

BRIGHTON AND HOVE CITY COUNCIL

LIST OF MAJOR OR CONTROVERSIAL APPLICATIONS

OR APPLICATIONS CONTRARY TO COUNCIL POLICY

<u>No:</u>	BH2002/00817/FP	<u>Ward:</u>	WESTBOURNE
<u>Address:</u>	23 Coleridge Street and between 22-24 Shakespeare Street (former Polish Printing Press) Hove		
<u>Proposal:</u>	Demolition of existing light industrial building. Erection of terrace of 2 houses and 5 offices (use class B1) fronting Coleridge Street and 6 houses fronting Shakespeare Street.		
<u>Officer:</u>	Maria Seale / Paul Earp tel: 292114 / 292193	<u>Received Date:</u>	19 February 2002
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	31 May 2002
<u>Agent:</u>	Hawkins Fagg Partnership, Suite 5HF, Vantage Point, New England Road, Brighton		
<u>Applicant</u>	Bourne Property Developments, c/o 67 The Droveway, Hove		
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1 SUMMARY

This application was deferred at the meeting on 14 January for a Sub-Committee site visit.

The proposal is for the demolition of a Victorian School building used since the end of the Second World War as a printing press. The building has been vacant for approximately 18 months and is boarded up. Whilst the school building contrasts in appearance and enriches the urban fabric of the generally uniformed terraced streets of the vicinity, it is neither listed nor within a conservation area, it could be demolished without consent. Importantly the building is poorly adapted to modern commercial needs and situated in a predominantly residential area. The existing high ceilings means that redevelopment of the site enables a replacement building of similar scale to contain an additional floor and therefore provide an increased amount of employment floor space than currently exists; this has released a large proportion of the site for residential development.

The provision of small modern commercial units would retain employment within the area. The site is close to good public transport and the increase in the housing stock is to be welcomed despite no provision being made for car parking.

Despite the loss of the existing buildings, the proposed development with the residential terrace echoing the design of the existing terraced buildings in Shakespeare Street and the use of a contemporary design, of similar scale, for the new buildings in Coleridge Street, would produce a infill development both sympathetic to, and contributing to the architectural mix of the area.

2 RECOMMENDATION

Grant planning permission subject to the following conditions:

1. 00.01 Full planning.
2. Sample of materials.
Reason: standard - add: to comply with policies BE1 of the Hove Borough Local Plan and QD1 of the Brighton and Hove Local Plan Second Deposit Draft.
3. No development shall take place until details of the proposed means of enclosure to the front and rear gardens of the houses hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. **Reason:** In the interests of the visual amenities of the locality and to protect residential amenity to comply with policies BE1 of the Hove Borough Local Plan and QD1 and QD27 of the Brighton and Hove Local Plan Second Deposit Draft.
4. 02.01 No permitted development.
Reason: standard - add: to comply with policies BE1 of the Hove Borough Local Plan and QD1 and QD27 of the Brighton and Hove Local Plan Second Deposit Draft.
5. 02.11 Satisfactory refuse storage.
Reason: standard - add: to comply with policies BE1 of the Hove Borough Local Plan and QD27 of the Brighton and Hove Local Plan Second Deposit Draft.
6. 05.03 Provision of cycle parking.
Reason: standard - add: to comply with policies TR16 of the Hove Borough Local Plan and TR12 of the Brighton and Hove Local Plan Second Deposit Draft.
7. The walls on the front and side boundaries of the front gardens of the two new houses fronting Coleridge Street shall be a maximum of 600mm in height. **Reason:** In the interests of highway safety to comply with policies TR17 of the Hove Borough Local Plan and TR of the Brighton and Hove Local Plan Second Deposit Draft.
8. 03.10 Soundproofing plant/machinery.
Reason: standard - add: to comply with policies BE1 of the Hove Borough Local Plan and QD27 of the Brighton and Hove Local Plan Second Deposit Draft.
9. 19.01 Soil Contamination (phased approach).
Reason: standard - add: The applicant shall carry out a Phase 1

'desk top' study which will include a conceptual model. The Phase 1 report shall be submitted to the Local Planning Authority (LPA) for agreement and for the LPA to decide whether a Phase 2 'site investigation' and/or a Phase 3 'remediation plan' are required. At end of reason add: to comply with policies BE1 of the Hove Borough Local Plan and SU11 and QD27 of the Brighton and Hove Local Plan Second Deposit Draft.

Informatives:

1. This decision is based on drawing nos. 3029/1d – 5d submitted on 22 December 2003.
2. The decision to grant Planning Permission has been taken having regard to the policies and proposals in the Hove Borough Local Plan and the Brighton and Hove Local Plan Second Deposit Draft set out below, and to all relevant material considerations:
Hove Borough Local Plan:
BE1- General guidelines
BE49 - Poets Corner
BE50 - Poets Corner- Industrial and commercial uses
EM1 - Retention of class B1 and B2 uses
EM4 - Class B1 business uses
TR16 - Cycle parking
TR17 - Road safety
Brighton and Hove Local Plan Second Deposit Draft:
QD1 - Design – quality of development and design statements
QD2 - Design – key principles for neighbourhoods
QD3 - Design – efficient and effective use of sites
QD27 - Protection of amenity
HO3 - Dwelling type and size
HO - Provision of private amenity space
TR12 - Cycle parking
TR - Safe development
EM3 - Retaining the best sites for industry
SU2 - Sustainability

3 THE SITE

The site, known as Caldra House, was originally a school and was most recently used as a printing works comprising a Polish printing press and ancillary offices. The original building fronting Coleridge Street has been extended in the past to the side and rear with unattractive extensions of varying designs. The premises comprise of a part two-storey and single- storey building incorporating a mezzanine floor. The site has two frontages, Coleridge Street and Shakespeare Street. Buildings cover the majority of the site and there are on-site car parking spaces in front of the building on Coleridge Street which are informally accessed.

4 RELEVANT HISTORY

None.

5 THE APPLICATION

The application involves demolition of the existing industrial building and erection of 5 offices (use class B1) and 2 houses fronting Coleridge Street and 6 houses between nos 22-24 Shakespeare Street. The buildings in Coleridge Street would be detached from nos 21 and 25 Coleridge Street. Each house would have front and rear garden space. No car parking is proposed.

The application has been amended several times since submitted and originally proposed the erection of 2 houses, 3 industrial units and 3 live/work units fronting Coleridge Street and 6 houses fronting Shakespeare Street. The scheme now under consideration proposes further elevational alterations to produce a design which closely copies the residential terrace to Shakespeare Street, with a modern façade to the predominantly commercial frontage to Coleridge Street. The original scheme involved balconies to the rear of the proposed Coleridge Street terraces which resulted in overlooking, these have now been omitted.

A letter from an estate agent setting out the marketing history of the site was submitted with the application in September 2002. It states that the property was marketed between October 2000 and October 2001 which resulted in some interest but given the condition of the property it was not deemed suitable for modern industrial purposes.

6 CONSULTATIONS

External:

Neighbours: No comments/objections received relating to the current proposal.

The original and first amended proposal have been subject to objections. **Petition of 13 signatures** commenting that the existing building is not secure and has been squatted causing a nuisance. Individual letters received from **2, 6, 19, 21, 25, 27, 32, 70 Coleridge Street, 22 Shakespeare Street. 110 Sackville Road** objecting to the proposal for the following reasons:

- Massing and general design out of character with area.
- loss of privacy (particularly from balconies), loss of light.
- residential rather than industrial use is more appropriate for the area.
- proposal will attach to existing houses which will be devalued and some windows would be lost.
- exacerbation of existing parking problem, increased generation of traffic, increased noise levels.
- the amendments have not taken into account earlier complaints

of the local residents with regard to the parking issue. Object to the lowering of the pavement to allow new businesses to have private parking.

- Reiterate previous objections that the area is becoming too commercialised, thus taking residents' parking spaces. With the encroaching parking schemes around the Poets' Corner area, parking is now a major concern and has already lead to people moving. Plans still show that parking will displace residents from parking outside and opposite their homes in preference to giving office workers 24 hour ownership of the entire curb length that runs along the building in Coleridge Street for the parking of nine of their cars. Restricting public parking by providing private parking spaces would be a complete insult to residents.
- Whilst would like the redevelopment to go ahead as soon as possible to put a stop to the issues the derelict building is causing, a plan that is more sensitive to the existing residents is require (from occupier 19 Coleridge Street).
- concerned over the inconvenience and chaos demolition will cause.

Sussex Police: No objection but recommend that attention be paid to secure cycle stands, external lighting and the security of windows and doors, suggested use of telescopic bollards to protect parking out of hours and to reduce risk (albeit slight) of abandoned vehicles.

Internal:

Planning Policy: No objection. Proposal retains employment floorspace. Residential units have amenity Cycle parking should be undercover in accordance with policy TR12.

Traffic Manager: Concerned that the employment units do not have parking and servicing facilities. Welcome the provision of cycle parking. The area is not within a controlled parking zone therefore the housing cannot be made a car free development.

Environmental Health: No objection subject to appropriate conditions regarding maintenance of refuse storage, soundproofing, restricted hours for unloading/loading and soil contamination study.

Economic Development: There is no record of the site ever being marketed via our property database. The estate agent's letter submitted does not justify strong positive marketing of the site.

Private Sector Housing: No objection.

7 PLANNING POLICIES

Hove Borough Local Plan:

BE1 - General guidelines

BE49 - Poets Corner

BE50 - Poets Corner- Industrial and commercial uses

EM1 - Retention of class B1 and B2 uses

EM4 - Class B1 business uses

TR16 - Cycle parking

TR17 - Road safety

Brighton and Hove Local Plan Second Deposit Draft:

QD1 - Design – quality of development and design statements

QD2 - Design – key principles for neighbourhoods

QD3 - Design – efficient and effective use of sites

QD27 - Protection of amenity

HO3 - Dwelling type and size

HO - Provision of private amenity space

TR12 - Cycle parking

TR - Safe development

EM3 - Retaining the best sites for industry

SU2 - Sustainability

8 CONSIDERATIONS

The proposal has been amended several times to overcome concerns relating to impact of the development on residential amenity, design and traffic/parking considerations. The main public concern related to the loss of on-street parking. The final amendments have deleted parking bays to the industrial units which would have resulted in the loss of the general on street parking to the front of the units for a length of 26m.

The main issues in the consideration of this application are the loss of the previous industrial use, the impact to residential amenity, the impact on the on-street parking situation and highway safety, plus design and the impact on the character and appearance of the locality.

Loss of industrial use

Policy BE50 of the Hove Borough Local Plan relates to industrial users within Poets' Corner. Change of use of industrial properties will be permitted to Class B1 (light industrial/office) where the proposed use would not lead to a further deterioration in the environment, by virtue of noise, fumes, on-street parking or traffic generation.

The original scheme was considered contrary to Local Plan Policy EM3 as insufficient marketing information had been provided to prove the genuine redundancy of the site to justify its redevelopment for live-work units and residential use, and the scheme did not provide sufficient replacement B1 floorspace equivalent to the existing. The amended scheme now incorporates 1040 m² (gross) of B1 floorspace, and would therefore have the benefit of increasing the overall amount of industrial floorspace on the site (existing 800 m²), and its replacement with modern, purpose-built starter units would represent a significant improvement upon the facilities offered by the existing, outdated

premises. The amended proposal is therefore considered to comply with the aims of policy EM3.

Impact to residential amenity

The existing buildings cover the majority of the site, and the proposed development is of a similar height as adjoining buildings. Whilst the proposed building would be approximately 0.7m higher than the existing building it would not be significantly more overbearing than the existing building in general and its relationship with existing adjacent properties is such that it would not result in a serious loss of amenity to residents. In places, the proposal would actually open up parts of the site currently covered by buildings, to the benefit of the living conditions of occupiers of adjoining properties. The distances between the proposed houses in Shakespeare Street and properties in Coleridge Street would be characteristic of the general pattern of development in the area. The balconies originally proposed to the rear of properties have now been omitted, and are proposed only to the front of the two residential units in Coleridge Street. As amended it is not considered that there would be undue overlooking or loss of privacy from the proposal. In accordance with local plan policy, the proposal provides for family housing for which there is an identified need in the city, and sufficient private amenity space would be allocated to each residential unit and adequate refuse and cycle storage could be achieved.

Impact to the on-street parking situation and highway safety

It is not considered that the proposed scheme would result in excessive traffic generation at a level to warrant refusal of the application. It is characteristic of existing residential development in the locality not to have off-street parking, and the site is well located to take advantage of public transport and local services, thus in accordance with local plan policy, a modest residential scheme of 8 units is considered acceptable. Originally concerns were raised by the Traffic Manager regarding the lack of off-street parking to serve the proposed industrial units, and the scheme was amended to provide parking bays to each. However, the provision of on-site parking would result in loss of the on-street parking in front of the units which was the main reason for public objection, particularly given further pressure on the area following the introduction of controlled parking zones within the city. The parking has now been deleted and the businesses would have to compete for the on-street parking along with residents. Whilst the Traffic Manager is still concerned about the lack of parking or servicing facilities, given that the units are relatively small (floor area of approximately 140m² unit, plus one double unit) it is not anticipated that traffic generation or deliveries would be high. Indeed, the proposed redevelopment could result in less traffic than if the site were to remain as existing and could potentially be re-occupied without the need for further consents.

Impact to the character and appearance of the locality

The locality is predominantly characterised by two-storey terraced houses of Victorian architectural style. The existing building is a former school with various extensions of industrial appearance and is thus not characteristic of development in the immediate area. It is considered therefore that there is scope for any proposed replacement scheme not to rigidly follow existing development. The Coleridge Street elevation would not be attached to the adjacent property and would be viewed as a stand-alone development. For this reason a contemporary design of similar height to adjacent properties is proposed, with bay windows which takes reference from existing buildings in the street. The Shakespeare Street elevation would match the height of adjacent development and be of a design closely relating to the existing terrace. It is considered that the proposal would represent an overall improvement in visual terms.

Sustainability:

The proposal will retain employment within the area, replacing an outdated facility with new of greater floorspace, and also increasing the housing stock in a urban area well served by public transport and local amenities. Materials are to be locally sourced and the commercial units will have tanks to store rainwater for use in toilets. Hardcore and other materials from the existing building will be used in the construction of the new development where possible.

Conclusion:

For the reasons set out above the proposal is considered to comply with the aims of Local Plan policies and therefore approval is recommended.

9 EQUALITIES IMPLICATIONS

The development would have to comply with Part M of Building Regulations. The development has level access and the employment units have toilets at ground floor level of a size adequate to accommodate a wheelchair.

<u>No:</u>	BH2003/03692/FP	<u>Ward:</u>	HANOVER & ELM GROVE
<u>Address:</u>	Land to the rear of Whichelo Place		
<u>Proposal:</u>	Erection of 1 no. 2 bedroom (disabled person's) bungalow.		
<u>Officer:</u>	Pete Johnson, tel: 292138	<u>Received Date:</u>	21/11/03
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	15/1/04
<u>Agent:</u>	B A Hughes, 162 Ladysmith Road, Brighton		
<u>Applicant :</u>	Mr R Taylor, 431 Ditchling Road, Brighton		

This application was deferred at the last meeting for a committee site visit

1 RECOMMENDATION

Refuse planning permission for the following reason:

1. The proposal constitutes an overdevelopment of this restricted backland site, which would result in detriment to the amenities of the surrounding houses by reason of noise, disturbance and loss of privacy resulting from the close proximity of the buildings, and mutual overlooking. The development is therefore contrary to policies ENV.1 & H.19 of the Brighton Borough Plan and policies HO.4, QD.3 & QD.27 of the Brighton & Hove Local Plan Second Deposit Draft.

Informative:

This decision is based on drawing nos. 180/09A and 180/10A submitted on 20/11/03.

2 THE SITE

The site is basically triangular in shape and is contained by the rear boundaries of houses at 1-5 Beaufort Terrace, 64-69 Islingword Road and 1-11 (odds) Whichelo Place. The principal entrance to the site is from Whichelo Place, although there is also a narrow pedestrian passageway linking the site to Beaufort Terrace.

A 2 metre fence has recently been erected adjacent to the north boundary.

3 RELEVANT HISTORY

In 1951 an application for a builder's storage shed on the site was refused (ref.**51/898**) and in October 2000 (ref.**BH2000/01506/FP**) permission was refused for 2 bungalows on the site.

Application ref. **BH2000/03044/FP** was for a single bungalow and was refused on the grounds of noise, disturbance and loss of privacy. A subsequent appeal against this refusal was dismissed in October 2001.

BH2003/01164/FP for 2 bungalows was refused in June 2003.

BH2003/03099/FP for erection of 1 two-bedroom disabled bungalow, was refused in November 2003 under delegated powers.

4 THE APPLICATION

The proposal is for a two-bedroom bungalow, built to accommodate wheelchair users. It would be sited 2.3m from the boundary with houses in Beaufort Terrace and 0.9m from the boundary with houses in Whichelo Place. Since the meeting in January, the applicant has offered to sign an agreement under Section 106 to ensure that the bungalow shall only be occupied by wheelchair users.

5 CONSULTATIONS

External:

Neighbours: Letters of objection received from **1,3, Beaufort Terrace, 5,15, Whichelo Place, & 66, Islingword Road**, expressing concerns of overshadowing & loss of light, overlooking & loss of privacy, overdevelopment, noise and disturbance, excessive size, out of character with the area, loss of important open space, possible security risk, loss of on-street parking and because the occupiers of the proposed dwelling would be constantly overlooked. The objectors also point out that this proposal is for a larger building than the one refused on appeal.

Letter of support received from **6, The Beeches, Dyke Road Avenue**, expressing the view that the bungalow is very well designed for wheelchair users. The writer says that the applicant would allow the City Council to let the property to someone on the waiting list for such a property. (The applicant has since written offering to enter into a Sect.106 Agreement to restrict occupation to wheelchair users. This offer does not include nomination rights for the Council)

DAAG: Support the proposal and welcome this addition to the housing stock.

Internal:

Traffic Manager: No comments.

Environmental Health: Would prefer the bin located near the entrance to be enclosed, but otherwise, no objection.

