

BRIGHTON AND HOVE CITY COUNCIL

LIST OF MAJOR OR CONTROVERSIAL APPLICATIONS

OR APPLICATIONS CONTRARY TO COUNCIL POLICY

<u>No:</u>	BH2003/01356/FP	<u>Contact Officer:</u>	<u>Date Received:</u>	14/04/03
<u>Ward:</u>	BRUNSWICK/ ADELAIDE	Ian Coomber	<u>Target Date:</u>	04/06/03
<u>Con Area:</u>	Brunswick Town	Extension 2195	<u>Expiry Date:</u>	18/06/03

Proposal: Change of use from amusement centre (D2) to cabaret club (sui generis)

Address: 1 Western Road, Hove

Agent: RPS Group, Harbourside House, 4-5 The Grove, Bristol

Applicant: Colmaart Enterprises Ltd, 1 Western Road, Hove

1 SUMMARY

The application is for full planning permission to convert the building into a cabaret club with live entertainment. The use is sui-generic (not falling within a prescribed use class) and needs to be considered on its merits. Several residents have opposed the plans with objections relating to the nature of the use (a lap-dancing club) but many of the issues raised are on moral grounds and outside the remit of planning. Issues relating to a potential increase in crime rates are not substantiated by empirical evidence, indeed experience of similar venues elsewhere in Hove shows such uses operate without harm to the local neighbourhood. Other issues such as noise and disturbance can be dealt with by condition and in relation to parking the Traffic Manager raises no objection. The proposed development brings back into use a building which is fast falling into disrepair, is within the Brunswick Town Conservation Area and a prominent site on this part of Western Road, Hove. The application is recommended for approval subject to a S106 Obligation and suitable conditions to safeguard amenity and ensure the appearance of the building is improved.

2 RECOMMENDATION

Minded to grant subject to a S106 Planning Obligation/Unilateral Undertaking contributing to the provision of CCTV surveillance in the local neighbourhood and the following conditions:

1. Full Planning.
2. The premises shall not be open or in use except between the hours of 5pm and 12 midnight Monday to Wednesday and 5pm and 1am Thursday to Saturday and closed on Sunday evenings.

Reason: To safeguard the amenities of the locality and to comply with policies BE1 of the Hove Borough Local Plan and QD27 of the Brighton & Hove Local Plan Second Deposit Draft.

3. 03.02 Soundproofing of building.

Reason: To safeguard the amenities of the occupiers of neighbouring premises and to comply with policies BE1 of the Hove Borough Local Plan and QD27 of the Brighton & Hove Local Plan Second Deposit Draft.

4. 3.03 Odour control equipment (including any mechanical air extraction equipment)

Reason: To safeguard the amenities of the occupiers of neighbouring premises and to comply with policies BE1 of the Hove Borough Local Plan and QD27 of the Brighton & Hove Local Plan Second Deposit Draft.

5. 3.04 Odour control equipment (Including any mechanical air extraction equipment)

Reason: To safeguard the amenities of the occupiers of neighbouring premises and to comply with policies BE1 of the Hove Borough Local Plan and QD27 of the Brighton & Hove Local Plan Second Deposit Draft.

6. 03.08 Noise from the activities on the premises shall not increase the existing external background noise level (LA90 15Min) measured one metre from the building facades on the opposite side of Little Western Street and to that end the LAEQ (15 Min) measured at the same location shall not exceed 5dBA below background level at any time.

Reason: To safeguard the amenities of the occupiers of neighbouring premises and to comply with policies BE1 of the Hove Borough Local Plan and QD27 of the Brighton & Hove Local Plan Second Deposit Draft.

7. Prior to commencement of the use hereby approved a detailed scheme for the renovation of the entire building shall be submitted to and agreed in writing by the local planning authority and thereafter implemented to accord with the agreed details.

Reason: The site is within the Brunswick Town Conservation Area and prominently located on Western Road. The agreed scheme for renovation of the building will ensure a satisfactory appearance of the development and comply with planning policies BE1 and BE8 of the Hove Borough Local Plan and QD14 and HE6 of the Brighton and Hove Local Plan Second Deposit Draft.

Informative:

The applicant is advised that details submitted in accordance with conditions 3 and 7 above shall take account of the building's historic merit and setting within the Conservation Area. Similarly upgrading of the building should include physical improvements to all elevations of the building with any new frontage at ground floor level respecting the site location within the Brunswick Town Conservation Area.

3 THE SITE

The character of the area is mixed with commercial uses dominating this part of Western Road, neighbouring properties are largely in A1, A2 and A3 use with housing to the south of the site. The site is within the Brunswick Town Conservation Area but not listed and is located on the corner of Western Road

with Little Western Street. The building comprises part four, part three and part two storeys with a floor area of approximately 371m². There are two flats located on the upper floors at the front of the building, which will be occupied by staff.

The building was first built in 1858 and operated as The Tivoli Cinema. Since the late 1970's successive planning permissions have been granted for use as a bingo hall, a social club, members club, auction rooms, casinos and most recently as an amusement centre. The building offers a wide open auditorium space, the original raked floor, and a stage with proscenium arch and a full-length projection room. The venue was originally intended for entertainment use. The amusement centre vacated the premises some time ago, the building has now been empty for several years and is beginning to show signs of decay. The interior of the building is beginning to experience damp on its flank wall to Little Western Street and is badly in need of repair.

4 RELEVANT HISTORY

- 1950** Extension to lavatory accommodation and replacement of Tivoli signage with the name 'Embassy'.
- 1952** Erection of a canopy to the side of the building.
- 1979** Change of use from Cinema to Bingo Hall
- 1984** Change of use from Bingo Hall to Retail
- 1984** Change of use from Bingo Hall to International Members Club with facilities for music and dancing with a licensed bar.
- 1985** Change of use from retail (A1) to A3 use
- 1986** Change of use from retail/auction rooms to casino and bridge club
- 1992** Change of use from A1 to D2 use
- 1995** Conversion of existing former cinema premises to amusement centre with minor ancillary alterations

BH1997/00524/FP Change of use from amusement centre (sui generis) to revue bar (class A3); refused 1997 for the following reason:

"The proposed Class A3 use and opening hours would give rise to noise and disturbance, particularly late at night, which would be detrimental to the amenities enjoyed by residents of nearby properties, contrary to Policies BE1c and S7 of the Hove Borough Local Plan 1995 and Policies B.1c and U.20 of the Brighton & Hove Local Plan Review Part A; there is no justification to depart from these policies in this instance."

BH1999/00574/FP Variation of Condition No. 4 on approved application BH1995/0604/FP (Amusement Centre) which restricts opening hours to between 9:00 and 22:00 hours Monday to Saturdays and not at all on Sundays, and to allow revised opening hours between 9:00 and 23:00 hours Monday to Saturdays and 12:00 to 21:00 hours on Sundays.

Granted on the 16th June 1999 subject to the following conditions:

PLANS LIST 2ND JULY 2003

1. The use hereby permitted shall take place only between the hours of 9.00am and 23.00 hours Mondays to Saturdays inclusive and 12.00 to 21.00 on Sundays.
2. This permission is for a temporary trial period only, expiring on 30 June 2000.

5 THE APPLICATION

The application proposes a change of use of basement, ground and part first floor level from amusement centre to a cabaret club. This comprises the introduction of an entrance foyer/waiting area, bar, seating area, stage and changing area at ground floor, ancillary office accommodation at first floor and the provision of toilets in the basement. The two flats above the venue are not proposed to be changed but will be occupied in residential use by staff and management of the venue. The Tivoli Club will employ in excess of 39 staff, rising to 50 after year one.

The applicant suggests The Tivoli Club is aimed at the 28-50 plus market and will offer food, ambient music and live entertainment. The applicant proposes "neither a night-club or a pure cabaret club but rather something in between which has only been achieved in Paris at the Moulin Rouge...offering a burlesque type show...in a refined atmosphere." The show will run four times nightly and will be totally changed every three months.

6 CONSULTATIONS

Internal

Traffic Team: No objections on traffic grounds.

Environmental Health:

Recommend suitable conditions requiring the submission of details relating to soundproofing prior to commencement of the use and noise conditions preventing noise permeating through the building to neighbouring properties.

External

Sussex Police Crime Prevention Design Officer : Objects to the proposed change of use:

- The location is a high risk crime area
- Concerned that the 'sui generis' use is based on information provided by the applicant. Information submitted in support of the license is at odds and suggests an open house policy with access for all. However, the Information in support of the planning application suggests the operation be confined to pre-booked parties only.
- Policy SR16 of the Second Deposit Draft of the Brighton & Hove Local Plan has been applied to this proposal. The application exceeds the criteria insofar as the space exceed 150sq.m and other similar premises are within 400m of the proposal
- People using this development will be predominantly male, between the

PLANS LIST 2ND JULY 2003

ages of 18 to 24. This group of people are most likely to be responsible for incidents related to alcohol related crimes of violence and victims of such incidents

- The application does not accord with the objectives of the Sussex Police Licensing Policy which is based on four principles:
 - Diversity of premises
 - Geographical spread and concentration of such premises
 - Time spread
 - Care, control and supervision of such premises
- There is already an existing problem in Brighton & Hove with crime and disorder and a project such as this proposal would only exacerbate the current situation
- Statistics have been submitted related to alcohol related violent crime. These show the size of the problem, the measures in place should be given time to be effective before planning applications such as this are approved.
- If it were decided to grant planning permission I would ask that a S10 Planning Obligation be entered into to secure the provision of CCTV outside the premises linked to the Sussex Police System.

