ENV.1 – Environmental protection**

**Brighton and Hove Local Plan Second Deposit Draft:**

**QD23 – Telecommunication apparatus (general)**

**QD27 – Protection of amenity**

#### **7 CONSIDERATIONS**

**Siting and appearance of the mast**

No new antennae are proposed. Given the equipment already on the roof of this building, the impact of the proposed development in its context is considered negligible. Re-orienting the antennae will have extremely limited visual impact and the increased height will still be significantly lower than the maximum height of antennae in the location nearest to London Road on this rooftop (approximately 22.75 metres above ground level). The one nearer to the

railway line, on the other hand, is more of a 'stand alone' feature, but from the limited viewpoints is seen in conjunction with other such equipment and will be approximately 1.0 metre lower than the maximum height here.

The applicant has submitted substantial information to support the need for enhanced coverage in this locality. It is not considered that the proposed alterations would be any more visually obtrusive in this location than at present, certainly given the near invisibility from London Road, due to extensive vegetative screening and setting back of the building from this main road. The apparatus is visible from limited numbers of viewpoints both to the north and south, but the impact would be very limited given the existing telecommunications equipment already in situ.

### **Health Concerns**

Though this application can only take into account the siting and appearance of the proposed apparatus, the High Court has ruled that health arguments fall within the question of the siting of the mast. Health concerns are therefore a material consideration in this application. However, the applicant has submitted a certificate stating that the proposal will meet the International Commission for Non-Ionising Radiation Protection (ICNIRP) guidelines as recommended in the Stewart Report. Planning Policy Guidance Note 8 states that where this is the case it is not necessary for the Local Planning Authority to consider further the health aspects and concerns about them. It is therefore considered that if the council were to refuse this application on health grounds this would be a difficult position to sustain at appeal.

### **Conclusion:**

For the reasons outlined above it is considered that the proposal is acceptable in terms of siting and appearance, and approval is therefore recommended.

## **8 EQUALITIES IMPLICATIONS**

None identified.

PLANS LIST – 22 SEPTEMBER 2004

<b>No:</b>	<b>BH2004/02326/FP</b>	<b>Ward:</b>	<b>WITHDEAN</b>
<b>Address:</b>	<b>1 Robertson Road</b>		
<b>Proposal:</b>	<b>Change of use from shop (class A1) to office (class B1).</b>		
<b>Officer:</b>	Lorraine Gardiner, tel: 293990	<b>Received Date:</b>	21 July 2004
<b>Con Area:</b>	N/A	<b>Expiry Date:</b>	15 September 2004
<b>Agent:</b>	N/A		
<b>Applicant:</b>	Peter England, Little Orchard, Jackies Lane, Newick, East Sussex		

**1 RECOMMENDATION**

**Grant** planning permission subject to the following conditions:

1. 01.01A – Full Planning Permission.

Informatives:

1. This decision is based on the drawings showing the existing floor plan and location plan submitted on 21<sup>st</sup> July 2004 and supplementary information submitted on 1<sup>st</sup> September 2004.

2. This decision to grant Planning Permission has been taken having regard to the policies and proposals in the Brighton Borough Local Plan and the Brighton & Hove Local Plan Second Deposit Draft set out below, and to all relevant material considerations:

Brighton Borough Local Plan:

ENV.1 – General Policies and Objectives

S.10 – Local shopping centres, parades and corner shops

Brighton & Hove Local Plan 2<sup>nd</sup> Deposit Draft:

QD27 – Protection of Amenity

SR9 – Individual Shops

**2 THE SITE**

The property is situated on the corner of The Drove and Robertson Road and forms part of a long traditional terraced row of buildings. The site comprises two storeys with a retail use to the ground floor with flat situated above.

**3 RELEVANT HISTORY**

**90/0977/F:** Removal of existing shopfront and construction of ground floor bay window to change of use from shop and residential to a single private dwelling – Granted 6<sup>th</sup> March 1991.

**BH1999/02130/FP:** Removal of existing shopfront and construction of ground floor bay window to change use of shop and residential (A1, C305) to a single dwelling (C3) – Granted 13<sup>th</sup> October 1999.

**4 THE APPLICATION**

The applicant is proposing to change the existing use of the shop to that of an office mainly for clerical duties, including invoice processing and account management.



**5 CONSULTATIONS**

**External**

**Neighbours:** No responses received.

**Internal**

**Planning Policy:** Concerns that no marketing information was supplied and that the topography of site would create problems in accessing other shops.

**6 PLANNING POLICIES**

**Brighton Borough Local Plan:**

ENV.1 - General Policies and Objectives

S.10 – Local shopping centres, parades and corner shops

**Brighton & Hove Local Plan 2<sup>nd</sup> Deposit Draft:**

QD27 – Protection of Amenity

SR9 – Individual Shops

**7 CONSIDERATIONS**

The main consideration of the application is whether the loss of the retail unit meets the requirements contained within Local Plan policies and if the proposed use affects the residential amenity of the surrounding area.

**Local Plan Policies**

In order to fulfil the requirements of this policy the applicant has to demonstrate that the loss of the shop would not be detrimental to local residents, the use of the unit as a shop is no longer economically viable and that the residential amenity and general character of the area is maintained.

**Loss of retail unit**

The catchment area of an individual shop is defined as being 400m being a suitable walking distance. To the east a mere 250m away lays a busy parade of shops in Preston Road, which would adequately service the needs of the local residents. This area includes a post office, general store, petrol filling station, chemist and newsagents. Albeit the topography of the area slopes downwards to Preston Road it is not considered that the distance or gradient would adversely affect its accessibility.

**Suitability for retail unit**

No marketing information in the form of adverts for the last year have been supplied, but the applicant has provided a detail of the previous retail history and how this has inevitably failed due to the shop's restricted size and positioning in relation to the nearby improved retail facilities. It can be seen from a site visit that the unit is not very big and it is understandable that the shops nearby on Preston Road would attract more residents as they have better facilities and a more varied mix of services and goods to provide.

**Impact on residential amenity**

## PLANS LIST – 22 SEPTEMBER 2004

As stated, the property lies within a predominately residential area therefore consideration has to be given to the impact that the use will have on the upper floor flat and that of its most adjacent neighbours to Robertson Road. The applicant has provided details that show the office shall have no more than 3 staff that will be employed on a clerical basis working from 8am – 6pm Mon-Fri. It is considered that no adverse impact will occur to the existing residential amenity currently enjoyed by the neighbours.

### **Conclusion:**

It is to be noted that two previous applications for this unit were granted approval in 1990 and 1999 to change the use of the shop and flat to one residential unit. The thrust of the main policies at this time gave weight to the loss of the unit due to the close proximity of the shops within the Preston Road area, without the need to provide marketing information. Therefore due to all of the above considerations it is considered that there are strong grounds for granting consent notwithstanding the relevant policy.

## **8 EQUALITIES IMPLICATIONS**

None identified.

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<b>No:</b>	<b>BH2004/02323/LB</b>	<b>Ward:</b>	<b>CENTRAL HOVE</b>
<b>Address:</b>	<b>115 Church Road</b>		
<b>Proposal:</b>	<b>Internal &amp; external alterations to allow change of use from A1 retail to A3 food &amp; drink use.</b>		
<b>Officer:</b>	<b>Nicola Slater, tel: 292114</b>	<b>Received Date:</b>	<b>21 July 2004</b>
<b>Con Area:</b>	<b>THE AVENUES</b>	<b>Expiry Date:</b>	<b>15 September 2004</b>
<b>Agent:</b>	<b>Turner Associates , 115A Church Road</b>		
<b>Applicant:</b>	<b>Dresswell, 115 Church Road</b>		

**1 RECOMMENDATION**

**Minded to Grant Listed Building Consent** subject to the receipt of amended plans of the proposed flue and the following conditions:

1. 01.05 Listed Building Consent.
2. No works shall take place until full details of the proposed works including 1:20 sample elevations and 1:1 joinery profiles have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

**Reason:** As insufficient information has been submitted, to ensure the satisfactory preservation of this Listed Building and in accordance with policies BE5 of the Hove Borough Local Plan and HE1 of the Brighton and Hove Local Plan Deposit Draft.

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

**Reason:** To ensure the satisfactory preservation of this Listed Building and to comply with policies BE5 of the Hove Borough Local Plan and HE1 of the Brighton and Hove Local Plan Second Deposit Draft.

4. All new or replacement doors shall match the originals in size, proportions, panel mouldings, architrave mouldings, materials and paint finish to the satisfaction of the Local Planning Authority and any self-closing door mechanisms shall be concealed morticed type.

**Reason:** To ensure satisfactory preservation of this Listed Building and to comply with policies BE5 of the Hove Borough Local Plan and HE1 of the Brighton and Hove Local Plan Second Deposit Draft.

5. 02.06C Satisfactory refuse storage

6. No development shall take place until further details of the odour control equipment to the building have been submitted to and approved in writing by the Local Planning Authority. The use of the premises shall not commence until the agreed works have been carried out and maintained thereafter to the satisfaction of the Local Planning Authority.

**Reason:** To safeguard the amenities of the locality and to comply with policies BE1, BE5 of the Hove Borough Local Plan and HE1 of the Brighton and Hove Local Plan Second Deposit Draft.

Informatives:

1. This decision to grant Listed Building Consent has been taken having regard to the policies and proposals in the Hove Borough Local Plan/Brighton & Hove Local Plan Second Deposit Draft set out below, and to all relevant material considerations  
Hove Borough Plan  
BE1 – General Development  
BE5 – Listed Buildings  
Brighton and Hove Local Plan Second Deposit Draft  
HE1 – Listed Buildings
2. Changes may be required to satisfy the requirements of the Food Hygiene Legislation and any further internal or external alterations as a result will require Listed Building Consent.
3. In view of the fact that the premises are a Grade II Listed Building care should be taken to protect its character and appearance. In particular, where the duct runs along the skirting, the depth should be the minimum possible.
4. The applicant is reminded of the need to also comply with conditions attached to planning permission ref: BH2004/02266/FP.

**2 THE SITE**

The application relates to a ground floor retail unit of a Grade II Listed building located on the north side of Church Road, approximately 45 metres west of the junction with Norton Road. The property is located in The Avenues Conservation Area and within the defined town centre of Hove.

**3 RELEVANT HISTORY**

There have been numerous planning permissions and listed building consents relating to the application site, the most recent of which relating to the installation of illuminated signage which was granted advertisements consent and listed building consent in March 1994 (Ref: **3/94/0052(AD)** and **3/94/0053(LB)**).

**4 THE APPLICATION**

Listed Building Consent is sought for a number of internal and external alterations related to the proposed change of use of the premises from A1 to A3. The related planning application (**BH2004/02266/FP**) is also included on this agenda.

**5 CONSULTATIONS**

**External:**

**Neighbours:** One letter of representation has been received from the occupier of **Le Petit Pain, 119 Church Road** objecting to the proposal on the following grounds:

- in this short stretch of Church Road, the granting of planning permission would swing the balance to 50% retail and 50% restaurant
- the proposal will affect the trade of Le Petit Pain from the increased cooking smells, which will put customers off

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- there will be an increase in the number of deliveries which will cause disturbance for neighbouring businesses and residential occupiers
- overflowing litter bins are also a problem of attracting seagulls and other vermin, and this is likely to get worse

### **Internal:**

**Conservation & Design:** Having seen the property, the internal proposals are considered acceptable, subject to appropriate details for the new and blocked doors. The redesigned flue should not harm the building. Where the duct runs along the skilling, as long as the depth is the minimum possible. Recommend a condition for further approval of precise details of the duct and flue.

## **6 PLANNING POLICIES**

### **Hove Borough Plan**

**BE1 – General Development**

**BE5 – Listed Buildings**

### **Brighton and Hove Local Plan Second Deposit Draft**

**HE1 – Listed Buildings**

## **7 CONSIDERATIONS**

Matters relating the amount of A3 uses currently in the immediate area; the amount of deliveries the premises will require; the impact on neighbouring businesses and refuse problems are not material considerations in this Listed Building Application. Planning policies permit alterations to listed buildings providing the alterations preserve and enhance the architectural and historical character and appearance of the building.

The internal proposals are considered acceptable, subject to appropriate details for the new and blocked doors, which are conditioned. As originally submitted the flue extract system was proposed to be positioned externally on the rear elevation, however, some concerns were raised regarding the impact the flue would have on the Listed Building. The redesigned flue is internal to the building with the discharge point positioned just below the roof of the dormer and is not considered to harm the building providing the depth of the ducting along the skilling is the minimum possible. Further details of the flue are conditioned and it is considered that the alterations will not have a detrimental impact on the Listed Building and the wider street scene within the Conservation Area.

### **Conclusion:**

The proposed internal and external alterations to allow the change of use are not considered to have a detrimental impact on the character and appearance of the Listed Building and surrounding Conservation Area. The application is therefore recommended for approval.

## **8 EQUALITIES IMPLICATIONS**

None identified.

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<b>No:</b>	<b>BH2004/02266/FP</b>	<b>Ward:</b>	<b>CENTRAL HOVE</b>
<b>Address:</b>	<b>115 Church Road</b>		
<b>Proposal:</b>	<b>Change of use from A1 to A3.</b>		
<b>Officer:</b>	Nicola Slater, tel: 292114	<b>Received Date:</b>	13 July 2004
<b>Con Area:</b>	THE AVENUES	<b>Expiry Date:</b>	07 September 2004
<b>Agent:</b>	Turner Associates, 115A Church Road		
<b>Applicant:</b>	Dresswell, 115 Church Road		

**1 RECOMMENDATION**

**Minded to Grant** planning permission subject to the receipt of an amended plan incorporating comments from the Environmental Health Team and the following conditions:

1. 01.01 Full Planning.
2. Notwithstanding the provisions of Class A3 of the Schedule to the Town and Country Planning (Use Classes) Order 1997, or any amendment thereto, the premises shall be used as a café/bar/restaurant and not as a public house or bar. Therefore no intoxicating liquor shall be served except by waiting staff to people seated at tables.

**Reason:** The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of safeguarding the amenities of the area and in order to comply with policies BE1 of the Hove Borough Local Plan and QD27 of the Brighton and Hove Local Plan Second Deposit Draft.

3. The premises shall not be open or in use except between the hours of 09.00 and 23.30 hours Monday to Sundays (including Bank Holidays).

**Reason:** To safeguard the amenities of the locality and to comply with policies BE1 of the Hove Borough Local Plan and QD27 of the Brighton and Hove Local Plan Second Deposit Draft.

4. 02.06C Satisfactory refuse storage.
5. No development shall take place until further details of the odour control equipment to the building have been submitted to and approved in writing by the Local Planning Authority. The use of the premises shall not commence until the agreed works have been carried out and they shall be maintained thereafter to the satisfaction of the Local Planning Authority.

**Reason:** To safeguard the amenities of the locality and to comply with policies BE1 of the Hove Borough Local Plan and QD27 of the Brighton and Hove Local Plan Second Deposit Draft.

6. A scheme for the sound insulation of odour control equipment referred to in the condition set out above shall be submitted to the Local Planning Authority and no development shall commence until all sound insulation works have been carried out to the satisfaction of the Local Planning Authority. The sound insulation works shall be maintained thereafter to the satisfaction of the Local Planning Authority.

**Reason:** To safeguard the amenities of the locality and to comply with

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policies BE1 of the Hove Borough Local Plan and QD27 of the Brighton and Hove Local Plan Second Deposit Draft.

7. A scheme for the suitable treatment of all plant and machinery against the transmission of sound and/or vibration shall be submitted to and approved by the Local Planning Authority. The use of the premises shall not commence until all specified works have been carried out to the satisfaction of the Local Planning Authority.

**Reason:** To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies BE1 of the Hove Borough Local Plan and QD27 of the Brighton and Hove Local Plan Second Deposit Draft.