6 PLANNING POLICIES

Brighton Borough Local Plan:

ENV.1- Ensuring new development does not detract from the environment.

H.19 - Private useable amenity space.

D.1 - In its operation and implementation of the policies and proposals in this plan, the council will be mindful of the particular requirements, needs and desires of physically disabled and mentally handicapped people.

Brighton and Hove Local Plan Second Deposit Draft:

HO.4 - Dwelling densities.

HO.13 – Accessible housing & lifetime homes.

QD.3 - Design- full and effective use of sites.

QD.27 - Protection of amenity.

7 CONSIDERATIONS

This is a small backland site with narrow (3m) access onto Whichelo Place and a pedestrian way onto Beaufort Terrace. The applicant claims that the permitted use is as a vehicle scrap yard but there are no planning records to confirm this and neighbours claim it has not been so used for 40 years. It appears likely, therefore, that the use has been abandoned and the site does not have any authorised planning use, although the applicant has recently started to use the land as a car park.

It is considered that a residential use would be acceptable in this wholly residential area, provided problems of overlooking and overshadowing could be overcome. It was felt that they were not overcome by the application in 2000 for two bungalows, which was refused on grounds of overdevelopment, overlooking and loss of privacy and that the 2000 application for one bungalow also did not overcome these concerns and this was refused for the same reason. An appeal against the 2000 refusal was dismissed.

Since the refusal on appeal, a 2metre high fence has been erected adjacent to the north boundary, which runs along the back of Beaufort Terrace and the applicant has leased the site for the storage of cars. The applicant refers to these as scrap cars, but at the time of inspection the vehicles parked there seemed to be in reasonable condition and were not considered to be scrap.

Although the proposal indicates that the site would be partially excavated to achieve more uniform levels, the proposed building would be higher and larger than the scheme dismissed on appeal. It is considered that the site cannot accommodate the development proposed without giving rise to the anticipated problems that resulted in the refusal and which were supported in the appeal process. In fact, the current proposal has a much larger footprint than the application dismissed on appeal.

Because of the irregular shape of the site, prevailing ground levels and the close proximity of surrounding houses, the development would result in an unacceptable loss of amenity to surrounding residents by reason of noise and general disturbance, mutual overlooking, overshadowing and loss of privacy. It is noted that the proposal is for a dwelling to accommodate disabled people, with wheel-chair turning

areas in every room. Whilst such accommodation is needed in the city and is encouraged by policy HO13 it is considered that such provision should not be made to the exclusion of other policies.

The dismissed appeal is an important material planning consideration and must therefore be taken into account in determining this latest application. It is considered that this proposal would result in more harm than the scheme dismissed on appeal and this is not outweighed by the provision of a dwelling suitable for a wheelchair user. Refusal is therefore recommended for the reasons set out above (which are the same as those used for the earlier refusal which were supported by the Inspectorate in dismissing the subsequent appeal).

8 EQUALITIES IMPLICATIONS

It is acknowledged that the proposal would accommodate a disabled person and carer, but it is unacceptable for the reasons set out in the recommendation.

PLANS LIST 4TH FEBRUARY 2004

<u>No:</u>	BH2003/01328/FP	<u>Ward:</u>	REGENCY
<u>Address:</u>	14 Ship Street		
<u>Proposal:</u>	Alterations to existing cafe bar and erection of conservatory extension (part retrospective)		
<u>Officer:</u>	Andy Watt, tel: 292525	<u>Received Date:</u>	14 April 2003
<u>Con Area:</u>	OLD TOWN	<u>Expiry Date:</u>	24 June 2003
<u>Agent:</u>	Hawkins Fagg Partnership, Suite 5HF, Vantage Point, New England Road, Brighton		
<u>Applicant</u>	Mr & Mrs Heath, 69 Hill Brow, Hove		
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This application is to be the subject of a Sub-Committee site visit.

1 RECOMMENDATION

Minded to Grant Planning Permission subject to the receipt of amended plans showing a satisfactory ventilation system for the conservatory and the following conditions:

1. Details of soundproofing measures to be incorporated in the alterations, including an acoustic report, shall be submitted to the Local Planning Authority for approval within one month of the date of this permission. All works shall be carried out strictly in accordance with the approved plans and the conclusions of the submitted acoustic report and completed in their entirety within a period of four months from the date of this permission.

Reason: To ensure the satisfactory preservation of this listed building and to preserve the character and appearance of the Old Town Conservation Area and to safeguard the amenities of occupiers neighbouring properties, to comply with Policies ENV1 and ENV.31 of the Brighton Borough Local Plan and Policies HE1 and QD27 of the Brighton & Hove Local Plan Second Deposit Draft.

2. All doors and windows to the 'outside area', as depicted on the approved plans, except for the window to the servery, shall be kept closed at all times except in emergencies and for maintenance purposes.

Reason: To safeguard the amenities of occupiers of neighbouring properties, 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 nos. 3280/1 and 3280/2 submitted on 14 April 2003.
2. This decision to grant Planning Permission has been taken having

regard to the policies and proposals in 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:

QD1 – Design – quality of development and design statements

QD14 – Extensions and alterations

QD27 – Protection of amenity

HE1 – Listed buildings

HE6 – Development within or affecting the setting of Conservation Areas

2 THE SITE

The application relates to a three-storey over basement Grade II listed building dating from the early 19th century, located on the western side of Ship Street within the Old Town Conservation Area, just south of Ship Street Gardens. It is presently in use as Bar Galore (A3 food and drink), formerly El Perron restaurant/tapas bar, on the ground floor. There is additional storage space arranged in the basement and two residential flats above.

3 RELEVANT HISTORY

18.61.2496: Change of use from offices to basement store, staff rooms and ladies hairdressing with gents hairdressing – granted 2 January 1962.

78/1811: Change of use from offices to restaurant – granted 29 August 1978.

81/806: Change of use of first and second floor offices to residential – granted 21 July 1981.

BH2003/00166/FP and **BH2003/00292/LB:** Alterations to existing bar and restaurant – withdrawn 13 February 2003.

BH2003/01329/LB: Alterations to existing café bar and erection of conservatory extension – awaiting determination.

4 THE APPLICATION

Seeks planning permission – in conjunction with listed building consent – for the construction of a conservatory in the patio area to the rear of the building (which replaces a flat roofed extension, apparently demolished some time prior to January 2003 for safety reasons). Various other external and internal works also form part of the scheme

to upgrade and refurbish this building. These are limited to the ground and basement floors. Some works have already progressed.

5 CONSULTATIONS

External:

Neighbours:

8 letters of objection from **14A Ship Street; 3 Ship Street Gardens; 5 Ship Street Gardens; 10 Ship Street Gardens; 1 The Chambers, Ship Street Gardens; Flat 2 The Chambers, 16 Ship Street Gardens; Flat 3 The Chambers, 16 Ship Street Gardens; and Ship Street, Ship Street Gardens and Middle Street Residents Association** on the following grounds:

- Noise and disturbance;
- Conservatory should be triple glazed and the works completed for this summer's entertaining season [2003];
- No soundproofing has been proposed on the party wall between 14 and 14A Ship Street and 1 Ship Street Gardens;
- Premises is operating as a bar, even though licence is for café bar;
- Whole of the courtyard area should be glassed over;
- Rear of premises is changing from kitchen use to additional seating.

Internal:

Conservation & Design: Has not inspected the site, but note that this building has been much altered, and the proposal seeks to rationalise the cafe bar operation and increase the bar area, by extending out into the rear courtyard. Only concern centres upon the infilling of the courtyard and the use of a glazed roof to the extension. By infilling the courtyard the use will have to rely much more on mechanical ventilation, for which no details have been supplied, and which might harm the character and appearance of this property. The glazed roof will impede external access to the upper facades, and prejudice the building's future maintenance. If the first point is satisfied, would encourage a flat leaded roof with rooflights to address the latter point.

Environmental Health: The applicant should be required to produce a thorough acoustic report to demonstrate that the alterations, particularly the glazed roof to the courtyard, will not give rise to serious disturbance in neighbouring properties. Other areas of concern are the sound reduction properties of the party walls, particularly those incorporating chimneys. The food side is minimal and there may be no need for additional ventilation.

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:

QD1 – Design – quality of development and design statements

QD14 – Extensions and alterations

QD27 – Protection of amenity

HE1 – Listed buildings

HE6 – Development within or affecting the setting of Conservation Areas

7 CONSIDERATIONS

Impact on neighbouring properties:

Although situated in the heart of the city centre, the site is surrounded to the west and particularly to the north by residential properties. Whilst the site has been in A3 use since the late 1970s, the most recent use was as a restaurant and tapas bar, in which drinks could only be served to patrons with food by waiters and waitresses. Now under the current ownership the premises are more unregulated in this sense, such that patrons can consume alcohol in the bar as they wish. Clearly this presents an amenity issue for occupiers of surrounding properties, although it should be stressed that in planning terms this current use is not a breach of the A3 use.

Previously there was a flat roofed extension over the open area between the front and rear buildings, which did help to contain noise levels from the premises. Its removal has presented noise and disturbance problems to neighbouring residents, as has been expressed in the letters of objection detailed above. For this reason, a sympathetic design has been proposed for a conservatory which is considered acceptable in terms of preserving the character and appearance of the listed building and Conservation Area, and is in principle considered necessary to deal satisfactorily with the day to day problems that bars can create. As noise problems are ongoing and have been since the patio area was opened out (at least a year ago), a condition has been imposed to ensure that the works are completed in their entirety within 4 months of the date of the decision notice.

Effect of proposal on listed building and Old Town Conservation Area:

The loss of the flat roof within the courtyard opened the space out for patrons of this A3 use establishment and would ordinarily have been welcomed in terms of the impact on the listed building and Conservation Area. However, the building has been altered quite extensively and a sympathetic design has been negotiated for the conservatory, which occupies a similar footprint. Subject to satisfactory details being provided of ventilation measures, then this conservatory is considered acceptable. The loss of the spiral fire escape staircase is

welcomed.

Conclusion:

Conditional approval is therefore recommended.

8 EQUALITIES IMPLICATIONS

None identified.

PLANS LIST 4TH FEBRUARY 2004

<u>No:</u>	BH2003/01329/LB	<u>Ward:</u>	REGENCY
<u>Address:</u>	14 Ship Street		
<u>Proposal:</u>	Alterations to existing cafe bar and erection of conservatory extension (part retrospective		
<u>Officer:</u>	Andy Watt, tel: 292525	<u>Received Date:</u>	29 April 2003
<u>Con Area:</u>	OLD TOWN	<u>Expiry Date:</u>	24 June 2003
<u>Agent:</u>	Hawkins Fagg Partnership, Suite 5HF, Vantage Point, New England Road, Brighton		
<u>Applicant</u>	Mr & Mrs Heath, 69 Hill Brow, Hove		
:			

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

1 RECOMMENDATION

Minded to Grant Listed Building Consent subject to the receipt of amended plans showing a satisfactory ventilation system for the conservatory and the following conditions:

1. Details of soundproofing measures to be incorporated in the alterations, including an acoustic report, shall be submitted to the Local Planning Authority for approval within one month of the date of this permission. All works shall be carried out strictly in accordance with the approved plans and the conclusions of the submitted acoustic report and completed in their entirety within a period of four months from the date of this permission.

Reason: To ensure the satisfactory preservation of this listed building and to preserve the character and appearance of the Old Town Conservation Area and to safeguard the amenities of occupiers neighbouring properties, to comply with Policies ENV1 and ENV.31 of the Brighton Borough Local Plan and Policies HE1 and QD27 of the Brighton & Hove Local Plan Second Deposit Draft.

2. All new internal doors shall match the original doors and all skirtings, cornices and architraves shall match existing.

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:

1. This decision is based on drawing nos. 3280/1 and 3280/2 submitted on 14 April 2003.
2. This decision to grant Listed Building Consent has been taken having regard to the policies and proposals in 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

The application relates to a three-storey over basement Grade II listed building, located on the western side of Ship Street within the Old Town Conservation Area. It is presently in use as Bar Galore (A3 food and drink), formerly El Perron restaurant/tapas bar, on the ground floor. There is additional storage space arranged in the basement and two residential flats above.

3 RELEVANT HISTORY

18.61.2496: Change of use from offices to basement store, staff rooms and ladies hairdressing with gents hairdressing – granted 2 January 1962.

78/1811: Change of use from offices to restaurant – granted 29 August 1978.

81/806: Change of use of first and second floor offices to residential – granted 21 July 1981.

BH2003/00166/FP and **BH2003/00292/LB:** Alterations to existing bar and restaurant – withdrawn 13 February 2003.

BH2003/01328/FP: Alterations to existing café bar and erection of conservatory extension – awaiting determination.

4 THE APPLICATION

Seeks listed building consent – in conjunction with planning permission – for the construction of a conservatory in the patio area to the rear of the building (which replaces a flat roofed extension, apparently demolished some time prior to January 2003 for safety reasons). Various other external and internal works also form part of the scheme to upgrade and refurbish this building. These are limited to the ground and basement floors. Some works have already progressed.

5 CONSULTATIONS

External:

Neighbours:

8 letters of objection from **14A Ship Street; 3 Ship Street Gardens; 5 Ship Street Gardens; 10 Ship Street Gardens; 1 The Chambers, Ship Street Gardens; Flat 2 The Chambers, 16 Ship Street Gardens; Flat 3 The Chambers, 16 Ship Street Gardens; and Ship Street, Ship Street Gardens and Middle Street Residents Association** on the following grounds:

- Noise and disturbance;
- Conservatory should be triple glazed and the works completed for

this summer's entertaining season [2003];

- No soundproofing has been proposed on the party wall between 14 and 14A Ship Street and 1 Ship Street Gardens;
- Premises is operating as a bar, even though licence is for café bar;
- Whole of the courtyard area should be glassed over;
- Rear of premises is changing from kitchen use to additional seating.

Internal:

Conservation & Design: Has not inspected the site, but note that this building has been much altered, and the proposal seeks to rationalise the café bar operation and increase the bar area, by extending out into the rear courtyard. Only concern centres upon the infilling of the courtyard and the use of a glazed roof to the extension. By infilling the courtyard the use will have to rely much more on mechanical ventilation, for which no details have been supplied, and which might harm the character and appearance of this property. The glazed roof will impede external access to the upper facades, and prejudice the building's future maintenance. If the first point is satisfied, would encourage a flat leaded roof with rooflights to address the latter point.

Environmental Health: The applicant should be required to produce a thorough acoustic report to demonstrate that the alterations, particularly the glazed roof to the courtyard, will not give rise to serious disturbance in neighbouring properties. Other areas of concern are the sound reduction properties of the party walls, particularly those incorporating chimneys. The food side is minimal and there may be no need for additional ventilation.

6 PLANNING POLICIES

Brighton Borough Local Plan:

ENV.31 – Listed buildings

Brighton & Hove Local Plan Second Deposit Draft:

HE1 – Listed buildings

7 CONSIDERATIONS

Effect of proposal on listed building:

The loss of the flat roof within the courtyard opened the space out for patrons of this A3 use establishment and would ordinarily have been welcomed in terms of the impact on the listed building. However, the building has been altered quite extensively and a sympathetic design has been negotiated for the conservatory, which occupies a similar footprint. Subject to satisfactory details being provided of ventilation measures, then this conservatory is considered acceptable. The loss of the spiral fire escape staircase is welcomed.

Conclusion:

The proposals conform to policies; approval is recommended.

8 EQUALITIES IMPLICATIONS

None identified.

LIST OF MINOR APPLICATIONS

No:	BH2003/00155/FP	<u>Ward:</u>	BRUNSWICK/ADELAIDE
<u>Address:</u>	38 Brunswick Street East and 14 Brunswick Square		
<u>Proposal:</u>	Re-instatement of and alteration to ground floor flat, use of basement as use class B1.		
<u>Officer:</u>	Paul Earp, tel: 292193	<u>Received Date:</u>	12 December 2002
<u>Con Area:</u>	BRUNSWICK TOWN	<u>Expiry Date:</u>	10 March 2003
Agent:	Roy C King, 361 Upper Shoreham Road, Shoreham		
Applicant	Deniston Properties Ltd, c/o Stiles Harold Williams, Sterling House,		
:	High Street, Crawley		

1 RECOMMENDATION

Grant planning permission subject to the following conditions and informatives:

1. 00.01 Full planning.
2. 01.01 - Sample of materials.
Reason: standard – add 'and to comply with policies BE1 of the Hove Borough Local Plan and QD2 of the Brighton and Hove Local Plan Second Deposit Draft.
3. 02.09 – Refuse storage facilities.
Reason: standard – add 'and to comply with policy QD27 of the Brighton and Hove Local Plan Second Deposit Draft.
4. 02.10 – Refuse storage – maintenance of.
Reason: standard – add 'and to comply with policy QD27 of the Brighton and Hove Local Plan Second Deposit Draft.
5. 03.05 – No open storage.
Reason: standard – add 'and to comply with policy QD27 of the Brighton and Hove Local Plan Second Deposit Draft.
6. 03.10 – Soundproofing plant/machinery.
Reason: standard – add 'and to comply with policy QD27 of the Brighton and Hove Local Plan Second Deposit Draft.
7. Details of any mechanical system of ventilation to the basement rooms are to be submitted to and approved by the Local Planning Authority before works commences the details as approved shall be installed before the first occupation of the development.
Reason: To ensure satisfactory preservation of this Listed Building and to safeguard residential amenity and to comply with policies BE1 of the Hove Borough Local Plan and QD2 and QD27 of the Brighton and Hove Local Plan Second Deposit Draft.

Informatives:

1. This decision is based on drawing nos. 10,880 & 10,880/A submitted on 11.12.03.
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 and Hove Local Plan Second Deposit Draft set out below, and to all relevant material considerations:

Hove Borough Local Plan:

BE1 – General guidelines

BE3 – Change of use of listed buildings

BE4 – Listed building setting

BE5 – Design and materials

BE6 – Grants and repairs

BE8 – Development in conservation areas

EM8 – Development in mixed use areas

TR16 – Cycle parking

TR26 – Car parking standards

H6 - Refuse storage.