Local Residents - 13 letters of objection have been received from: 43 Norfolk Road; 5, 6, 7a, 8 and 14a Cross Street; 4, 11, 12a & 24 Little Western Street; and 4, 6 & 7 Farman Street. Collectively, they relate to the following matters:

Crime

- The presence of 150 to 200 people until 1 or 2am is alarming to local residents the nature of the use will attract stag parties to the area
- Danger to children
- Concerned about intoxicated, excited young men roaming around our streets, and the noise and the perceived threat to women that will accompany them, young girls in the area will be extremely vulnerable.
- The police are already having a tough enough time with drink and drug addicts without adding a red light district to their problems; the area is already under-policed.
- Street fights are already common in this neighbourhood
- Local women feel uneasy about such a club opening in they neighbourhood.
- The fact that the site operators intend to employ doorstaff suggest the anticipate trouble
- The club will bring many undesirable people into the area
- There is the potential for local women and dancers from the club to be stalked through surrounding streets.
- Criminal gangs will take over the running of the club

Use

- Whatever title the establishment is given a sexy drinking club is the last thing we need in Brighton & Hove

PLANS LIST 2ND JULY 2003

- All the nearby streets are solely residential in character; such a club should be in the commercial centre of the city.
- This development will downgrade the Brighton-Hove border.
- We need an upmarket cultural centre not a sleazy sex-dive
- This is a lap-dancing club calling it a revue bar or cabaret club is misleading
- We already have three bars in the area (The Robin Hood, The Litten Tree and The Polar Bar, Caps Club)
- The area is residential in character and a part of the Conservation Area

Noise

- The building backs onto residential properties and gardens
- Noise from late night drinkers
- The proposed opening times are too late, residents need to be up early for work in the mornings

Parking

- Cars are already constantly parked on double yellow lines and pavements and on occasions even block the street, how would the emergency services cope with this?

Other Matters

- The streets are constantly littered with broken bottles
- Will have a negative impact on house prices
- This is a wholly inappropriate use for such an historic building, an art house similar to The Duke of Yorks should be proposed.
- There are already enormous problems with youths congregating and queuing at take-aways and the 24 hour shop. Police and paramedics are continually called to the area already. At weekends the area becomes a ghetto
- There are recent stories about similar clubs in London where there have been incidents of sexual contact between dancers and customers. Many customers will have unhealthy interests
- There are already two such sex-related uses in the city and we don't need a third. Because of competition between these uses the Tivoli owners will be forced to drop their exclusivity, prices and standards.

Petition – In addition to the above a petition containing 47 signatures was presented by Cllr Paul Ellgood opposing the granting of 'any permissions' to establish a late night drinking/lap-dancing bar at 1 Western Road. The grounds for the petition relate to:

- The existing density of pubs and clubs in the area
- Noise and disturbance
- Street fights and arguments late at night
- Litter, broken glass and vomit on nearby streets

- Venues such as this should be restricted to the city centre

Cllr Paul Elgood and Cllr Dawn Davidson object (letters attached)

7 PLANNING POLICIES

Hove Borough Local Plan

- BE1** - General Guidelines
- BE 5** - Design and Materials
- BE8** - Development in Conservation Areas
- BE12** - Removal of unsympathetic materials
- BE17** - Parking
- BE18** - Refuse disposal
- BE19** - Extension Materials
- BE24** - Standard of Development
- BE27** - Shopfronts in Conservation Areas
- BE38** - Neglected Buildings
- L9** - Tourist Related Developments
- L10** - Architectural Heritage
- R4** - Planning Obligations

Brighton & Hove Local Plan (2nd Deposit Draft)

- TR1** - Development and the demand for travel
- TR** - Safe Development (new policy)
- TR17** - Parking standards
- SU10** - Noise nuisance
- QD1** - Design - quality of development and design statements
- QD5** - Design - street frontages
- QD10** - Shopfronts
- QD27** - Protection of amenity
- QD28** - Planning Obligations
- H07** - Retaining housing
- SR5** - Regional shopping centre
- SR6** - Town and district shopping centres
- SR13** - Amusement arcades/centres
- SR16** - Nightclubs
- HE6** - Development within or affecting the setting of conservation areas
- SU10** - Noise Nuisance

Circular 5/94 'Planning out Crime'

'Safe in the City' Brighton & Hove Community Safety and Crime Reduction Strategy 2002-5.

8 CONSIDERATIONS

The relevant considerations in this case solely relate to policies of the existing and emerging development plan and government circulars and guidance notes relating to such uses.

Nature and Use Class of Proposed Development

The proposed use does not fall comfortably within any defined Use Class. Before addressing to what extent the proposal adheres to policies of the development plan an assessment of the actual proposed use is an essential pre-requisite. Having conducted research on this issue several distinctions need to be taken into account. Sui-generic uses include: Cabaret Clubs with no public dancing; Revue Bars and Strip/lapdancing Bars, whereas a nightclub is an A3 use (or D2 where the primary use is dancing)¹. This confusion is discussed in the submission from Sussex Police. For the avoidance of doubt it is held that the nature of the use proposed in this case is a sui-generic use.

Crime and Policy SR16

On the issue of crime generally the comments from the Crime Prevention Design Officer present a picture of this use leading to increased crime levels in the local area. Empirical evidence of such a use at a similar establishment, The Pussycat Club on Church Road in Hove, does not support these claims. This club has successfully operated since 1985 with no evidence of a link between the use and crime. In conclusion it is considered that insufficient evidence has been forthcoming to demonstrate any link between the proposed use and an increased occurrence in crime. Much of the evidence presented by the police simply refers to high crime rates in the 18 to 24 year old age group. The applicant proposes a club where the age is restricted to 21 and over and is specifically targeted towards a 28 to 50 year old clientele. This mismatch between comments made based on speculation over how the club will operate in practice means this issue can be given little weight.

Planning Policy SR16 refers to nightclubs, and was produced in association with the Council's Community Safety and Crime and Disorder Strategy, mindful of Circular 5/94 'Planning out Crime', and recognises that crime can be a material planning consideration. In essence the policy is aimed at preventing concentrations of such uses, is aimed at staggering closing times which, it is hoped, will reduce the likelihood of disorder.

The building is located within Regional Shopping Centre (SR5) but outside the Prime Retail Frontage (SR5/SR6). The applicants contend this use is not a nightclub, and the case could be made that policy SR16 is therefore not relevant. However, mindful of the objectives of SR16 and its criteria relating to new nightclubs an assessment of the impact of the proposed new use on crime is prompted by comments from Sussex Police. The existing nightclub in the basement of 5 Western Road is quite small, has operated since the late 1970's and has a closing time of 2am. The Litten Tree (formerly Bar Med) opposite the site has a closing time controlled through planning condition of 12.30am (23.30 Sundays) and the Polar Bar Pub on the corner with Little Western Street is subject to normal closing controls along with other nearby pubs. The proposed closing time of the Tivoli Club is 0100 hours but is unlikely

¹

that all customers will vacate the premises at the same time. Notwithstanding the comments from the Sussex Police Crime Prevention Design Officer it is not considered that the application contravenes the spirit of SR16 as termination times are staggered, and the nature, character and clientele of each use is significantly different.

Noise and impact on residential amenity

The existing upper floor flats have been empty for some time and are accessed by a door to the side of the main frontage on Western Road. The applicant proposes to bring them back into use to be occupied by staff and management of the Tivoli Club. The adjoining property at number 12a Little Western Street is of greater concern in terms of noise impact from the use particularly as the stage area is near to this property. The issue of noise has been addressed through details to be secured and approved by appropriate planning conditions. The applicant contends the proposal is not a disco and played noise will only need to be sufficiently audible to accompany the shows. Sound data submitted by the applicant specifically addresses this and concludes that the volume of music can be acceptably controlled such that it would not be audible on the street. A sound engineer has submitted a report stating that noise outside the building will be inaudible and the Councils EHO has visited the building and discussed with the applicants the issue of noise. Conditions are suggested to address the issue of potential noise disturbance.

In terms of the planning history and the refusal in 1997 of planning application BH1997/00524/FP this related to an A3 use, with public dancing and a closing time of 2am. Clearly the nature of that use, and the volume of music, makes the use considerably different to that currently proposed, and this previous refusal does not create a precedent in this case.

Condition of the existing building and the wider street scene

The venue is currently in very poor decorative repair due to many years of neglect. The plan calls for a total refurbishment improving the condition of the building with investment in excess of £750,000. It is proposed to reveal the original barrel dome ceiling and extensive use of trompe l'oeil will be utilised to create an atmosphere in keeping with the buildings heritage. Both interior and exterior will be refurbished, greatly improving the building and the entire ambience of this section of the Conservation Area. The existing building is vacant and has lacked maintenance and the use proposed will re-introduce an active use into this longstanding venue enhancing both the appearance and character of the wider Conservation Area. Condition 7 addresses this issue further requiring the submission of details of the refurbishment to be agreed and implemented prior to commencement of the use.

This building has had a longstanding venue use and the issue of local disturbance is acknowledged. It was originally designed as a cinema and has been used for a variety of entertainment uses ever since (with the exception of an A1 Retail use for a small period of time.

Traffic Issues

It is proposed to deal with customers' and staff vehicles in a two-fold manner. Firstly, the Club will have a "people carrier" that will be available at all times to collect and deliver customers from/to their home/hotel. There is a local bus service along Western Road. Those customers that choose to bring their own vehicle will be aided by two car jockeys who will take the vehicle and park it at the NCP car park in Regency Square, with whom the Club will hold a contract for such purposes. Staff will be transported home each evening by the "people carrier". Taxis will be called as required and there is also a taxi rank at Norfolk Road. These measures will avoid the problem of unwelcome parking on local streets, frustrating local residents. Due to the nature of the use, the applicant expects clientele to arrive by public transport and taxis. The Norfolk Road taxi rank and a bus stop on Western Road are both within a 2 minute walk from the site. Furthermore, the walk between the club and these facilities does not pass any residential properties therefore avoiding potential conflict between clientele and residents in terms of noise. There is limited on-street car parking within the vicinity of the site but clients will be encouraged to use taxis (through the provision of an in-house taxi booking service); the buses (due to the close proximity of the bus stop) and the 'Venue Bus' which will ferry people to their hotels and other public transport facilities. For that limited number of people who do arrive by car the "car jockey" service will operate. Furthermore, the "night" buses run in close proximity to the site, with the last bus, leaving at approximately 2:30 am. The Traffic Team has been consulted on these proposals and does not object to the plans. Although this issue featured in many of the representations received parking is not considered to represent a substantial problem.