### Informatives:

1. This decision to grant Planning Permission has been taken having regard to the policies and proposals in the Hove Borough Local Plan/Brighton & Hove Local Plan Second Deposit Draft set out below, and to all relevant material considerations:

#### Hove Borough Local Plan:

BE1 General Development  
BE2 Demolition and Alteration of Listed Buildings  
BE5 Design and Materials for Listed Buildings  
BE8 Development in Conservation Areas  
S4 Uses in Primary Shopping Frontages

#### Brighton and Hove Local Plan Second Deposit Draft:

SU2 Efficiency of development in the use of energy, water and minerals  
SU10 Noise nuisance  
QD27 Protection of Amenity  
SR6 Town and district shopping centres  
HE1 Listed Buildings  
HE6 Development in Conservation Areas

2. In view of the fact that the premises are a Grade II Listed Building care should be taken to protect its character and appearance. In particular, where the duct runs along the skirting, the depth should be the minimum possible.
3. The discharge outlet should be a velocity outlet or venturi, as this increases the air flow accelerating the odours away.
4. The applicant is reminded of the need to meet the requirements of the Disabled Discrimination Act relating to public access to the building.
5. The applicant is reminded of the need to also comply with conditions attached to Listed Building Consent ref: BH2004/02323/LB.

## **2 THE SITE**

The application relates to a ground floor retail unit of a Grade II Listed building located on the north side of Church Road, approximately 45 metres west of the junction with Norton Road. The property is located in The Avenues Conservation Area and within the defined town centre of Hove.

## **3 RELEVANT HISTORY**

There have been numerous planning permissions and listed building consents

relating to the application site, the most recent of which relating to the installation of illuminated signage which was granted advertisements consent and listed building consent in March 1994 (Ref: **3/94/0052(AD)** and **3/94/0053(LB)**).

#### **4 THE APPLICATION**

Planning permission is sought to change the use of the ground floor from retail to A3 with the basement used for the kitchen, storage and customer toilets. The position of the flue has been revisited and is now proposed to be an internal flue, with the discharge point above the dormer flat roof just below ridge level.

The related listed building application (**BH2004/02323/LB**) is also included on this agenda.

#### **5 CONSULTATIONS**

**External:**

**Neighbours:** Letters of representation have been received from **113 Church Road; Rug World, 111-113 Church Road; Le Petit Pain, 119 Church Road and 38 Westbourne Gardens** objecting to the proposal on the following grounds:

- the area is a mixed residential area and the well being of the residents has not been looked after
- the noise, fights and vandalism from people leaving the clubs, bars and restaurants in the early hours of the morning has become quite horrendous
- the noise caused by Pizza Express is already a problem and the proposed restaurant will have the same effect
- a venue of this seating capacity would undoubtedly increase noise levels drastically
- the proposed extraction duct would create repulsive smells
- the main seating area of this proposed restaurant and bar runs the full length of the neighbouring occupier's residential garden at no. 113 Church Road and the noise, smells omitted from the proposed restaurant would completely remove all tranquillity from the garden
- overflowing litter bins are also a problem of attracting seagulls and other vermin, and this is likely to get worse
- there is no shortage of restaurants in Hove
- the proposal creates an additional fire risk, in the past years when there has been a fire it is always from one of the restaurants
- in this short stretch of Church Road, the granting of planning permission would swing the balance to 50% retail and 50% restaurant
- the area is becoming more saturated with food and drink premises
- the proposal will affect the trade of Le Petit Pain from the increased cooking smells, which will put customers off
- there will be an increase in the number of deliveries which will cause disturbance for neighbouring businesses and residential occupiers
- if the current outlet is not viable, then it should be retained as A1 for another retail outlet. Retail premises add to the true vibrancy of a neighbourhood
- as with North Laine, Church Road needs a statement to be made about the proportion of shops and restaurants



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The expiry date for comments in relation to the amended scheme ends on the 17 September, any further letters will be reported in the late list.

### **Sussex Police:**

The applicant's agent has advised that the intended use is at present uncertain. If consent is granted, either a café / bar or a restaurant is envisaged. In these circumstances a condition should be imposed to restrict the use to a café bar with a time condition that reflects the wishes of the applicant, rather than to give unrestricted A3 consent. If such a condition were imposed, Sussex Police would not have any concerns.

### **Internal:**

**Conservation & Design:** Having seen the property, the internal proposals are considered acceptable, subject to appropriate details for the new and blocked doors. The redesigned flue should not harm the building. Where the duct runs along the skilling, as long as the depth is the minimum possible. Recommend a condition for further approval of precise details of the duct and flue.

**Environmental Health:** Recommend grant planning permission subject to conditions to avoid potential noise and possible odour problems:

2.11 Satisfactory refuse storage

3.03 Odour control equipment

3.04 Odour control equipment (sound insulation)

3.10 Soundproofing plant/machinery

Opening hours restricted to 08.00 – 23.30

### Comments as a result of the revised scheme:

The discharge point is shown above the dormer flat roof just below ridge level. Ideally, this should be above the ridge but I understand that this conflicts with Conservation. However, I understand that the occupiers of the first and second floor dormer room are the agents, Turner Associates, and they have no objection to this discharge point or running the ducting internally through the building. It should be specified that the discharge outlet should be a velocity outlet or venturi, which increases the air flow accelerating the odours away.

Any noise associated with plant and machinery incorporated within the development should be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB below the existing  $L_{A90}$  background noise level. Rating Level and existing background noise levels to be determined as per the guidance provided in BS4142:1997. Consideration should be given to sound insulation of the ducting that runs internally through the building as to not cause a noise problem to the occupiers. The standard condition 03.10 should cover this.

### **Planning Policy:**

The retail study conducted in August 2003 showed that in the prime frontage of Hove Town Centre, the split between A1 and non-A1 units is 70-30. With 70% A1,

a change of use as proposed at no. 115 Church Road could be sustained when purely looking at criterion (a) of SR6. Although there are a number of non-A1 units within the small parade itself, with an existing A1 user on either side of it, the proposal would not contravene criterion (b).

**Traffic Manager:** No objections on traffic grounds.

## **6 PLANNING POLICIES**

**Hove Borough Local Plan:**

**BE1** - General Development

**BE2** - Demolition and Alteration of Listed Buildings

**BE5** - Design and Materials for Listed Buildings

**BE8** - Development in Conservation Areas

**S4** - Uses in Primary Shopping Frontages

**Brighton and Hove Local Plan Second Deposit Draft:**

**SU2** - Efficiency of development in the use of energy, water and minerals

**SU10** - Noise nuisance

**QD27** - Protection of Amenity

**SR6** - Town and district shopping centres

**HE1** - Listed Buildings

**HE6** - Development in Conservation Areas

## **7 CONSIDERATIONS**

The determining issues in this application relate to firstly, the impact of the proposal on the vitality of the town centre; secondly, whether the proposed change of use accords with Local Plan policies; thirdly, whether the use of the premises would have a detrimental impact on residential amenity; and whether the change of use would have a detrimental impact on the character and setting of the Listed Building and surrounding Conservation Area.

### **Impact on the vitality of the centre**

The site is presently an A1 shop but has previously been used as an auction room (A2 use). Hove Borough Local Plan Policy S4 'Uses in Primary Shopping Frontages' is of direct relevance. This permits changes of use to non-retail uses providing a clear predominance of A1 uses are maintained in the centre; the location and prominence of the proposed use would not lead to a significant break in the shopping frontage; the use will make a positive contribution to the vitality and viability of the centre and the proposal does not create unacceptable disturbance.

The unit is located in a town and district shopping centre as defined by Policy SR6 of the Brighton and Hove Local Plan Second Deposit Draft, which reiterates much of the requirements of Policy S4 of the Hove Borough Local Plan. Within the defined prime frontage of these areas, in which the property is located, the change of use of existing A1 shops to Class A2 or Class A3 will be permitted

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provided that the following criteria are met:

- a) a clear predominance of Class A1 uses would be maintained;
- b) as a result of the proposal there would not be a significant break in the shopping frontage of more than 15 metres;
- c) it would have a positive effect on the shopping environment of the area by encouraging combined trips and attracting pedestrian activity to the centre; and
- d) the development would not be significantly detrimental to the amenities of occupiers of nearby properties or the general character of the area.

A retail study conducted in August 2003 suggested that in the prime retail frontage of Hove Town Centre, the split between A1 and non-A1 units was 70-30. The additional change of use of this particular unit would not result in a predominance of non-retail uses in the defined area as a whole. Furthermore, whilst there are a high number of non A1 units within the small parade itself, since there are existing A1 uses either side of the application site, the proposal will not result in a significant break in the shopping frontage and therefore complies with criterion (a) and (b) of policy SR6. It is considered that the use of the property as an A3 use would attract pedestrian activity and given the mixed use of the area would not detract from the general character of the street.

### **Impact on residential amenity**

In terms of the impact on neighbouring amenity, there is no residential accommodation above the ground floor unit as the upper floors are used for office accommodation. There are, however, a number of other residential properties above shop units adjacent to the site and concerns have been raised regarding the potential noise disturbance as a result of the proposed A3 use. There are a number of A3 uses along this particular parade and it is considered that this use will not have an additional impact than the other A3 uses. Environmental Health Officers have not raised an objection to the proposal and suggested opening times, to be conditioned to reflect the opening times of other A3 uses in the immediate vicinity.

Concerns have been raised by neighbouring occupiers regarding the potential odour pollution from the cooking of food and a number of conditions have been suggested by Environmental Health Officers in order to address this issue. Soundproofing conditions have also been recommended to reduce the potential noise and disturbance from the extract flue and associated equipment. With the imposition of these conditions the proposal is considered satisfactory.

Sussex Police have raised concerns regarding the use as an unrestricted A3 use and it is proposed to restrict the use by condition to a café/bar/restaurant and to only serve drinks to seated customers.

### **Impact on the Listed Building and Conservation Area**

The internal proposals are considered acceptable, subject to appropriate details for the new and blocked doors, which are conditioned on the Listed Building application. As originally submitted the flue extract system was

proposed to be positioned externally on the rear elevation, however, some concerns were raised regarding the impact the flue would have on the Listed Building. The redesigned flue is internal to the building with the discharge point positioned just below the roof of the dormer and is not considered to harm the building providing the depth of the ducting along the skilling is the minimum possible. Further details of the flue are conditioned and it is considered that the alterations will not have a detrimental impact on the Listed Building and the wider street scene within the Conservation Area.

**Conclusion:**

The area comprises of a mixture of commercial and residential uses and the change of use is not considered likely to have a detrimental impact on neighbouring amenity given the suggested conditions restricting the opening hours and soundproofing of the flue equipment. Furthermore, the proposal accords with planning policies as a predominance of A1 uses are retained across the centre and the alterations are not considered to have a detrimental impact on the character and appearance of the Listed Building and the surrounding Conservation Area.

**8 EQUALITIES IMPLICATIONS**

The entrance way to the unit remains unaltered by the submitted application. It currently comprises a 1 metre wide door accessed by a modest ramp. A disabled person's toilet is to be provided on the ground floor; this floor has a level surface although access to the mezzanine level at the rear of the premises is by stairway only. An informative is suggested to remind the applicant of the requirements of the DDA.

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<b>No:</b>	<b>BH2004/01816/FP</b>	<b>Ward:</b>	<b>HANGLETON &amp; KNOLL</b>
<b>Address:</b>	<b>The Hyde, Rowan Avenue</b>		
<b>Proposal:</b>	<b>Extension to existing development to provide additional flats and laundry room.</b>		
<b>Officer:</b>	<b>Pierre Dowsett, tel: 292132</b>	<b>Received Date:</b>	<b>01 June 2004</b>
<b>Con Area:</b>	<b>N/A</b>	<b>Expiry Date:</b>	<b>29 July 2004</b>
<b>Agent:</b>	<b>Lomax Cassidy &amp; Edwards, 164/165 Western Road, Brighton</b>		
<b>Applicant:</b>	<b>Birch Restorations Ltd, The Hyde</b>		

**1 RECOMMENDATION**

**Grant** planning permission subject to the following conditions:

1. 00.01 Full Planning.
2. 03.02C Materials to match Non-Cons Area (H).
3. 02.03C Obscure Glass (H). The windows on the first floor north elevation shall not be glazed otherwise than with obscure glass, apart from any top hung skylight, and thereafter permanently retained as such.

**Reason:** to safeguard the privacy of the occupiers of the adjoining property and to comply with policies BE1 of the Hove Borough Local Plan and QD14 and QD27 of the Brighton and Hove Local Plan Second Deposit Draft.

4. 06.02C Cycle parking details to be submitted (H).
5. A revised parking layout showing the addition of two additional parking spaces shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the additional spaces as approved shall be provided before either of the new flats are occupied.

**Reason:** In accordance with Brighton & Hove Local Plan Second Deposit Draft policy TR17

Informatives:

1. This decision is based on drawing nos. 04421/PA/00/04, 04421/PA/00/03 received 1 June 2004, 0421/PA/00/05 received 3 June 2004, 04421/PA/00/02, 04421/PA/00/01 received 26 August 2004.

2. This decision to grant Planning Permission has been taken having regard to the policies and proposals in the Hove Borough Local Plan/Brighton & Hove Local Plan Second Deposit Draft set out below: BE1, BE19, TR16 of the Hove Borough Local Plan. Policies SU2, QD1, QD2, QD14, QD27, TR12 of the Brighton and Hove Local Plan Second Deposit Draft:

Hove Borough Local Plan:

BE1 – General Guidelines  
 BE19 – Extension Materials  
 TR16 – Cycle Parking

Brighton and Hove Local Plan Second Deposit Draft:

SU2 – Efficiency of development  
 QD1 – Design – quality of development

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QD2 – Design Key principles for neighbourhoods

QD14 – Alterations and extensions

QD27 – Protection of amenity

TR12 – Cycle access and parking

TR17 – Parking Standards

### 2 THE SITE

The site is divided into two component parts. To the north lies residential and to the south is land reserved via a legal agreement for use solely as open space. The site is surrounded by residential properties at Elm Drive, Rowan Avenue and Hangleton Road.

### 3 RELEVANT HISTORY

**BH2000/03007/OA** – Outline planning application for the residential development on the northern part of the site occupied by the Clubhouse and Tennis Courts including the widening of access via demolition of 95 Rowan Avenue with qualitative improvement to playfields including new changing facilities and courts/pitches – Approved (Section 106).

**BH2001/02545/FP** – proposed additional football/tennis facilities and changing facilities – Approved.

**BH2002/02206/FP** – Erection of 39 flats for the elderly, caretaker's accommodation and common room – Approved (Section 106). These flats are nearing completion.

### 4 THE APPLICATION

The application seeks to erect two flats at first floor level and a communal laundry room at ground floor on the northern elevation of the building.

### 5 CONSULTATIONS

#### External

**Neighbours:** Four letters of objection have been received on the following grounds:

- **207 Hangleton Road**, regarding overlooking, loss of privacy and overshadowing.
- **205 Hangleton Road**, regarding overlooking and loss of privacy.
- **180 Elm Drive**, regarding additional noise and disturbance as well as the proximity of the development to residents of Hangleton Road and Elm Drive.
- **Email** from resident of Rowan Avenue regarding the external store element of the application (this element of the application has now been deleted).

#### Internal

**Traffic Manager:** Provision should be made for two additional parking spaces and additional secure undercover cycle parking.

### 6 PLANNING POLICIES

#### Hove Borough Local Plan:

**BE1** – General Guidelines

**BE19** – Extension Materials

TR16 – Cycle Parking

**Brighton and Hove Local Plan Second Deposit Draft:**

SU2 – Efficiency of development.

QD1 – Design – quality of development.

QD2 – Design Key principles for neighbourhoods.

QD14 – Alterations and extensions

QD27 – Protection of amenity

TR12 – Cycle access and parking.

TR17 – Parking Standards

**7 CONSIDERATIONS**

The key issue of the application is the impact the additional flats will have on the residential amenity of the neighbouring properties.