Brighton and Hove Local Plan Second Deposit Draft:

TR12 – Cycle parking

TR17 – Parking standards

HO8 – Housing – bringing vacant housing back into use

EM9 – Mixed uses

HE1 – Listed buildings

HE3 – Development affecting the setting of a listed building

HE4 – Reinstatement of original features on listed buildings

HE6 – Development within a conservation area

QD2 – Design – key principles for neighbourhoods

QD27 – Protection of residential amenity

SU2 - Sustainability

2 THE SITE

The application relates to a site consisting of a derelict building with no roof, fronting Brunswick Street East. The property internally links to 14 Brunswick Square, a grade 1 listed building forming part of a terrace. The site is within the Brunswick Town Conservation Area.

3 RELEVANT HISTORY

Applications **3/93/0139 (F) & 3/93/0140(LB)**, alterations to residential units at basement and ground floor levels and allied repairs, granted 2.7.93.

4 THE APPLICATION

The proposal is for the restoration and alterations to the building to form B1 Use (offices/light industry) at basement level and a1 bedroom flat at ground floor level. Alterations involve:

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Basement level:

Front elevation.

- remove brick infill to window and deepen to floor level.
- reopen front void to form front access.

Rear:

- Reinstate lantern and roof lights.
- Brick up window opening.

Internal:

- Remove walls.

Ground floor level:

Front elevation.

- Replace door with softwood.
- Remove door, part brick up opening and render.
- Salvaged cast iron railings with spear tops.

Rear elevation:

- replace sliding sash window with new.
- Slab paving to concrete roof of basement to form terrace, 11m².

Internal:

- Form new opening within wall to room at front of building.

Bin storage: Ventilated storage area to front section of basement suitable for refuse storage for B1 Use. External area to front basement for bins to residential unit.

Parking: private forecourt to front of building suitable for loading/unloading.

The application has been amended to avoid the need to alter the vaulting to the north-east basement area, allow the private forecourt to be used for servicing, alterations to the front elevation and identification of refuse storage areas.

A corresponding application for Listed Building Consent application (BH2003/00170/LB) has been approved under delegated powers subject to no objections from GOSE.

5 CONSULTATIONS

External:

Neighbours: 37, 39 Brunswick Street East: Whilst pleased that after many years of neglect the property is being renovated, object to the inclusion of employment use within the building. The basement could employ 6-12 people. Whilst the area is designated for light industrial use, the road is already full to capacity with garages and parked cars, often on double yellow lines. Delivery vans and regular use of mobile workshops for repairs to vehicles in the street and tyre changing exacerbate problems. Extra vehicles caused by the proposed business use would make the situation completely untenable. B1 use would lead to increased noise and disturbance. Recent approvals for residential use would suggest that the street is better suited to

residential than commercial/industrial use.

CAAG: Welcome the reuse of the basement.

Internal:

Conservation & Design: Consider the detailing of the application as amended to be acceptable.

Traffic Manager: No objection. No scope exists for off-street parking; welcome the provision of a servicing bay. This central location is well served by public transport. Little scope exists to provide covered and secure cycle parking although the internal store at basement level could serve this need.

Environmental Health: No objection subject to conditions to ensure satisfactory refuse storage and soundproofing of plant and machinery to the basement.

6 PLANNING POLICIES

Hove Borough Local Plan:

BE1 – General guidelines.

BE3 – Change of use of listed buildings.

BE4 – Listed building setting.

BE5 – Design and materials.

BE6 – Grants and repairs.

BE8 – Development in conservation areas.

EM8 – Development in mixed use areas.

TR16 – Cycle parking

TR26 – Car parking standards.

H6 - Refuse storage.

Brighton and Hove Local Plan Second Deposit Draft:

TR12 – Cycle parking.

TR17 – Parking standards.

HO8 – Housing – bring vacant housing back into use.

EM9 – Mixed uses.

HE1 – Listed buildings.

HE3 – Development affecting the setting of a listed building.

HE4 – Reinstatement of original features on listed buildings.

HE6 – Development within a conservation area.

QD2 – Design – key principles for neighbourhoods.

QD27 – Protection of residential amenity.

7 CONSIDERATIONS

The main issues for consideration are the impact of the building works on the character and appearance of the surrounding Brunswick Town Conservation Area, and impact on residential amenity and traffic generation.

The building which has been vacant for approximately 15 years collapsed in 2002. Little of the structure remains, including the loss of the roof. The premises are attached to the rear of the grade 1 listed terrace of Brunswick Square, and whilst of a different quality and character, are covered by the main building's listing.

Brunswick Street East is identified in policy EM8 of the Hove Local Borough Plan as a mixed use area where both residential and light industrial uses are appropriate. The proposal is for the use of the building for light industrial use within the basement and for the formation of a one bedroomed flat at ground floor level. The proposed use accords with this policy. Natural light levels to the basement are poor and for this reason a commercial use is proposed in this area. CAAG welcome the reuse of the basement area. Reinstatement of residential use and increase in the housing stock is also to be welcomed.

Public objections consider that the commercial use to be inappropriate as, without off-street parking, it would exacerbate existing traffic problems and congestion, and lead to an increase in noise and disturbance. The premises are situated in a central area, well served by public transport. Scope exists within the building for cycle parking and the private forecourt would facilitate servicing and deliveries. For these reasons the Traffic Engineer does not object to the proposal.

The building abuts the pavement and is prominent in the street scene. Whilst public comments express concern over the use they have welcomed the restoration of the building. The Conservation Officer considers works to the building to be acceptable subject to conditions to ensure appropriate detailing (to be attached to the listed building consent).

As restored the building would have no further impact on the residential amenities of the occupiers of the flats within Brunswick Square to the rear than the former building; indeed, a window at basement level facing a flat is to be infilled. Conditions relating to soundproofing of plant and machinery are suggested to protect residential amenity. Refuse storage is identified at basement level.

Conclusion:

The restoration of the building is to be welcomed and the mixed use considered acceptable. Despite two objections to the use on traffic grounds, the Traffic Engineer does not consider that the proposed uses would result in an unacceptable increase in traffic generation.

8 EQUALITIES IMPLICATIONS

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Both floors are accessed by steps. Disabled persons' access to the basement in particular would be difficult to achieve.

PLANS LIST 4TH FEBRUARY 2004

<u>No:</u>	BH2003/03930/AD	<u>Ward:</u>	CENTRAL HOVE
<u>Address:</u>	Orsino Restaurant, 141 Church Road		
<u>Proposal:</u>	Illuminated fascia signs		
<u>Officer:</u>	Nicola Slater, tel: 292114	<u>Received Date:</u>	12 December 2003
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	06 February 2004
<u>Agent:</u>	Design LSM, The Bath House, 58 Livingstone Road, Hove		
<u>Applicant:</u>	Mr Khani, 141 Church Road		
:			

1 RECOMMENDATION

Grant Advertisement Consent, subject to the following conditions:

1. 00.08 5 years.
Reason: standard 'and to comply with policy BE31 of the Hove Borough Local Plan and policy QD12 of the Brighton & Hove Local Plan Second Deposit Draft 2001'.
2. 00.09 Advertisements.
Reason: standard 'and to comply with policy BE31 of the Hove Borough Local Plan and policy QD12 of the Brighton & Hove Local Plan Second Deposit Draft 2001'.
3. 00.10 Advertisements.
Reason: standard 'and to comply with policy BE31 of the Hove Borough Local Plan and policy QD12 of the Brighton & Hove Local Plan Second Deposit Draft 2001'.
4. 00.11 Advertisements.
Reason: standard 'and to comply with policy BE31 of the Hove Borough Local Plan and policy QD12 of the Brighton & Hove Local Plan Second Deposit Draft 2001'.
5. 00.12 Advertisements.
Reason: standard 'and to comply with policy BE31 of the Hove Borough Local Plan and policy QD12 of the Brighton & Hove Local Plan Second Deposit Draft 2001'.
6. 00.13 Advertisements.
Reason: standard 'and to comply with policy BE31 of the Hove Borough Local Plan and policy QD12 of the Brighton & Hove Local Plan Second Deposit Draft 2001'.

Informatives:

1. This decision is based on drawing nos. 01-01, 02-01, 09-01 submitted on 12 December 2003.
2. This decision to grant Advertisement Consent 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 Development, BE31 Advertisements

Brighton & Hove Local Plan Second Deposit Draft – QD1 Development Design,

QD12 Advertisements and signs.

2 THE SITE

The site relates to Orsino's restaurant, located on the north side of Church Road at the junction with Ventnor Villas. It is currently undergoing refurbishment.

3 RELEVANT HISTORY

Planning permission was first granted in 1992 for the restaurant; planning permission was granted in May 2000 for a first floor side extension and in April 2002 for a change the opening hours to Monday – Wednesday 9am – 12 midnight, Thursday – Saturday 9am – 1pm and Sundays 9am – 11pm.

4 THE APPLICATION

Advertisement consent is sought for the removal of the existing signs and lights and the installation of two illuminated signs to the premises at fascia level, one in Church Road and the other in Ventnor Villas, and the installation of a new canopy above the entrance. The new signs will be internally illuminated opal Perspex built up letters, 100mm deep to house the lighting and spaced away from the wall to allow for halo illumination. Individual downlighters will also be installed on the fascia.

5 CONSULTATIONS

External:

Neighbours:

A letter of representation has been received from the occupier of **Flat B, 139 Church Road** objecting to the proposal on the grounds of:

- there are enough lights already on the premises
- light disturbance

6 PLANNING POLICIES

Hove Borough Local Plan:

BE1 - General Development

BE31 - Advertisements

Brighton and Hove Local Plan Second Deposit Draft:

QD1 - Design

QD12 - Advertisements and signs

7 CONSIDERATIONS

The principle issue to consider is the visual impact of the proposed signs

on the street scene. Current policy requires advertisements and shopfront signage to make a positive contribution to local areas and street frontages.

Signage along Church Road is generally varied, in terms of illumination, size and design. The proposed fascia sign is proposed to be the same depth as the existing with the design and illumination proposed to change. The existing advertisement is externally illuminated, with striplighting and the lettering expanding across much of the fascia, whereas the proposed signage is proposed to be much simpler and smaller in design and the letters are proposed to be illuminated individually.

Concerns have been raised regarding the increased illumination from the proposed signs and that there is sufficient signage and lighting at present. The proposed advertisements, however, are a replacement of the existing and are therefore not an increase in the number of signs on the premises. Furthermore, the new scheme is likely to emit less illumination in comparison to the existing externally illuminated signs, and is therefore unlikely to have a detrimental impact on neighbouring occupiers.

Whilst the application is not located in a Conservation Area, the site is positioned adjacent to the Cliftonville Conservation Area and therefore the advertisements could affect the setting and character of the conservation area. Policy HE9 advises that advertisements within Conservation Areas should have individually halo or internally illuminated letters on an unlit fascia, or to be externally spot-lit. The proposals adhere to this policy and is therefore unlikely to affect the setting and character of the adjacent conservation area.

To conclude, the proposed advertisements are not considered to be out of keeping in this area and are not likely to have a detrimental impact on amenity for neighbouring occupiers. With regard to the objectives of planning policies BE31 and QD12 the proposed fascia signs are considered acceptable and the application is recommended for approval.

8 EQUALITIES IMPLICATIONS

None identified

PLANS LIST 4TH FEBRUARY 2004

<u>No:</u>	BH2003/03362/FP	<u>Ward:</u>	GOLDSMID
<u>Address:</u>	18 Lyndhurst Road		
<u>Proposal:</u>	Demolition of existing and erection of new single storey rear extension.		
<u>Officer:</u>	Huw James, tel: 292454	<u>Received Date:</u>	17 October 2003
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	12 December 2003
<u>Agent:</u>	Paul Crawley, 10A Vernon Terrace, Brighton.		
<u>Applicant :</u>	Suzi Irving & James Pike, 18 Lyndhurst Road		

1 RECOMMENDATION

Grant planning permission subject to the following conditions:

1. 00.01 Full planning.
2. 01.03 Matching materials.

Reason: standard 'and to comply with policies BE1 of the Hove Borough Local Plan and policies QD14 & QD27 of the Brighton & Hove Local Plan Second Deposit Draft'

Informatives:

1. This decision is based on drawing nos. LHR/PL/00 A, 04 A, 05 A, 06 A, 07 A submitted on 14 January 2004.
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 set out below, and to all relevant material considerations:
Hove Borough Local Plan:
BE1 General development
Brighton and Hove Local Plan Second Deposit Draft:
QD1 Development design
QD2 Neighbourhood design
QD14 Extensions and alterations
QD27 Protection of amenity

2 THE SITE

The application site is a semi-detached property on the south side of Lyndhurst Road in Hove.

3 RELEVANT HISTORY

None.

4 THE APPLICATION

This proposal is for the demolition of an existing 4.3 metre long, 3 metre wide rear extension and the erection of new single storey rear extension, projecting 3.5 metres and measuring 4.7 metres in width. The proposal would have a pitched roof and the elevations are to be painted render. Revised plans have been submitted showing the proposal moved 1 metre away from the boundary with no. 20 Lyndhurst Road.

5 CONSULTATIONS

External:

Neighbours:

Letter of concern received about the original plans from **20 Lyndhurst Road** :

- New extension will be wider than existing extension, extending to within 100 mm of the boundary.
- Drawings show the floor level set down but the new roof at its highest point will be higher than the existing flat roof extension.
- There will be some loss of direct sunlight into the rear room of no.20 in the morning as 18 is to the east.
- Rear extension will also be visible from rear room of no.20 when looking towards rear garden.

Comments on the revised plans are awaited.

6 PLANNING POLICIES

Hove Borough Local Plan:

BE1 - General development

Brighton and Hove Local Plan Second Deposit Draft:

QD1 - Development design

QD2 - Neighbourhood design

QD14 - Extensions and alterations

QD27 - Protection of amenity

7 CONSIDERATIONS

The main consideration is the impact on the amenities of the neighbouring property, no. 20 Lyndhurst Road.

The application site and no. 20 have single storey rear extensions. The existing single storey flat roof extension at the site extends some 4.3 metres into the rear garden but is set well in from the garden boundary. The proposed replacement extension will only project 3.5 metres into the rear garden but features a lean-to roof that is higher than the existing flat roof. The new rear extension was originally proposed to extend across the majority of the rear elevation of the property with the side elevation adjacent to the boundary with no. 20. The neighbours raised concerns over loss of light to a pair of rear patio

doors and the plans have been revised to show the side wall of the proposed extension moved in 1 metre from the boundary wall.

It is considered that the revisions are acceptable, reducing the potential overshadowing and loss of light to the rear of the neighbouring property. Although the highest part of the lean-to roof will be higher than the existing flat roof at the applicant's property, the roof slopes down sharply so as to allow sunlight and daylight to the rear of the neighbouring house. The proposal will not project as far into the rear garden as the existing extension and would not significantly affect outlook from the neighbouring property.

Conclusion:

The revised application, showing the proposed extension moved 1 metre in from the boundary will not significantly harm the amenities of the neighbouring property and is recommended for approval.

8 EQUALITIES IMPLICATIONS

None identified.

<u>No:</u>	BH2003/03929/TA	<u>Ward:</u>	HANGLETON & KNOLL
<u>Address:</u>	4 Applesham Avenue		
<u>Proposal:</u>	Application to determine whether prior approval is required for installation of 3 antennas within a GRP shroud & 2 ground based cabinets on an existing telecoms site		
<u>Officer:</u>	Huw James, tel: 292454	<u>Received Date:</u>	03 December 2003
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	11 February 2004
<u>Agent:</u>	Turner & Partners Telecom Services, Henson House, Henson Road Three Bridges, Crawley		
<u>Applicant</u>	O2 (UK) Ltd, 260 Bath Road, Slough, Berkshire		
:			

1 RECOMMENDATION

That prior approval will not be required for the proposed installations.

Informative:

This decision is based on drawing nos. P16846U/001/A, 002/A & 003/A submitted on 3 December 2003.

2 THE SITE

The application site is an existing telecommunications installation on the rooftop of 4 Applesham Avenue in Hove, a ground floor butchers shop with first floor residential accommodation. The site is within a defined Local Shopping Centre.

3 RELEVANT HISTORY

BH2001/02157/TA – Installation of four antennas mounted on two poles (clad in GRP to resemble chimney stack) and equipment housing.

4 THE APPLICATION

This is an application to determine whether prior approval is required for installation of 3 antennas within a GRP shroud & 2 ground based cabinets on an existing telecoms site. This is not a full planning application and only the siting and design of the proposal can be considered by the Local Planning Authority.

5 CONSULTATIONS

External:

Neighbours:

3 letters of objection received from **1, 2 & 6 Applesham Avenue:**

- New installation will be out of character with its surroundings.

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- Low roof of building means that new stack will double height of the building and appear very obvious, ugly and not in keeping with it's neighbours.
- Potential health risks are being ignored, risks to young children and long term health.
- Appreciate site is existing but no notification was received of original installation and residents not given the opportunity to comment.
- Half a day's trading was lost due to previous installation.
- Insane to allow masts above residential accommodation.
- If sites are not allowed within 100 metres of a school how can a site within 5 metres of our home be safe?
- Existing 02 antenna visible from kitchen window and will affect any sale of property.
- Works take place on Sundays when other trades cannot be carried out.
- Application will be permitted regardless of protests.

Internal:

Environmental Health:

"There is current public concern about the possible health effects from base stations, which are the radio transmitters and receivers, which form an essential link in mobile phone communications.

With regard to concerns about health and safety, the Government's advisers, the National Radiological Protection Board, (NRPB) have issued guidelines on maximum levels of exposure to radio frequency or RF radiation emitted from base stations. The guidance is based on levels of RF radiation known to cause thermal, or heating effects in body tissues, or effects on the central nervous system and perception. The balance of evidence to date suggests that exposures to RF radiation below NRPB guidelines do not cause adverse health effects on the general population.

Telecommunications operators also have a duty under the Health and Safety at Work etc Act 1974 and the Management of Health and Safety at Work Regulations 1992 to ensure that their work activities, which would include operation of their apparatus, do not present a risk to employees and the general public.