9 CONCLUSIONS

This is a specific proposal and not a "nightclub". The proposal will introduce a result in the use of a currently vacant building, enhancing both the appearance and character of the Conservation Area. The area is highlighted in the local plan as being within a regional shopping centre where retail and commercial uses dominate the street scene. Although housing is immediately south of the site it is not agreed that this is a primarily residential area.

Concerns relating to a 'nightclub' on this site would be addressed if and when a proposal for such a use comes forward. In granting planning permissions for a cabaret club of this type (a sui generis use) a further planning permission would be required to convert the building to a conventional night club (D2). Policy SR16 and its criteria would be applied at that time and issues relating to crime and disorder may be more relevant in such a case.

The operation of the use is specifically tailored to a specific clientele in contrast with The Litten Tree and other drinking venues in the area. The number of customers arriving or leaving by car or at any one time is anticipated to be small. Specific physical and operational measures are to be put in place in respect of noise and general disturbance.

This proposal brings back into use a building, which is high profile in the street

scene and marks the border between the former Brighton & Hove Boroughs. It is beginning to fall into disrepair and, although several residents oppose the introduction of the proposed use there are no sound planning reasons to refuse the development. There is adequate on-street parking available for those small number of customers who do arrive by car but the activity on surrounding street will be no more than can be expected and is reasonable in a City Centre location.

10 EQUALITIES IMPLICATIONS

The proposed toilets in the basement are inaccessible to wheelchairs although new disabled toilets are proposed at ground floor level. It should be noted however that because of the historic cinema use of the building the ground floor is split level so further adaptation of the building will be needed to secure full disabled access to the facilities.

PLANS LIST 2ND JULY 2003

No:	BH2003/00875/FP	Ward:	GOLDSMID
Address:	Land at rear of 29 & 31 Goldstone Villas Hove		
Proposal:	Erection of a detached house.		
Officer:	Paul Earp, tel: 292193	Received Date:	10 March 2003
Con Area:	CLIFTONVILLE	Expiry Date:	05 May 2003
Agent:	Mike Smith, Insite Planning, 6 Hollingbury Terrace, Brighton		
Applicant:	Mr C Ball, 41 Denmark Villas, Hove		

This application was deferred from the last meeting on the 11 June for a Sub-Committee site visit.

1 RECOMMENDATION

Grant Planning Permission subject to the following conditions and Informatives:-

1. Full Planning.
2. 01.03 Samples of materials.
Reason: Standard – add ‘and to comply with policies BE.1 of the Hove Borough Local Plan and QD.1 and QD.2 of the Brighton & Hove Local Plan Second Deposit Draft’.
3. 02.11 Refuse storage.
Reason: Standard – add ‘and to comply with policy QD.27 of the Brighton & Hove Local Plan Second Deposit Draft’.
4. 02.10 Refuse storage - maintenance of.
Reason: Standard – add ‘and to comply with policy QD.27 of the Brighton & 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 & Hove Local Plan Second Deposit Draft’.
6. 02.01 – No permitted development.
Reason: Standard – plus ‘ and to comply with policy BE1 of the Hove Borough Local Plan and QD1, QD2 QD3 and QD27 the Brighton & Hove Local Plan Second Deposit Draft.
7. 04.01 landscaping/planting.
Reason: Standard – plus ‘ and to comply with policy BE41 of the Hove Borough Local Plan and QD1 of the Brighton & Hove Local Plan Second Deposit Draft.
8. 04.02 landscaping/planting - implementation and maintenance.
Reason: Standard – plus ‘ and to comply with policy BE41 of the Hove Borough Local Plan and QD1 of the Brighton & Hove Local Plan Second Deposit Draft.
9. Details of the boundary wall to the rear of Goldstone Villas, which should be 2.0m in height, shall be submitted to and approved by the Local Planning Authority before works begin. The wall shall be completed before

the property is occupied and thereafter maintained to the satisfaction of the Authority.

Reason: To safeguard the amenities of the occupiers of neighbouring properties and ensure a satisfactory appearance to the development and to comply with policies and BE1 and BE8 of the Hove Borough Local Plan and HE6 and QD27 of the Brighton & Hove Local Plan Second Deposit Draft.

10. Notwithstanding details shown on the approved plan, the building shall be sited 1.0m from the rear boundary wall.

Reason: To enable the preserved trees to the rear to be regularly maintained and to comply with policies and BE1 and BE8 of the Hove Borough Local Plan and HE6 of the Brighton & Hove Local Plan Second Deposit Draft.

11. All treeworks to be carried out shall be done with the agreement of and under the supervision of the Local Authority Arboricultural Officer.

Reason: To ensure good maintenance of the preserved trees and to comply with policies and BE1 and BE8 of the Hove Borough Local Plan and HE6 of the Brighton & Hove Local Plan Second Deposit Draft.

12. Constructional details of the chimney stack, dormers, windows, joinery and eaves are to be submitted at a scale of not less than 1:20 and approved by the Local Planning Authority before works commence.

Reason: To ensure satisfactory appearance to the development and to comply with policies and BE1 and BE8 of the Hove Borough Local Plan and HE6 of the Brighton & Hove Local Plan Second Deposit Draft.

13. No vents, pipes or flues are to be sited on the roof.

Reason: To ensure satisfactory appearance to the development and to comply with policies and BE1 and BE8 of the Hove Borough Local Plan and HE6 of the Brighton & Hove Local Plan Second Deposit Draft.

14. 24.01 – Windows to be painted softwood double hung sliding sash pattern.

Reason: To ensure satisfactory appearance to the development and to comply with policies and BE1 and BE8 of the Hove Borough Local Plan and HE6 of the Brighton & Hove Local Plan Second Deposit Draft.

15. The rooflight hereby approved shall be obscure and permanently fixed shut.

Reason: To safeguard the residential amenities of the occupiers of neighbouring properties and to comply with policies and BE1 of the Hove Borough Local Plan and QD27 of the Brighton & Hove Local Plan Second Deposit Draft.

Informatives:

1. The applicant's attention is drawn to policy SU2 of the Brighton and Hove Local Plan Second Deposit Draft that seeks a high standard of efficiency in the use of energy, water and materials in development.

2 THE SITE

The application relates to a site situated between the rear of 29 & 31 Goldstone Villas and 39 & 41 Denmark Villas; access to the land is along a drive between 31 & 33 Goldstone Villas. The site, excluding the drive, measures 12m deep x 20m wide, and has a developable area of 240m². The land has been cleared of development and is now covered by low wild vegetation. A pair of garages used

to be on the land.

The site is within Hove Station Conservation Area. Properties within Goldstone Villas and Denmark Villas are two and three storey residential buildings. A domestic garage adjoins the site to the north, and a garage with workshop over to the south.

3 RELEVANT HISTORY

- application BH2001/02121/FP, construction of a detached dwelling house and garage, withdrawn 12.2.02.
- application BH2002/01249/FP, construction of a pair of 2 storey semi-detached houses, refused 23.1.03.

4 THE APPLICATION

The proposal is for the construction of a two storey single dwelling house:

- Building to measure 6.0m deep x 10.0m wide, plus single storey conservatory 2.8m wide, x 6.6m in height. Part of the site to be excavated 0.8m so that dwellings would be 5.2m above existing ground level.
- Dwelling to be 3 bed with two dormers to front (west elevation), two rooflight to rear (east elevation), windows within side elevations at first floor level.
- Materials: brick, timber framed sliding sash windows, tiled pitched roof.
- Hardstanding for the parking of two cars and shed for cycle storage and bins in area adjoining buildings to north of site.
- Landscaping strip along western boundary, to properties in Goldstone Villas.

5 CONSULTATIONS

External: Neighbours:

Denmark Villas No's: 17, 19, 29, 30, 31- flat 2, 35, 37, 37 - basement, 39, 41 - ground floor flat, 43.

Goldstone Villas - No's: 9, 23, 27 - 2 letters, 29, 31 - ground floor flat, 31a, 33, 35, 37 - 4 Stone Court, 44.

Mary Clark - no address given.

Object to the proposal for the following reasons:

- This garden area is an integral part of the Victorian character of the conservation area. This is the last green area left in an already crowded conservation area and should remain that way. The character of the area is one of back-to-back gardens and indeed the Local Plan states that "an important characteristic of the Conservation Area is the well established greenery provided by the mature trees and shrubs". Development would create irrevocable damage to the character of this conservation area. The site is unsuitable for building as it is within a designated conservation area.
- Before the area was designated a conservation area single storey garages were built on the land which had previously been garden. This was unfortunate as the land has never had a history of having mews or stables. The Council now has the opportunity not to allow the situation to deteriorate.

PLANS LIST 2ND JULY 2003

- Whilst the site previously had two garages on it, it did contribute to the green character of the area with many mature trees which were regrettably cut down last year. The character of the area is one of garden and not residential development. A concern is that it is not able to compare the development against the state of the site before the trees were cut down which did in fact contribute to the green character of the area.
- Since the area has been designated a Conservation Area, no developments have been and lead to creeping backland residential development in this garden area.
- The development would undermine the root system of two mature elms the subject of a Tree Preservation Order. Who would be legally responsible if the TPO trees are damaged or later die as a result of the development.
- Loss of natural habitat where many varieties of wild birds and animals live.
- The buildings would be too near to houses in both Denmark Villas and Goldstone Villas. Whilst the roofline is marginally lower than the previous refused scheme, consider it should be lowered further as it would still lead to a loss of outlook, overshadowing and privacy. This proposal is no more than a cosmetic change to what has been refused and does not mitigate against any of the detrimental effects for which the Council has already refused permission.
- Proposed style of the houses are out of keeping with the surrounding classic Victorian houses. The brick finish to the house would be out of keeping, giving it a 1950/60's look of low budget housing. This proposal would look similar, and of similar proportions, to the rejected scheme.
- Although the floorplan is reduced in size by 1m to the north side of the plan, a conservatory has now been added to the south side enlarging the area once again.
- Access to the proposed houses could be dangerous with vehicles and pedestrians sharing the only access. The driveway is too narrow and has insufficient turning space for refuse and emergency vehicles.
- Increased demand for parking.
- Increased noise, disturbance and potential risk of security. Disruption to the occupiers of surrounding properties during construction.