The proposal will bring the development closer to the boundary with the curtilage by virtue of the single story laundry room addition only. The additional two flats will not be closer to the boundary than the present building.

There are two windows proposed that will face the back of the properties in Hangleton Road; one serving the kitchen to one of the flats and the other a passageway leading to the other flat. The impact of potential overlooking on the neighbouring dwellings from the proposed windows is therefore limited, especially as the overall distance therefore between windows is 33-38 metres. There is mixed vegetation along the boundary at this point though some of this vegetation will thin out in winter months it does create some screening. As these proposed windows would overlook the gardens of the properties of Hangleton Road, as such any consent should include a condition requiring obscured gazing (see condition 3).

The Traffic Manager has requested the addition of two parking spaces to meet the needs of the development. This can be achieved through condition (see condition 5)

**Conclusion:**

The design of the extension is in keeping with the original building. The two additional flats may have a limited impact on the residential amenity of the neighbouring occupiers; however this can be overcome by the imposition of condition 3. The application is therefore recommended for approval.

**8 EQUALITIES IMPLICATIONS**

The additional residential units will be accessible from a lift within the building and disabled parking bays are provided on site.

## PLANS LIST – 22 SEPTEMBER 2004

<b>No:</b>	<b>BH2004/02199/OA</b>	<b>Ward:</b>	<b>NORTH PORTSLADE</b>
<b>Address:</b>	<b>Land at 479 Mile Oak Road</b>		
<b>Proposal:</b>	<b>Proposed development of 1 detached three-bed dwelling.</b>		
<b>Officer:</b>	<b>Pierre Dowsett, tel: 292132</b>	<b>Received Date:</b>	<b>25 June 2004</b>
<b>Con Area:</b>	<b>N/A</b>	<b>Expiry Date:</b>	<b>08 September 2004</b>
<b>Agent:</b>	<b>First Move Design Services Ltd, No 5 The Square, North Tawton, Devon</b>		
<b>Applicant:</b>	<b>Mr &amp; Mrs King, 479 Mile Oak Road, Portslade</b>		

### 1 RECOMMENDATION

Grant planning permission subject to the following conditions:

1. 01.02 Outline Planning Permission.
2. 01.03 Reserved Matters.
3. 06.02C Cycle parking details to be submitted (H).
4. 02.06C Satisfactory refuse storage (H).
5. 02.01C No permitted development (extensions) (H).

#### Informatives:

1. This decision is based on drawing number JK.002 Site Location Plan.
2. This decision to grant Planning Permission has been taken having regard to the policies and proposals in the Hove Borough Local Plan/Brighton & Hove Local Plan Second Deposit Draft set out below:

#### Hove Borough Local Plan:

- BE1 - General guidelines
- BE18 - Refuse disposal
- BE41 - Landscaping
- TR16 - Cycle and motor cycle parking
- TR17 - Road safety

#### Brighton and Hove Local Plan Second Deposit Draft:

- SU2 - Efficiency of development in the use of energy, water and materials.
- QD1 - Design quality of development
- QD2 - Design Key principles for neighbourhoods
- QD3 - Design full and effective use of sites
- QD27 - Protection of amenity
- H03 - Dwelling type and size
- H04 - Dwelling density
- H04a - Provision of private amenity space
- TR12 - Cycle Access and Parking

### 2 THE SITE

The site lies to the north of Mile Oak Road within the built up area of the city. The site comprises of one half of a semi detached dwelling and its curtilage. Within the curtilage are two detached double garages. To the north, east and west is land defined as countryside.



**3 RELEVANT HISTORY**

**BH1998/02444/FP** – Detached garage – Approved.

**4 THE APPLICATION**

The application seeks outline consent for one detached dwelling all matters of detail have been reserved for later approval (see condition 2). The site has an overall plot width of around 8m and an average depth of around 37m. This is broadly similar in size to nearby plots and the existing retained dwelling (number 479) will also retain a plot width of around 8m.

**5 CONSULTATIONS**

**External**

**Neighbours:** Two letters of objection have been received. Both are from the resident of **481 Mile Oak Road**. The points raised concern loss of privacy and problems associated with an increased parking demand.

**Internal:**

**Traffic Manager:** No objections.

**Environmental Health:** No comment.

**6 PLANNING POLICIES**

**Hove Borough Local Plan:**

**BE1** - General guidelines

**BE18** - Refuse disposal

**BE41** - Landscaping

**TR16** - Cycle and motor cycle parking

**TR17** - Road safety

**Brighton and Hove Local Plan Second Deposit Draft:**

**SU2** - Efficiency of development in the use of energy, water and materials.

**QD1** - Design quality of development

**QD2** - Design Key principles for neighbourhoods

**QD3** - Design full and effective use of sites

**QD27** - Protection of amenity

**H03** - Dwelling type and size

**H04** - Dwelling density

**H04a** - Provision of private amenity space

**TR12** - Cycle Access and Parking

**7 CONSIDERATIONS**

**Principle of Development**

The primary consideration in this case is the principle of the development as all other matters of detail have been reserved for later approval. Planning Policy Guidance Note 3 (PPG3): Housing sets out the governments approach to such development. The thrust of the PPG seeks to promote higher density development and avoid the inefficient use of land within urban areas, where

## PLANS LIST – 22 SEPTEMBER 2004

accessibility to existing services helps to create a more sustainable pattern of development. The development density accords with government guidance of 30-50 dwellings per hectare as set out in PPG 3 (the density of the application site calculates at around 37 dwellings per hectare).

Policy QD3 of the Brighton and Hove Local Plan Second Deposit Draft seeks to make full and effective use of sites, and where higher density development is deemed to be acceptable it should be sensitively designed and well landscaped in order to fit successfully into small vacant sites in established urban areas. Policy H03 seeks to secure 3 and 4 bedroom accommodation whilst H04 reiterates the need to make full and effective use of available land.

The size of the plot proposed is similar in width and depth of those prevailing in the locality. The principle for the development is therefore considered acceptable providing it is well designed and landscaped to fit into its surroundings.

### **Effect on occupiers of neighbouring properties**

The indicative layout plan for the site shows how the site might be developed in detail, this loosely follows the footprint of the existing double garage insofar as its distance from the boundary. Although the indicative layout plan shows the proposal projecting further into the garden the impact on the existing dwelling (479 Mile Oak Road) and the neighbour to the south east (463 Mile Oak Road) will be limited. The design of the building (along with layout, access and all matters of detail) will be considered further through the reserved matters stage, however the principle of accommodating a new dwelling on site, without significant harm to neighbouring amenity, is considered acceptable.

The neighbour at 481 Mile Oak Road has objected on grounds concerning loss of privacy and overshadowing. The proposal will be obscured by virtue of the existing dwelling (479) and the will only be visible from the far end of the garden. The proposal will not harm the amenity of the neighbour at this point.

### **Traffic Considerations**

The proposal will use an existing access to the rear and the existing garage at this point for parking proposes. Cycle and bin storage has been shown on the plan to be at the side of the dwelling however this is a point of detail to be addressed on submission of either a reserved matters application or an application for detailed planning permission. Therefore it is appropriate for any consent to include conditions of how and where cycle facilities will be stored. The Traffic Manager has no objection to the proposal.

### **Conclusion:**

The proposal will have a limited impact on the amenity of the surrounding neighbours, which would not be so significantly harmful to warrant refusal. The increased density of the development is in accordance with the government and local planning policy. The principle of this type of development is acceptable and would satisfactorily complement the density and form of development prevailing in the locality; it is therefore recommended that outline

## PLANS LIST - 22 SEPTEMBER 2004

permission be granted.

### **8 EQUALITIES IMPLICATIONS**

The proposal will have to meet part M of the Building Regulations.

PLANS LIST – 22 SEPTEMBER 2004

<b>No:</b>	<b>BH2004/02075/FP</b>	<b>Ward:</b>	<b>SOUTH PORTSLADE</b>
<b>Address:</b>	<b>Christian Outreach Centre, North Street</b>		
<b>Proposal:</b>	<b>Addition of shallow, pitched roof and upstand to increase headroom to auditorium of church.</b>		
<b>Officer:</b>	<b>Pierre Dowsett, tel: 292132</b>	<b>Received Date:</b>	<b>18 June 2004</b>
<b>Con Area:</b>	<b>N/A</b>	<b>Expiry Date:</b>	<b>30 August 2004</b>
<b>Agent:</b>	<b>David Harland, Christian Outreach Centre, North Street</b>		
<b>Applicant:</b>	<b>Christian Outreach Centre</b>		

**1 RECOMMENDATION**

**Grant Planning Permission subject to the following conditions:**

1. 01.01 Full Planning.
2. 03.02C Materials to match Non-Cons Area (H).

Informatives:

1. This decision is based on drawing nos. 14,15,16,17,18 received 5 July 2004.
2. This decision to grant Planning Permission has been taken having regard to the policies:

Hove Borough Local Plan:

BE1- General Guidelines

Brighton and Hove Local Plan Second Deposit Draft:

QD1 – Design

QD14 – Alterations and Extensions

QD27 – Protection of amenity

**2 THE SITE**

The site lies on the junction of North Street and George Street. The land in the immediate vicinity is predominantly industrial in nature. Residential properties are situated on Station Road and St Andrews Road. The building is three stories in height. There are a number of mobile telecommunication masts on the roof of the building.

**3 RELEVANT HISTORY**

There have been various applications for telecommunication equipment which are not affected by this proposal.

**BH1999/01664/FP** – Change of use from offices (B1) industrial (B2) warehousing (B8) to place of worship (D1) with ancillary offices training and seminar rooms and support accommodation, existing parking area to be retained. – Granted with conditions.

**BH2000/00496/AD** – Display signs on surface of building externally illuminated with up lights. – Approved.

**BH2001/00423** – removal of condition 7 of permission BH1999/01664/FP to allow the continued use of the premises for midweek conferences – Approved.

**4 THE APPLICATION**

The application seeks to increase the height of the roof to the main auditorium through the addition of a shallow pitched roof with windows to both sides.

**5 CONSULTATIONS**

**External**

**Neighbours: Vale Park Residents Association** – request a site visit and object for the following reasons:

- the proposed development will, given the proximity of the existing microwave mobile telephone aerials and base stations located on the roof of the building, place users of the rooms at risk of exposure to radiation, and all related health impacts;
- the development is not in keeping with the locality.

**6 PLANNING POLICIES**

**Hove Borough Local Plan:**

**BE1- General Guidelines**

**Brighton and Hove Local Plan Second Deposit Draft:**

**QD1 – Design**

**QD14 – Alterations and Extensions**

**QD27 – Protection of amenity**

**7 CONSIDERATIONS**

The principle issue is the impact of the development on the surrounding area and the amenity of the surrounding neighbours.

The impact of the existing telecommunications equipment cannot be considered. The health and safety issues concerning them would have been considered during the application stage. This application does not seek to add floor area to the building but to heighten the existing space therefore the proximity of the masts will be no greater than at present.

The proposal will have no impact on the amenity of the residential properties on Station Road or St Andrews Road. The design is considered to be acceptable, bearing in mind the industrial character of the surrounding area.

**Conclusion:**

The is therefore recommended for approval.

**8 EQUALITIES IMPLICATIONS**

None Identified.

PLANS LIST – 22 SEPTEMBER 2004

<b>No:</b>	<b>BH2004/02490/FP</b>	<b>Ward:</b>	<b>STANFORD</b>
<b>Address:</b>	<b>158 Woodland Avenue</b>		
<b>Proposal:</b>	<b>Addition of first floor to existing bungalow.</b>		
<b>Officer:</b>	Nicola Slater, tel: 292114	<b>Received Date:</b>	05 August 2004
<b>Con Area:</b>	N/A	<b>Expiry Date:</b>	30 September 2004
<b>Agent:</b>	Hawkins Fagg Partnership, Suite 5HF, Vantage Point, New England Road		
<b>Applicant:</b>	D J Cook Builders Ltd, 39 Queen Victoria Avenue, Hove		

**1 RECOMMENDATION**

**Grant** planning permission, subject to the following conditions:

1. 01.01 Full Planning.
2. 03.02C Materials to Match Non-Conservation Areas (H).

Informatives:

1. This decision is based on drawing nos. 3483.01 and 3483.02 submitted on 5 August 2003.
2. This decision to grant Planning Permission has been taken having regard to the policies and proposals in the Hove Borough Local Plan/Brighton & Hove Local Plan Second Deposit Draft set out below, and to all relevant material considerations:  
Hove Borough Local Plan  
BE1 General Development  
Brighton & Hove Local Plan Second Deposit Draft  
QD1 Development Design  
QD2 Neighbourhood Design  
QD14 Alterations and Extensions  
QD27 Protection of Amenity

**2 THE SITE**

The application relates to a detached bungalow located on the west side of Woodland Avenue close to the junction with King George VI Drive. The surrounding area comprises of a mixture of detached bungalows and two-storey houses.

**3 RELEVANT HISTORY**

Planning permission was granted in October 1995 for the construction of twenty-one, three, four and five bedroom detached houses.

**4 THE APPLICATION**

Planning permission is sought for an additional storey to the property. The proposal will increase the height of the property from 5.3 metres to a height of 7.9 metres, an increase of 2.6 metres.

## 5 CONSULTATIONS

### External:

**Neighbours:** One letter of representation has been received from the occupier of **109 King George VI Drive** **objecting** to the proposal on the following grounds:

- the property to the rear will lose privacy in the garden, lounge and bedroom; the rear garden is not overlooked at the moment;
- the proposal will result in a loss of light and loss of sunshine;
- the uninterrupted views from the bedroom windows will be lost.

## 6 PLANNING POLICIES

### Hove Borough Local Plan

BE1 - General Development

### Brighton & Hove Local Plan Second Deposit Draft

QD1 - Development Design

QD2 - Neighbourhood Design

QD14 - Alterations and Extensions

QD27 - Protection of Amenity

## 7 CONSIDERATIONS

The determining issues in this case relate to whether the proposal would have an adverse impact on the amenities of the occupiers of the neighbouring properties and any visual impact of the proposed additional storey on the neighbourhood and on the wider street scene.

### Impact on Amenity

Concerns have been raised by occupiers of the property to the west, no. 109 Kings George VI Drive regarding loss of light and privacy as a result of the proposal. There is a back to back distance of 17 metres between the application site and the properties in King George VI Drive, which is similar to the relationship between no. 156 Woodland Avenue and 109 King George VI Drive where both properties are already two storey. It is considered that the proposed additional storey is not likely to result in a loss of privacy or overlooking, which would adversely affect the amenity of the neighbouring occupiers to the west. In terms of loss of light the distance separating the properties in Woodland Avenue and King George VI Drive is considered sufficient. In addition, given that there are no flank wall windows on either of the neighbouring properties to the north and south, together with the fact that the property does not project further than the main building line at the front and the rear of both properties the proposal is not likely to result in overshadowing to both adjoining neighbours.

### Impact on the Street scene

Properties along Woodland Avenue comprise of a mixture of two storey houses and bungalows. The alteration to create an additional storey is not considered to be out of keeping in the street scene and the roof of the house is hipped to

## PLANS LIST – 22 SEPTEMBER 2004

match the original bungalow. At present both neighbouring properties are higher than the application site and the increased height of the dwelling will result in this property been higher than no. 156 Woodland Avenue. In terms of the difference in ground level, the application site would be expected to be higher than no. 156 Woodland Avenue if the application site was originally two storeys and is therefore considered acceptable. The property to the north, no. 160 Woodland Avenue was originally a bungalow but was granted planning permission in 2001 for an additional storey (BH2001/00133/FP).

### **Conclusion:**

The proposed additional storey is not considered to have a detrimental impact on the neighbouring properties in terms of loss of light, overshadowing or overlooking and the proposed works are not likely to detract from the character and appearance of the street scene and surrounding area.

## **8 EQUALITIES IMPLICATIONS**

None identified.