The practical effect of the combination of the NRPB guidelines and the health and safety legislation should therefore be that people are not exposed to the levels of RF radiation known to cause effects on health.

The Independent Expert Group on Mobile Phones has submitted a report to Government, which has made recommendations to adopt a

precautionary approach to the use of mobile phone technology. This is because the Group considers that they cannot conclude on evidence to date, that exposure to RF radiation, even at levels below national guidelines, is totally without potential adverse health effects. The Government has reviewed the report and agrees with the finding that there is no general risk to the health of people living near to base stations on the basis that exposures are expected to be small fractions of guidelines. However, the Government recognises that there can be indirect adverse effects on the wellbeing of people in some cases.

Given the current available information on mobile phone technology, cannot object to the planning application on the grounds that the development could be prejudicial to health or a nuisance in accordance with environmental health legislation".

6 PLANNING POLICIES

Hove Borough Local Plan:

BE1 - General Guidelines

BE20 - Telecommunications

Brighton and Hove Local Plan Second Deposit Draft:

QD1 - Design - quality of development

QD2 - Neighbourhood design

QD23 - Telecommunications apparatus – general

QD24 - Telecommunications apparatus affecting important areas

7 CONSIDERATIONS

The only consideration in the determination of this submission is the impact the proposal would have on the visual amenities of the locality by reason of its design and siting. Under the prior approval system these are the only factors that can be taken into account. The application proposal represents Permitted Development under Part 24 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), and the application is not a planning application but is to determine whether prior approval is required for the development.

The proposed site is an existing 02 installation that was erected under the prior approval system (BH2001/02157/TA). Objections have been raised with this current application about the fact that neighbours were not notified of the original prior approval application. At the time of the original application, in August 2001, local authorities were given only 28 days in order to comment on such proposals, not allowing sufficient time for neighbour consultation. Prior approval legislation has since been revised to allow for sufficient public consultation although the Council is required to determine whether prior approval is required within 56 days.

The site is an existing telecoms site and currently comprises two antennas contained within a GRP shroud fashioned as a chimney stack with equipment cabinets located in the rear yard of the shop. The operators propose to add 3 x 3G antennas within a shrouded tube, painted terracotta in order to resemble a chimney pot positioned on top of the existing chimney structure. The top of the chimney pot structure will be some 2.1 metres from the top of the existing chimney stack shroud. The applicant has submitted significant and substantial information regarding the need for telecommunications equipment in this immediate locality, as the proposal involves Third Generation equipment (3G) which is required to meet continued customer demands for services and technological requirements. The 3G equipment will operate alongside existing 2G equipment as the 3G installations cannot provide entire coverage for both networks.

In terms of siting and design, the proposed site is shared with the existing installation and this is supported by current planning policies. The existing chimney shroud is fairly unobtrusive, made to match the nearby chimney and erected a similar height although the brick colouring does not exactly match the existing building. The proposed 'terracotta' pot will be tall and set off centre on top of the chimney pot. The proposal will be more prominent in the street by virtue of the chimney pot addition but it is not considered that the appearance of the structure would be as harmful as to warrant objection. A further consideration with the siting of the antennas is that the operators could erect free standing antennas on the roof edges that would actually give them better coverage, without the need for prior approval or planning permission under the General Permitted Development Order. A screened option is therefore preferable and less visually intrusive.

In line with PPG8, the onus is on the operator to ensure that the proposal complies with ICNIRP guidelines. The application contains a certificate stating that the proposal complies with ICNIRP guidelines, and on this basis, in line with advice contained in PPG8, it is not necessary for the local planning authority to consider further the health aspects and concerns about them. The Council's Environmental Health Team raise no objections to the proposal.

Conclusion:

It is recommended that no objection be raised to the proposals and that prior approval is not required.

8 EQUALITIES IMPLICATIONS

None identified.

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<u>No:</u>	BH2003/03899/FP	<u>Ward:</u>	NORTH PORTSLADE
<u>Address:</u>	41 Juniper Close		
<u>Proposal:</u>	Demolition of existing side extension & construction of new dwelling.		
<u>Officer:</u>	Nicola Slater, tel: 292114	<u>Received Date:</u>	11 December 2003
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	05 February 2004
<u>Agent:</u>	Jim Martin, 8 Bond Street Row, Brighton		
<u>Applicant :</u>	D Adams Esq, c/o 8 Bond Street Row		

1 RECOMMENDATION

Grant planning permission subject to the following conditions:

1. Full Planning.
2. All existing external materials shall match exactly those of the existing dwellinghouse at 41 Juniper Close.
Reason: To comply with policy BE1 of the Hove Borough Local Plan and policies QD1 and QD2 of the Brighton & Hove Local Plan Second Deposit Draft 2001.
3. 02.01 No permitted development.
Reason: standard 'and to comply with policy BE1 of the Hove Borough Local Plan and policy QD27 of the Brighton & Hove Local Plan Second Deposit Draft 2001.
4. 04.01 Landscaping/planting scheme
Reason: standard 'and to comply with policy BE1 of the Hove Borough Local Plan and policies QD1, QD2 & QD27 of the Brighton & Hove Local Plan Second Deposit Draft 2001.
5. 04.02 Lands/planting (imp/maint).
Reason: standard 'and to comply with policy BE1 of the Hove Borough Local Plan and policies QD1 and QD2 of the Brighton & Hove Local Plan Second Deposit Draft 2001.
6. 02.11 Satisfactory refuse storage.
Reason: standard 'to comply with policies BE1 and BE18 of the Hove Borough Local Plan and policy QD27 of the Brighton & Hove Local Plan Second Deposit Draft 2001.
7. 05.03 Provision of cycle storage.
Reason: standard 'to comply with Policies BE1 and TR16 of the Hove Borough Local Plan and policies SU2 and TR12 of the Brighton & Hove Local Plan Second Deposit Draft 2001.

Informatives:

1. This decision is based on drawing no. 01 submitted on 11 December 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 Plan - BE1 General Development, BE18 Refuse Storage, TR16 Cycle storage, TR17 Road Safety, TR26 Car Parking Standards.

Brighton & 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, SU2 Efficiency of development, TR Safe development, TR12 Cycle access and parking.

2 THE SITE

The application site comprises a two-storey end of terrace house and its garden, located on the east side of Juniper Close, close to the junction with Thornbush Crescent. The surrounding area is residential. The property has an existing single storey extension at the side, which is to be demolished as part of the proposed works and a conservatory to the rear.

3 RELEVANT HISTORY

The development in which the property is located was granted planning permission in September 1978.

4 THE APPLICATION

Planning permission is sought for the construction of another house to the north of 41 Juniper Close, after the demolition of the existing side extension. The proposed dwelling will match the existing property in terms of size and design and it will have an off-street car parking space to the side accessed from the front. An approximate distance of three metres will be maintained between the proposed property and the boundary.

5 CONSULTATIONS

External:

Neighbours:

Letters and emails of representation have been received from the occupiers of **3 Juniper Close, 5 Juniper Close, 24 Juniper Close(x2), 25 Juniper Close (x2)** objecting to the proposal on the grounds of:

- loss of outlook
- loss of light
- the proposed dwelling would have an adverse impact on the area
- an additional dwelling will appear cramped and overshadow the neighbouring properties.
- the Close is not big enough for another dwelling
- devalue property values

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- the proposed dwelling will exacerbate parking problems in the area
- the building works would cause severe disturbance for traffic
- the proposed drive is in an unsafe location, it could not be accessed safely and would create a hazard for children playing on the street
- inaccuracies on the submitted plans
- if the developers of the estate had thought it appropriate to build a house in this position they would have done so
- two residents have also raised concerns regarding the neighbour notification procedure and the lack of a site notice posted in the area.

Internal:

Traffic Manager:

No objections on traffic grounds

Agriculturist:

The cherry tree on the site is approximately 2.25 metres in height and due to its poor condition does not warrant protection.

6 PLANNING POLICIES

Hove Borough 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

SU2 - Efficiency of development

TR - Safe development

TR12 - Cycle access and parking

7 CONSIDERATIONS

Matters relating to the potential effect on property values and disturbances during construction are not material planning considerations. With regard to the neighbour notification procedure concerns were raised regarding the sending of letters, ten occupiers of neighbouring properties were notified with an additional two occupiers subsequently notified at a later date. The principal issues raised by this proposal are firstly, whether the proposed works will have a detrimental

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impact on neighbouring properties; and secondly the impact of the new house on the street scene and existing buildings.

The existing side garden of the property has a width of approximately 8 metres, which is considered to be of adequate size for the construction of a dwelling that replicates the style of the existing building. It is similar to a proposed development on a plot adjacent to 36 Juniper Close, for which outline planning permission was granted in July 2002 (Ref: BH2002/01341/OA). An approximate distance of 3 metres will be maintained between the proposed new dwelling and the northern boundary of the site. There would be a rear garden with a length of 11 metres, a small amenity space to the front with an off-street parking space to the side.

The design of the proposed dwelling matches the existing property in terms of the size and design and the positioning and style of the proposed fenestration and will extend the terrace of five properties to six properties.

With regard to potential neighbourhood impact, the proposed dwelling would bring the existing terrace closer to the properties to the north on the opposite side of Juniper Close. These properties would front the proposed development and a distance of 18.5 metres would be maintained between the north facing elevation of the proposed dwelling and the front elevation of no. 4 and 5 Juniper Close. This distance is considered sufficient for the proposed dwelling not to have a detrimental impact on the occupiers of the properties to the north of the application site, in terms of overshadowing or loss of light. The proposed dwelling will be positioned opposite the garage amenity space to the east and will be brought closer to the properties to the north east of the site, principally no. 25 Juniper Close. A distance of 16 metres will be maintained between the proposed dwelling and no. 25 Juniper Close. Whilst the proposed dwelling will reduce the existing distance between neighbouring properties and no. 41 Juniper Close, the remaining distance is considered acceptable and unlikely to have a detrimental impact on the amenity of occupiers surrounding the sight. Furthermore, in terms of outlook, given the distance between the proposed dwelling and neighbouring properties, the proposal would not materially affect the outlook currently enjoyed by the occupiers of those properties.

A number of concerns have been raised regarding parking problems in the vicinity and the position of the proposed drive. The provision of an off-street parking space to the side of the dwelling is consistent with Central Government advice on working towards maximum standards for car parking. A refusal, therefore, on insufficient parking or accentuating on-street parking in the area could not be sustained. In

addition, highway officers have commented on the application and raise no objection to the proposal.

There is an existing cherry tree in the site which is to be removed as part of the proposed works, whilst it is considered acceptable to be removed, given the poor condition of the tree, a replacement tree incorporated in a landscaping scheme can be used. Furthermore, there is sufficient space to allow for cycle parking and refuse storage, which, whilst not shown on the plans, can be conditioned.

Conclusion:

The garden to the side of the existing property is considered to be an adequate size for the construction of a dwelling that replicates the style of the existing building. Moreover, an additional dwelling would not appear out of place in the existing street scene.

8 EQUALITIES IMPLICATIONS

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

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<u>No:</u>	BH2003/03603/FP	<u>Ward:</u>	SOUTH PORTSLADE
<u>Address:</u>	3 Bampffield Street		
<u>Proposal:</u>	Conversion of 3 storey house into 1 ground floor flat and a 1st/2nd floor maisonette. Single storey rear extension and front elevational alterations.		
<u>Officer:</u>	Paul Earp, tel: 292193	<u>Received Date:</u>	15 October 2003
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	09 January 2004
<u>Agent:</u>	Graham Johnson Designs, 37A Portland Road, Hove		
<u>Applicant:</u>	Downside Developments, 169 Preston Road, Brighton		
:			

1 RECOMMENDATION

Grant Planning Permission subject to the following conditions and informatives:

1. Full Planning.
2. 01.03 Materials to match.
Reason: standard - add: 'and to comply with policies BE1 and BE19 of the Hove Borough Local Plan and QD14 of the Brighton and Hove Local Plan Second Deposit Draft'.
3. The replacement bay shall be reinstated as shown on the approved drawing before the residential units are occupied.
Reason: To ensure a satisfactory appearance to the development 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. 02.11 Satisfactory refuse storage.
Reason: standard - add: 'and to comply with policies BE18 of the Hove Borough Local Plan and QD27 of the Brighton and Hove Local Plan Second Deposit Draft'.
5. 05.03 Provision of cycle parking.
Reason: standard - add: 'and to comply with policies TR16 of the Hove Borough Local Plan and TR12 of the Brighton and Hove Local Plan Second Deposit Draft'.

Informatives:

1. This decision is based on drawing no 23444/2A submitted on 8 January 2003.
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
BE19 – Extensions
TR16 – Cycle parking
TR26 – Car parking standards
BE18 – Refuse disposal
H6 – Conversions
Brighton and Hove Local Plan Second Deposit Draft:
SU2 – Refuse storage
QD14 - Alterations and extensions
TR12 – Cycle parking
TR17 – Parking standards
HO9 – Residential conversions

2 THE SITE

The application relates to a 3 storey terraced property on the south side of the street close to the junction with Trafalgar Road. The immediate area is predominantly residential. This unlisted building is not within a conservation area.

3 RELEVANT HISTORY

None.

4 THE APPLICATION

The proposal is for the conversion of the property into a ground floor flat and first/second floor maisonette. Alterations involve:

Front elevation:

- removal of ground floor shopfront with cant bay to match first floor.
- Materials: timber framed sliding sash windows, brick below window cill.

Rear elevation:

- ground floor single storey extension – 2.7m wide x 3.3m deep x 2.8m high, to provide additional 6.6m floorspace to proposed ground floor flat.
- Extension to be flat roofed, new window and french doors in UPVC.

5 CONSULTATIONS

External:

Neighbours: 1 Bampfield Street: object. The conversion would result in:

- additional noise and disturbance.
- Increase in car parking in a street which is already over-stretched with cars from residents in Trafalgar Street.
- Over the years have suffered anti-social problems with tenants in the property opposite housed by Sanctuary Housing. Therefore object to the idea of making this property dual occupancy.

Internal:

Traffic Manager: No objection on traffic grounds.

6 PLANNING POLICIES

Hove Borough Local Plan:

- BE1** – General guidelines
- BE19** – Extensions
- TR16** – Cycle parking
- TR26** – Car parking standards
- BE18** – Refuse disposal
- H6** – Conversions

Brighton and Hove Local Plan Second Deposit Draft:

- SU2** – Refuse storage
- QD14** - Alterations and extensions
- TR12** – Cycle parking
- TR17** – Parking standard.
- HO9** – Residential conversions
- QD27** – Protection of amenity

7 CONSIDERATIONS

The main considerations in the determination of the application relate to the suitability of property to be subdivided, traffic generation, the effect of alterations on the appearance of the building and residential amenity.

Planning policies permit the conversion of dwellings into smaller units where the original floor area is greater than 115m² or have more than 3 bedrooms, where one unit would be suitable for family occupation, would not be detrimental to adjoining properties or result in an unacceptable level of on-street parking. Alterations and extensions should be well designed, sited and detailed and not result in loss of residential amenity.

The property has 5 bedrooms and a floor area of approximately 127m². The front elevation incorporates an old shopfront which is in poor condition. No planning history exists relating to the use of the property but the agent has stated that the property has been used as single dwelling for 25 years. In the circumstances loss of retail is not being challenged. The property is of a size suitable for conversion and the maisonette is suitable for family occupation. The Traffic Engineer does not consider that the provision of an additional unit would result in an unacceptable increase in traffic. Refuse storage facilities are situated in the rear yard which can be accessed from a passageway without the need to go through the building. Cycle storage is also proposed in the rear yard.

The shopfront is in a poor state of repair and would be replaced with a bay to match that at first floor level. It is considered that the

reinstatement of this feature would improve the appearance of the building and terrace. Alterations at the rear involve the construction of a single storey extension of similar scale as that to the adjoining property to the east, No.5. Although this extension has a window at high level on the side elevation, given that the window is secondary and the main window would not be affected, it is not considered that the extension would result in an unacceptable loss of light or residential amenity.

Conclusion:

Despite the public objection to the conversion, primarily on grounds of additional noise and parking, for the reasons given it is considered the proposal conforms with planning policy and is acceptable in terms of design and impact on residential amenity.

8 EQUALITIES IMPLICATIONS

Disable access could be achieved to the proposed ground floor unit.

No:	BH2004/00047/FP	Ward:	SOUTH PORTSLADE
Address:	Christian Outreach Centre, North Street		
Proposal:	Erection of 3 pole mounted antennas on the roof of the building.		
Officer:	Huw James, tel: 292454	Received Date:	03 December 2003
Con Area:	N/A	Expiry Date:	13 February 2004
Agent:	Turner & Partners Telecom Services, Henson House, Henson Road, Three Bridges, Crawley		
Applicant :	O2 (UK) Ltd, 260 Bath Road, Slough		

1 RECOMMENDATION

Grant planning permission subject to the following conditions:

1. 00.01 Full planning.
2. 03.10 Soundproofing plant/machinery.

Reason: standard 'and to comply with policies BE1 & BE20 of the Hove Borough Local Plan and QD23 & QD27 of the Brighton & Hove Local Plan Second Deposit Draft'.

Informatives:

1. This decision is based on drawing nos. P/17321/001/A, 002/A, 003/A, 005/A & 006/A submitted on 3 December 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
BE20 Telecommunications
Brighton & Hove Local Plan Second Deposit Draft:
QD1 Design - quality of development
QD23 Telecommunications apparatus – general
QD27 Protection of amenity

2 THE SITE

The site is a three-storey, flat roofed office building located within a predominantly industrial area. There are residential properties further to the north of the site beyond existing industrial premises. The majority of buildings in the area are two-storey, with some three-storey. There is existing telecommunication equipment (antennae, cabinets) on the roof of the building as well as existing plant rooms.

3 RELEVANT HISTORY

BH2002/01969/TA – Application to determine whether prior approval required for telecoms equipment comprising of 6 antennae, 4 dishes and ancillary cabinets. Prior approval not required 27 August 2002.