Suggested conditions.

Whilst the occupiers of the properties below object to the application for the reasons stated, urge that the following conditions form part of any approval:

41 Denmark Villas, ground floor flat: Prime concern is the impact on the security and privacy of this property. The access to the site currently provides unrestricted access to the rear garden of 41 Denmark Villas, making the property vulnerable to burglary from the rear. This situation has arisen because of the demolition of 2 garages and a high fence which previously provided an adequate level of privacy.

- Request the construction of a wall of sufficient height to prevent access to the rear garden of 41 Denmark Villas. The plan shows a wall only 1.2m in height.
- All services to the new building and all access to the site should be via Goldstone Villas, with no disruption to the property or rear garden of 41

Denmark Villas.

Occupiers of 39 Denmark Villas: The two elm trees subject to Tree Preservation Order No.7, 2001, adjacent to the east boundary wall of the site. lies within the ground of this property. Should the Local Planning Authority be minded to grant the application recommend the following conditions form part of the approval:

- A reduction of lateral growth would be required prior to commencing the development. It is important that the arboricultural services of the council monitor the work which should only be carried out by a qualified arboriculturalist.
- The development should be located no closer than 1m from the east boundary wall, in order to facilitate necessary periodic pruning of the elm trees on the developer's side. The submitted plan is imprecise and shows a distance of between 300-450mm between the development and the wall.
- The two conservation rooflights on the east elevation should be fitted with obscure glazing and fixed shut to prevent any overlooking and loss of privacy.
- The height of the roofline and the eavelines of the proposed house should be clarified in relation to those of the adjacent buildings in Denmark and Goldstone Villas. The submitted plan is unclear.
- Permitted development rights should be removed.
- There should be no vents, pipes or flues in the roof.
-

Councillor Simon Battle: Objects to the application on behalf of local residents. Shares concerns that this development is inappropriate for this site. The marginal lowering of the height over the previous applications appears to be a token effort. Understand that the windows are at the same height and hence the degree of overlooking of nearby properties and gardens is the same as the refused application. Many residents feel this is an invasion of privacy, cuts out light and is generally unsightly.

Since the site is within a conservation area, do not think the new house does anything to preserve and enhance its character; squeezing a detached house into the back of one of the gardens is not in keeping with conservation principles.

CAAG: No comment.

Internal:

Arboricultural Officer: No objection. The proposed dwellings are to be situated close to the rear boundary wall with 39 Denmark Villas. Adjacent to the rear boundary, and within the cartilage of 39, are two mature Elms covered by TPO (No. 7) 2001. Due to soil conditions and ground levels it is considered that the roots of the trees are within the garden of No.39 and that excavation of the site would not be detrimental to the health and stability of the Elms.

The tree would require lopping (possibly to the boundary) prior to development and regular pruning to reduce 'nuisance'.

Request a condition that all tree works in relation to the development are carried out under the supervision of the Arboricultural Service.

Traffic Engineer: No objection. This proposal provides a turning facility on site for vehicles, in contract with the previous application BH2002/1249/FP.

Conservation Team: With careful attention to detail, including landscaping and constructional detail e.g. to stack, dormers, joinery and eaves, satisfied that this revised proposal will sit well in its surroundings. No objection to the use of brick, which are often traditionally used for backland development in conservation areas.

Environmental Health: No objection subject to a condition requiring satisfactory refuse storage.

6 PLANNING POLICIES

Hove Borough Local Plan

BE1 – General guidelines;
BE8 – Development within conservation areas;
BE18 – Refuse disposal;
BE41 – Landscaping;
TR16 – Cycle parking;
TR26 – Car parking standards.

Brighton & Hove Local Plan Second Deposit Draft:

QD1 – Design – quality of development;
QD2 – Design – key principles for neighbourhoods;
QD3 – Design – effective and efficient use of sites;
QD15 – Landscape design;
QD27 – Protection of amenity;
TR12 – Cycle access and parking;
TR17 – Parking standards
H03 – Dwelling type and size;
H04 – Dwelling densities;
H0 – Provision of private amenity space;
H05 – Provision of outdoor recreation space in housing schemes.
HE6 – Development within a conservation area.

7 CONSIDERATIONS

This application follows two previous schemes. The application submitted in 2001 although withdrawn by the applicant was, by virtue of being sited on the boundary of 31 Goldstone Villas and of contemporary design, considered to adversely affect residential amenity and failed to preserve the character of the conservation area. The 2002 scheme resited the development along the eastern boundary, adjacent to the garden of 39 Denmark Villas, in an attempt to overcome problems of loss of residential amenity, and of amended design, more akin to a converted mews building. The planning report states that should

PLANS LIST 2ND JULY 2003

the development be lower and with adequate landscaping it could be accommodated on the site without undue effect on the residential amenities of surrounding properties. The application was refused 23 January 2003 as the proposal, for two houses, was considered to be an overdevelopment of the site and of inappropriate design.

The main considerations in the determination of the application, as previously examined, relate to the impact of the proposed building on the character and appearance of the conservation area, and upon the residential amenities of the occupiers of the surrounding properties.

Principle of developing the site

The site lies within the Hove Station Conservation Area and adjoins Denmark Villas

Conservation Area to the east. Two domestic garages were situated on the land which is now cleared of development and overgrown. An access drive between two

residential properties in Goldstone Villas serves the site, together with a garage to

the rear of the adjacent property 33 Goldstone Villas.

Planning policies promote full and effective use of land for residential development where it can be demonstrated that the proposal exhibits a high standard of design and respects residential amenities. Policy H03 recognises the need for family accommodation.

The site is situated in a residential area between two residential streets, has an existing access drive and was used for parking. Much public opinion considers that this garden area is an integral part of the Victorian character of the conservation area and should remain so as development would create irrevocable damage to the character of this conservation area. The Conservation Officer is of the view that this rear plot of land could accommodate a building without causing harm to the character or appearance of the conservation areas and that this would certainly be preferred to its use as a parking area. Given that the land has been used for development it is considered that it would be difficult to resist development in principle, but that in order to retain a sense of openness to this backland site, having regard to the size of adjoining garden plots, it was considered as part of the assessment of the previous scheme for two dwellings, that the site was only capable of accommodating a single dwelling to retain sufficient space around the dwelling for adequate landscaping to retain a sylvan setting in keeping with the 'garden setting' of its surrounding.

Effect on residential amenity and design

Planning policy HE6 states that development within conservation areas should preserve or enhance the character or appearance of the area and should be of a high standard of design reflecting the scale and character of the area. Policy QD27 aims to protect residential amenity including loss of light, privacy and

disturbance.

This proposal is for a single dwelling; the main dwelling is 4.0m narrower than the refused development, although with the single storey conservatory, the two proposals have a similar footprint. The ground level would be excavated by 0.8m and the building would be approximately 0.6m lower than the previous refusal. The overall effect of the alterations is a development of substantially less bulk than the previously refused scheme.

The proposed dwelling is to be situated along the boundary with 35 & 37 Denmark Villas with the front aspect facing 25 & 27 Goldstone Villas. The proposal has two front dormer windows facing Goldstone Villas and two rear rooflights as opposed to four of each on the refused scheme. Public objections have been received stating that the development is too near to houses in both Denmark Villas and Goldstone Villas and by virtue of its height and scale would seriously affect neighbouring properties by way of loss of outlook, overshadowing and loss of privacy. Given that the proposed dwelling would be 0.6m lower than the previous proposal and with less windows at first floor level, together with scope for landscaping and possibility of increasing the height of boundary treatment to Goldstone Villas, it is considered that the dwelling could be accommodated without undue effect on the residential amenities of surrounding properties.

Whilst the building would be a new build, the style of the dwelling is to reflect the appearance of a converted mews property. The Conservation Officer is satisfied that this revised proposal will sit well into its surroundings.

Effect on trees

Two preserved Elm trees are situated close to the eastern boundary of the site, within the garden of 39 Denmark Villas. These would have to be lopped to the boundary, and despite public concerns the Arboricultural Officer is of the opinion that the development would not adversely affect tree roots or the health of the trees.

Car and cycle parking, refuse storage

The site is situated in the central area close to good bus and rail transport. Planning policies aim to encourage the use of public transport and a development without off-street parking would be acceptable in this location. However, given the existence of the driveway and the fact that the last use of the site was as garages, the Traffic Engineer raises no objections to the provision of a hardstanding area to the north of the building which could accommodate up to two cars.

The provision of secure cycle and bin storage could be accommodated adjacent to the car parking area.

Conclusion:

Despite public objections, it is considered that the proposal for a building of

PLANS LIST 2ND JULY 2003

less bulk and of more sympathetic design than the previous schemes is acceptable for the reasons stated above. The Conservation Officer's comments that the proposal would sit well in its surroundings and subject to conditions requiring constructional detailing and landscaping is acceptable. Other conditions are recommended to protect residential amenity.

8 EQUALITIES IMPLICATIONS

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

PLANS LIST 2ND JULY 2003

No:	BH2003/01151/FP & BH2003/01152/LB	Ward:	QUEEN'S PARK
Address:	3 Old Steine Brighton and adjoining site		
Proposal:	Mixed use development of commercial office space (844sq.m.) and 9 residential units. Part new build, part refurbishment incorporating No.3 Old Steine.		
Officer:	Pete Johnson, tel: 292138	Received Date:	07 April 2003
Con Area:	VALLEY GARDENS	Expiry Date:	02 June 2003
Agent:	3W Architects, 62 Canalot Studios, 222 Kensal Road, London, W1		
Applicant:	Walsingham Investments PLC, 54A Waverley Road, St Albans, Hertfordshire		

1 SUMMARY

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

The proposal is considered acceptable in principle, having been identified as a development site in the adopted and emerging Local Plans. It is also considered acceptable in architectural terms and in terms of its effect on the conservation area. The proposal includes the refurbishment of No. 3, which is a listed building. The effects on neighbouring residential properties have been reduced to a reasonable level, appropriate for this central site. Approval is therefore recommended.