PLANS LIST – 22 SEPTEMBER 2004

<b>No:</b>	<b>BH2004/02306/FP</b>	<b>Ward:</b>	<b>WESTBOURNE</b>
<b>Address:</b>	<b>Flat 2, 20 Lawrence Road</b>		
<b>Proposal:</b>	<b>Conversion of first and second floor maisonette into two self-contained flats and construction of rear extension at first floor level and dormer on west roofslope.</b>		
<b>Officer:</b>	<b>Nicola Slater, tel: 292114</b>	<b>Received Date:</b>	<b>12 July 2004</b>
<b>Con Area:</b>	<b>N/A</b>	<b>Expiry Date:</b>	<b>21 September 2004</b>
<b>Agent:</b>	<b>KTA Ltd, 50a Gloucester Road, Brighton</b>		
<b>Applicant:</b>	<b>Packham &amp; Clark, 11 Hollingbury Place, Brighton</b>		

**1 RECOMMENDATION**

**Grant** planning permission, subject to the following conditions:

1. 01.01 Full Planning.
2. Prior to commencement of development a scheme shall be submitted to and approved by the Local Planning Authority indicating measures to be taken to soundproof the party wall between the application site and no. 18 Lawrence Road. The works shall be carried out in full as approved prior to occupation and thereafter retained.  
**Reason:** In order to protect adjoining occupiers from noise disturbance and to comply with policies BE1 and H6 of the Hove Borough Local Plan and H09 and QD27 of the Brighton and Hove Local Plan Second Deposit Draft.
3. 02.07C Flat roofed extensions (H).
4. 03.02C Materials to Match Non-Conservation Area (H).
5. 02.05C Refuse and recycling storage (facilities) (H).
6. 06.03C Cycle parking facilities to be implemented (H).

Informatives:

1. This decision is based on drawing nos. 674.01, 674.02 submitted on 12 July 2004 and 674.03f, 674.04e submitted on 31 August 2004.
2. This decision to grant Planning Permission has been taken having regard to the policies and proposals in the Hove Borough Local Plan/Brighton & Hove Local Plan Second Deposit Draft set out below, and to all relevant material considerations, including Supplementary Planning Guidance:  
Hove Borough Local Plan  
BE1 General Development  
BE18 Refuse Disposal  
H6 Conversions  
H8 Family House Definition  
TR16 Cycle Parking  
TR26 Car parking Standards  
Brighton and Hove Local Plan Second Deposit Draft  
H0 Provision of private amenity space (new policy)  
H03 Housing – dwelling type and size  
H04 Dwelling densities

H09 Residential Conversions  
SU2 Efficiency of development in the use of energy, water and materials  
TR Safe Development  
TR12 Cycle access and parking  
TR17 Parking Standards  
QD14 Extensions and alterations  
QD27 Protection of amenity

## 2 THE SITE

The application site comprises a two-storey semi-detached property, with accommodation in the roof space, located on the south side of Lawrence Road approximately 60 metres west of the junction with Modena Road. The property is currently divided into a self-contained unit at ground floor level and a first and second floor maisonette, to which the application relates. The surrounding area comprises of a mixture of single family dwelling houses and properties converted into flats.

## 3 RELEVANT HISTORY

Two previous applications for the conversion of the first and second floor maisonette into two self-contained flats and construction of a rear extension at first floor level and a dormer on the west facing roof slope were withdrawn by the applicant.

## 4 THE APPLICATION

Planning permission is sought to change the existing first floor and second floor maisonette into two self-contained units; a three bedroom flat at first floor level and a one bedroom flat at second floor level. External alterations include the construction of a first floor rear extension and a dormer on the west facing roof slope.

Since the application was submitted the dormer on the west facing roof slope has been reduced in size from a width of 3.3 metres to a width of 2 metres.

## 5 CONSULTATIONS

### External:

**Neighbours:** Letters of objection have been received from the occupiers of **18 Lawrence Road, 22 Lawrence Road** and an anonymous letter from a resident in **Lawrence Road** objecting to the proposal on the following grounds:

- the extension at the rear will result in a loss of daylight and sunlight to neighbouring properties
- the extension will result in overlooking to the conservatory at no.18 Lawrence Road and offer views directly into first floor rooms
- the conservatory at no. 18 Lawrence Road is designed as a special play area for the occupiers disabled daughter and the proposed extension would interfere with her privacy and enjoyment of this special area
- A 45-degree line taken from the centre of the rear lounge window of no. 22 is breached by the extension, does not comply with BRE standards and is contrary to Policy QD27

## PLANS LIST – 22 SEPTEMBER 2004

- the extension at the rear would result in a dominant visual structure, which would appear overbearing, oppressive and is out of keeping with the overall lines at the rear of the properties
- the dormer window is an unattractive addition which will be clearly visible from neighbouring properties
- the extension and dormer are unwelcome additions and would be out of keeping and have a harmful effect on the uniformity of the street
- the original design of the property as a house should be retained
- there are already problems of noise and disturbance from the first floor used for living and causing intrusive noise, which will get worse with the proposed conversion
- the addition of a third household will mean more traffic movements
- parking spaces are a huge premium in Lawrence Road and there is no off-street parking proposed
- the windows are not in keeping with the architecture of the building
- the neighbours beneath the maisonette will lose garden as a result of the works

### **Internal:**

**Traffic Manager:** No objections on traffic grounds.

**Private Sector Housing:** Will require the Housing Act HMO standards for fire safety to be complied with.

## **6 PLANNING POLICIES**

### **Hove Borough Local Plan:**

**BE1** - General Development

**BE18** - Refuse Disposal

**H6** - Conversions

**H8** - Family House Definition

**TR16** - Cycle Parking

**TR26** - Car parking Standards

### **Brighton and Hove Local Plan Second Deposit Draft:**

**H0** - Provision of private amenity space (new policy)

**H03** - Housing – dwelling type and size

**H04** - Dwelling densities

**H09** - Residential Conversions

**SU2** - Efficiency of development in the use of energy, water and materials

**TR** - Safe Development

**TR12** - Cycle access and parking

**TR17** - Parking Standards

**QD14** Extensions and alterations

**QD27** - Protection of amenity

**Supplementary Planning Guidance on Roof Alterations and Extensions (SPGBH1)**

## **7 CONSIDERATIONS**

## PLANS LIST – 22 SEPTEMBER 2004

The principal issues raised by this proposal relate to firstly, the acceptability of the proposed change of use to two self-contained flats; secondly, whether the proposed external works will have a detrimental impact on neighbouring properties; and thirdly, the acceptability of the proposed dormer window having regard to the design, size and relationship to the existing building.

Policy H09 of the Brighton & Hove Local Plan Second Deposit Draft relates to the conversion of existing single family dwelling houses into smaller units. Since the application relates to a first and second floor maisonette, policy H09 as currently worded does not apply and the loss of family accommodation is not therefore a valid reason for refusal in this instance. Concerns have been raised by local residents regarding the potential for increased noise and disturbance as a result of the subdivision of the maisonette. A soundproofing condition for the existing party wall between no. 18 and no. 20 Lawrence Road is proposed to ensure that the proposed units do not have a detrimental impact on the occupiers of no. 18 Lawrence Road through noise and disturbance.

The first scheme proposed a balcony at the rear for the first floor flat. Following concerns of overlooking and loss of privacy the balcony was deleted in both the subsequent scheme and the current scheme.

Both previous schemes included the construction of a first floor rear extension above the footprint of an existing single storey rear projection. The revised scheme includes a reduced first floor extension. It will be flat roofed and have a depth of 3.75 metres, a reduction of 1.55 metres compared to the original scheme. It is considered that sufficient distance separates the application site and no. 18 Lawrence Road for the extension not to have a detrimental impact on overshadowing and loss of light. A 45-degree line taken from the ground floor window of the neighbouring property does contravene the proposed extension by 0.8 metres. However, this is not considered sufficient to warrant refusal of this application. With regard to overlooking to the neighbouring properties, there are no side facing windows proposed in the rear extension and therefore a refusal on grounds of overlooking and loss of privacy could not be justified as the window in the extension is south facing. Furthermore, any additional windows would require a further application, since the property is divided into flats and does not enjoy the benefit of permitted development. Concerns have been raised regarding the design proposed window on the first floor extension and the general design of the proposed external alterations. Whilst the proposed fenestration differs from the more traditional sliding sash present on both the neighbouring properties, the window will match the fenestration style at first and second floor level which already exists on the rear of the property. Moreover, the property is not located in a Conservation Area. A number of other properties in the immediate area, similar to the design of the application site appear to have previously extended at the rear and is not therefore considered to be out of keeping with the surrounding area.

Both the two previous schemes proposed side dormers on the west facing roof slope that were considered inappropriate and contrary to the advice contained

in Supplementary Planning Guidance on Roof Alterations and Extensions. The dormer as submitted, whilst a reduction in scale and size compared to the two previous proposals was still considered too bulky and has subsequently been further reduced in size. Two small windows are proposed to be centrally positioned on the side of the dormer and together with the reduced size minimises the amount of cladding on the cheeks of the dormer. The dormer is now considered consistent with the advice contained in the Supplementary Planning Guidance Note on Roof Alterations and Extensions.

Both cycle and refuse storage is shown to be provided between the existing ground floor rear projection and the boundary to the west with no. 22 Lawrence Road and the provision of both is conditioned. Concerns have been raised by local residents regarding the lack of parking provided with the proposal on site and the potential increased demand for on-street parking. The Traffic Manager, however, raises no objection, as this is consistent with local plan policy on working towards maximum standards for car parking.

**Conclusion:**

The proposed works to form two-self contained flats are not considered likely to have an additional impact on other occupiers in the property and on the occupiers of neighbouring properties. Furthermore, the reduced side dormer is not considered contrary to the advice contained in the Supplementary Planning Guidance and the rear extension is not likely to have a detrimental impact on overshadowing and overlooking to neighbouring occupiers. The alterations overcome the previous concerns raised and in view of the objectives of local plan policy is recommended for approval.

**8 EQUALITIES IMPLICATIONS**

The units would be required to conform with Part M of the Building Regulations.

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<b>No:</b>	<b>BH2004/02027/FP</b>	<b>Ward:</b>	<b>WESTBOURNE</b>
<b>Address:</b>	<b>74 Lawrence Road</b>		
<b>Proposal:</b>	<b>Alterations to form 2 No 2 bedroom self-contained flats - Retrospective.</b>		
<b>Officer:</b>	<b>Nicola Slater, tel: 292114</b>	<b>Received Date:</b>	<b>22 June 2004</b>
<b>Con Area:</b>	<b>N/A</b>	<b>Expiry Date:</b>	<b>17 August 2004</b>
<b>Agent:</b>	<b>The Alexander Partnership, 9 Middleton Avenue</b>		
<b>Applicant:</b>	<b>Mr Elbaccush, 90 New Church Road</b>		

**1 RECOMMENDATION**

**Grant** planning permission, subject to the following conditions:

1. Within two months of the date of this permission, a scheme for the storage of refuse and recycling for each flat shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in full as approved within one month of such approval and the refuse and recycling storage facilities shall thereafter be retained for use at all times and maintained in a satisfactory condition.

**Reason:** To ensure the provision of satisfactory facilities for the storage of refuse and to comply with policies BE18 of the Hove Borough Local Plan and SU2 and QD27 of the Brighton and Hove Local Plan Second Deposit Draft.

2. Within two months of the date of this permission, details of not less than four secure cycle parking spaces shall be submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented within one month of such approval 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 the private car and to comply with policies TR16 of the Hove Borough Local Plan and TR12 of the Brighton and Hove Local Plan Second Deposit Draft.

3. Within two months of the date of this permission, the individual entrances as shown on the approved plan no. 02/0406321 shall be implemented.

**Reason:** To ensure the satisfactory appearance of the front elevation and to comply with policies BE1 of the Hove Borough Local Plan and QD14 of the Brighton and Hove Local Plan Second Deposit Draft.

4. Within two months of the date of this permission, a scheme shall be submitted to and approved by the Local Planning Authority indicating measures to be taken to soundproof the party wall between the application site and no. 72 Lawrence Road. The works shall be carried out in full as approved within one month of such approval and thereafter retained.

**Reason:** In order to protect adjoining occupiers from noise disturbance and to comply with policies BE1 and H6 of the Hove Borough Local Plan and H09 and QD27 of the Brighton and Hove Local Plan Second Deposit Draft.

Informatives:

## PLANS LIST – 22 SEPTEMBER 2004

1. This decision is based on drawing nos. 01/0406321, 02/0406321, 03/0406321 submitted on 22 June 2004.
2. This decision to grant Planning Permission has been taken having regard to the policies and proposals in the Hove Borough Local Plan/Brighton & Hove Local Plan Second Deposit Draft set out below, and to all relevant material considerations, including Supplementary Planning Guidance:

### Hove Borough Local Plan:

BE1 - General Development

BE18 - Refuse Disposal

H6 - Conversions

H8 - Family House Definition

TR16 - Cycle Parking

TR26 - Car Parking Standards

### Brighton and Hove Local Plan Second Deposit Draft:

HO - Provision of private amenity space (New Policy)

HO3 - Housing – dwelling type and size

HO4 - Dwelling densities

HO9 - Residential Conversions

SU2 - Efficiency of development in the use of energy, water and materials

TR - Safe Development

TR12 - Cycle access and parking

TR17 - Parking Standards

QD14 - Extension and alteration

QD27 - Protection of amenity

3. The applicant is advised to maintain the site in a satisfactory and tidy manner to avoid possible action under Section 215 of the a Town and Country Planning Act.

## **2 THE SITE**

The application relates to a two-storey semi-detached property located on the south side of Lawrence Road approximately 60 metres east of the junction with Hogarth Road. The surrounding area is principally residential comprising of a mixture of single family dwelling houses and properties divided into flats.

## **3 RELEVANT HISTORY**

The planning enforcement team was made aware of the work and the applicant is seeking to regularise the situation with this retrospective planning application.

The neighbouring property to the west, no. 76 Lawrence Road has an authorised use as two flats and was granted planning permission in 1963 for the conversion (ref: **M/10307/63**).

## **4 THE APPLICATION**

Retrospective planning permission is sought to convert the property into two, two-bedroom self-contained flats, one on each floor. It is proposed to create separate entrances at the front of the property for each flat; currently, there is one main door with two additional doors inside the property.

## 5 CONSULTATIONS

### External:

**Neighbours:** Letters of representation have been received from the occupiers of **76 Lawrence Road, 76A Lawrence Road** and **78 Lawrence Road** objecting to the proposal on the following grounds:

- the conversion is both unnecessary and undesirable
- granting planning permission retrospectively will give the 'wrong impression'
- the conversion has resulted in noise and disturbance
- there are only two wheelie bins for the occupants of the flats which is inadequate
- no car parking is provided and will increase parking problems in Lawrence Road
- there is no ventilation in the new bathroom at ground floor level, and the occupiers open the door thereby resulting in overlooking for neighbouring occupiers
- no provision for cycle storage
- there has been no attempt to improve the outside area
- the outside drain vent pipe in the front garden is broken, creating an awful smell
- there is no natural ventilation to the downstairs kitchen and could pose as a fire hazard
- there are no fire doors or other fire precautions inside
- there are a number of inaccuracies on the submitted plans
  1. two front doors are shown but there is only the original door
  2. the designated outside toilet is misleading as the toilet has been out of use for years

### Internal:

**Traffic Manager:** Four cycle parking spaces are included on the planning application form but are not shown on the plans. These must be provided.

**Private Sector Housing:** Require better rubbish storage facilities.

## 6 PLANNING POLICIES

### Hove Borough Local Plan:

**BE1** – General Development

**BE18** – Refuse Disposal

**H6** – Conversions

**H8** – Family House Definition

**TR16** – Cycle Parking

**TR26** – Car Parking Standards

### Brighton and Hove Local Plan Second Deposit Draft:

**H0** – Provision of private amenity space (New Policy)

**H03** – Housing – dwelling type and size

**H04** – Dwelling densities



**H09** - Residential Conversions

**SU2** - Efficiency of development in the use of energy, water and materials

**TR** - Safe Development

**TR12** - Cycle access and parking

**TR17** - Parking Standards

**QD14** - Extensions and alterations

**QD27** - Protection of amenity

## **7 CONSIDERATIONS**

The determining issues raised by this proposal relate to the acceptability of the change of use of the property from a single-family dwellinghouse to two flats and whether the alterations would have a detrimental impact on neighbouring properties.