BH2001/02156/TA - Installation of 10no. equipment cabinets, 6 no. antennas, 4 no. transmission dishes and associated equipment. No objection 19 September 2001.

BH2001/01724/TA - Installation of 3 pole mounts with 6 antennae and an equipment cabin on the roof. Undetermined to date.

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 at GL under building to be retained. Approved 1 June 2001.

4 THE APPLICATION

This is a full planning application for the erection of 3 pole mounted antennas on the roof of the existing building. Two of the antennas are proposed to be located on the north east corner of the roof and another will be located on the east side of the roof.

5 CONSULTATIONS

External:

Neighbours:

Letter of objection received from **Flat 1, 10 Seaford Road:**

- Significantly high levels of emissions from transmissions from this site will directly affect neighbours in St Andrews Road as well as other residents.
- Officers are aware that Health & Safety Executive are responsible for monitoring emissions, therefore request that residents and planning committee are made aware of up to date microwave emissions from site prior to any decision.
- Request that objection placed before planning committee and local ward councillors made aware of letter.

Internal:

Environmental Health:

There is current public concern about the possible health effects from base stations, which are the radio transmitters and receivers, which form an essential link in mobile phone communications.

With regard to concerns about health and safety, the Government's advisers, the National Radiological Protection Board, (NRPB) have issued guidelines on maximum levels of exposure to radio frequency or RF radiation emitted from base stations. The guidance is based on levels of RF radiation known to cause thermal, or heating effects in body tissues, or effects on the central nervous system and perception. The balance of evidence to date suggests that exposures to RF radiation below NRPB guidelines do not cause adverse health effects

on the general population.

Telecommunications operators also have a duty under the Health and Safety at Work etc Act 1974 and the Management of Health and Safety at Work Regulations 1992 to ensure that their work activities, which would include operation of their apparatus, do not present a risk to employees and the general public.

The practical effect of the combination of the NRPB guidelines and the health and safety legislation should therefore be that people are not exposed to the levels of RF radiation known to cause effects on health.

A report has been submitted to Government by the Independent Expert Group on Mobile Phones, which has made recommendations to adopt a precautionary approach to the use of mobile phone technology. This is because the Group considers that they cannot conclude on evidence to date, that exposure to RF radiation, even at levels below national guidelines, is totally without potential adverse health effects. The Government has reviewed the report and agrees with the finding that there is no general risk to the health of people living near to base stations on the basis that exposures are expected to be small fractions of guidelines. However, the Government recognises that there can be indirect adverse effects on the well-being of people in some cases.

There may be possible noise disturbance from the electrical equipment installed inside the 'two equipment cabinets' although the two cabinets are to be enclosed within an equipment room on the roof of the building. Recommend sound proofing condition for equipment cabinets.

Given the current available information on mobile phone technology, cannot object to the planning application on the grounds that the development could be prejudicial to health or a nuisance in accordance with environmental health legislation.

6 PLANNING POLICIES

Hove Borough Local Plan:

BE1 - General Guidelines

BE20 - Telecommunications

Brighton and Hove Local Plan Second Deposit Draft:

QD1 - Design - quality of development

QD23 - Telecommunications apparatus – general

7 CONSIDERATIONS

The main consideration in the determination of this application is the

impact the proposal would have on the visual amenities of the surrounding area in terms of the appearance of the proposed antennas and the cumulative impact alongside existing equipment on the rooftop. The impact the development would have upon public health is also a material consideration.

The applicant has submitted significant and substantial information regarding the need for telecommunications equipment in this immediate locality, as the proposal involves Third Generation equipment (3G) which is required to meet continued customer demands for services and technological requirements. The roof is currently used by Orange and T-Mobile by way of pole mounted antennas and the use of an existing site is in line with Government policy in Planning Policy Guidance Note 8 'Telecommunications'.

The existing building is located in an industrial area with varying styles and heights of buildings that has little aesthetic merit. There are existing plant rooms and supporting equipment on the existing roof but it is existing antennas that are most visible from the surrounding streets. Policy QD23 of the deposit draft local plan requires proposal not to have a serious adverse effect on the character or appearance of areas and in this instance the proposal will not harm the visual quality of the area. Three additional antennas will be visible on the building but this is not detrimental alongside the existing telecommunications development on the building, particularly in this setting. The equipment cabinets will be located within an existing plant room on the roof. There is strong justification, both for the proposed equipment and also for the re-use of this building.

The objector has raised health concerns over emissions from the site and the Environmental Health comments above address such issues. In line with PPG8, the onus is on the operator to ensure that the proposal complies with ICNIRP guidelines. The application contains a certificate stating that the proposal complies with ICNIRP guidelines, and on this basis, in line with advice contained in PPG8, it is not necessary for the local planning authority to consider further the health aspects and concerns about them. The Council's Environmental Health Team raise no objections to the proposal although soundproofing details have been requested for the equipment cabinets.

Conclusion:

The application is recommended for approval in accordance with local and national planning policy.

8 EQUALITIES IMPLICATIONS

None identified.

<u>No:</u>	BH2003/03763/FP	<u>Ward:</u>	STANFORD
<u>Address:</u>	1 Kestrel Close		
<u>Proposal:</u>	Two storey rear extension & single storey side extension.		
<u>Officer:</u>	Nicola Slater, tel: 292114	<u>Received Date:</u>	11 November 2003
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	21 January 2004
<u>Agent:</u>	Mr I Baker, idr Associates, 14 Lovelace Gardens, Surbiton, Surrey		
<u>Applicant :</u>	Mr S Hassam, 1 Kestrel Close		

1 RECOMMENDATION

Grant planning permission, subject to the following conditions:

1. Full Planning.
2. 01.03 Matching Materials.

Reason: to comply with policy QD14 of the Brighton and Hove Local Plan Second Deposit Draft.

Informatives:

1. This decision is based on drawing nos. S05-01, S05-02, S05-03, S05-04, S05-05, S05-06, S05-07, S05-08 submitted on 11 November 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 Extensions and alterations, QD27
Protection of amenity.

2 THE SITE

The application site comprises a two-storey end of terrace property located on the south-west side of Kestrel Close fronting The Upper Drive. The property has an existing lean-to conservatory at the rear, which is to be demolished as part of the proposed works.

3 RELEVANT HISTORY

Planning permission was granted in November 1964 for the construction of eighteen terraced houses, four flats and twenty-two garages – forming stage 1 of the development.

4 THE APPLICATION

Planning permission is sought for the construction of a two-storey flat roofed rear extension and single storey side extension to create a porch. The proposed rear extension will have a width of 5.9 metres and a depth of 2.9 metres and the side extension will project from the property by 1.4 metres and have a width of 3.2 metres.

5 CONSULTATIONS

External

Neighbours:

Two letters of representation has been received from the **Managing Agents for the estate, Callaways**, and the **65 Upper Drive Residents Association** objecting to the proposal on the following grounds:

- the proposed two-storey rear extension is contrary to the managing agents policies
- the density of the development should not be increased
- the extension would be out of keeping with the area and other properties in the surrounding area

Internal

Traffic Manager:

No objections on traffic grounds.

6 PLANNING POLICIES

Hove Borough Local Plan:

BE1 - General development

Brighton and Hove Local Plan Second Deposit Draft

QD1- Development design

QD2 - Neighbourhood design

QD14 - Extensions and alterations

QD27 - Protection of amenity

7 CONSIDERATIONS

Matters relating to covenants on deeds and managing agent's policies are a private legal party between occupiers and the managing agents and are not material planning 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 the visual impact of the proposed extension.

With regard to the proposed two-storey rear extension, it will project from the property by 2.9 metres and will have a width of 5.9 metres. The extension will project along the boundary with the adjoining property to the south-west (no. 63 The Upper Drive). There are several of mitigating circumstances that reduce the potential impact of the proposed extension. The first relates to the fact that the adjoining

property to the south projects further into the garden than 1 Kestrel Close by approximately one metre; the extension will therefore only project a further 1.9 metres than the rear wall of no. 63 The Upper Drive. The impact of the extension is further reduced by the orientation of the properties as no. 63 is positioned to the south of the application site. In relation to loss of light an assessment has been made in accordance with the 45-degree rule on the first floor windows of the adjoining property. Whilst there is a small distance of 0.25 metres between the suggested point of the 45 degree rule and the proposed extension this is not considered to have a sufficiently detrimental impact on amenity in terms of loss of light to justify a recommendation of refusal. For these reasons, together with the fact that the extension will have a flat roof and the garden of the adjoining property is slightly larger than the application site, the potential impact of the proposal on the occupiers of no. 63 The Upper Drive is reduced.

The side extension taking the form of a porch, projects 1.4 metres from the side wall of the property, bringing the property closer to the occupiers of the flats in 65 The Upper Drive. However, a distance of 9 metres will be maintained between no.1 Kestrel Close and 65 The Upper Drive which lies on the opposite side of the estate road. This distance is considered sufficient for the proposed side extension not to have a detrimental impact on the occupiers of the units in 65 The Upper Drive. The design of the side extension replicates the existing side porch, thus maintaining the character of the property in the surrounding area.

The roof design of the two-storey rear extension continues the flat roof element of the original building and therefore relates in a sympathetic manner. The architectural detailing on the edge of the existing property is replicated with fenestration details and materials also proposed to match. In these circumstances the proposed extension would not detract from the character and appearance of the area.

Conclusion:

The application is considered to be acceptable. The proposal will not be detrimental to the appearance of the building and the surrounding area, and is not considered to be significantly harmful to neighbouring amenity. The proposal is therefore recommended for approval.

8 EQUALITIES IMPLICATIONS

None identified.

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<u>No:</u>	BH2003/03376/FP	<u>Ward:</u>	STANFORD
<u>Address:</u>	167 Woodland Avenue		
<u>Proposal:</u>	Single storey rear extension		
<u>Officer:</u>	Huw James, tel: 292454	<u>Received Date:</u>	22 October 2003
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	17 December 2003
<u>Agent:</u>	Mr R G Wells, 20 Radinden Manor Road, Hove		
<u>Applicant :</u>	Mr & Mrs K A Beuttell-Triggs, 167 Woodland Avenue		

1 RECOMMENDATION

Grant planning permission subject to the following conditions:

1. 00.01 Full planning.
2. 01.03 Matching materials.

Reason: standard 'and to comply with policies BE1 of the Hove Borough Local Plan and policies QD14 & QD27 of the Brighton & Hove Local Plan Second Deposit Draft'

Informative:

1. This decision is based on drawing nos. BT/B/6/10/2003 no.1 Rev A submitted on 20 January 2004.
2. The 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 development
Brighton & Hove Local Plan Second Deposit Draft:
QD1 Development design
QD14 Extensions and Alterations
QD27 Protection of amenity

2 THE SITE

The application site is a detached house on the east side of Woodland Avenue.

3 RELEVANT HISTORY

None relevant.

4 THE APPLICATION

The application is for a single storey rear extension projecting 4.3 metres, 8.9 metres wide, to match the existing house, with a dummy

pitched roof above. Patio windows are proposed to the rear elevation and a side door and windows to the south elevation. Revised plans have been submitted showing the final height of the roof reduced in height by 0.3 metres.

5 CONSULTATIONS

External:

Neighbours:

Letter received from **169 Woodland Avenue** stating no objection to the extension but concerned about how far the proposed extension will project to the rear as this would block sunlight received to the neighbouring extension.

6 PLANNING POLICIES

Hove Borough Local Plan:

BE1 - General development

Brighton and Hove Local Plan Second Deposit Draft:

QD1 - Development design

QD14 - Extensions and Alterations

QD27 - Protection of amenity

7 CONSIDERATIONS

The main consideration with this application is the impact on neighbouring amenity. The proposed single storey rear extension is shown to be built in matching materials with a dummy pitch roof matching the angles of the main roof of the building so there is no concern over visual appearance.

Woodland Avenue slopes sharply downwards from north to south and the application site is at a lower level than the neighbouring property to the north, no. 169. The neighbour has a similar extension to the proposal at the rear, with an obscure glazed window on the side elevation facing south towards the applicant's property. There is a high boundary fence of approximately 3 metres in height between the neighbours. The side window does not lose light as the change in ground levels means that the window is generally above the level of the boundary fence. The neighbour at 169 expressed concern about how far the extension would project to the rear and any impact on light received. The extension will be some 4.3 metres deep, marginally exceeding the depth of the neighbouring extension. As the rear elevations of the extensions will be at a similar distances there will be no light loss to rear windows of the neighbouring property. In terms of height, the extension features a flat roof with dummy pitches. Revised plans have been submitted that show the final height of the flat roof

area reduced by 0.3 metres. The pitch slopes away from the neighbour's side window and will not cause any interference to the light currently received. The flat roof area helps to keep the final height of the extension to minimum. In addition, the window, although south facing, is secondary to the main rear windows of the neighbouring property.

Conclusion:

The proposal is deemed to be acceptable both in terms of visual appearance and the relationship with the neighbouring properties. The application is recommended for approval.

8 EQUALITIES IMPLICATIONS

None identified.

PLANS LIST 4TH FEBRUARY 2004

<u>No:</u>	BH2003/03823/FP	<u>Ward:</u>	STANFORD
<u>Address:</u>	4 Woodland Close		
<u>Proposal:</u>	Erection of additional storey with pitched roof to existing bungalow.		
<u>Officer:</u>	Louise Kent, tel: 292198	<u>Received Date:</u>	24 November 2003
		<u>Expiry Date:</u>	18 January 2004
<u>Agent:</u>	Hawkins Fagg Partnership, Suite 5HF, Vantage Point, New England Rd, Brighton		
<u>Applicant</u>	Mr & Mrs S C Paine, 4 Woodland Close		
:			

1 RECOMMENDATION

GRANT planning permission, subject to the following conditions:

1. Full Planning.
2. 01.03 Matching Materials.

Reason: to comply with policy BE1 and BE19 of the Hove Borough Local Plan and QD14 of the Brighton and Hove Local Plan Second Deposit Draft.

Informative:

1. This decision is based on drawings 3379/1, 2, 3 & 4 received on 24 November 2003.
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 and Hove Local Plan Second Deposit Draft set out below, and to all relevant material considerations.
Hove Borough Local Plan – BE1 General Guidelines, and BE19 Extension Materials
Brighton & Hove Local Plan Second Deposit Draft – QD1 Development Design, QD14 Extensions and Alterations, and QD27 Protection of Amenity.

2 THE SITE

The application site is a detached bungalow on the southern side of Woodland Close, a residential cul-de-sac. The adjacent houses are two-storied, and its south-facing garden slopes downhill towards Goldstone Crescent.

3 RELEVANT HISTORY

No relevant planning history for this property, but the adjoining property at 3 Woodland Close was granted planning permission (**BH2002/02403/FP**) in September 2002 to raise the height of its roof

ridge by 1.2 metres with new windows at first floor level in the front and rear gable.

4 THE APPLICATION

The application is for an additional storey extension to an existing bungalow.

5 CONSULTATIONS

Neighbours: The owners of 125 and 127 Goldstone Crescent have objected on the grounds of privacy and consequent reduction in value, as an additional storey would overlook their gardens and properties. Their gardens back onto the gardens of 3 and 4 Woodland Close respectively.

6 PLANNING POLICIES

Hove Borough Local Plan:

BE1 - General Guidelines

BE19 – Extension materials

Brighton and Hove Local Plan Second Deposit Draft:

QD1 - Design: Quality of Design and Design Statements

QD14 - Extensions and Alterations

QD27 - Protection of Amenity

CONSIDERATIONS

The main considerations relate to the effects of the proposal on the appearance of the property and the effects on neighbouring residential amenity.

The proposed additional storey would rise to approximately 7.6 metres at its highest point, an increase of 2.5 metres from the previous roof height of approximately 5.1 metres at the ridge. The new roof height would be the same height, at the ridge, as 5 Woodland Close. At the rear, the new windows would be approximately 0.5 metre higher than the existing rooflight. Two of the three proposed windows would match the size of the existing smaller rear ground floor window. The third would be smaller, sited over the door to the garden. They would be symmetric and in proportion with the ground floor windows. A rooflight, also in line with the door, is proposed at a height of approximately 6.8 metres.

The two proposed second floor windows on the western side, which would face two windows at 5 Woodland Close, will be of obscure glass thus safeguarding privacy. The windows at 5 Woodland Close are those of bedrooms, both with additional front and rear windows, so there would be no interruption to the main light source.

On the other side of the proposed new storey at 3 Woodland Close there are two small obscure glazed windows and two larger kitchen windows. One of the kitchen windows faces the street, so its light source would not be affected by the proposal, and the other faces the boundary fence, which is approximately 1.8 metres high and one metre away. The additional storey would affect the light into this window, but would not make it significantly worse as it is already close to the boundary fence. Here the roof of 3 Woodland Close, which has a pitch of approximately 45%, slopes away from the proposed first floor storey, avoiding any overmassing effect. A landing window is proposed to face this on the new first floor of 4 Woodland Close, sited above the existing ground floor window, the only window on that floor. There would also be one rooflight in line with the side door.

The ground slopes downhill from Woodland Close to Goldstone Crescent and the properties at Woodland Close are therefore at a higher level. However, the distance from the back of 4 Woodland Close to the back of 127 Goldstone Crescent, where the gardens back onto each other, is approximately 33 metres, which is considered an adequate distance. The proposed new roofline would be no higher than that at 5 Woodland Close. The new rooflight would not be in normal use as the loft is only to be used for storage purposes.

The effect of a second storey on this property will not adversely affect its appearance, as the property materials used for the extension will be matching painted render, roof tiles and PCVU windows. The windows are matching in size to existing ground floor windows, symmetric and placed proportionately. The visual impact of the building will fit into the street frontage, as it provides a stepped appearance in roof heights and pitches, from 5 to 3 Woodland Close.

The effects on neighbouring amenity such as loss of privacy will be felt most by those properties at the south of the site, who are at the bottom of a slope down from Woodland Close. Apparently a large tree has been recently removed from the rear of the garden which has resulted in a more open aspect. However, the distance between either 125 or 127 Goldstone Crescent and 4 Woodland Close is more than 30 metres, which is considered acceptable. Approval for the extension is therefore recommended.