2 RECOMMENDATIONS

A. Grant planning permission subject to the following conditions:

1. 00.01 Full planning.
2. Samples of materials.
3. 02.09 Refuse storage.
4. 05.03 Provision of cycle parking.
5. 05.01 Layout of car parking area (and restriction to residential occupiers only).
6. 05.02 Retention of car parking area.
7. Before any works commence, details of a visibility splay for drivers leaving the site shall be submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall thereafter be installed and maintained to the satisfaction of the Local Planning Authority.
Reason: In the interests of highway safety and to comply with policy TR.9 of the Brighton Borough Plan and policy TR.5a of the Brighton & Hove Local Plan Second Deposit Draft
8. The east-facing windows of the offices and residential rooms in the new development hereby approved shall be high-level windows as indicated on the east elevation.

Reason: for the avoidance of doubt and to ensure that the development does not result in undue overlooking of neighbouring residential units,

which would be contrary to policy ENV.1of the Brighton Borough Plan and policy QD.27 of the Brighton & Hove Local Plan Second Deposit Draft

9. A public art component shall be included as part of the development and shall be submitted to and approved by the Local Planning Authority. Any scheme as may be approved by the Local Planning Authority shall thereafter be installed within 6 months of the first occupation of the site, to the satisfaction of the Local Planning Authority.

Reason: To ensure a suitable public art component is provided in accordance with policy QD.6 of the Brighton & Hove Local Plan Second Deposit Draft

10. The refurbishment and rebuilding of No.3 Old Steine shall be completed to the satisfaction of the Local Planning Authority before any part of the new building is brought into use.

Reason: To ensure this Listed Building is reinstated in the interests of the character of the building and the Valley Gardens conservation area

Informative:

This decision is based on drawing nos. PPB- 001c, 002c, 003c, 004c, 005c, 006c, 007c, 008c, 009a, 014a submitted on 16/6/03.

B. Grant listed building consent subject to the following conditions:

1. 00.02. Listed Building Consent.

2. 22.05 Features to be replaced.

Reason: To ensure the satisfactory preservation of the listed building and to comply with policy ENV.31of the Brighton Borough Plan and policy HE.4 of the Brighton & Hove Local Plan Second Deposit Draft

3. 22.06 Features to match original.

Reason: To ensure the satisfactory preservation of the listed building and to comply with policy ENV.31of the Brighton Borough Plan and policy HE.4 of the Brighton & Hove Local Plan Second Deposit Draft

4. 22.10 New doors (panelled).

Reason: To ensure the satisfactory preservation of the listed building and to comply with policy ENV.31of the Brighton Borough Plan and policy HE.4 of the Brighton & Hove Local Plan Second Deposit Draft

Informative:

This decision is based on drawing nos. PPB- 001c, 002c, 003c, 004c, 005c, 006c, 007c, 008c, 009a, 014a submitted on 16/6/03.

3 THE SITE

The application site is bounded by Prince's Street to the east, Pavilion Parade to the west and Pavilion Street to the north. It is L-shaped site and comprises a derelict listed building, its rear garden area, a car park and a planted area with small lawn fronting Pavilion Parade. The site is owned by the Council and the planted area is maintained by the Council.

4 RELEVANT HISTORY

There is no relevant planning history on this site. An application for a similar development was submitted last year, but was subsequently withdrawn. The architects were selected as a result of a design competition, in accordance with

policy HE.7 of the Brighton & Hove Local Plan Second Deposit Draft.

5 THE APPLICATION

The proposal is for a 5-storey (+basement) L-shaped building fronting Pavilion Parade and Pavilion Street. The Pavilion Street 'wing' reduces in height in two stages and by the time it reaches Prince's Street it is just 3 storeys high. The design of the new building is modern, with the principal (west) elevation being mainly glass. The application includes the refurbishment of No.3 Old Steine, a grade 11 listed building which is presently in a derelict state.

6 CONSULTATIONS

External:

Neighbours:

Objections received from **12, 13 & Flat 2, The Old Court House, Prince's Street**, expressing concerns of inappropriate materials and design, excessive size, too dominant, adverse effect on character of nearby listed buildings and conservation area, loss of light, loss of privacy, unsuitably noisy location for residential units, adverse affect on traffic, site should be used as a park, proposal does not include affordable housing, proposal would block the Parochial Office building from view and destroy the link between this building and the Royal Pavilion.

Objection also received from **The Kingscliffe Society**, expressing the view that the open area should not be built upon and the area should become a small park. Also feel that the proposal would block views of the Parochial Offices and is an over-development with potential for noise nuisance from the access balconies at the rear. The Society expresses the view that the proposal would be detrimental to the amenity of residents and the area in general.

Objection received from **The Georgian Group**, expressing concerns that the amendments (to the withdrawn application) are not sufficient to make this an acceptable development in such a sensitive position. The Group considers that the proposals would not only impact on the fabric of 3 Old Steine, but also its setting and that of No.4. The site also falls within the setting of the Royal Pavilion and it is important to ensure this setting is not eroded any further. The scale and design proposed is not suitable for this sensitive location, and a sympathetically designed, small scale infill building would be more appropriate. The application also implies the interior of 3 Old Steine would be remodelled, but there was an absence of existing plans. The proposal would severely damage the setting of the listed terraced houses and the Royal Pavilion and refusal is urged.

CAAG: Regrets the loss of views of the Parochial Offices and is not entirely convinced that the proposal would complement the Royal Pavilion. A minority of the Group considers that the site should not be developed in its present form. However, the Group welcomes the improvements to the proposal particularly in relation to the juxtaposition of the new building with No.3. It agrees that the new building is well designed, but a minority question whether it is appropriate

PLANS LIST 2ND JULY 2003

for this site. The majority view is that the new building has townscape and architectural merit, whereas a traditional frontage design would appear false and unconvincing. On balance, the majority of the Group support the development, subject to guarantees over supervision, specification and satisfactory resolution of details, the lighting of the building and basement car park, the choice of materials and the detail of the mesh grille balcony fronts and roof level sun screens.

Architects' Panel: This is a good building, designed by good architects and the panel is happy to recommend approval. Quality materials should be used. The panel acknowledged that their remaining questions (concerning the stair tower, canopy/ shades, materials, NW corner and entrance steps) might be dealt with by condition.

Sussex Police: This is a high-risk crime area and it is essential to control access, both pedestrian and vehicular. A white pigment should be used in the basement car park to reduce the number of lights needed. Access to the office space should be controlled and the lift should be protected. All ground floor glazing should be laminated.

Internal:

Conservation & Design: The proposal has been thoughtfully designed and will be a stimulating addition to the local historic street scene. The disposition of uses and built form sit well on this awkwardly shaped site, and in the surrounding urban context. The adopted Conservation Study for this area recommends the development of this open land to rebuild the frontage to Pavilion Parade. Both the Brighton Local Plan and the Brighton & Hove Local Plan Second Deposit Draft permit development on this open land and the emerging Brighton & Hove Local Plan Second Deposit Draft identifies the site as meriting an imaginative development of the highest architectural quality, commending selection of the architect by competition. This has been done. The design has evolved and improved, but there remain some elements that are not yet satisfactorily resolved.

i.e. extent of roof terrace and associated balustrading, main entrance to office accommodation, rooftop 'sun shades'.

It should be considered these, and measures to safeguard the scheme from a later dilution of quality could be dealt with by condition.

The relationship of the new development to 3 Old Steine as revised is much more neighbourly, with the new build clearly a free-standing block detached from the existing building and providing an appropriate shared external space to the rear.

The proposal will secure the repair and re-use of No.3. The mansard storey adds appropriate mass and can be added without harm to the fabric of the building and without prejudicing the building's special interest. Conditions should ensure the reinstatement of early 19th century window patterns. Existing

survey drawings are requested, showing section BB through the listed building. It is important to ensure that 2nd floor room heights are not raised and that the new attic storey does not exceed the height of the existing top floor rooms. As submitted it appears top-heavy, with the dormers far removed from the windows in the façade below. Existing and proposed rear elevation drawings of No.3 are also required.

Traffic Manager: There is no provision for cycle parking. It would be preferable if there was a flat section at the top of the ramp so cars could join the highway in a level attitude. Visibility for cars exiting is restricted, which is potentially hazardous. Could a visibility splay be provided?

Environmental Health: Recommend conditions regarding soundproofing of plant/machinery and the new residential units

Planning Policy: The development is of a scale that would require a Percent for Art contribution.

7 PLANNING POLICIES

Brighton Borough Local Plan:

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

ENV.2 Encouraging new development to be built within the built-up area

ENV.3 Encouraging high standards of design

ENV.4 Planning in security

ENV.22 Development in conservation areas.

ENV.27 Development to respect characteristics of Valley Gardens conservation area

ENV.31 Listed buildings

ENV.33 Listed buildings

ENV.45 Noise protection measures

H.2 Encouraging the supply of housing within the built-up area

HP.4 This site identified for housing

EP.6 This site identified for offices

TR.44 Car parking standards

Brighton and Hove Local Plan Second Deposit Draft:

TR.17 Parking standards

QD.1 Design- quality of development

QD.2 Design- key principles for neighbourhoods

QD.3 Design- efficient and effective use of sites

QD.4 Design- strategic impact

QD.6 Public art

QD.7 Crime prevention through design

QD.15 Landscape design

QD.20 Urban open space

QD.27 Protection of amenity

QD.28 Planning obligations

HE.1 Listed Buildings

HE.3 Development affecting the setting of a listed building

HE.4 Reinstatement of original features on listed buildings

HE.6 Development in conservation areas

HE.7 This site identified for comprehensive development

H0.4 Dwelling densities

H0.new Provision of private amenity space

8 CONSIDERATIONS

This is a prominent corner site opposite the Royal Pavilion, adjoining and including a listed building, and is within the Valley Gardens conservation area. The site is identified in the adopted and emerging Local Plans for a mixed development of business and residential. The principal considerations in this case are the effects of the proposals on the conservation area and nearby listed buildings and the effects on the amenities of neighbours. The principle of developing this site is considered to be established by its allocation for development in both the adopted and emerging Local Plans.