The application relates to the change of use of a single-family dwelling house into two, two-bedroom self-contained units. Policies H6 and H8 of the Hove Borough Local Plan permit the conversion of single family dwelling houses providing the property has more than three bedrooms as originally built. In addition, the proposal should not have a detrimental impact on neighbouring occupiers in terms of noise and disturbance, on-street parking and provide refuse storage. Policy H09 of the Brighton and Hove Local Plan Second Deposit Draft reiterates this and permits the conversion of single family dwelling houses into smaller self-contained accommodation where the original floor area is greater than 115m<sup>2</sup> or has more than three bedrooms, at least one unit of accommodation is provided which is suitable for family accommodation and the proposal will not have an unacceptable impact on residential amenity in the surrounding area. The original property has a floorspace greater than 115m<sup>2</sup> and four bedrooms and both the proposed units will be suitable for family accommodation. This is particularly the case for the ground floor unit, which will have access to the rear garden. The proposal is therefore consistent with policy. Furthermore, the proposal would not be out of character with the surrounding area since the local area comprises of a mixture of single family dwelling houses and properties converted into flats.

Concerns have been raised from local residents regarding the lack of parking provided on site and the potential increased demand for on-street parking in Lawrence Road. The Traffic Manager, however, raises no objection to the proposal providing cycle storage is provided, which can be conditioned. Similarly, details for the provision of refuse storage are also conditioned. In terms of the outside area, local residents have raised some concern regarding the untidiness of both the front and rear garden area and informative 3 advises the applicant to maintain the site in a tidy manner.

With regard to potential impact on neighbouring occupiers, it is not considered that the proposed conversion would have a detrimental impact in terms of noise and disturbance. Some concern has been raised regarding potential overlooking and loss of light as a result of the windows and doors on the west facing elevation. The windows and doors are, however, existing features and

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therefore a refusal on loss of privacy or loss of light could not be justified. Furthermore, the creation of a bathroom at ground floor level, irrespective of the proposed conversion would not require planning permission.

### **Conclusion:**

To conclude, the conversion of the existing property into two units is not likely to have a detrimental impact on occupiers of neighbouring properties, is considered acceptable in accordance with Local Plan policies and is therefore recommended for approval.

## **8 EQUALITIES IMPLICATIONS**

None identified.

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<b>No:</b>	<b>BH2004/02395/FP</b>	<b>Ward:</b>	<b>WESTBOURNE</b>
<b>Address:</b>	<b>Ground Floor Flat, 28 Modena Road</b>		
<b>Proposal:</b>	<b>Demolition of garage extension and erection of single storey side bedroom extension (part retrospective).</b>		
<b>Officer:</b>	<b>Max Woodford, tel: 292106</b>	<b>Received Date:</b>	<b>09 July 2004</b>
<b>Con Area:</b>	<b>N/A</b>	<b>Expiry Date:</b>	<b>23 September 2004</b>
<b>Agent:</b>	<b>Mel Humphrey MRICS MBE, 39 Northease Drive, Hove</b>		
<b>Applicant:</b>	<b>C Murray, 27 Modena Road</b>		

### 1 RECOMMENDATION

Grant Planning Permission subject to the following condition:

1. 03.02C Materials to Match Non-Cons Area.

#### Informatives:

1. This decision is based on unnumbered drawings submitted on 29/07/04.
2. This decision to grant Planning Permission has been taken having regard to the policies and proposals in the Hove Borough Local Plan and Brighton & Hove Local Plan Second Deposit Draft set out below, and to all relevant material considerations:

#### Hove Borough Local Plan:

BE1 - General Guidelines

#### Brighton and Hove Local Plan Second Deposit Draft:

QD1 - Design - Quality of development and design statements

QD14 - Extensions and alterations

### 2 THE SITE

This application relates to a two storey early 20<sup>th</sup> century detached dwelling in use as two flats (one per floor). The building is situated on the western side of Modena Road, at the northern end. The building is not listed nor in a conservation area.

### 3 RELEVANT HISTORY

The conversion into two self-contained flats was permitted in 1954.

### 4 THE APPLICATION

This application seeks Planning Permission for the demolition of a previous lean-to structure that was an extension to the garage and the erection of a replacement more permanent extension in the same position but 1.5m longer to be used as a bedroom. The proposed extension is at ground floor, situated behind the garage and on the boundary with 26 Modena Road. It will have a flat roof at the same height as the top of the sloping garage roof. The works have been started already, though they have been halted while this planning application is decided. This application follows requests made by the Planning Investigation Team.

## 5 CONSULTATIONS

### External:

**Neighbours:** Objections have been received from the occupiers of **26 Modena Road** on the grounds of lack of privacy as the structure is immediately adjacent to their back door and is higher at the boundary than the previous garage, also causing overshadowing. They also object as they consider that the room will be used for letting to students affecting the quiet residential street and causing parking problems. Also consider a four-bedroom flat in place of what was a one-bedroom flat to be overdevelopment. **33 Modena Road** considers that the extension will be too close to no. 26 and will change the appearance of the road. **31 Modena Road** is concerned about the use of the new extension as it will increase the number of students living near and there have been noise and disturbance issues relating to students in the past. **25 Raphael Road** considers it to be overdevelopment.

Two letters of support have been received from residents at **29 Modena Road**. They feel that they will not be affected as it will not make any difference to their property, and consider that it may be an improvement.

## 6 PLANNING POLICIES

### Hove Borough Local Plan:

BE1 - General Guidelines

### Brighton and Hove Local Plan Second Deposit Draft:

QD1 - Design - Quality of development and design statements

QD14 - Extensions and alterations

## 7 CONSIDERATIONS

The main consideration in the determining of this application is the impact the proposed alteration has on the amenities of the neighbouring occupiers. Consideration also needs to be given to the concerns that have been raised about the issue of extra accommodation in the street and the impact on the street scene.

It is noted that the extension is right on the boundary with the neighbouring property at no.26. However, there is an existing high boundary between the properties, and the previous lean-to extension used to be in same position (albeit slightly lower at the boundary). The new extension only extends by the height of the ceiling joists above the boundary and cannot block any light as the flank wall of the main house already does that. There are no windows on the boundary and the only window is a pair of french doors facing into the rear garden and below the height of the boundary fence. Therefore there will not be a loss of privacy. It is therefore considered that the impact on neighbouring amenities will be negligible, despite the close proximity of the extension to the neighbouring boundary.

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In terms of the use of the building, the ground floor has an approved use as a residential flat, and the Council has no control over the nature of the tenants or the internal configuration of the rooms. It is considered that the addition of a single extra room to the property will not constitute overdevelopment and will not increase parking pressure in the street unduly.

In terms of the impact on the street scene it is noted that at street level the extension is not visible at all, despite being marginally higher than the existing garage. This is because the eyeline is below this level. There is therefore no reason to refuse based on impact on the street scene.

**Conclusion:**

For the above reasons it is considered that the application should be approved.

**8 EQUALITIES IMPLICATIONS**

None identified.

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<b>No.:</b>	<b>BH2004/01858/FP</b>	<b>Ward:</b>	<b>WESTBOURNE</b>
<b>Address:</b>	<b>Synagogue, rear of 29/31 New Church Road</b>		
<b>Proposal:</b>	<b>Over covering main roof with aluminium sheet roof covering, replacement of north and south elevation high level windows with double glazed PVCu units, replacement of east boiler room doors and west foyer access doors with PVCu units.</b>		
<b>Officer:</b>	<b>Pierre Dowsett, tel: 292132</b>	<b>Received Date:</b>	<b>20 May 2004</b>
<b>Con Area:</b>	<b>N/A</b>	<b>Expiry Date:</b>	<b>18 August 2004</b>
<b>Agent:</b>	<b>Joseph Davis F.R.I.C.S., F.S.V.A., 36 Hove Park Way, Hove</b>		
<b>Applicant:</b>	<b>Brighton &amp; Hove Hebrew Congregation, 29/31 New Church Road, Hove</b>		

**1 RECOMMENDATION**

**Grant** planning permission subject to the following conditions:

1. 01.01 Planning Permission.

Informatives:

1. This decision is based on photographs received 20 May 2004; Roof specification of Rigidal Ziplok Standing Seam; specification of works and roof details received 14 June 2004; Plastmo window brochure received 14 June drawing with no reference showing window designs received 14 June 2004.
2. This decision to grant planning permission has been taken having regard to the following policies:  
Hove Borough Local Plan:  
BE1 – General Guidelines  
BE8 – Development in Conservation Areas  
Brighton and Hove Local Plan Second Deposit Draft:  
QD1 – Design – quality of development  
QD14 – extensions and alterations  
QD27 – Protection of Amenity

**2 THE SITE**

The site lies to the rear of 29/31 New Church Road. To the north lies Carmel House, a residential development. To the east lies residential dwellings fronting Pembroke Gardens with St Christopher's School to the west.

**3 RELEVANT HISTORY**

None directly relevant to this case.

**4 THE APPLICATION**

The application seeks to change the windows and door of the synagogue from metal to UPVc and to cover the existing felt roof with an aluminium roof covering.

**5 CONSULTATIONS**

**External**

**Neighbours:** The occupier of **flat 22, Carmel House** raises concerns regarding the reflective properties of the new roof as well as the increased noise nuisance when it rains. This letter has been supported by a **petition** of seven further names from residents of Carmel House.

**6 PLANNING POLICIES**

**Hove Borough Local Plan:**

**BE1** – General Guidelines

**BE8** – Development in Conservation Areas

**Brighton and Hove Local Plan Second Deposit Draft:**

**QD1** – Design – quality of development

**QD14** – extensions and alterations

**QD27** – Protection of Amenity

**7 CONSIDERATIONS**

The site is adjacent to the Pembroke & Princes Conservation Area and the impact of the proposal on the character of the Conservation Area is a material consideration. However, the site has no road frontage and is surrounded by existing buildings. The synagogue can only therefore be seen from private gardens and Carmel house to the north. The proposal will have minimal impact on the character of the Conservation Area.

The other key issue in the determination of the application is the impact of the proposal on the residential amenity of neighbours. The change to the windows and doors is not considered to have a detrimental visual impact. The proposal seeks to overlay insulation between the existing roof and the new roof covering. Following discussion with the Building Control Team it has been established that the acoustic properties of the new roof are similar to those of the existing as the metal will not resonate with the mineral insulation behind it. The visual impact of the roof material will reduce quickly with the weathering of the building. As such the impact of the new roof is not deemed significantly harmful to the residential amenity of the adjoining neighbours, to the extent whereby a refusal of planning permission could be justified.

**Conclusion:**

The application has limited impact upon the residential amenities of the surrounding neighbours and is not prominent from within the adjoining Conservation Area; as such it conforms to development plan policy and is recommended for approval.

**8 EQUALITIES IMPLICATIONS**

None Identified.

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<b>No:</b>	<b>BH2004/01685/FP</b>	<b>Ward:</b>	<b>WESTBOURNE</b>
<b>Address:</b>	<b>27/29 Pembroke Crescent</b>		
<b>Proposal:</b>	<b>Alterations to change use from rest home to form 9 self - contained flats.</b>		
<b>Officer:</b>	<b>Paul Earp, tel: 292193</b>	<b>Received Date:</b>	<b>21 April 2004</b>
<b>Con Area:</b>	<b>PEMBROKE AND PRINCES AREA</b>	<b>Expiry Date:</b>	<b>29 July 2004</b>
<b>Agent:</b>	<b>Jon Andrews Ltd., Chilcote, Threals Lane, West Chiltington, West Sussex</b>		
<b>Applicant:</b>	<b>Vigcare Homes Ltd, 27/29 Pembroke Crescent</b>		

**1 RECOMMENDATION**

**Minded to Grant Planning Permission** subject to the completion of a Section 106 Obligation to secure a financial contributions to amend the Traffic Order to ensure a 'car-free' development and towards sustainable transport initiatives, and the following conditions and Informatives:

1. Full Planning.
2. 02.06c Satisfactory refuse storage (H).
3. 06.02c Cycle parking facilities to be submitted (H).
4. Waste pipes, flues, vents etc shall not be permitted on the front elevation.  
**Reason:** To ensure a satisfactory appearance to the development and to comply with policies BE1 and BE8 of the Hove Borough Local Plan and QD14 and HE6 of the Brighton and Hove Local Plan Second Deposit Draft'.
5. The existing external front doors and glazing are to be retained; the doors fixed shut.  
**Reason:** To ensure a satisfactory appearance to the development and to comply with policies BE1 and BE8 of the Hove Borough Local Plan and HE6 of the Brighton and Hove Local Plan Second Deposit Draft'

**Informatives:**

1. This decision is based on drawing nos. 423/03C submitted on 13.07.04 and 423/04 submitted on 03.06.04.
2. Sussex Police recommend the installation of side gates to restrict trespass to rear gardens. Planning permission would be required to carry out such works.
3. This decision to grant Planning Permission has been taken having regard to the policies and proposals in the Hove Borough Local Plan and Brighton & Hove Local Plan Second Deposit Draft set out below, and to all relevant material considerations:  
**Hove Borough Local Plan:**  
BE1 – General guidelines  
BE8 – Development in Conservation Areas  
BE18 – Refuse storage



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TR16 – Cycle parking standards  
TR26 – Car parking standards  
Brighton and Hove Local Plan Second Deposit Draft:  
HO11 – Residential care and nursing homes  
HE6 – Development in Conservation Areas  
QD14 – Alterations and extensions.  
QD27 – Protection of amenity  
TR12 – Cycle parking standards  
TR17 – Car parking standards

### 2 THE SITE

The application relates to a pair of three storey semi-detached buildings situated on the north side of the street, close to the junction with Pembroke Avenue. The property forms a rest home and is situated in a primarily residential area and within the Pembroke and Princes Conservation Area.

### 3 RELEVANT HISTORY

Application 3/89/201, extensions and alterations to Nursing Home, approved 11.4.90.

### 4 THE APPLICATION

The proposal, as amended, is for:

- conversion of the existing nursing home into 9 self contained flats, consisting of 6 x 1 bedroomed units, 2 x 2 bedroomed units, 1 x 3 bedroomed unit.
- No external alterations are proposed.
- Internally, existing lift to be removed, and new stud walls erected.
- Cycle store proposed to rear of garden.
- Refuse storage proposed along side elevations of building.

The application as originally submitted was for 10 units. This was reduced to 9 in order to provide a 3 bedroomed unit suitable for family occupation at ground floor level.

### 5 CONSULTATIONS

**External:**

**Neighbours: 20, 21, 25, 31, 33, 45 Pembroke Crescent:** Object to the proposal for the following reasons:

- change of use from a quiet rest home to flats would be out of character with this conservation area which consists primarily of family dwellings.
- Adverse impact on residential amenity. Proposed number of units would cause considerably more noise and disturbance and increased comings and goings.
- Loss of privacy, overlooking from windows.
- Increased demand for on-street parking will exacerbate existing problems.
- Location of wheelie-bins, down side of property, would detract from appearance of the area and be contrary to policy B18 of the Hove Borough Local Plan.

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- Poor level of landscaping.
- Two kitchens are to be created in existing hallways, behind stained glass doors, which would be detrimental to appearance.
- The proposal, for 10 flats, should include provision for social housing.
- The formation of 10 flats would establish a density too high for the area and set a precedent for other developments which would substantially alter the nature of the neighbourhood.