8 EQUALITIES IMPLICATIONS

None identified.

PLANS LIST 4TH FEBRUARY 2004

<u>No:</u>	BH2003/03490/FP	<u>Ward:</u>	WISH
<u>Address:</u>	51 Derek Avenue		
<u>Proposal:</u>	Two storey extension to side and rear, with single storey extension of garden room at rear.		
<u>Officer:</u>	Huw James, tel: 292454	<u>Received Date:</u>	28 October 2003
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	23 December 2003
<u>Agent:</u>	David Bassett, 51 Derek Avenue		
<u>Applicant:</u>	Susan Archer, 51 Derek Avenue		
:			

1 RECOMMENDATION

Grant planning permission subject to the following conditions:

1. 00.01 Full planning.

Informatives:

1. This decision is based on drawing nos. 3 Rev A & 4 Rev A submitted on 16 January 2004.
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, 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
QD14 Extensions and Alterations
QD27 Protection of amenity

2 THE SITE

The application site is a semi-detached house on the east side of Derek Avenue, Hove.

3 RELEVANT HISTORY

None.

4 THE APPLICATION

The application is for a two storey extension to side and part of the rear of this semi-detached 1930's house, with a single storey extension for a garden room at rear.

5 CONSULTATIONS

External:

Neighbours:

Letter of concern received from **53 Derek Avenue (to the north)**

- No objection in principle to extension of property.
- Neighbouring property enjoys east / west / southern aspect with summer sun from early morning until late at night.
- Any narrowing of driveway will result in the 60ft high pitched roof wall being rebuilt with consequent interruption of sunlight.
- Building across side drive will affect properties in terms of sunlight.
- Rainwater gathers around properties on east side of road with no drainage in rear gardens.
- Increase in rainwater may well breach the critical level of neighbouring damp course and soak into foundations.
- This is a proposal for a water disaster waiting to happen.
- Do not wish driveway to be used as a builder's area.

6 PLANNING POLICIES

Hove Borough Local Plan:

BE1 - General development

Brighton and Hove Local Plan Second Deposit Draft:

QD1 - Development design

QD14 - Extensions and Alterations

QD27 - Protection of amenity

7 CONSIDERATIONS

The main consideration is the visual appearance of the proposal and the impact on the amenity of neighbouring properties.

The application site has a sloping main roof at the front of the property to ground floor level that is a characteristic of Derek Avenue. There is a drive along the side elevation of the semi-detached building that is replicated on the neighbouring side, no 53. The proposal is to extend the property to the side by 1.5 metres at two storey level and to extend some 1.3 metres to the rear, also at two storey level, with an additional ground floor extension into the rear garden.

The original plans showed the side extension falling short of the front elevation of the property with a blank facing wall. This was deemed to be visually detrimental and revised plans have been submitted with the proposed side extension flush with the front wall of the property. The two storey rear part of the proposal will have some impact on the light received to the neighbouring property, no. 53, but this is not considered to be as detrimental as to warrant refusal of the application. The application site is south of the neighbouring property but the additional bulk of the proposed addition would not cause

significantly more overshadowing than currently exists. There is a ground floor side entrance door and first floor bathroom and landing windows on the side elevation of no. 53. These are not windows or sources of light that serve primary living accommodation. The first floor of the rear part of the extension only extends some 1.3 metres beyond the existing rear elevation of the house. The ground floor projects further into the rear garden but this is predominantly screened by the existing garage on the neighbour's side of the boundary. The objector's comments regarding loss of sunlight are noted but in this instance the proposal is deemed acceptable.

The comments from the neighbour regarding drainage and use of the driveway are not material to this planning application. Furthermore, the storage of building materials during construction is a private matter.

Conclusion:

The revised plans will appear visually acceptable in the street scene. The proposed extension will allow additional living accommodation whilst keeping the impact on the neighbouring property to a minimum.

8 EQUALITIES IMPLICATIONS

None identified.

<u>No:</u>	BH2003/03739/RM	<u>Ward:</u>	WISH
<u>Address:</u>	7 Leicester Villas		
<u>Proposal:</u>	Reserved Matters in respect of proposed 3 bedroom detached house.		
<u>Officer:</u>	Steve Walker, tel: 292337	<u>Received Date:</u>	09 October 2003
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	20 January 2004
<u>Agent:</u>	G Cooke, 34 Southdown Avenue, Brighton		
<u>Applicant:</u>	A.R.L.A. Ltd, 109 Church Rd		
:			

1 RECOMMENDATION

Approve Reserved Matters subject to the following conditions:-

1. 00.06 Reserved matters.

Reason: add in compliance with policies BE1 of the Hove Borough Local Plan and QD1 of the Brighton & Hove Local Plan Second Deposit Draft

2. 00.07 Reserved matters.

3. The bedroom window in the south facing side elevation shall be obscurely glazed and thereafter maintained at all times.

Reason: To prevent overlooking of the neighbouring property in compliance with policies BE1 of the Hove Borough Local Plan and QD27 of the Brighton & Hove Local Plan Second Deposit Draft.

Informative:

This decision is based on drawing nos. 15/03 1 submitted on 9 October 2003.

2 THE SITE

This application relates to a site occupied by a double garage within the curtilage to no.7 Leicester Villas and adjacent to No.9. The rear of the site adjoins the Churchyard to St. Leonard's Church, New Church Road.

3 RELEVANT HISTORY

Outline Planning Permission for the erection of a new dwelling was granted in 2002, subject to conditions restricting the height of the property to 2 storey, with a ridge height the same as the adjacent property, the front elevation to be sited in line with No.7 adequate bin storage and cycle storage facilities, the provision of a front boundary wall, any windows to the side elevations to be obscurely glazed, and the removal of permitted development rights. An informative was added to the Permission advising that in the event of a terraced

property being developed, it would have to match the detailing of Nos. 5 and 7 adjacent. (Ref. **BH2002/00096/OA**).

4 THE APPLICATION

This application is in respect of all Reserved Matters (namely siting, design and external appearance, means of access and landscaping) following the granting of Outline Planning Permission which has established the principle of a house on the site. A two-storey house is proposed with detailing in the use of render brickwork, timber detailing and windows to match the adjacent property at No.7. It would be 5.2m wide, 8m long with a further 5.5m rear projection to form a three-bedroom dwelling. Windows are proposed to the front and rear elevation with additional windows to the south facing side of the rear projection, serving the kitchen (which also has a window to the rear), bathroom and side of bedroom (which also has a further window overlooking the rear). A covered bin store and cycle store is indicated in the rear garden is indicated. The property would be built in line with No.7. A large rear garden area (16.5m long) would be retained.

5 CONSULTATIONS

External:

Neighbours: The occupiers of neighbouring properties have been consulted on the proposal. **10 Leicester Villas** - Purchased the property just over a year ago and was attracted by the privacy and light that this open space provided. This would be lost if the building were allowed. It would also affect the already stressed parking at the southern end of the street. A comment made in respect of possible disturbance and noise and dirt from the building site cannot be taken into consideration in an assessment of the planning merits of the proposal.

Internal:

Traffic Manager: No objections.

Private Sector Housing: No comments.

6 PLANNING POLICIES

Hove Borough Local Plan:

BE1 - General guidelines

BE41 - Landscaping

Brighton and Hove Local Plan Second Deposit Draft:

QD1 – Quality of development

QD2 – Design –key principles for neighbourhoods

QD3 – Efficient and effective use of sites

QD15 – Landscape design

QD27 – Protection of amenity

TR17 - Parking standards

7 CONSIDERATIONS

The principle of building a dwelling on the site has already been established in the granting of Outline Planning Permission in 2002. The remaining issues are the suitability of the proposed design in the street scene of some character having regard to the effect on neighbouring residential amenity.

The conditions of the Outline Planning Permission were carefully constructed to ensure a building which has a similar height and location to neighbouring dwellings so as not be incongruous in the street scene by way of bulk or positioning. Whilst an exact match was not stipulated, it was suggested that if the dwelling took the form of a terraced addition to No.7, an exact match would be the only practicable option. However, whilst a detached dwelling is now proposed, it has all the details of the neighbouring property in materials window patterning, and the addition of a small balcony feature above the front door which is characteristic of other properties in the street. The design is therefore as much a blending in with the street scene as can be achieved, if only a slightly narrower version (0.6m narrower than no.7).

The property would be of sufficient distance from No. 7 for there to be no loss of light or overshadowing. The main side elevation to No.7 has no windows, and overlooking from a side bedroom window to the patio area and windows in the rear extension of no.7 may be prevented by the use of obscure glazing, which is a condition of the Outline Planning Permission. A windowless gable is proposed to the northern side elevation, and this is separated from No.9 by a 0.5m gap, beyond which there is a garage to the latter property. There are two small obscurely glazed windows to this elevation and roof lights placed in a rear extension behind the garage. Again, this property would be sufficiently protected in terms of amenity.

An objection has been received from the occupier of a property opposite the site in respect of loss of light and privacy. The house would maintain the standard relationship of properties on opposite sides of the road thereby maintaining current privacy and massing levels, and the loss of the otherwise open aspect cannot be taken into consideration.

There are no objections on highway safety grounds, a covered cycle space being indicated in the rear garden area.

Conclusion:

The proposed design of dwelling would be a satisfactory addition to the street scene without detriment to neighbouring residential amenity.

It is therefore recommended that Reserved Matters be granted.

8 EQUALITIES IMPLICATIONS

The new dwelling would have to meet Part M of the Building Regulations.

No:	BH2003/03638/LB	Ward:	HANOVER & ELM GROVE
Address:	Brighton General Hospital, Arundel Building		
Proposal:	To externally paint the rendered front and side elevations of the Arundel Building in a colour to closely match the existing natural render colour.		
Officer:	Karen Tipper, tel: 293335	Received Date:	13 November 2003
Con Area:	N/A	Expiry Date:	08 January 2004
Agent:	Mr A Winder, Brighton General Hospital, Block B, Elm Grove		
Applicant :	South Downs Health Trust, Brighton General Hospital		

1 RECOMMENDATION

Grant listed building consent subject to the following conditions:

1. 00.02 Listed Building Consent.
2. 22.01 Approval limited to drawings (add 'and to comply with policy ENV31 of the Brighton Borough Plan and policy HE1 of the Brighton and Hove Local Plan second deposit draft).
3. 01.02 Rendered / colour washed finish (add 'and to comply with policy ENV.31 of the Brighton Borough Local Plan and policy HE1 of the Brighton and Hove Local Plan second deposit draft).

Informative:

1. This decision to grant Listed Building 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:
ENV.31 – Character or appearance of a listed building
ENV. 33 – Setting of a listed building
Brighton and Hove Local Plan Second Deposit Draft:
HE1 – Listed Buildings
HE3 – Development affecting the setting of a listed building
2. This decision is based on South Downs Health NHS Trust drawing submitted on 13th November 2003.

2 THE SITE

This application relates to the front and side elevations of the Arundel building, a Grade II listed building, which forms the prominent main frontage to the Brighton General Hospital at the top of Elm Grove.

3 RELEVANT HISTORY

No history specifically relevant to this proposal.

4 THE APPLICATION

To externally paint rendered front and side elevations of the Arundel building in a colour to closely match the existing natural render colour. The current rendering is partially eroding with cracks forming from top to bottom on parts of the front and side elevations. The purpose of the proposed paintwork is to create a uniform elevation rather than the current patchwork effect.

5 CONSULTATIONS

External:

Neighbours:

1 letter of objection received from **4 Southdown Road, Portslade**, on the grounds that the current stone finish could not be improved on and any paint finish would need renewing.

Internal:

Conservation: Had requested that an application for Listed Building consent be submitted due to the prominence of the Arundel Building. Request a sample is submitted before any work is commenced, but there are no objections to painting the front and side elevations.

6 PLANNING POLICIES

Brighton Borough Local Plan:

ENV.31 – Character or appearance of a listed building.

ENV. 33 – Setting of a listed building.

Brighton and Hove Local Plan Second Deposit Draft:

HE1 – Listed Buildings

HE3 – Development affecting the setting of a listed building

7 CONSIDERATIONS

The application has been assessed mainly against policies ENV.31 of the Brighton Borough Local Plan and HE1 of the Brighton and Hove Local Plan Second Deposit Draft. The main issues to consider are the impact that any renovations will have on the character and appearance of the listed building and the impact to the residential amenity.

The Arundel building forms a prominent façade to Elm Grove and the surrounding area. In the current state the front and side elevations are eroding in areas, and have a worn and patchwork effect. The proposed painting of the elevations would need to be maintained in order to retain a uniform appearance.

Any paintwork would have to be carefully chosen with a sample submitted to the Planning Department prior to any work being

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undertaken. As the proposed work is to match as close as possible the existing exterior, the character and the appearance of the Arundel building will not be significantly altered, nor should it have a significant impact on the existing residential amenity.

8 EQUALITIES IMPLICATIONS

None identified.

<u>No:</u>	BH2003/03526/FP	<u>Ward:</u>	HOLLINGBURY & STANMER
<u>Address:</u>	2 Reeves Hill		
<u>Proposal:</u>	Conversion of roof space with two dormer windows at rear (north elevation).		
<u>Officer:</u>	Karen Tipper, tel: 293335	<u>Received Date:</u>	07 November 2003
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	16 January 2004
<u>Agent:</u>	Beecham Moore Partnership, 50 Beaconsfield Villas, Brighton		
<u>Applicant:</u>	Mr & Mrs A Brown, 2 Reeves Hill		
:			

1 RECOMMENDATION

Grant planning permission, subject to the following conditions:

1. Full Planning.
2. 01.03 Matching Materials.

Reason: to comply with policy QD14 of the Brighton and Hove Local Plan Second Deposit Draft.

Informative:

1. 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:
ENV3 – Extensions and alterations should be of a high standard of design.
ENV5 – Extensions and alterations should be well sited in relation to the property and the surrounding area.
ENV6 – 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. This decision is based on Beecham Moore Partnership drawing nos. 2016/01 submitted on 21st November 2003.

2 THE SITE

The site consists of a semi-detached two storey house with a front south-facing garden overlooking a green and a long rear garden facing north. The property is situated on a higher level than the neighbours to the rear.

3 RELEVANT HISTORY

No relevant history.

4 THE APPLICATION

To convert the roofspace and add two dormers to rear roofslope. These would have pitched roofs tile hung to match the main roof.

5 CONSULTATIONS

External:

Neighbours:

1 letter of objection received from **8 Walton Bank** on the grounds that due to the applicant's house being higher, the dormers would result in a loss of privacy and overlooking to the rear patio and lounge.

6 PLANNING POLICIES

Brighton Borough Local Plan:

ENV3 – Extensions and alterations should be of a high standard of design

ENV5 – Extensions and alterations should be well sited in relation to the property and the surrounding area

ENV6 – 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

There are two main issues which need to be considered; firstly any potential loss of privacy or overlooking to neighbours at the rear. Secondly, the effect the proposed extension will have on the character and appearance of the property.

There are currently two first floor windows that face north; therefore, the proposed installation of two dormer windows would have very little increase in overlooking or in loss of privacy that does not exist already. The applicant's garden is approximately 20m long and the distance between the houses in Reeves Hill and Walton Bank is over 30m.

The character and appearance of the property will be altered, however, the two proposed dormer windows are small and well sited in relation to the property and to the elevation below by matching the symmetry of the first floor rear windows. This is in accordance to the Supplementary Planning Guidance Note 1 (SPGBH1) - Roof alterations and extensions.

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It is therefore recommended that planning permission be granted.

8 EQUALITIES IMPLICATIONS

None identified.

<u>No:</u>	BH2003/03250/FP	<u>Ward:</u>	QUEEN'S PARK
<u>Address:</u>	12 College Terrace		
<u>Proposal:</u>	Refurbishment of existing self-contained basement flat. Change of use of existing single dwelling into 4 self-contained flats. Additional storey on the rear projection.		
<u>Officer:</u>	Pete Johnson, tel: 292138	<u>Received Date:</u>	09 October 2003
<u>Con Area:</u>	COLLEGE	<u>Expiry Date:</u>	04 December 2003
<u>Agent:</u>	Richard Ewel Architects, 38 Heathfield South, Twickenham		
<u>Applicant :</u>	Whiteways Contractors (Sussex) Ltd, 35 Ladies Mile Road, Patcham		

1 RECOMMENDATION

Grant planning permission subject to the following conditions:

1. 00.01 Full planning.
2. 01.03 Materials to match. Add 'and to comply with policy ENV.1 of the Brighton Borough Plan and policy QD.1 of the Brighton & Hove Local Plan Second Deposit Draft.
3. Before any of the flats on the upper floors are occupied, the basement flat shall be converted into a two-bedroom unit in accordance with the plans hereby approved.
Reason: To ensure a satisfactory mix of dwelling types and to accord with policy H.11 of the Brighton Borough Plan and policy HO.9 of the Brighton & Hove Local Plan Second Deposit Draft.
4. 02.11 Satisfactory refuse storage. Add 'and to comply with policy ENV.1 of the Brighton Borough Plan and policy SU.2 of the Brighton & Hove Local Plan Second Deposit Draft.

Informatives:

1. This decision is based on drawing nos. REA/204/04A, 05A & 06A submitted on 3/12/03.
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 - Ensuring new development does not detract from the environment
ENV.22 - Development in conservation areas.
H.8 - Flat conversions
H.11 - Provision of family unit
H.12 - Noise insulation and refuse storage.

Brighton and Hove Local Plan Second Deposit Draft:

QD.1 - Design- quality of development

QD.14 - Extensions and alterations

QD.27 - Protection of amenity

HO.9 - Residential conversions

SU.2 - Efficiency of development and refuse storage

HE.6 - Development within conservation areas.

2 THE SITE

This is a 5 storey building (including basement) in a terrace facing south across the playing fields of Brighton College.

3 RELEVANT HISTORY

None.

4 THE APPLICATION

The original scheme was for refurbishment of the existing self-contained basement flat and the change of use of the existing maisonette on the upper 4 floors into 3 self-contained flats and 1 maisonette. The proposal included a roof conversion to form a dormer window on the rear roofslope and rooflights on the front roofslope, with an additional storey on the rear projection.