Following amendments to the earlier (withdrawn) scheme, the Conservation Officer is now happy with the proposal and considers the works to the listed building to be appropriate and the new-build element to be a stimulating addition to the local historic street scene. The Architect's Panel echoes this enthusiasm but both are concerned about the rooftop sunshades. A revised design for this element may be available at the meeting. CAAG members had mixed views, but the majority agreed that the new building is well designed with townscape and architectural merit. The general consensus is that the design is acceptable architecturally (with the exception of the rooftop sunscreen).

An important consideration is the effect of the proposals on neighbours and this is dependent on bulk, massing and the arrangement of windows. The rear of the building has been set back 1.8m from the pavement in Prince's Place and rises for 3 floors, at which point there is a further set back of 3.5 metres at 3rd floor level and a similar further set-back at 4th floor level. This frontage onto Prince's Street is 11m wide and the bulk of the building is some 14m from this frontage, with the stair/lift tower in front of this and some 9m into the site. It is therefore considered that the 11m wide frontage onto Prince's Street is the aspect that will most affect the residential properties opposite in The Old Court House. The submitted drawings indicate that the top edge of the 4th floor is 48° above a point 2.8m above pavement level on the front face of the former Parochial Offices and the bulk to the rear and facing Prince's Street is below this 48° line. This point indicates approximate eye level on the ground floor of the former Parochial Offices building. Given the nature of the area, with narrow streets and tall buildings, up to 5 storeys in parts, this relationship is considered appropriate and it is pointed out that this relationship is less intrusive than the existing situation between rooms in the northern part of this building and the public house (The Marlborough) on the opposite side of the road. The applicants have submitted a Daylighting and Sunlighting Study which gauges the effect of the proposed building on the residential properties on the

opposite side of Prince's Street and whilst this does acknowledge that some of the windows will experience a reduction in daylight and sunlight, it points out that this is because the existing site is largely vacant which is untypical of the area and results in high readings at present. The study does not calculate whether the building would increase reflected light into these units, but it is considered that this would occur, given the materials proposed. Whilst it is not suggested that the reflected light would match the amount of light obscured, it is likely that the reflected light would improve the present situation during the mornings when the sun is in the east. On balance it is considered that the effects of the bulk and arrangement of the proposed building on the residential properties opposite are not unduly oppressive and could not be sustained as a reason for refusal.

The east-facing windows on the frontage of Princes Street are all illustrated as high-level (2m above floor level), so they will not result in any significant degree of overlooking. A condition to ensure this does not change is recommended.

The concerns of the Traffic Manager regarding visibility for exiting drivers is acknowledged and it is considered that, as the building frontage has been set back from the existing back edge of pavement, there is room to provide a visibility splay and a condition to ensure this is recommended.

9 CONCLUSIONS

The proposal is considered to be an acceptable form of development in design terms for this important location. The effects on nearby residential units are also considered acceptable given the nature of development in and around the immediate locality. The effects on the residential units on the opposite side of Prince's Street are considered to be less than the existing effects on those similar units, for example, opposite the nearby Marlborough Hotel. Approval is therefore recommended.

10 EQUALITIES IMPLICATIONS

The offices now have a level access with lifts inside to tackle the internal changes in levels. A lift also serves all the residential units with access direct from the basement car park as well as from the ground floor from Prince's Street. Part M of the Building Regulations will apply to the new building. Number 3 is accessed only via steps at the moment and this will not change as a result of the refurbishment.

PLANS LIST 2ND JULY 2003

No:	BH2003/01321/FP BH2003/01322/LB	Ward:	QUEEN'S PARK
Address:	10-11 Old Steine Brighton		
Proposal:	Change of use of rear access way to garden. Erection of a wooden gate on the boundary with 9/10 Old Steine bounded by wooden panelling. Erection of a similar wooden gate on the boundary with 11/12 Old Steine (Retrospective) (Revision of BH2003/00104/FP & BH2003/00105/LB which was withdrawn on 24/02/2003).		
Officer:	Matt Payne, tel: 292359	Received Date:	25 April 2003
Con Area:	VALLEY GARDENS	Expiry Date:	02 July 2003
Agent:	N/A		
Applicant:	Mr D Nathan, 10 Old Steine, Brighton		

This application was deferred at the last meeting for a Sub-Committee site visit.

1 RECOMMENDATION

A. Grant planning permission (application BH2003/01321/FP).

B. Grant listed building consent (application BH2003/01322/LB).

Informative:

The applicant is reminded of the requirements of Conditions 2 and 3 of listed building consent ref. no. BH2002/02997/LB.

2 THE SITE

This application relates to land immediately to the rear of 10-11 Old Steine and the rear boundaries separating 9 from 10 Old Steine and 11 from 12 Old Steine. 10 and 11 Old Steine are both Grade 2 listed terrace properties, which make up part of a row of mixed-use terrace properties, situated within the Valley Gardens Conservation Area. An easement/private right of way runs parallel with the rear elevations of 8-12 Old Steine. The site has been subject to recent development, where the boundary wall separating the rear of this row of terraces from adjoining garden land has been partially removed.

3 RELEVANT HISTORY

BH2002/02997/LB – Demolition of west boundary garden wall to rear of property (retrospective) and restoration of a portion of this wall, approved in January, 2003, after a Sub-Committee site visit.

4 THE APPLICATION

This application seeks retrospective planning permission to regularise the erection of wooden gates and associated fence panels on the boundaries separating 9 from 10 Old Steine and 11 from 12 Old Steine, immediately behind the row of terrace properties fronting Old Steine. The land which these gates now enclose is proposed to be used as garden land.

5 CONSULTATIONS

External:

Neighbours -

The occupier of **12 Old Steine** has no objections to the application.

The owner/occupier of **4 St James Place** objects to the gates denying access to this private right of way.

The owner/occupiers of **2 and 3 St James Place** object to the application on the grounds of incorrect ownership details and that the gates deny access to an a private right of way which in turn affects the existing character of the conservation area.

The owner/occupier of **1 St James Place** objects to the loss of access along this footpath, and the potential increase in pedestrian traffic from the rear of Old Steine into St James Place.

The owner/occupier of **6 St James Place** objects to the application on the grounds of increased pedestrian movement into St James Place through the likely insertion of openings into the listed wall of St James Place and the loss of access along the footpath to the rear of Old Steine by these lockable gates.

The owner/occupier of **9 Old Steine** has no objections to the gates. Has no doubt that their presence will improve the general security of the said buildings.

Kingscliffe Society – Object to the applications on the visual impact of the gates and associated boarding, incorrect ownership details, the alterations to the historic composition of this designated conservation area through changing the use of the land and the precedent this sets, and the fact that an approval would override any conditions attached to the last approval of listed building consent ref. no. BH2002/02997/LB.

Kingscliffe Society (comments following reading the initial report) – Word ‘alleged’ used for this private right of way is incorrect. No evidence has been submitted as part of this application to confirm this easement/right of way. The boundary wall separating the rear of this row of terraces from adjoining garden land has been partially removed, at no. 10 Old Steine. Security issues and the gates’ aesthetics challenged. The wording of the decision notices relating to the reinstatement of the patio area is unclear. A split decision should be made allowing the gates to stand but not to allow the change of use to garden land.

Cllr Simon Burgess – Objects to the application on the grounds that the gates are excessive in size and unnecessary, will result in other openings being inserted into listed walls in the vicinity and points out that the wall has yet to be partially re-instated.

Internal:

Conservation Team – There is no objection in principle to the incorporation of this section of passageway into the garden use (subject to the part rebuilding of the wall as previously approved, to maintain the sense of an enclosed passageway). No objection either to the gates and panelling as installed. Their public visibility is very limited and they have no adverse impact on the character of the listed building or on the appearance of the conservation area.

Traffic Engineer – The passage is not a public highway.

6 PLANNING POLICIES

Brighton Borough Local Plan:

ENV3 – Alterations

ENV22 – Conservation

ENV31 – Listed Buildings

ENV33 – Setting of Listed Buildings

Brighton and Hove Local Plan Second Deposit Draft:

QD14 – Alterations

QD27 – Residential amenity

HE1 – Listed Buildings

HE3 – Setting of listed buildings

HE6 – Conservation Areas.

7 CONSIDERATIONS

2.4 metre high timber gates have been erected across the passage. The applicant asserts these are to provide a more secure environment to this part of the rear of this row of terraced properties fronting Old Steine.

The use of timber is appropriate in this location, and considered to preserve the existing characteristics of the Valley Gardens Conservation Area. Staining the gates green as has been done is also considered not to be detrimental to the visual amenities of the Valley Gardens Conservation Area, nor to the setting of nearby listed buildings.

There is no objection in principle to the incorporation of this section of passageway into the garden use subject to the part rebuilding of the wall as previously approved in January, to maintain the sense of an enclosed passageway. (This must be completed by the end of this year.)

Concerns have been raised regarding rights of access along this alleyway. However, these are civil matters and **not** material planning considerations and cannot be taken into account in determining these applications.

The applicant has served appropriate notice under Article 6 of the Town & Country Planning (General Development Procedure) Order 1995 on March 28th 2003 in 'The Argus' newspaper, and has therefore fulfilled his legal obligation to give anyone who may have an interest in the land opportunity to comment on the applications.

Conclusion:

Approval is recommended for both planning permission and listed building consent.

8 EQUALITIES IMPLICATIONS

None identified.