**Commission for Social Care Inspection (CSCI):** The service is currently registered for 19 beds, however, the home has mezzanine floors that affect five bedrooms. A lift is fitted to all floors but steps to the five rooms limit the use of these rooms, restricting any service user with mobility issues. The home is working towards meeting the National Minimum Standards for Older People, but the restrictions to the five rooms does affect the financial viability. The layout of the building would cause problems for any service user category. Money spent on the building is unlikely to be recouped.

**Southern Water:** No objections.

**Sussex Police:** Would recommend installation of side gates to restrict trespass to rear gardens.

### **Internal:**

**Adult Social Care:** No objection to the loss of the existing rest home. Consideration made the basis of the comments of the CSCI reported above.

**Traffic Manager:** Policy TR1 requires development proposals to provide for the demand for travel they create and maximise use of public transport, walking and cycling. The conversion provides no off-street parking, would be likely to increase demand for on-street parking spaces and should be made car free. A sum of £1,500 should be sought to make the necessary changes to the existing Traffic Order and to remove the existing ambulance bay. Additionally, a contribution should be sought towards sustainable transport initiatives, in this case £8,000 towards the cost of improving the nearest bus stop in Sackville Road to accessible standard.

**Private Sector Housing:** No objections.

## **6 PLANNING POLICIES**

### **Hove Borough Local Plan:**

**BE1** – General guidelines

**BE8** – Development in Conservation Areas

**BE18** – Refuse storage

**TR16** – Cycle parking standards

**TR26** – Car parking standards

### **Brighton and Hove Local Plan Second Deposit Draft:**

**H011** – Residential care and nursing homes

**HE6** – Development in Conservation Areas

**QD14** – Alterations and extensions

**QD27** – Protection of amenity

TR12 – Cycle parking standards

TR17 – Car parking standards

## **7 CONSIDERATIONS**

The main considerations in the determination of the application relate to the loss of the rest home, the suitability of the proposed conversion, and the effects on residential amenity and traffic impact.

Planning policy H011 aims to resist the loss of care / nursing homes which are capable of reaching the respective standards. The two buildings have operated as a rest home since the late 70's and received planning permission for a large rear extension in 1990. The Commission for Social Care Inspection state that the three storey premises are registered for 19 beds of which five bedrooms are situated on mezzanine floors. Whilst the building has a lift, the rooms at mezzanine levels, together with the communal lounge at rear ground floor level with stepped access, are not served by the lift. The Commission considers the restrictions to the five rooms does effect financial viability, that the layout of the building would cause problems for any service user, and money spent on the building is unlikely to be recouped. For these reasons they and Adult Social Care do not object to the loss of the rest home.

The premises are situated in a primarily residential area. Despite public objections on the grounds that the area is primarily one of family dwellings, the conversion of the property to flats is acceptable in principle. The properties are substantial and have been enlarged; the total floor area is approximately 530m<sup>2</sup>. The proposed conversion, reduced from 10 to 9 units in order to form a 3 bedroomed unit suitable for a family, also contains a mix of one and two bedroomed units. Room sizes are adequate.

No external alterations are proposed. The existing front doors are to be fixed shut and retained and the proposed kitchens behind to be mechanically ventilated. Conditions requiring the retention of the doors and to prevent wastepipes etc from being added to the front elevation should ensure that the provision of kitchens to the front of the property would not impact on the visual amenities of the buildings or conservation area.

No new windows are proposed; despite objections it is not considered that the use would lead to undue loss of privacy. Whilst the increased intensity of use would lead to more activity it is not considered that loss of amenity to the occupiers of neighbouring properties would be sufficient to warrant refusal. The level of subdivision has been influenced by the size of the building and the proposed mix of units.

The site is relatively central and close to good public transport. Despite the absence of any on-site parking provision, the Traffic Engineer does not object to the conversion if car-free and a contribution made towards this (£1,500) and sustainable transport initiatives; in this case £8,000 towards the cost of improving the nearest bus stop in Sackville Road to a fully accessible standard.

The applicant agrees to this request. Cycle storage is proposed within the rear garden area.

Refuse storage is proposed to the side of the building; this already exists along the western side of the property.

**Conclusion:**

The poor internal layout of the building, with rooms at mezzanine levels not served by the lift, is a problem for the existing rest home use. For this reason Adult Social Care do not object to the loss of the use. The premises, originally residential, are considered suitable for the intensity of residential conversion proposed.

**8 EQUALITIES IMPLICATIONS**

The proposal involves the removal of the lift. The applicant states that the lift is over 20 years old, too small for wheelchair use, and requiring complete renovation or replacement, considers its retention to be impractical. Whilst the proposed flats at first and second floor levels would not be accessible to wheelchair users, the three ground floor units, or 33% of the development, would.

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<b>No:</b>	<b>BH2004/02238/OA</b>	<b>Ward:</b>	<b>WESTBOURNE</b>
<b>Address:</b>	<b>Courtyard at rear of 218 to 234 Portland Road</b>		
<b>Proposal:</b>	<b>Outline application for two-storey detached house fronting Hogarth Road.</b>		
<b>Officer:</b>	<b>Nicola Slater, tel: 292114</b>	<b>Received Date:</b>	<b>14 July 2004</b>
<b>Con Area:</b>	<b>N/A</b>	<b>Expiry Date:</b>	<b>08 September 2004</b>
<b>Agent:</b>	<b>Phil Purvis, Purvis Draughting Ltd, 13 Petworth Road, Brighton</b>		
<b>Applicant:</b>	<b>Portland Glass Ltd, 224/226 Portland Road</b>		

**1 RECOMMENDATION**

**Grant** outline planning permission, subject to the following conditions:

1. 01.02 Outline Planning Permission.
2. 01.03 Reserved Matters.
3. 02.01C No Permitted Development (extensions) (H).
4. 02.02C No Permitted Development (windows) (H).
5. 03.01C Samples of Materials Non-Conservation Area (H).
6. Full details of refuse storage facilities shall be submitted as part of the application for the approval of reserved matters. The works shall be carried out in full as approved prior to the occupation of the dwelling and 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 policies BE18 of the Hove Borough Local Plan and SU2 and QD27 of the Brighton and Hove Local Plan Second Deposit Draft.
7. Full details of secure cycle parking facilities shall be submitted as part of the application for the approval of reserved matters. The works shall be carried out in full as approved prior to the occupation of the dwelling and the facilities 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 the private car and to comply with policies TR16 of the Hove Borough Local Plan and TR12 of the Brighton and Hove Local Plan Second Deposit Draft
8. Full details of a landscaping scheme, which includes hard surfacing, means of enclosure, and planting of the development shall be submitted as part of the application for the approval of reserved matters. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five 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

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variation. All hard landscaping and means of enclosure shall be completed before the development is occupied.

**Reason:** To enhance the appearance of the development in the interests of the visual amenities of the area and to comply with policies BE1 of the Hove Borough Local Plan and QD1 and QD2 of the Brighton and Hove Local Plan Second Deposit Draft.

### Informatives:

1. This decision is based on drawing nos. 1863/1/B submitted on 14 July 2004 and 1863/2/C and the supporting documentation submitted on the 6 September 2004
2. This decision to grant Planning Permission has been taken having regard to the policies and proposals in the Hove Borough Local Plan/Brighton & Hove Local Plan Second Deposit Draft set out below, and to all relevant material considerations:

#### Hove Borough Local Plan:

BE1 General Development

BE18 Refuse Storage

TR16 Cycle storage

TR17 Road Safety

TR26 Car Parking Standards

#### Brighton and Hove Local Plan Second Deposit Draft:

QD1 Development design

QD2 Neighbourhood design

QD3 Efficient and effective use of space

QD27 Protection of amenity

H0 Private amenity space

H03 Dwelling type and size

H04 Dwelling densities

SU2 Efficiency of development

TR Safe development

TR12 Cycle access and parking

TR17 Parking Standards

## **2 THE SITE**

The application relates to a double garage located on the east side of Hogarth Road, approximately 35 metres south of the junction with Portland Road. The garages are currently used for storage as part of the Portland Glass retail unit located at 224/226 Portland Road. The courtyard to the rear of 218 – 234 Portland Road is used for manufacturing glazing as well as access to other retail uses along Portland Road and a number of first floor flats.

## **3 RELEVANT HISTORY**

There were a number of applications in the early 1980s regarding the use of the various garages located in the rear yard.

## **4 THE APPLICATION**

Outline planning permission is sought for the construction of a two-storey

detached house fronting Hogarth Road after the demolition of the existing double garages. The site will have a total depth of twenty six metres, with the proposed property set four metres away from the front boundary and aligns with the neighbouring property to the south, no. 49 Hogarth Road, although this is only an indicative layout as siting is not committed at this stage.

The application has been amended to include a 4.5 metre wide access to the remaining courtyard at the rear of 218 to 234 Portland Road.

## 5 CONSULTATIONS

### External:

**Neighbours:** Letters of representation have been received from the occupiers of **49 Hogarth Road** and **228/232/234 Portland Road** objecting to the proposal on the following grounds:

- the courtyard is used by the traders in the shops along Portland Road as delivery access for large commercial vehicles, staff and visitor parking, used for storage and manufacturing for the glass centre and also provides access to the residential flats above the shops. The addition of a residential house in this busy commercial area would be unsuitable for the existing users and the new occupiers of the proposed house
- the houses at this end of Hogarth Road are semi-detached with a good amount of space between the houses. The proposed site does not seem sufficient for a detached house in keeping with Hogarth Road and it will be an overdevelopment of the space which will look cramped and at odds with the predominant appearance of Hogarth Road
- the proposal will lead to overshadowing and loss of privacy to the neighbouring property to the south, particularly to the garden
- the reduced space will move commercial vehicles onto the streets increasing noise and disturbance in a residential area
- the proposal to narrow the entrance will increase the hazard when vehicles leave the site
- the proposed new parking areas appear to be inadequate for the needs of the tenants and traders and no extra provision for loading and unloading of large vehicles has been allowed
- no provision appears to have been made for the storage of glass and other waste from the sale of glass. At present this is to be stored at the end of the courtyard in a skip and is removed on a regular basis

### Internal:

**Economic Development:** In general terms the application is supported, however, some further information in respect of the relocation of the manufacturing element of the business would be welcomed. It would seem that the manufacturing element is not best suited to the present location and would be more suited within an industrial unit within the city.

Confirmation that the applicant is remaining in the city would be appreciated and should they require information on sites and premises then the economic development team can assist in this. They can also be sign-posted to the new

commercial property database on the council's website.

**Traffic Manager:** This application will reduce the width of the access to the courtyard to less than 4.0 metres with the result that vehicles will not be able to pass each other when one is coming in and another going out. This is likely to result in vehicles reversing on to the highway, which is not acceptable in highway safety terms. An access with a minimum width of 4.5 metres will be required.

Secure, undercover cycle storage must be included.

If parking is not provided at the rear, one space should be provided.

## 6 PLANNING POLICIES

**Hove Borough Local Plan:**

**BE1** - General Development

**BE18** - Refuse Storage

**TR16** - Cycle storage

**TR17** - Road Safety

**TR26** - Car Parking Standards

**Brighton and Hove Local Plan Second Deposit Draft:**

**QD1** - Development design

**QD2** - Neighbourhood design

**QD3** - Efficient and effective use of space

**QD27** - Protection of amenity

**HO** - Private amenity space

**H03** - Dwelling type and size

**H04** - Dwelling densities

**SU2** - Efficiency of development in the use of energy, water and minerals

**TR** - Safe development

**TR12** - Cycle access and parking

**TR17** - Parking Standards

**EM3** - Retaining the best sites for industry

## 7 CONSIDERATIONS

The determining issues raised by this proposal include whether the proposed works will have a detrimental impact on neighbouring properties, the suitability of the principle of development, in particular with respect to the impact of an additional dwelling on the street scene and existing buildings.

### **Impact on Amenity**

With regard to impact on amenity, there are two windows, one a first floor level and one at second floor level in the north facing elevation of no. 49 Hogarth Road fronting the application site. These however, appear to be windows to a bathroom and are not considered to be habitable rooms. The siting of the proposed dwelling, though indicative only, is shown to have a total depth of 8.5 metres and to align with the neighbouring property to the south, no. 49 Hogarth Road, at both the front and the rear. It is considered that a proposed dwelling can be accommodated on the site without a significant



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detrimental impact on the neighbouring occupiers in terms of loss of light or overshadowing. Concerns have been raised by the occupier of no. 49 Hogarth Road regarding overlooking and loss of privacy as a result of lowering the existing hedge positioned along the boundary. The distances separating the proposed dwelling, and no. 49 is no different to other properties along Hogarth Road and is therefore not likely to result in sufficient overlooking to justify refusal of this application. Furthermore, since the detailing and design of the proposal will be the subject of a reserved matters application, it can be sympathetically designed to avoid any excessive levels of overlooking.

A number of concerns have been raised regarding the suitability of a residential dwelling in close proximity to the existing commercial uses along Portland Road. Presently the manufacturing of glass is carried out in the courtyard at the rear of 218 – 234 Portland Road with retail sales at 224 – 226 Portland Road. It is the intention of the applicant to move the manufacturing element away from the existing site to another location in Brighton and Hove. The removal, therefore, of the manufacturing element is likely to reduce any potential noise and disturbance for the future occupiers of the proposed dwelling. Notwithstanding the relocation of the manufacturing element, there are a number of residential flats above ground floor shops along Portland Road, which would not have a dissimilar relationship with the proposed dwelling and the commercial activities of Portland Road.

### **The loss of storage/industrial facilities**

Presently there are a number of garages located in the rear courtyard used for both manufacturing and the storing of glass. The proposal will result in the loss of the double garage at the front of the courtyard, fronting Hogarth Road, currently used for storage and one of the garages currently used for manufacturing, which is to be used as a domestic garage for the proposed occupiers. Policy EM3 in the Brighton and Hove Local Plan Second Deposit Draft seeks to retain industrial premises and sites and states that alternative uses will not be permitted unless the site has been assessed and found to be unsuitable for modern employment needs. Applicants are expected to demonstrate the use is no longer viable and show the site has been actively marketed to attract different types of employment use. If it is proven to be no longer viable, preference is given to alternative industrial or business uses.

The applicants intend to relocate the manufacturing element and use the remaining garages for storage purposes, thereby reducing the amount of space required. Economic Development has commented on the application and suggests that the manufacturing element is not best suited in the present location and would be more suited within an industrial unit. For this reason, it is not considered that the applicant should be required to demonstrate that the double garage is no longer viable since the manufacturing element is not deemed suitable for this location.

### **Impact on street scene**

The design detail of the proposed house will be the subject to a reserved

matters application and the suitability of the design of the building will be determined at this stage. The proposed site is capable, however, of accommodating a dwelling the size of the neighbouring property to the south, no. 49 Hogarth Road.

Policies QD2 and QD3 of the Brighton and Hove Local Plan Second Deposit Draft require developments to take into account local characteristics whilst making efficient and effective use of land. The plot size of the dwelling is smaller than other properties along Hogarth Road, however, the property would not appear cramped and the rear garden is considered sufficient. This is particularly the case when compared with the site adjacent to the application site at the rear of 236 Portland Road. An application was refused planning permission and subsequently dismissed in 2003 at appeal for the construction of a single-family dwelling house after the demolition of the existing garages. The land available for the proposal was considered limited as the building would not have had any space around it and would have appeared cramped. This application differs from the appeal at 236 Portland Road, as there is sufficient space surrounding the property and the rear garden is considered acceptable in size.

#### **Impact on traffic**

Concerns have been raised by local residents regarding the potential increase in the amount of traffic parking Hogarth Road as a result of the reduced space in the courtyard. With the relocation, however, of the manufacturing element to another site in the city the amount of traffic is likely to reduce. As originally submitted the access would have had a width of 4 metres, this has now been extended to 4.5 metres in line with the Traffic Manager's comments. The traffic manager raises no objection to the proposal providing one car parking space and cycle parking is provided. A car parking space is to be provided to the rear of the proposed garden and the provision of cycle parking is conditioned.