The amended scheme has deleted the additional storey with its front rooflights and rear dormer and amended the layout of the basement flat to overcome the concerns of Private Sector Housing.

5 CONSULTATIONS

External:

Neighbours: (Original scheme) Objections received from **24 & 26 Canning Street**, expressing concerns of loss of light, overlooking & loss of privacy, out of keeping with character of building and area, increase in noise & disturbance.

Amended scheme: Objection received from **24 Canning Street**, welcoming the removal of the accommodation in the roofspace, but expressing concern that the additional storey on the rear projection would result in a loss of light and an appearance out of character with the area. Also consider that division of the building into 5 units would result in an increase in noise and disturbance.

Internal:

Conservation & Design: (Original scheme) Proposed dormer and rooflights in mansard roof would be entirely inappropriate. The additional storey at the rear is also unacceptable.

Amended scheme: No comment.

Traffic Manager: Intensification of residential use may increase the demand for car parking and an increase in car journeys while drivers

circulate the area trying to park.

Private Sector Housing: (Original scheme) Layout of basement flat is not satisfactory as it is entered from the living area. Requires amendment to comply with Housing Acts.

Amended scheme: The amended scheme appears to satisfy the requirements of the Housing Acts in terms of the basement flat.

6 PLANNING POLICIES

Brighton Borough Local Plan:

ENV.1 – Ensuring new development does not detract from the environment

ENV.22 - Development in conservation areas.

H.8 - Flat conversions

H.11 - Provision of family unit

H.12 - Noise insulation and refuse storage.

Brighton and Hove Local Plan Second Deposit Draft:

QD.1 - Design- quality of development

QD.14 - Extensions and alterations

QD.27 - Protection of amenity

HO.9 - Residential conversions

SU.2 - Efficiency of development and refuse storage

HE.6 - Development within conservation areas.

7 CONSIDERATIONS

The prime considerations in this case are the effects of the proposals on the amenities of neighbours and the character of the building and the area. Also to be considered is the provision of further dwelling units and the size of the units in compliance with adopted and emerging policies.

The objection concerning the amended scheme expresses concerns of overshadowing, adverse effect on the character of the area and an increase in noise and disturbance. The only physical extension to the building now proposed is for a bathroom 2.7m wide and 2.5m deep over the existing rear projection, which presently has a pitched roof over. The increase in bulk is therefore minimal and within the shadow of the main building, so it is considered that any loss of light would also be minimal and insufficient to justify refusal. The proposed extension would be similar to one already in place on number 14, which was granted in 1989. Whilst these structures would differ from the original rear projections, they cannot be clearly seen from the surrounding streets and it is considered that the proposal would not, therefore, have any significant effect on the character of the area, which is in the College Conservation Area.

The proposal is to convert the existing single-bedroom basement flat

into a two-bedroom flat and the existing maisonette on ground, 1st, 2nd, and 3rd floors into four 1-bedroom units. This arrangement complies with policies H.8 in the adopted plan, and HO.9 in the emerging plan, as one of the units is suitable for family occupation and this unit has access to half of the rear garden. The application does not indicate a specific refuse storage area, but there is a basement store at the front which could serve this purpose as it does for other converted buildings in this terrace. A condition to ensure this is recommended.

Conclusion:

The proposal, as amended, is considered to comply with policies and will not result in sufficient loss of amenities to justify refusal. The scheme would result in the provision of 3 additional dwelling units. Approval is therefore recommended.

8 EQUALITIES IMPLICATIONS

None.

<u>No:</u>	BH2003/03654/FP	<u>Ward:</u>	ROTTINGDEAN COASTAL
<u>Address:</u>	37 Cranleigh Avenue		
<u>Proposal:</u>	Two storey side (north-east and south-west) and two storey rear (west) extension, with alterations to windows.		
<u>Officer:</u>	Karen Tipper, tel: 293335	<u>Received Date:</u>	17 November 2003
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	12 January 2004
<u>Agent:</u>	Peter Overill Associates, Shaftesbury House, 61 Stanley Road, Brighton		
<u>Applicant</u>	Mr N Barnard, 37 Cranleigh Avenue		
:			

1 RECOMMENDATION

Refuse planning permission for the following reasons:

1. The proposed extension by virtue of its scale, bulk, mass and siting would appear excessively prominent and would detract from the character of the existing building and locality, contrary to policies ENV.3 and ENV.5 of the Brighton Borough Local Plan and QD14 of the Brighton and Hove Local Plan second deposit draft.
2. It is considered that the proposed extension will be overbearing on neighbouring properties at 39 Cranleigh Avenue and 41 Grand Crescent resulting in loss of amenity, contrary to policy QD27 of the Brighton and Hove Local Plan Second Deposit Draft and ENV.3 of the Brighton Borough Local Plan.

Informative:

1. There appears to be a discrepancy on the Ordnance Survey site plan, as to where the boundary line between properties lies and/or where the houses are situated on the plot compared to where they are depicted on the site plan.
2. This decision is based on Peter Overill Ass. Drawing nos. 7653/02/03 submitted on 17th November 2003.

2 THE SITE

This site is situated at the north end of Cranleigh Avenue and comprises of a two storey single dwelling house with mature front garden and small side and rear garden. The site is located close to an Archaeologically Sensitive Area, and the neighbour to the north, number 39 Cranleigh Avenue, backs onto the Area of Outstanding Natural Beauty. The setting of the properties at this end of Cranleigh Avenue gives the impression of openness.

3 RELEVANT HISTORY

BH2003/01285/FP: Two storey side and two storey rear extension and alterations to existing fenestration. Approved 12th June 2003.

4 THE APPLICATION

Two-storey extension to both side elevations and two-storey rear extension including that approved in June last year, with alterations to existing windows at ground floor of the approved extension. The extensions would be rendered and tile hung to match the existing house.

5 CONSULTATIONS

External:

Neighbours:

Letter of support received from **42 Cranleigh Avenue**, on the proviso that parking be provided on site to avoid congestion to on-street parking.

Letter of objection received from **39 Cranleigh Avenue** on the grounds that the extension would upset the individual character of the property and the direct neighbours at 35 and 39 Cranleigh Avenue and 41 Grand Crescent.

Rottingdean Parish Council: Object on the grounds that the proposed extension is considered to be a gross over-development of the site. The site plan does not adequately depict the distance between the properties and the effect the extension would have on them.

County Archaeologist: The site lies within close proximity of a probable Bronze Age burial mound and for this reason it is recommended that a watching brief takes place on the site and that a planning condition is attached to any planning permission that is granted. The planning condition should be to the effect that: No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with written scheme of investigation which has been submitted by the applicant and approved by the planning authority. Further details of condition are available in file.

6 PLANNING POLICIES

Brighton Borough Plan:

ENV.3 – Extensions and alterations should be of a high standard of design

ENV.5 – Extensions and alterations should be well sited in relation to the property and surrounding area

ENV.6 – Overlooking and loss to privacy.

ENV.43 – Archaeologically sensitive areas

Brighton and Hove Local Plan Second Deposit Draft:

QD14 – Extensions and alterations

QD27 – Protection of amenity

7 CONSIDERATIONS

The main issues concerning this application are the size and bulk of the development and the impact the proposed extension would have on neighbouring properties. Secondly, the change in character and appearance to the property and the effect this will have on the street scene and existing amenity are material considerations.

The Ordnance Survey site plan and the character of the area gives the impression of a large span of garden between properties at the north end of Cranleigh Avenue, however this is not the case. There is a reasonable sized mature garden to the front of the property, but relatively small rear and side gardens owing to the position of the dwelling in the plot. The proposed extension will take the dwelling close to the north-west boundary with 41 Grand Crescent. This in addition to the already approved application BH2003/01285/FP would appear excessively large and be an over development to the plot creating a cramped appearance. It would be particularly overbearing to number 41 Grand Crescent, in conflict with ENV3 of the Brighton Borough Local Plan and QD14 of the Brighton and Hove Local Plan Second Deposit Draft.

The property and those surrounding it all have an individual style, which gives the top of Cranleigh Avenue its unique character. 37 Cranleigh Avenue already has planning permission to substantially extend the property towards the northern boundary. The current application would further alter the character and appearance of the property as well as the street scene. As such the current impression of openness would be harmed which would be to the detriment of the property and the amenity of the area.

8 EQUALITIES IMPLICATIONS

None identified.

No:	BH2003/03844/FP	Ward:	ROTTINGDEAN COASTAL
Address:	Draycott House, 10 Roedean Way		
Proposal:	Demolition of single storey entrance lobby. Construction of part 2 storey, part 1 storey extension at east elevation and rear to include conservatory (revised scheme for larger pool house)		
Officer:	Steve Lewis, Tel: 292321	Received Date:	08 December 2003
Con Area:	N/A	Expiry Date:	02 February 2004
Agent:	Marston & Langinger Ltd, Draycott House, 192 Ebury Street, London		
Applicant :	Mr & Mrs McNicholas, Draycott House, 10 Roedean Way		

1 RECOMMENDATION

Grant planning permission, subject to the following conditions

1. 00.01 Full Planning.
2. 01.03 Matching Materials

Reason: To accord with policies ENV.3 of the Brighton Borough Plan and QD14 of the Brighton and Hove Local Plan Second Deposit Draft.

Informatives:

1. This decision is based on Marston and Langinger drawing nos. PP4A, PP9A, PP8A, PP7, PP5 RevA and PP6A RevA submitted on 08/12/2003.
2. This decision to grant Planning Permission has been taken having regard to policy ENV3, ENV5 & ENV6 of the Brighton Borough Local Plan and Policy, QD1, QD14 & QD27 of the Brighton & Hove Local Plan Second Deposit Draft and all material considerations.

2 THE SITE

The site comprises a large detached dwelling house in grounds rising to the north and on the north side of Roedean Way. The area is characterised by large detached houses of varying styles and footprints. The house has been previously extended both sides as well as the rear.

The site rises steeply at the rear and within a few metres the land is at the same height as the first floor. However the site is well screened though high fencing and the land rising steeply on both side boundaries.

3 RELEVANT HISTORY

BH2003/02322/FP: Demolition of single storey entrance lobby. Construction of part two storeys, part single storey extension at side (east) elevation and at rear to include conservatory. – Approved by the Sub-Committee on 24th September 2003.

BH2000/02524/FP: Replacement of patio doors with bay window and balcony above (at front of house) (retrospective) – Approved by the Sub-Committee on 25th October 2000.

4 THE APPLICATION

The application is a revised scheme based upon the previous approval for part demolition of a lobby, construction of part single storey and part two storey extension on the east and rear elevation to include a conservatory. This application is a revised scheme to enlarge the pool house by 0.5 metres in length.

5 CONSULTATIONS

External:

Neighbours: **11 Roedean Way.** One objection received citing unattractive appearance, loss of daylight, loss of trees, possible noise disturbance, inappropriate use of materials due to potential damage from winds and drainage problems.

6 PLANNING POLICIES

Brighton Borough Local Plan:

ENV.3 – Extensions and Alterations to Existing Buildings

ENV.5 – Siting of Extensions and Alterations to Existing Buildings

ENV.6 - Privacy issues within extensions.

Brighton and Hove Local Plan Second Deposit Draft:

QD1 – Design – Quality of Development

QD14 – Extensions and Alterations

QD27 – Protection of Amenity

7 CONSIDERATIONS

The main considerations of the application are the effects upon neighbour amenity of the revision due to the proposed increase in length of 0.5 metres. It must also be considered how the revision further affects the grounds of objection raised by the neighbours to the previous application and the subsequent objection raised within this application.

The site rises steeply at the rear. The extension at the rear will be single storey, with its floor level the same as the first floor of the house. Indeed the existing ground levels are maintained along the boundary with the neighbour such that the massing of the extension is sunk into the ground. When viewed from the neighbour's side the fence will screen the extension, the roof of which extends little above the level of the

fence, and with the roof sloping away there is no loss of amenity.

The proposal will not lead to any further loss of light or privacy than the previously approved application. The topographic layout of the site together with screening means that the part of extension nearest to the boundary will still only project a minimal amount above the fence line. The part of the development which does exceed the fence line will be constructed of glazing and should therefore allow light to filter through and eliminate overshadowing.

The area of objection surrounding safety of glass within high winds is not a planning consideration and the proposal does not differ from that previously approved in this respect.

A further reason for objection was received regarding inappropriate design, the proposal broadly meets the existing character of the building and as discussed within the previous application, it reflects the style of the property and is considered to have a limited impact on the character of the surrounding area.

There is no evidence to suggest that the revision will have any differing effect upon the noise levels from the pool filtering system, trees or drainage from the scheme that was previously approved.

Conclusion:

The extension of the pool house by 0.5 metres does not create any significant new issues that the previous application has already been approved. The application is therefore recommended for approval.

8 EQUALITIES IMPLICATIONS

None identified.

PLANS LIST 4TH FEBRUARY 2004

<u>No:</u>	BH2003/03819/FP	<u>Ward:</u>	ROTTINGDEAN COASTAL
<u>Address:</u>	42 Sussex Square		
<u>Proposal:</u>	Amendments to approved rear external alterations/extension (BH2000/01146/FP & BH2000/01148/LB and part conversion of boiler room into bathroom.		
<u>Officer:</u>	Matt Payne, tel: 292359	<u>Received Date:</u>	02 December 2003
<u>Con Area:</u>	KEMP TOWN	<u>Expiry Date:</u>	27 January 2004
<u>Agent:</u>	Ms L Flower, Southbank, Newhall Lane, Smallpole, West Sussex		
<u>Applicant</u>	Mr R Barton, 42a Sussex Square		
:			

1 RECOMMENDATION

Grant planning permission subject to the following conditions:

1. 00.01 Full Planning.
2. The conservation style rooflights hereby approved shall be obscure glazed and fixed shut and so retained to the satisfaction of the Local Planning Authority. **Reason:** To safeguard residential amenity, and to accord with policies ENV6 of the Brighton Borough Plan and QD14 and QD27 of the Brighton & Hove Local Plan Second Deposit Draft.

Informatives:

1. This decision is based on L Flower Architectural Consultant drawing no. 02 submitted on the 2nd December 2003.
2. This decision to grant Planning Permission has been taken having regard to the policies ENV3, ENV5, ENV6, ENV7 and ENV22 Brighton Borough Local Plan and QD14, QD27 and HE6 of the Brighton & Hove Local Plan Second Deposit Draft and to all relevant material considerations.
3. This permission relates solely to full planning consent, and not for listed building consent, the subject of application ref. no. BH2003/03820/LB.

2 THE SITE

This application site comprises the basement flat in a Grade 1 listed building, in the KempTown Conservation Area.

3 RELEVANT HISTORY

BH2000/01146/FP – Extension over part of courtyard plus conversion of rear bedroom and bathroom into new kitchen, approved in June 2000.

BH2000/01148/LB - Extension over part of courtyard plus conversion of rear bedroom and bathroom into new kitchen, approved in July 2000.

BH2003/03820/LB - Amendments to approved rear external alterations/extension (BH2000/01146/FP & BH2000/01148/LB and part conversion of boiler room into bathroom - undetermined.

4 THE APPLICATION

This application seeks consent to revise the previously approved scheme to enlarge the bedroom, and create a bathroom in part of the boiler room, which is immediately under the garden relating to the ground floor flat. A spiral escape staircase is proposed.

5 CONSULTATIONS

External:

Neighbours: The owner/occupier of **Flat 1, 42 Sussex Square** objects to the light from the rooflights shining into the bedroom causing disturbance.

English Heritage: No objections.

Internal:

Conservation & Design: Approve with conditions.

6 PLANNING POLICIES

Brighton Borough Local Plan:

ENV3 – Environment

ENV5 – Extensions

ENV6 - Residential Amenity

ENV7 – Extensions

ENV22 – Conservation areas

Brighton and Hove Local Plan Second Deposit Draft:

QD14 – Extensions

QD27 - Residential amenity

HE6 – Conservation areas

7 CONSIDERATIONS

The main issues to consider in determining this application are the impact on the existing character of the building and the effect to residential amenity.

The extension will not overshadow neighbouring properties. The previously approved scheme included rooflights, and although the neighbouring property immediately above the proposal have concerns relating to light pollution from the rooflights, this is not considered to severely harm their living conditions.

The rooflights will be obscure glazed in order to minimise loss of privacy/overlooking issues.

PLANS LIST 4TH FEBRUARY 2004

Because of the changes to the pitch of the roof, it is now felt that the rooflights should be fixed shut to prevent direct overlooking both to and from the extension.

There will be no impact on the conservation area and the proposal is considered to preserve the character of this listed building.

8 EQUALITIES IMPLICATIONS

None identified.

<u>No:</u>	BH2003/03787/FP	<u>Ward:</u>	PATCHAM
<u>Address:</u>	14 Highview Road		
<u>Proposal:</u>	Loft conversion including extending gables to roof with 2 rooflights on rear elevation, 1 rooflight on front elevation and new side window.		
<u>Officer:</u>	Mary Clay, tel: 292178	<u>Received Date:</u>	02 December 2003
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	27 January 2004
<u>Agent:</u>	Tim Cording, 140 High Street, Steyning		
<u>Applicant :</u>	Mr & Mrs. M. Tugwell, 14 Highview Road		

1 RECOMMENDATION

Refuse planning permission, for the following reasons:

1. The roof alterations would have a detrimental impact on the character and design of the dwelling and surrounding streetscape, contrary to ENV.3 and ENV.5 of the Brighton Borough Local Plan and QD2 and QD14 of the Brighton and Hove Local Plan Second Deposit Draft and SPGBHI- Roof Alterations and Extensions.

2 THE SITE

The application site is located on the northern side of Highview Road, and contains a detached dwelling with a detached garage located to the rear of the dwelling. The adjacent properties are of a similar design; no.14 is the middle one of a row of three identical hipped roof detached houses.

3 RELEVANT HISTORY

BH2000/02139/FP – Application for the erection of a conservatory – approved 18th September 2002.