PLANS LIST 2ND JULY 2003

No:	BH2003/01558/FP	Ward:	PATCHAM
Address:	14 Carden Avenue, Brighton		
Proposal:	Change of use from residential dwelling to children's day nursery and one bedroom flat with associated works, including new access and windows.		
Officer:	Hamish Walke, tel: 292101	Received Date:	06 May 2003
		Expiry Date:	01 July 2003
Agent:	Parker Dann, The Studio, 2 Mount Place, Lewes, East Sussex BN7 1YH		
Applicant:	Mr K Lewis, C/O Agent		

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

1 RECOMMENDATION

Minded to grant Planning Permission subject to a Section 106 Obligation to secure a School Travel Plan before the development is first occupied, implement consequent proposals, regularly review and revise the Plan and to secure a Management Plan to ensure staggered arrival/departure times and outdoor play times and subject to the following conditions:

- 00.01 Full Planning.
- Prior to the commencement of development, full details of car (including parking for people with a mobility related disability) and secure covered bicycle and buggy/pushchair parking provision shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented in full prior to the first occupation of the development hereby permitted and shall be maintained thereafter.
Reason: To minimise on street parking demand associated with the development, to encourage travel by means other than the private car, in the interests of safety and in accordance with Policies TR33, TR34 and TR44 of the Brighton Borough Local Plan and TR (Safe development new policy), TR12, TR16 and TR17 of the Brighton and Hove Local Plan Second Deposit Draft.
- 04.03 Protection of existing trees.
Reason: Add "... in accordance with Policy ENV.61 of the Brighton Borough Local Plan and Policy QD16 of the Brighton and Hove Local Plan Second Deposit Draft."
- 03.10 Soundproofing plant/machinery.
Reason: Add "...and in accordance with Policies ENV1, ENV44 and ENV45 of the Brighton Borough Local Plan and SU10, QD27 and H025 of the Brighton and Hove Local Plan Second Deposit Draft."
- The nursery hereby approved shall not be used except between the hours of 08.00 and 18.00 Mondays to Fridays.
Reason: To ensure that the proposal and associated traffic movements would not generate noise and other disturbance and lead to a significant loss of residential amenity and in accordance with Policies ENV1, ENV44 and ENV45 of the Brighton Borough Local Plan and SU10, QD27 and H025 of

- the Brighton and Hove Local Plan Second Deposit Draft.
6. The number of children present at the day nursery hereby approved at any time shall not exceed 60 without the prior approval of the Local Planning Authority to whom a planning application must be made.
Reason: To prevent over intensive use of the premises and to ensure that the proposal and associated traffic movements would not generate noise and other disturbance and lead to a significant loss of residential amenity and in accordance with Policies ENV1, ENV44 and ENV45 of the Brighton Borough Local Plan and TR1, SU10, QD27 and H025 of the Brighton and Hove Local Plan Second Deposit Draft.
 7. Outdoor play sessions should be restricted to between the hours of 09.00 and 17.00 Mondays to Fridays.
Reason: To ensure that the proposal would not generate noise and other disturbance and lead to a significant loss of residential amenity and in accordance with Policies ENV1, ENV44 and ENV45 of the Brighton Borough Local Plan and SU10, QD27 and H025 of the Brighton and Hove Local Plan Second Deposit Draft.
 8. No amplified sound or music shall be played outside the building.
Reason: To ensure that the proposal would not generate noise disturbance and lead to a significant loss of residential amenity and in accordance with Policies ENV1, ENV44 and ENV45 of the Brighton Borough Local Plan and SU10, QD27 and H025 of the Brighton and Hove Local Plan Second Deposit Draft.
 9. Prior to the commencement of development, full details of soft play surfacing in the outdoor play area shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented in full prior to the first occupation of the development hereby permitted and shall be maintained thereafter.
Reason: To ensure that the proposal would not generate noise and other disturbance and lead to a significant loss of residential amenity and in accordance with Policies ENV1, ENV44 and ENV45 of the Brighton Borough Local Plan and SU10, QD27 and H025 of the Brighton and Hove Local Plan Second Deposit Draft.

Informative:

This decision is based on the Block Plan, Photographic Analysis and Existing and Proposed Floor Plans and Elevations and the Supporting Statement and School Travel Plan submitted on 6 May 2003.

2 THE SITE

This is detached house with parking area at the front and garden to the rear. There is a newly constructed detached house to the rear with separate driveway to the west of the application site. The surrounding area is largely residential although there is a care home immediately to the east and sheltered housing scheme and another care home in the near vicinity. Generally Carden Avenue is fronted by single houses but almost opposite the site is Charles Kingston Gardens, a development of flats including a clinic. Withdean Park adjoins the site to the south.

3 RELEVANT HISTORY

Planning permission was recently granted for the erection of a five bedroom house in the rear garden with separate vehicular access (BH2000/03137/FP & BH2001/02838/FP). This property has now been completed.

No relevant planning history on the application property.

4 THE APPLICATION

Planning permission is sought to change the use of the property from a single dwelling to a children's day nursery and a one bedroom flat with related works. The supporting documents state that the nursery could accommodate up to 70 children between the ages of 0-5 and that the nursery would be open between 08.00-19.00 Monday to Friday. The submitted Block Plan shows six off street car parking spaces and a cycle parking area. The applicants have also submitted a supporting statement and a draft School Travel Plan.

5 CONSULTATIONS

External:

Neighbours: Letters of objection have been received from Nos. 4, 6, 9 and 10 Carden Avenue, Bramble Cottage Retirement Home (18 Carden Avenue), 7 Charles Kingston Gardens, 38 Homeleigh, London Road and 68 Elwyn Jones Court, South Woodlands. The grounds of objection are:

- The residential area would be further diluted by commercial ventures, in addition to the existing care homes, day centre, flats and clinic. The proposed use is unsuitable for the area and the proposed flat does not compensate for the loss of a family home. Conditions were imposed when the adjoining care home was developed to retain the residential zoning. The proposed use would not conform to this residential character. The proposal would damage quality of life for residents. Noise levels would be significant and continuous, particularly in the summer;
- Carden Avenue already suffers from traffic and parking problems. There are frequent queues on adjoining roads at the times when children will be dropped off and some parents will take longer to drop off/pick up their children. Not convinced by the Travel Plan. Parking provision will not be enough and there would be further parking on Carden Avenue. Staff parking would reduce that available for parents. The majority of traffic movements will be at the beginning and end of the day and queuing/congestion would result. Very little car sharing is done by parents and it will be difficult to encourage use of public transport;
- The proposal would cause a delay to buses and the adjacent bus stop needs to be considered;
- Charles Kingston Gardens residents have private car parking provision which is misused by people visiting the clinic and on matchdays. People calling at the nursery would also be likely to use the car park;
- There would be likely to be a further increase in number of accidents and make crossing the road dangerous. There is a dangerous bend in the road just to the east and busy mini-roundabout on London Road. The mini

PLANS LIST 2ND JULY 2003

roundabout is an accident blackspot. The application site has poor visibility lines;

- Increased traffic would cause noise and nuisance for neighbours;
- Bramble Cottage has provided residential care for elderly people for many years and provides employment. Most residents are mobile and enjoy a walk and the tranquillity of the garden. The nursery would have a devastating effect on the care home. The home would become less attractive and its existence/viability may be threatened. Noise levels would affect the quality of life of residents, who should be able to enjoy a peaceful environment. On occasions the 10-11 parking spaces at Bramble Cottage are insufficient and the nursery would require more. Previously consent to expand the nursing home into No. 14 was refused. It would be a travesty if permission was granted for a nursery;
- No mention is made of signage. If permission is granted they should be limited to one sign and this should require prior approval;
- The proposal is contrary to policies H07 – Retaining housing, H025 and SU10 of the Brighton and Hove Local Plan Second Deposit Draft;
- The proposal would have inadequate outdoor play area. There is no shortfall of nurseries within a 2 mile radius, as there are eight others catering for 345 children; and
- The information submitted with the application is conflicting and unspecific. In particular the references to public transport are either inaccurate or refer to infrequent services or train stations that are a considerable distance away.

Cllrs Pidgeon and Geoffrey Theobald: Object to the application. Their letter is printed in full at the end of this report.

Internal:

Traffic Manager: No objections.

School Travel Officer: Welcomes the inclusion of an in-out driveway system to allow the safe set down of children and to reduce congestion. Cycle parking and pushchair store should be covered and secure. One of the parking bays should be made available for disabled parking. Some parking bays should be relocated away from the main entrance. The start/finish times should be staggered to avoid congestion. The draft travel plan is welcome and includes sensible measures to reduce reliance on the car for travel to/from the nursery. The nursery would also be close to a regular bus service and Preston Park. If approved, the travel plan would need further development three months after occupation, including a survey of staff and parents travel patterns. As there have been concerns from residents and councillors, possible restrictions on the number of children could be considered. These could be reviewed in future if appropriate. No objections raised, but the travel plan should be secured by legal agreement.

Environmental Health: No. 12 Carden Avenue is located at the rear of the No.14. However, does not anticipate noise being a problem as the house at No.12

provides a barrier to its own garden and has only non-sensitive rooms backing onto the garden of No.14. The garden of No. 14 is surrounded by a solid 6ft stone wall on the south and west side. The west side is also separated by an access road and additional wall and outbuilding. The nursing home to the east is separated by a timber fence and leylandi trees. Understands no objections have been received from the nursing home. Recommends conditions relating to soundproofing of plant/machinery, opening hours and outdoor play area and equipment.

Early Years Development Officer:

Number of places:

The proposed development will be in a large detached house with sufficient space for a nursery. It is hard to estimate the number of children the dwelling can be registered for as the rooms for the children have not been identified yet, nor the supporting office area.

From the travel plan attached to the planning application 70 children are proposed. However, would like to suggest the number of places is restricted to 60. This could be reviewed at a later date once the facilities are established and the floor area can be accurately measured.

Outside area:

The outside area is in an enclosed garden, which can be accessed from the ground floor rooms. The Early Year Development and Childcare Partnership supports an environment which gives children as much access to outside space as possible.

Nurseries within the area:

There are currently no full day care nurseries in Patcham. There are nurseries on or just off the A23 south of Carden Avenue. There is also a proposed nursery with in excess of 100 places on the Stringer site off Balfour Road. It is part of a PFI project and will be run by a large nursery chain. They were granted planning permission in 2001. Understands they plan to start building in September with completion in January 2004.