#### **Conclusion:**

The proposed dwelling is not considered to have a detrimental impact on neighbouring occupiers in terms of overlooking and overshadowing and in principal the size of the plot can accommodate a property that is similar in size to other properties along Hogarth Road. The application is therefore recommended for approval.

## **8 EQUALITIES IMPLICATIONS**

The new dwelling will be required to conform with Part M of the Buildings Regulations.

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<b>No:</b>	<b>BH2004/01780/FP</b>	<b>Ward:</b>	<b>WISH</b>
<b>Address:</b>	<b>Dragons Health Club, St Heliers Avenue</b>		
<b>Proposal:</b>	<b>Installation of extractor units and fans to the roof (part retrospective).</b>		
<b>Officer:</b>	Nicola Slater, tel: 292114	<b>Received Date:</b>	11 May 2004
<b>Con Area:</b>	N/A	<b>Expiry Date:</b>	28 July 2004
<b>Agent:</b>	Clare Price, Dragons Health Club, St Heliers Avenue		
<b>Applicant:</b>	Dragons Health Club, St Heliers Avenue		

### 1 SUMMARY

This application was previously due to be presented at committee on the 11 August 2004 but was subsequently deferred to allow the applicants to amend the scheme and add a number of proposed air conditioning units which are to be replaced over the next couple of years. The application has not been amended and it is the intention of the applicants to apply for planning permission at a later date when replacement of some of the existing systems is envisaged to take place.

### 2 RECOMMENDATION

**Grant** planning permission, subject to the following conditions:

1. All plant and machinery the subject of this planning application, and shown on the approved plans, shall within one month of this permission being granted, be connected to a centrally-controlled timer switch and operated only as follows:

Units 2, 5, 6, 8, 9 – between 07:00 hours and 22:00 hours.

Units 19, 20, 22 and the swimming pool vent – between 07:00 hours and 23:00 hours.

Any proposed change to these times must be agreed in writing by the Local Planning Authority prior to such change occurring.

**Reason:** To safeguard the amenities of the locality in accordance with policies BE1 of the Hove Borough Local Plan and QD27 of the Brighton and Hove Local Plan Second Deposit Draft.

2. Within one month of this permission being granted, details of the design and acoustic performance of the kitchen extract system shall be submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved details within one month of such approval and thereafter retained.

**Reason:** To safeguard the amenities of the locality in accordance with policy BE1 of the Hove Borough Local Plan and policy QD27 of the Brighton and Hove Local Plan Second Deposit Draft.

#### Informatives:

1. This decision is based on drawing titled "Location of Roof Mounted Plant", "Post 2000 Roof Equipment and Systems at Dragons Hove – Times of Operation", "Photographs of New Plant/Equipment at Hove" (3 no. pages),

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and drawing no. 284/1 submitted on 11 May 2004.

2. This decision to grant Planning Permission has been taken having regard to the policies and proposals in the Hove Borough Local Plan/Brighton & Hove Local Plan Second Deposit Draft set out below, and to all relevant material considerations, including Supplementary Planning Guidance:

Hove Borough Local Plan:

BE1 - General Development

Brighton and Hove Local Plan Second Deposit Draft:

QD14 - Extensions and Alterations

QD27 - Protection of Amenity

SU10 - Noise Nuisance

### 3 THE SITE

The application relates to a health and leisure club located immediately to the north of Davis Park, on a backland site surrounded by residential properties in St Heliers Avenue to the east, Amesbury Crescent to the south (beyond Davis Park) and Coleman Avenue to the west. To the north is Portland Road, which is principally commercial with some residential flats above ground floor units. Access to the site is from St Heliers Avenue and the main entrance into the club building is on the west side, facing the backs of houses in Coleman Avenue.

### 4 RELEVANT HISTORY

**Ref. 3/88/0955** - alterations and additions to squash club to form a health and leisure club. Granted 7 February 1989. Condition 7 attached to that permission, designed to safeguard the amenities of neighbouring residential properties, stipulates that 'the premises shall not be used before 8.00am or after 11.00pm on any day.'

An application was submitted for removal of condition 9 attached to Planning Permission ref. **3/88/0955** ('There shall be no social functions, discos or parties held at the premises without the prior approval in writing of the Borough Council') ref. **BH2001/00117/FP**. Refused on amenity grounds 21 February 2001. Appeal dismissed.

An application for the continued use of premises without complying with condition 7 attached to Planning Permission ref. **3/88/0955** (ref. **2001/00118/FP**) was approved. The condition was modified to read, 'the premises shall not be used before 7.00am or after 11.00pm on any day, except Sundays and Bank Holidays when the premises shall only be used between 8.00am and 11.00pm'.

### 5 THE APPLICATION

This is a retrospective application for rooftop plant installed at the premises post-2000 as follows:

Unit 2 – Condenser (supply to conservatory).

Unit 5 – Kitchen extract.

Unit 6 – Condenser (supply to studio).

Unit 8 – Condenser (supply to gym).

Unit 9 – Condenser (supply to studio).

Unit 19 – Extract fan for sun beds.

Unit 20 – Supply fan for sun beds.

Unit 22 – Condenser (supply to lounge bar).

Vent to swimming pool.

The application proposes to put all of these units on a centrally controlled timer unit.

## 6 CONSULTATIONS

### External:

**Neighbours:** Letters of representation have been received from **35, 37 & 41 Amesbury Crescent; 33, 35, 37, 41 & 43 Coleman Avenue; 8, 9, 17, 21 & 31 St. Heliers Avenue; 57 Rutland Gardens** and an unspecified address objecting to the proposal on the following grounds

- this application seeks to legitimise twenty four separate breaches of the planning regulations and does little to address the noise levels
- the noise and disturbance is intolerable and has increased over the years
- the installation of extra fans and air conditioning units breaks existing conditions previously granted, which restricted noise levels
- the land including and surrounding Davis park is subject to covenants which prohibit 'any noise nuisance or offensive art, trade or business'. The council as landlord, is bound by these covenants as is the Club
- the noise report by the Council is not comprehensive enough to determine the real situation. It needs dozens of measurements at different locations to be made simultaneously, repeated over a period of weeks and in differing conditions. Many factors, such as wind direction, air pressure and humidity have not been taken into account
- the report by Acoustic Design Services Limited only mentions twenty two units and has missed two
- the report by Acoustic Design Services Limited is misleading as it refers to measurements taken from two houses including **33 Coleman Avenue**, which is not the case. The claim that the air conditioning units is not a statutory nuisance is without foundation.

A letter of support has been received from **31 Amesbury Crescent** raising the following points:

- the noise levels have not increased
- the Dragons building has been a sports centre for a considerable number of years and we doubt whether many of the residents already owned their properties before the use commenced
- Dragons are providing an important service to the community in an area where there are too few leisure and sport facilities

### Internal:

**Environmental Health:** Grant with Conditions. A noise assessment of the units that are the subject of this application has been undertaken by an acoustic consultant appointed by the applicant in conjunction with officers from the Environmental Health Team. Noise readings were taken from the rear garden

of No. 37 Coleman Avenue, which is close to the entrance of the Club and also close to some of the items of plant requiring permission. Assessments were also taken on the club tennis court on the boundary with Nos. 33 and 35 Coleman Avenue. This was done at a height of 3.5 metres to replicate the noise impact at first floor. Calculations were carried out to determine the noise impact of the plant at two of the nearest properties in Coleman Avenue. During the investigation it was noted that much of the plant is located on separate switching devices and there is therefore a risk that plant can be left on overnight. This application proposes to put all these units on a centrally controlled timer clock. On the basis of these calculations, the noise impact of the proposed units was deemed acceptable under the provisions of the Environmental Protection Act 1990, and provided hours of operation as specified are complied with, the Environmental Health Team has no objection to the units.

**7 PLANNING POLICIES**

**Hove Borough Local Plan:**  
**BE1 – General Development**

**Brighton and Hove Local Plan Second Deposit Draft:**  
**QD14 – Extensions and Alterations**  
**QD27 – Protection of Amenity**  
**SU10 – Noise Nuisance**

**8 CONSIDERATIONS**

The determining issues raised by this application relate to visual appearance and whether the air conditioning units have an impact on neighbouring occupiers through noise and disturbance.

With regard to the visual appearance of the rooftop plant, since it is only partly visible from ground level surrounding the health club, it is not considered to be out of keeping with the commercial appearance of the facility. The plant/equipment is therefore deemed acceptable in terms of visual impact.

The club is sensitively located in relation to neighbouring residential properties and there is a history of complaints to the Environmental Health Service in relation to noise and disturbance and the impact on residential amenity. Environmental Health Officers have carried out noise assessments in conjunction with an acoustic consultant appointed by Dragons Health Club. During the day background levels are higher and include noise from traffic, neighbouring commercial businesses, residential properties, and school and users of the Club facilities. Following the findings of the assessments, Environmental Health Officers raise no objection to the scheme, providing the units are put on a centrally controlled timer unit and further details regarding the kitchen extract system are submitted, which are conditioned.

However, it is necessary to clarify an issue raised in the representation made by the occupiers of no. 33 Coleman Avenue that the acoustic report by Acoustic

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Design Services Limited is *'misleading in that they refer to (sound level) measurements that they have made for two houses in Coleman Avenue including our house'*. This statement is incorrect. The report does not state that sound level measurements have been undertaken at no. 33 Coleman Avenue. The report states that sound level measurements were undertaken at no. 37 Coleman Avenue and from a site close to this property's boundary. On the basis of the noise measurements undertaken at these two locations, the report states that *'Acoustic Design Services Ltd have made calculations of the sound levels to no. 33 and 37 Coleman Avenue.'* The report is not therefore considered misleading as stated in the representation from the occupiers of no. 33 Coleman Avenue.

### **9 CONCLUSIONS**

Environmental Health Officers are satisfied that the rooftop plant and equipment does not have a detrimental impact on the amenities of neighbouring residents by reason of noise and disturbance and it has a minimal visual impact. The application is therefore recommended for approval.

### **10 EQUALITIES IMPLICATIONS**

None identified.

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<b>No:</b>	<b>BH2004/02028/FP</b>	<b>Ward:</b>	<b>EAST BRIGHTON</b>
<b>Address:</b>	<b>34 Nuthurst Place</b>		
<b>Proposal:</b>	<b>Erection of a conservatory to the rear of the property.</b>		
<b>Officer:</b>	Phillip Clark, tel: 292359	<b>Received Date:</b>	20 May 2004
<b>Con Area:</b>	N/A	<b>Expiry Date:</b>	20 August 2004
<b>Agent:</b>	Anglian Home Improvements, Conservatory Admin. Dept, PO Box 65, Norwich		
<b>Applicant:</b>	Mr Meads, 34 Nuthurst Place		

## 1 RECOMMENDATION

Grant planning permission subject to the following condition:

1. 01.01 – Full planning.

Informatives:

1. This decision is based on drawing nos. 01 & 02 submitted on the 20<sup>th</sup> May 2004.
2. This decision to grant Planning Permission has been taken having regard to the policies and proposals in the Brighton Borough Local Plan (ENV3, ENV5, ENV6) and Brighton & Hove Local Plan Second Deposit Draft (QD1, QD14, QD27) and to all relevant material considerations.

## 2 THE SITE

The site is a mid-terraced single family dwelling, flanked on the front and rear of the property by Nuthurst Place and Winston Road (respectfully). 32 Nuthurst Place is setback 1.5m (approx.) from the rear elevation of the applicants dwelling.

The site is not within a conservation area.

## 3 RELEVANT HISTORY

None.

## 4 THE APPLICATION

The applicant is proposing a 2.5m deep, 4m wide by 2.7m high (with lean-to roof) single storey rear conservatory, that is setback 0.7m from the southern boundary and 1.6m from the northern boundary. It would be in woodgrain pvc under a bronze polycarbonate roof.

## 5 CONSULTATIONS

**Neighbours: 36 Nuthurst Place object:** - to the loss of light received by their rear lounge window.



**6 PLANNING POLICIES**

**Brighton Borough Local Plan:**

**ENV7 – extensions**

**Brighton and Hove Local Plan Second Deposit Draft:**

**QD14 – extensions**

**QD27 – amenity**

**7 CONSIDERATIONS**

The proposed rear extension is considered not to have a detrimental impact on either flanking neighbour. At a depth of 2.5m and width of 4m, the conservatory is set off either boundary wall. As such it will not dominate 32 Nuthurst Place, as it is setback and below the application site.

The extension is considered sufficiently setback from the boundary wall of 36 Nuthurst Place, so that the south-westerly facing rear garden will not be adversely affected by the conservatory (as originally objected by no. 36). In addition, the existing 1.8m trellised and moderately vegetated boundary wall between the application site and no. 36 already causes more shadow than the proposal will.

**Conclusion:**

It is considered that the rear conservatory will have minimal impacts on either flanking neighbour. Notwithstanding the objections received, this proposal is considered acceptable for the reasons stated and is recommended that planning permission be granted.

**8 EQUALITIES IMPLICATIONS**

None.

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<b>No:</b>	<b>BH2004/02219/FP</b>	<b>Ward:</b>	<b>QUEEN'S PARK</b>
<b>Address:</b>	<b>Top Flat, 17 St Lukes Road</b>		
<b>Proposal:</b>	<b>Two roof lights - one to front elevation and one to rear elevation.</b>		
<b>Officer:</b>	<b>Karen Tipper, tel: 293335</b>	<b>Received Date:</b>	<b>05 July 2004</b>
<b>Con Area:</b>	<b>N/A</b>	<b>Expiry Date:</b>	<b>09 September 2004</b>
<b>Agent:</b>	<b>Kevan Trott, 73 Wichelo Place</b>		
<b>Applicant:</b>	<b>Mr G Gaffney, Top Flat, 17 St Lukes Road</b>		

### 1 RECOMMENDATION

**Grant** planning permission, subject to the following conditions:

1. Full Planning.

#### Informatives:

1. This decision is based on K. Trott's drawing nos. 2004/S/01 submitted on 5<sup>th</sup> July 2004.
2. This decision to grant Planning Permission has been taken having regard to the policies and proposals in the Brighton Borough Local Plan and the Brighton & Hove Local Plan Second Deposit Draft set out below, and to all relevant material considerations, including Supplementary Planning Guidance  
Brighton Borough Local Plan  
ENV.3 – Design of extensions and alterations  
ENV.5 – Siting of extensions and alterations  
ENV.6 – Overlooking and loss of privacy  
Brighton and Hove Local Plan Second Deposit Draft  
QD14 – Extensions and alterations  
QD27 – Protection of amenity  
Supplementary Planning Guidance Note 1 (SPGBH1) 'Roof Alterations and Extensions'

### 2 THE SITE

The site is located within a terrace of properties. The property has been divided into two self-contained flats, with the site located on the first floor. There are several roof lights to the terrace of properties directly opposite the site.

### 3 RELEVANT HISTORY

No relevant history.

### 4 THE APPLICATION

Installation of two rooflights – one to the front elevation and one to the rear elevation. These are in connection with a loft conversion and require permission because the application property is a flat. The front rooflight is required as a means of escape in the event of fire.

**5 CONSULTATIONS**

**External**

**Neighbours:** 1 letter of objection received from 28 St. Lukes Road on the grounds that the proposed roof light to the front elevation will equate to an invasion of privacy and overlooking, as it will be at a higher elevation. No objection to the installation of a rear roof light.

**6 PLANNING POLICIES**

**Brighton Borough Local Plan**

**ENV.3** – Design of extensions and alterations

**ENV.5** – Siting of extensions and alterations

**ENV.6** – Overlooking and loss of privacy

**Brighton and Hove Local Plan Second Deposit Draft**

**QD14** – Extensions and alterations

**QD27** – Protection of amenity

**Supplementary Planning Guidance Note 1 (SPGBH1) ‘Roof Alterations and Extensions’**

**7 CONSIDERATIONS**

The main issue is the effect that the proposal will have to the appearance of the site as well as to the residential neighbours.