4 THE APPLICATION

The applicant proposes a loft conversion including extending the roof by converting the side hip ends to gables with an area of flat roof in place of a traditional ridged roof. There would be 2 rooflights on the rear elevation and 1 rooflight on the front elevation, plus a new side window.

5 CONSULTATIONS

Neighbours: Two Representations have been received in support from the adjoining properties at **16** and **12 Highview Road**, who have no objections to the proposal and feel that the proposal is in keeping with the surrounding environment and that they would not be adversely

affected.

6 PLANNING POLICIES

Brighton Borough Plan

ENV.3 – Design

ENV.5 – Extensions and alterations

ENV.6 – Impact on privacy of neighbouring properties

Brighton and Hove Local Plan Second Deposit Draft

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

The applicant proposes to extend the roof of the dwelling to transform the hipped sides of the extension into gable ends. This would create space for an additional bedroom in the roofspace.

Whilst the conversion of a hip roof to gable end will ensure that the dwelling itself will be balanced and symmetrical, it is considered that the proposal will have an adverse effect on the character of the dwelling and the surrounding environment. The immediate area surrounding the site contains similar dwellings, but with no hip to gable extensions as is proposed in this application. The introduction of the gabled ends and a partial flat roof onto the dwelling will result in the dwelling having quite a differing appearance from the remainder in the road, compared to that of the adjoining dwellings and other dwellings in the area, and will adversely affect the visual coherence of the area.

It is considered therefore that the proposed alterations would have a detrimental effect on the character of the dwelling and surrounding area, and that planning permission should therefore be refused.

8 EQUALITIES IMPLICATIONS

None identified.

No:	BH2003/03659/FP	Ward:	PRESTON PARK
Address:	1 The Old Church Hall, 15 Ditchling Rise		
Proposal:	Installation of bullseye window to west (side) elevation and 2 rooflights to north (rear) roof slope.		
Officer:	Jane Moseley, tel: 291709	Received Date:	07 November 2003
Con Area:	N/A	Expiry Date:	15 January 2004
Agent:	BPM, 6 Upper Hollingdean Road, Brighton		
Applicant :	Miss G Orsman, 1 The Old Church Hall, 15 Ditchling Rise		

1 RECOMMENDATION

GRANT planning permission, subject to the receipt of satisfactory revised drawings and the following conditions:

1. 00.01 Full Planning.

Informative:

1. This decision is based on drawing nos. 160.01 and 160.02 submitted on 7 November 2003.
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.3 – Design in the built environment
ENV.5 – Extensions and alterations to houses and commercial properties
ENV.6 – Privacy of neighbouring occupiers
Brighton and Hove Local Plan Second Deposit Draft:
QD2 – Design – key principles for neighbourhoods
QD14 – Extensions and alterations
QD27 – Protection of amenity

2 THE SITE

This application relates to a two storey (plus mezzanine floor) 'live-work' unit, located in the converted St. Saviour's Church Hall, at the rear of dwellings on the northern side of Ditchling Rise. The unit is at the end of the row of 4, with workshops behind and to the west. The site is fully enclosed, with a gated access between 13 and 17 Ditchling Rise. It is not a listed building and is not within a conservation area.

3 RELEVANT HISTORY

Planning permission was granted on 28 July 1999 for the conversion of the 'vacant workshop' to 4 no. live/work units, subject to 7 conditions

(ref. **BH1999/00876/FP**).

4 THE APPLICATION

The applicant seeks planning permission to install a timber framed 'bullseye' window in the gable wall at the western end of the building. It would be at 3rd floor level, relating to the dwelling's mezzanine floor. The window would be round, with a diameter of 0.6 metres.

Planning permission is also sought to install two small rooflights in the rear (north-facing) roof slope, also in relation to the mezzanine floor. Further drawings are currently amending the position of the rooflights.

5 CONSULTATIONS

External:

Neighbours:

Strafford GB Limited, a car hire and repair business which occupy the site adjoining the subject site to the west (**74 Preston Road**) object to the proposed bulls eye window. They state that "as the first floor of our accommodation is used, the proposed west facing bulls eye will directly overlook our property with the resulting loss of privacy". They are also concerned that it "will remove our opportunity to have a velux style roof lights fitted to our building at a future date – because of the overlooking from the proposed west facing bulls-eye window". They have no objection to the 2 rooflights proposed at the rear of the building.

6 PLANNING POLICIES

Brighton Borough Local Plan:

ENV.3 – Design in the built environment

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

ENV.6 – Privacy of neighbouring occupiers

Brighton and Hove Local Plan Second Deposit Draft:

QD2 – Design – key principles for neighbourhoods

QD14 – Extensions and alterations

QD27 – Protection of amenity

7 CONSIDERATIONS

The main issues to consider in assessing this application are whether the windows would be detrimental to the appearance of the building and the area, and whether they would result in a loss of amenity for neighbouring occupiers.

The velux windows proposed at the rear of the building would have little impact on the appearance of the building. They would be located just below the peak of the building, and would align with the

velux windows below. They would be visible only from a narrow area between the railway viaduct and the subject site, which currently appears to be used as car storage for the business at 74 Preston Road. There would be no resulting impact either the character of the area, or on the amenity of users this property.

The proposed bulls-eye window would be inserted in the western gable wall elevation. This elevation adjoins the eastern wall of a two storey building at 74 Preston Road, which is currently in industrial use. This building sits at right-angles to the subject site, with the gable end of the subject site adjoining the side wall of the adjacent shed. The proposed bulls-eye window would face the pitched roof of this building, but below its peak height.

The site of the proposed window cannot be seen at all externally as it is screened by the large building it abuts. It would therefore have virtually no impact on the appearance of the building or the area. The objections from the occupier of 74 Preston Road are noted, but are not considered sufficient to warrant the application's refusal. It is difficult to assess exactly what views the window would allow once inserted, but these would likely include only distant views of this industrial site, which are not considered to be overly intrusive. The building does have dilapidated velux windows in its roof, but even if the velux windows on this building were replaced, the view is likely to be at an obscure angle, and again, not overly intrusive.

Conclusion:

Neither the proposed velux windows, or the bulls-eye window would be detrimental to the appearance of the building or the area. The proposed bulls-eye window would have negligible potential impact on the amenity of the neighbouring industrial site. The proposal is therefore considered to be acceptable taking into account the relevant material considerations, including planning policy. It is therefore recommended that planning permission be granted.

8 EQUALITIES IMPLICATIONS

None identified.

PLANS LIST 4TH FEBRUARY 2004

<u>No:</u>	BH2003/03932/FP	<u>Ward:</u>	PRESTON PARK
<u>Address:</u>	32 Rugby Road		
<u>Proposal:</u>	Construction of 1/2-storey link between dining room and garden room on rear elevation [amended description].		
<u>Officer:</u>	Andy Watt, tel: 292525	<u>Received Date:</u>	15 December 2003
<u>Con Area:</u>	PRESTON PARK	<u>Expiry Date:</u>	09 February 2004
<u>Agent:</u>	Canning-Ericsson Ltd, 160 Western Road, Hurstpierpoint		
<u>Applicant</u>	Mr & Mrs Clarke, 32 Rugby Road		
:			

1 RECOMMENDATION

Grant Planning Permission subject to the following conditions:

1. 00.01 – Full planning.

2. 01.03 – Materials to match.

Reason: Standard – add 'and to safeguard the character and appearance of the Preston Park 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'.

3. All new windows and doors hereby permitted shall be of timber construction.

Reason: To safeguard the character and appearance of the Preston Park 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.

Informatives:

1. This decision is based on drawing nos. 5203/02 and 5203/03 submitted on 15 December 2003.

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.7 – Extensions and alterations to houses and commercial properties

ENV.22 – Conservation areas – general policies
Brighton & Hove Local Plan Second Deposit Draft:
QD1 – Design – quality of development and design statements
QD14 – Extensions and alterations
QD27 – Protection of amenity
HE6 – Development within or affecting the setting of Conservation Areas

2 THE SITE

Unusual split-level two- and three-storey semi-detached dwelling located on the southern side of Rugby Road within the Preston Park Conservation Area. Whilst the building to the front occupies two storeys, the rear wing is arranged over three, with a step down to the rear garden.

3 RELEVANT HISTORY

BH2003/03083/FP: Rear extension to form garden room – withdrawn 26 November 2003.

BH2004/00113/CL: Certificate of lawfulness for a proposed rear extension to form a garden room – granted 21 January 2004.

4 THE APPLICATION

Seeks consent to construct a part two-storey rear extension on the ground and lower ground floors with a balcony above. It should be stressed that the application has been submitted in conjunction with a certificate of lawfulness application (**BH2004/00113/CL**), which was intended to legalise the utilisation of the property's permitted development rights. In that, the extension is sited away from the dining room and is arranged over one storey. The remainder of the application previously submitted and withdrawn (**BH2003/03083/FP**) included a two storey staircase link from the dining room to the extension, basement cycle storage area and first floor balcony, forms this application, and permission is only sought for these elements.

5 CONSULTATIONS

External:

Neighbours:

30 Rugby Road: Objects – The plans only allow a gap of 45cm between properties. This space will be insufficient for repairs and maintenance in the future. When this area needs re-rendering, it will prove impossible. If the applicants could extend the gap by just 30cm, our concerns would be alleviated.

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.7 – Extensions and alterations to houses and commercial properties

ENV.22 – Conservation areas – general policies

Brighton & Hove Local Plan Second Deposit Draft:

QD1 – Design – quality of development and design statements

QD14 – Extensions and alterations

QD27 – Protection of amenity

HE6 – Development within or affecting the setting of Conservation Areas

7 CONSIDERATIONS

Effect of proposal on Preston Park Conservation Area:

The proposed extension is somewhat unusual in this area and seeks to infill the gap between the rear wing of the dwelling and that of no. 30. Essentially it is unlikely to be visible from anywhere except 19 Florence Road, immediately south, or glimpsed in views from the street between the building. The certificate of lawfulness application has been submitted so that the Local Planning Authority can judge the lawfulness of a proposed single storey extension and has been granted, then this full planning application is unlikely to cause any further harm to the building or Conservation Area more generally.

Impact on neighbouring properties:

The relationship of the site to the neighbouring property at no. 30 is quite unique in this area, due to no. 30 being an end-of-terrace of 3 properties with a substantial rear wing presenting a blank expanse of unpainted rendered flank wall to no. 32. Given the large rear wing of the site, then the balcony will not cause any overlooking to neighbouring properties. The only building affected will be 19 Florence Road, immediately to the south. The distance between the two is sufficient not to cause any further overlooking that presently exists and would expect to be the case in a built-up area.

The objection letter detailed above raises an issue about proximity of the proposed extension to their wall, making it difficult to access for maintenance purposes. Unfortunately the layout of this part of the extension comes completely under the certificate of lawfulness application. The proposal sought here is sited a minimum of 1.15 metres from the flank wall of no. 30.

Conclusion:

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

8 EQUALITIES IMPLICATIONS

None identified.

PLANS LIST 4TH FEBRUARY 2004

<u>No:</u>	BH2003/03939/FP	<u>Ward:</u>	REGENCY
<u>Address:</u>	Former ABC Cinema and vacant Public House, 75-79 East Street		
<u>Proposal:</u>	Variation of condition 4 of planning permission dated 4th September 2000 (reference BH1999/01370/FP) relating to opening and closing times of A3 units. (Re-submission of withdrawn application BH2001/01838/FP.		
<u>Officer:</u>	Julie Cattell, tel: 292336	<u>Received Date:</u>	15 December 2003
<u>Con Area:</u>	OLD TOWN	<u>Expiry Date:</u>	09 February 2004
<u>Agent:</u>	Peter Pendleton & Associates Ltd, Upper Floors, 97 Lower Marsh, London		
<u>Applicant :</u>	Falconland Brighton Ltd, 7 Manchester Square, London		

1 RECOMMENDATION

1. **Minded to Grant** planning permission subject to completion of S106 Unilateral Obligation to secure a management agreement and the following condition:
The use of each individual A3 unit hereby approved shall not commence until details of the hours of operation of that unit have been submitted to and approved by the Local Planning Authority. In no case shall the units open for business prior to 08:00 hours on Monday to Saturday and 09:00 hours on Sundays and Public Holidays and the closing times after 23:00 hours shall be staggered at not less than half hourly intervals and the latest time of closing shall be 02.30 hours
Reason: In order to protect the amenity of nearby occupiers by way of early morning noise disturbance and in the interest of public safety and order and to comply with policies ENV.1 of the Brighton Borough Local Plan and QD27 and SR15 of the Brighton and Hove Local Plan - Second Deposit Draft.
2. **Approve** a Variation to the original s106 obligation so that it relates to this approval.

Informatives:

1. This decision is based on un-numbered site plan submitted on 15th 2003.
2. This decision to grant Planning Permission has been taken having regard to the policies and proposals in Brighton & Hove Local Plan Second Deposit Draft set out below, and to all relevant material considerations:
ENV.1, QD27 and SR15
3. Conditions 7 and 8 of Planning Permission ref. BH1999/01370/FP,

dated 4th September 2000 continue to apply.

2 THE SITE

The site comprises the former ABC cinema and a vacant public house, in a four/five storey building with basement car park and main entrances off Pool Valley, East Street and Grand Junction Road. The site falls in the Old Town Conservation Area.

3 RELEVANT HISTORY

The entire block was built in the late 1920s on the site of an older pub. The recent planning history includes a variety of Planning Permissions for external alterations and signage and are not considered germane to this application.

BH1998/01946/FP Planning Permission was refused in December 1998 for the change of use of part of the building from D2 to form two A3 units, with the remainder to be used as a club within D2 use, on the grounds of failure to preserve or enhance the character and appearance of the Old Town Conservation Area, the loss of residential amenity by way of late night noise disturbance and loss of auditorium space.

BH1999/01370/FP A further application was submitted in June 1999 for the change of use of part of the building to form 4 x A3 units, an office at first floor and a flat, the remainder of the building to become a casino. Planning Permission was granted subject to a S106 Obligation, which was completed on 4th September 2000. The S106 Obligation included the formation of a new taxi rank, a financial contribution to the night bus service to assist in the dispersal of customers after closing time, as well as a restriction on the creation of mezzanine floor space within the units. This latter measure was to bring into the control of the council any increase in floorspace and therefore capacity of the units. The S106 Obligation has been varied once in respect of unit 3 as the prospective tenant demonstrated that a mezzanine would not lead to an unacceptable increase in public floorspace.

BH2001/00206/FP Change of use of level 1 for part A3, part B1 – withdrawn.

BH2001/01838/FP Variation of condition 4 relating to hours of operation – withdrawn.

BH2003/00215/FP Change of use of office space to club – refused.

BH2003/03593/FP Change of use of office space to sui generis club – withdrawn.

4 THE APPLICATION

The main change of use application (ref. **BH1999/01370**) included a number of conditions relating to the new uses. Condition 4 specifically relates to the opening and closing times of the A3 units and reads thus:

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"The use of each individual A3 unit hereby approved shall not commence until details of the hours of operation of that unit have been submitted to and approved by the Local Planning Authority. In no case shall the units open for business prior to 08:00 hours on Monday to Saturday and 09:00 hours on Sundays and Public Holidays and the closing times after 23:00 hours shall be staggered at hourly intervals and the latest time of closing shall be 02:00 hours.

Reason: In order to protect the amenity of nearby occupiers by way of early morning noise disturbance and in the interest of public safety and order."

The application is to vary the condition to the following wording (changes in bold italics):

"The use of each individual A3 unit hereby approved shall not commence until details of the hours of operation of that unit have been submitted to and approved by the Local Planning Authority. In no case shall the units open for business prior to 08:00 hours on Monday to Saturday and 09:00 hours on Sundays and Public Holidays and the closing times after 23:00 hours shall be staggered at not less than ***half hourly*** intervals and the latest time of closing shall be ***02.30*** hours".

The purpose of the application to vary the condition is to clarify previous confusion on the part of the applicant regarding the definitions of "closing" times for planning and licensing purposes. Each occupier would then apply for one of the slots.

An earlier application for this variation was considered by the Planning Applications Sub-Committee at its meeting on 31st October 2001. Members were minded to grant planning permission for the variation of the condition, subject to a S106 Unilateral Obligation offered by the applicants to provide a comprehensive security management plan signed by all tenants of the A3 units.

However, the Obligation and the security plan did not materialise and the application was finally withdrawn in July 2003.

This application has now been submitted with the S106 Obligation and Management/Security plan attached and signed by all relevant parties.

5 CONSULTATIONS

External:

Neighbours: Santa Fe (occupiers of unit 3) Santa Fe has signed the agreement, would like to apply for 01.00 closing slot, concerned that any enforcement action may seriously affect the Santa Fe chain,

which is relatively new.

Sussex Police: (Written comments awaited – verbal comments given)
No objection providing management/security plan.

Internal:

Traffic Manager: No comment.

Environmental Health: No objection.

6 PLANNING POLICIES

Brighton Borough Local Plan:

ENV.1 – General principles, including amenity.

Brighton and Hove Local Plan Second Deposit Draft:

QD27 – Amenity

SR15 – Large A3 venues

7 CONSIDERATIONS

The main issues are late night noise and disturbance and the crime and disorder implications arising from customers leaving the site. The original condition covering closing times was drafted with input from the Sussex Police Community Safety Advisor. At that time, the principle of staggered closing times was part of the emerging Community Safety and Crime Reduction Strategy to reduce crime and disorder. This is now adopted.

When this application to vary the condition was first considered, the Sussex Police Community Safety Advisor objected to the proposed half-hourly stagger. However, he subsequently withdrew his objection when the applicants agreed to the security plan.

As well as its duty to protect the amenity of surrounding occupiers, the council as Local Planning Authority also has a duty under S17 of the Crime and Disorder Act 1998 to "...exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area". This duty is a material consideration with regard to this application.

Policy SR15 is relevant to this application insofar that it relates to the issues of crime, disorder and amenity.

Now that the security management plan has been submitted together with a unilateral obligation to secure the signed security and management plan, the proposal is considered to be satisfactory. Approval is therefore recommended.

8 EQUALITIES IMPLICATIONS

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None arising.