The proposal is for a loft conversion consisting of a single roof light to the front elevation and one to the rear. The proposed roof lights are to be in line with the windows to the lower elevations, thereby creating a symmetrical appearance.

Although there are no existing roof lights to any of the properties within the same terrace as the site, there are several within the terrace directly opposite.

Number 28 St Lukes Road has argued that the proposal will lead to a direct loss of privacy and overlooking, however given the width of the street and the angle at which the roof lights will be inserted, it is considered that this will not be the case.

Given the minor effect that the proposal will have to the appearance of the site, and to any of the adjoining properties, as well as complying with the Supplementary Planning Guidance Note on roof alterations and extensions, it is recommended for approval.

**8 EQUALITIES IMPLICATIONS**

None identified.

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<b>No:</b>	<b>BH2004/01754/RM</b>	<b>Ward:</b>	<b>ROTTINGDEAN COASTAL</b>
<b>Address:</b>	<b>Land adj 55 Lenham Avenue</b>		
<b>Proposal:</b>	<b>Reserved matters for a detached 3 bedroom chalet bungalow with integral garage (following outline BH2002/01788/OA approved 24/7/03).</b>		
<b>Officer:</b>	<b>Maria Seale, tel: 292322</b>	<b>Received Date:</b>	<b>09 June 2004</b>
<b>Con Area:</b>	<b>N/A</b>	<b>Expiry Date:</b>	<b>05 August 2004</b>
<b>Agent:</b>	<b>Alan Scarratt Architectural Services, 33 Hurley Road, Worthing</b>		
<b>Applicant:</b>	<b>Mr R Hill, c/o 14 Stone Street, Brighton</b>		

**1 RECOMMENDATION**

**Approve reserved matters:**

Informatives:

1. As noted on the approved drawing the finished internal ground floor level of the proposed dwelling hereby approved shall match the finished internal ground floor level of 55 Lenham Avenue.
2. The applicant is reminded that the reserved matter (d) for landscaping and conditions attached to outline consent BH2003/01788/OA are relevant to this proposal and must be complied with.
3. This decision is based on drawing nos. AS.458.3.D and AS.458.4B submitted on 6<sup>th</sup> September 2004.
4. The applicant is advised to contact the Streetworks Officer (01273 292067) before installing any highway crossovers
5. This decision to approve Reserved Matters following the grant of outline planning permission has been taken having regard to the policies and proposals in the Brighton Borough Local Plan and Brighton & Hove Local Plan Second Deposit Draft set out below, and to all relevant material considerations, including Supplementary Planning Guidance:

Brighton Borough Local Plan:

ENV1 General principles

ENV3 Design and form of new development

H2 Maximising urban land

H19 Private amenity space

TR9 Highway considerations

TR34 Cycle parking

Brighton and Hove Local Plan Second Deposit Draft:

TR1 Development and the demand for travel

TR Safe development

TR12 Cycle parking

SU2 Efficiency of development in the use of energy, water and materials

QD1 Design – quality of design and design statements

QD2 Design – key principles for neighbourhoods

QD3 Design – effective and efficient use of sites

QD27 Protection of amenity

H0 Provision of private amenity space

**2 THE SITE**

The site comprises of a side garden to 55 Lenham Avenue, a residential property located on the west side of Lenham Avenue. No.55 is a detached bungalow with a detached garage. The site slopes down from west to east. The character of the area is predominantly residential and made up properties of varying architectural styles and plot sizes.

**3 RELEVANT HISTORY**

**BH2003/01788/OA** - Outline application for the erection of a 3 bedroom chalet bungalow - Approved 23/07/03.

**4 THE APPLICATION**

The application seeks approval of all reserved matters (except landscaping) following outline approval for a dwelling on the site (see history above). The existing garage is to be demolished and a 3-bedroom chalet bungalow is proposed with an integral garage. The building would be set down in the site and the design would incorporate a steeply pitched roof.

**5 CONSULTATIONS**

**External:**

**Neighbours:** (original scheme) **32 Ashdown Avenue** object on the following grounds:

- Proposal would be squeezed into the plot and is unnecessary over-development of the area
- Design would be totally different in appearance from all existing properties in area as would be 'end on' rather 'side on' and external finish will be different, use of steel, render and slate out of keeping
- Height of proposal excessive – is effectively three storeys.
- Depth is excessive
- Loss of privacy and light.

(original scheme) **59 Lenham Avenue** object on the following grounds:

- Loss of light, particularly to windows in south elevation (lounge to front, playroom/bedroom in middle) and rooflight
- Loss of privacy
- Siting too far forward in plot

The applicant has sought to address these objections in the revised plans.

**Internal:**

**Traffic Manager:** No response to date.

**6 PLANNING POLICIES**

**Brighton Borough Local Plan:**

**ENV1** - General principles

**ENV3** - Design and form of new development

**H2** - Maximising urban land

H19 – Private amenity space  
TR9 – Highway considerations  
TR34 – Cycle parking  
**Brighton and Hove Local Plan Second Deposit Draft:**  
TR1 – Development and the demand for travel  
TR – Safe development  
TR12 – Cycle parking  
SU2 – Efficiency of development in the use of energy, water and materials  
QD1 – Design – quality of design and design statements  
QD2 – Design – key principles for neighbourhoods  
QD3 – Design – effective and efficient use of sites  
QD27 – Protection of amenity  
HO – Provision of private amenity space

## **7 CONSIDERATIONS**

The main issues to consider are the impact to the character and appearance of the locality and the impact to residential amenity. Highway safety is also a consideration.

The principle of development of the site for a 3-bedroom chalet bungalow has been established through the outline consent. The locality is mixed in character and made up of properties of varying architectural styles, materials and plot sizes. In this context, it is not considered that the proposal would appear out of keeping. The design proposed is a simple contemporary style with a pitched roof, which is considered sympathetic. The depth of the proposal would match that of no.55 and is considered acceptable, and sufficient garden space would serve the new dwelling comparable to other plots in the area. The building would follow the same building line to the front as no.55 and 59 either side and this, together with the fact that the building would be set down in the plot, ensures that the proposal would not be unduly prominent and would relate well to the street scene. The main ridge height of the proposal would not exceed that of the adjacent property at no.59.

There is considered to be sufficient distance (approximately 25 metres) between the proposal and the property to the rear, 32 Ashdown Avenue, so as not to adversely affect their amenity. In addition, the site is set lower than that property and the proposal would appear single storey at the rear. There was originally concern regarding the proposal as first submitted with regard to the impact to the side (middle) window in the south elevation of 59 Lenham Avenue. This is the only window serving that room, and there was concern that the proposal would, due to height and proximity, result in a loss of light and outlook. The windows on the side elevation located further towards the front of no.59 are secondary lounge windows, and thus the impact of the proposal is considered acceptable.

Amended plans have been submitted to overcome these original concerns. The scheme has been set down further in the plot, and the ground floor level clarified to be the same as no.55, and the proposal has been moved further

away from the northern boundary to provide more space between properties. It is acknowledged that the proposal, as amended, will have an impact to the occupiers of no.59, however, it is not considered that it would be to such a harmful extent as to warrant withholding approval. A significant gap of 2 metres would be left between the proposal and the northern boundary, leaving an overall distance of 3.34 metres between properties. Whilst a 25 degree angle taken from no.59's window (used as a guide under Building Research Establishment standards) would be partially breached, but this would not be to a significant extent. Outline consent for a 3-bedroom chalet bungalow was granted on the site, and thus the principle of a building of a certain scale has been accepted, and the constraints of the site in terms of width and ground levels limit the opportunities for substantial amendment to the scheme. It is considered that the amended scheme represents an acceptable and reasonable compromise.

There is no objection to the proposed access in terms of highway safety. A distance of 5.5 metres would be left on the driveway to prevent overhang of the footpath, and vehicular access' from properties onto the road are characteristic of development in the area. The garage is of sufficient scale to accommodate bicycle storage.

**Conclusion:**

For the reasons outlined above the proposal is considered to comply with local plan policy and is acceptable.

**8 EQUALITIES IMPLICATIONS**

The new dwelling would need to comply with Part M of Building Regulations.

## PLANS LIST – 22 SEPTEMBER 2004

<b>No:</b>	<b>BH2004/02492/OA</b>	<b>Ward:</b>	<b>WOODINGDEAN</b>
<b>Address:</b>	<b>48 Downs Valley Road</b>		
<b>Proposal:</b>	<b>Outline application for 1 detached bungalow and garage.</b>		
<b>Officer:</b>	<b>Maria Seale, tel: 292322</b>	<b>Received Date:</b>	<b>03 August 2004</b>
<b>Con Area:</b>	<b>N/A</b>	<b>Expiry Date:</b>	<b>28 September 2004</b>
<b>Agent:</b>	<b>Calibre Creative, 81 St Georges Road, Brighton</b>		
<b>Applicant:</b>	<b>Mrs V Porter, 48 Downs Valley Road</b>		

### 1 RECOMMENDATION

**Grant** outline planning permission subject to the following conditions:

1. 01.02A Outline permission.
2. 01.03A Reserved matters. At end insert (d) details of levels of the site and proposed development related to levels of adjoining land and highways.
3. 02.01B No permitted development (extensions).
4. 02.06B Satisfactory refuse storage.
5. 03.01B Samples of materials non-cons area.
6. 06.02B Cycle parking details to be submitted.

#### Informatives:

1. This decision is based on drawing nos. 1 and 2 submitted on 02/08/04.
2. This decision to grant outline Planning Permission has been taken having regard to the policies and proposals in the Brighton Borough Local Plan and the Brighton & Hove Local Plan Second Deposit Draft set out below, and to all relevant material considerations:

#### Brighton Borough Local Plan:

ENV1 General principles  
ENV3 Design and form of new development  
H2 Maximising urban land  
H19 Private amenity space  
TR9 Highway considerations  
TR34 Cycle parking

#### Brighton and Hove Local Plan Second Deposit Draft:

TR1 Development and the demand for travel  
TR Safe development  
TR12 Cycle parking  
SU2 Efficiency of development in the use of energy, water and materials  
QD1 Design – quality of design and design statements  
QD2 Design – key principles for neighbourhoods  
QD3 Design – effective and efficient use of sites  
QD27 Protection of amenity  
H0 Provision of private amenity space

### 2 THE SITE

The site comprises of a detached dwelling and garden and slopes down from



east to west There are several semi-mature shrubs and trees in the rear part of the site which also fronts Kevin Gardens, which is a cul-de-sac. There is a detached bungalow to the south of the site, and open (garden) land to the north. There are four relatively newly constructed bungalows to the south of the site in similar plots to the proposal, nos. 2, 4, 6 and 8 Kevin Gardens, (these are not shown on the Ordnance Survey plan).

### 3 RELEVANT HISTORY

None for this site.

Adjacent plots:

**92/0098/OA** Land r/o 44, 44a and 46 Downs Valley Road. Outline application for the erection of 3 detached dwellings with detached garages with access via Kevin gardens. Refused 09/06/92.

**92/0730/FP** Land r/o 52-54 Downs Valley Road fronting Kevin Gardens. Erection of two detached bungalows with integral garages. Approved 22/12/92.

**92/0971/FP** Land r/o 50 and 56 Downs Valley Road. Erection of two detached bungalows with integral garages. Approved 22/12/92.

**95/1031/OA** Land r/o 44a and 46 Downs Valley Gardens. Outline application for erection of a detached dwelling. Approved 12/12/95.

**BH1998/02267/FP** Land r/o 44a & 46 Downs Valley Road. Variation of condition 2 attached to BN95/1031/OA to extend time for submission of reserved matters from 12/12/1998 to 12/12/2001. Approved 08/12/98.

**BH2001/00124/OA** land rear of 44 & 46 Downs Valley Road Erection of a pair of semi-detached bungalows Approved 09/05/01.

**BH2003/03298/FP** Land r/o 44a & 46 Downs Valley Road. Variation of condition 2 attached to BH2001/00124/OA to extend time for submission of reserved matters from 09/05/04 to 09/05/07. Approved 08/12/03.

**BH2004/01732/OA** Land r/o 44, 44a and 46 Downs Valley Road. Outline application for 4 no. semi-detached bungalows in 2 no. pairs. Current application.

### 4 THE APPLICATION

This is an outline application and seeks approval, in principle, for a detached bungalow and garage on the site. Indicative layout plans have been submitted which indicate the site divided into two parts, with a new dwelling and garage on the rear plot, fronting Kevin Gardens and the existing dwelling (no.48) retained to the front with a reduced garden area. The proposal indicates a 'handed' scheme to no.8 Kevin Gardens with vehicular access from Kevin Gardens. The applicant has not stated in the application form that they wish any matters, such as plot boundary, layout, design etc, to be decided at this outline stage. Thus all detailed matters are reserved for future applications.

### 5 CONSULTATIONS

**External:**

**Neighbours: 8 Kevin Gardens (object)** to the proposal on the following grounds:

- squeezing too many dwellings into a confined space
- out of character for the close which is quite full now

## PLANS LIST – 22 SEPTEMBER 2004

- access would be off a turning area which would lead to problems for HGV's and civic amenity vehicles
- increase in traffic
- overlooking and loss of privacy
- increase in noise

**Internal:**

**Traffic Manager:** No objection.

**Arboriculturalist:** Comments awaited.

### 6 PLANNING POLICIES

**Brighton Borough Local Plan:**

ENV1 - General principles

ENV3 - Design and form of new development

H2 - Maximising urban land

H19 - Private amenity space

TR9 - Highway considerations

TR34 - Cycle parking

**Brighton and Hove Local Plan Second Deposit Draft:**

TR1 - Development and the demand for travel

TR - Safe development

TR12 - Cycle parking

SU2 - Efficiency of development in the use of energy, water and materials

QD1 - Design - quality of design and design statements

QD2 - Design - key principles for neighbourhoods

QD3 - Design - effective and efficient use of sites

QD27 - Protection of amenity

HO - Provision of private amenity space

### 7 CONSIDERATIONS

The main issues to consider are the impact to the character and appearance of the locality, the impact to residential amenity, and the impact in terms of traffic generation and highway safety.

Central government advice and local plan policies seek to make effective and efficient use of urban land, provided that development does not represent 'town cramming' that would be at the expense of the essential character of an area. The general locality of the application site is somewhat varied in terms of architectural style and plot size, and is considered to have the capacity in principle to accommodate an additional dwelling. The existing plot size is substantial and can accommodate an additional dwelling which would be in character with surrounding development. The proposed size and shape of the application plot as shown on the indicative plans, and the relationships with adjacent properties, are considered characteristic of development in the immediate area. The indicative proposal would leave sufficient garden to serve the existing dwelling. The scheme, which proposes a bungalow and garage, would be similar to existing development in Kevin Gardens, and the indicative

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density and form of development proposed is considered acceptable. The indicative plot is of sufficient size to satisfactorily accommodate refuse and cycle storage. One additional modest dwelling would not generate significant traffic, and the proposed access would not prejudice use of the turning head, and the Traffic Manager thus raises no objection to the proposal.

It is not considered that a modest bungalow and garage on the plot would adversely affect residential amenity. Sufficient distance could be maintained to dwellings in Downs Valley Road. The adjacent property to the south, 8 Kevin Gardens is not located directly on the common boundary, and has a garage closest to the proposal. A proposed bungalow would not be unduly oppressive in principle given its restricted height. Levels of the site and development have been requested at the Reserved Matters stage to ensure the proposal would sit comfortably in this sloping plot. The application is in outline form, and there is scope for the final siting and design to ensure there would be no adverse affect to adjacent properties.

There are semi-mature trees on site which are not considered to be worthy of retention, however, for the avoidance of any doubt, the views of the Arboriculturalist have been sought and shall be reported at the meeting, and if necessary additional conditions will be recommended.

### **Conclusion:**

For the reasons outlined above, the proposal is considered acceptable in accordance with development Plan policy.

## **8 EQUALITIES IMPLICATIONS**

The new dwelling would need to comply with Part M of Building Regulations.