6 PLANNING POLICIES

Brighton Borough Local Plan:

ENV1 – General environment objectives and policies

ENV44 – Pollution control

ENV45 – Pollution control

ENV61 – Trees and landscaping

TR33 – Cycle parking

TR34 – Cycle parking

TR44 – Car parking standards

W2 – Provision of childcare facilities

Brighton and Hove Local Plan Second Deposit Draft:

TR1 – Development and the demand for travel

TR(new policy) – Travel Plans

TR(new policy) – Safe development

TR12 – Cycle access and parking

TR16 – Parking for people with a mobility related difficulty

TR17 – Parking standards
SU10 – Noise nuisance
QD16 – Trees and hedgerows
QD27 – Protection of Amenity
QD28 – Planning obligations
H019 – New community facilities
H025 – Day nurseries and child care facilities

7 CONSIDERATIONS

The main issues for consideration are the acceptability of the proposed use, its impact on neighbouring amenity and traffic and parking matters.

Children's nursery use

Policies W2 of the Brighton Borough Local Plan and H025 of the Brighton and Hove Local Plan Second Deposit Draft are supportive of the provision of additional children's nurseries. Policy H025 sets out five criteria to be used in assessing proposals, covering standards within the property (including outdoor space), avoiding detrimental impact upon neighbours, being accessible by non-car means, not creating congestion or prejudicing highway safety and providing adequate storage space for pushchairs.

The property has a rear garden of approximately 375 m². This level of provision far exceeds the required OFSTED standard of 7m² per two children. The submitted plans show a buggy/pushchair parking area within the rear garden. Further details can be required by condition, but in principle the area is satisfactory for this use. Overall it is considered that the property would provide a satisfactory standard of children's nursery accommodation.

Policy H025 presumes against the net loss of residential units with change of use applications for nursery facilities. A self contained flat is proposed at ground floor level and no net loss of residential units would result. The policy makes no reference to size of unit and refusal on this basis would not be sustainable.

Impact on neighbouring amenity

A number of objections have been received from surrounding properties objecting to the impact of a nursery on their properties and garden areas in terms of noise nuisance.

Environmental Health have commented that there is potential for noise nuisance to neighbouring residential properties, especially when children are playing outside. A number of conditions are recommended which would limit the impact of the proposed use. In addition, by limiting opening hours, no disturbance of any kind should occur in the evenings or at weekends.

Traffic and Parking

No objections to the proposal have been received from Traffic or the Council's School Travel Officer. A draft School Travel Plan has been submitted which

sets out a range of positive measures to encourage travel by means other than the private car. As has been done in several similar cases recently, a School Travel Plan, including survey of staff and parents and regular review can be secured by a Section 106 legal agreement. A Management Plan can also be secured to ensure that arrival and departure times are staggered to minimise the impact of any increase in traffic movements.

Objections have been received from neighbours regarding the parking and traffic implications of the proposal. The letters set out in detail the existing situation with regard to traffic congestion. Carden Avenue is not subject to parking restrictions. Whilst not generally heavily parked, this part of Carden Avenue is close to London Road and suffers from peak hour traffic congestion. The site is well located in terms of walking and cycling from the immediate residential area and there are very good public transport links along London Road and, to a lesser extent, Carden Avenue. The School Travel Plan will assist in reducing congestion and on street parking with measures such as securing staggered drop off/pick up times and ensuring that parents agree to the travel plan when registering at the nursery. Conditions can be imposed to set a limit on the number of children attending the nursery and it is considered that car traffic resulting will not have a significant impact on the existing situation at Carden Avenue.

Other issues raised by objectors

The proposal is not contrary to policy H07 of the Brighton and Hove Local Plan Second Deposit Draft. This policy seeks to resist a net loss of residential units. The proposal includes retention of a flat within the building and there is no loss in terms of residential units. Any signage relating to the nursery would fall under the normal controls set out in the Advertisement Regulations.

Conclusions:

The property is of a satisfactory size to facilitate use as a nursery. The impact of the proposal in terms of residential amenity, noise and traffic generation has been carefully considered and, subject to compliance with conditions and the travel/management plan, it is recommended for approval.

8 EQUALITIES IMPLICATIONS

The nursery would provide day care for young children, allowing increased choices for parents in this area. Disabled parking provision can be accommodated and the nursery would be fully accessible to people with mobility difficulties.

PLANS LIST 2ND JULY 2003

No:	BH2003/00779/OA BH2003/00780/OA	Ward:	PRESTON PARK
Address:	137-147 Preston Road, Brighton		
Proposal:	Demolition of existing building and erection of two linked office blocks (16,690sqm) underground parking for 415 and 2 surface spaces. (417 in total)		
	Duplicate applications		
Officer:	Julie Cattell, tel: 292336	Received Date:	03 March 2003
Con Area:	ADJOINING PRESTON PARK	Expiry Date:	28 April 2003
Agent:	N/A		
Applicant:	Anston Properties Ltd, 29 Palmeria Mansions, Church Road Hove		

1 SUMMARY

These duplicate applications are to renew Outline Planning Permissions last renewed in 1999 for office development on this site. The proposals comply with policies in the adopted and emerging plans and are recommended for approval subject to commuted sums for highways works, travel plan, off-site trees and public art, secured by Section 106 Obligation.

2 RECOMMENDATION

Minded to grant Outline Planning Permission in respect of both applications subject to a S106 Obligation to secure off-site highways works, travel plan, off-site trees and percent for art and the following conditions:

1. The development to which this permission relates shall be commenced within 5 years from the date hereof or two years from the final approval of the reserved matters, referred to in Condition (2) below, whichever is the later.

Reason: To enable the Council to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990.

2. Details of the reserved matters (as set out below) shall be submitted to the Council for approval within three years from the date hereof:
 - (a) The layout of the site.
 - (b) The number, siting, design and external appearance of the building(s).
 - (c) The means of access to and egress from the site.
 - (d) The landscaping of the site.

Reason: To enable the Council to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990.

3. Samples of facing bricks, tiles and other materials used in the outside treatment of the building(s) shall be submitted to the Local Planning Authority for approval before the development is commenced and only such materials so submitted and approved in writing shall be used in the building(s).

Reason: To secure harmony of treatment in the external appearance of the

PLANS LIST 2ND JULY 2003

buildings and to comply with policies ENV.3 of the Brighton Borough Local Plan and QD1, QD3 and QD5 of the Brighton and Hove Local Plan - Second Deposit Draft.

4. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme for landscaping, which shall include hard surfacing, means of enclosure, planting of the development, indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policy QD15 of the Brighton and Hove Local Plan - Second Deposit Draft.

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

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policy QD15 of the Brighton and Hove Local Plan - Second Deposit Draft.

6. The development shall not be commenced until fences for the protection of trees to be retained have been erected to a specification and in positions to be agreed by the Local Planning Authority. These fences shall be maintained in good repair until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences.

Reason: To protect the trees which are to be retained on the site and to comply with policy QD15 of the Brighton and Hove Local Plan - Second Deposit Draft.

7. This permission does not approve the details shown on the illustrative plan accompanying the application.

Reason: The application was stated to be in outline only and the Local Planning Authority would not wish to be committed at this stage to the details shown to comply with policies ENV.3 of the Brighton Borough Local Plan and QD1, QD3 and QD5 of the Brighton and Hove Local Plan - Second Deposit Draft.

8. A scheme for the suitable treatment of all plant and machinery against the transmission of sound and/or vibration shall be submitted to and approved by the Local Planning Authority. The use of the premises shall not commence until all specified works have been carried out to the satisfaction of the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies ENV.1 of the Brighton Borough Local

PLANS LIST 2ND JULY 2003

- Plan and QD27 of the Brighton and Hove Local Plan - Second Deposit Draft.
9. Prior to the commencement of the development, a scheme for the provision of a road within the frontage area of the development site to service the development and an access to that road direct from Preston Road shall be submitted to and approved by the Local Planning Authority, such road to be capable of linking with the service road constructed or to be constructed, on the adjoining sites (137-139 Preston Road).
The offices within the development shall not be occupied until the approved scheme has been implemented to the written satisfaction of the Local Planning Authority and until the Local Planning Authority is satisfied that thereafter the road to service the development will be satisfactorily maintained.
Reason: In order to ensure the prior provision of a road necessary to ensure proper servicing of the development is provided and to comply with policies TRP.4 of the Brighton Borough Local Plan and TR (Safe Development) of the Brighton and Hove Local Plan - Second Deposit Draft.
10. Prior to the commencement of development a scheme for bicycle parking facilities shall be submitted to and approved by the Local Planning Authority. The approved scheme shall include no fewer than 45 secure spaces and be fully implemented and made available for use prior to the occupation of the development and shall be maintained to the satisfaction of the Local Planning Authority.
Reason: To ensure that a comprehensive range of on-site vehicle parking facilities are made available to users of the development and to comply with policies TR.33 of the Brighton Borough Local Plan and TR12 of the Brighton and Hove Local Plan - Second Deposit Draft.
11. Before any works commence a scheme shall be submitted to and approved by the Local Planning Authority indicating proposals for the satisfactory storage of refuse in accordance with BS.5906. Such proposals as shall be agreed shall be implemented and thereafter maintained.
Reason: To ensure the provision of satisfactory facilities for the storage of refuse in the interest of public health and amenity and to comply with policies ENV.1 of the Brighton Borough Local Plan and QD27 of the Brighton and Hove Local Plan - Second Deposit Draft.
12. Prior to the commencement of any works, details of the location of any ventilation/extraction system for the underground car park shall be submitted to and approved by the Local Planning Authority and such approved details shall be implemented as part of the development.
Reason: In the interests of the residential amenities of the neighbouring properties in Dyke Road Drive and to comply with policies ENV.1 of the Brighton Borough Local Plan and QD27 of the Brighton and Hove Local Plan - Second Deposit Draft.
13. The parking area indicated on the approved plans shall be laid out and surfaced to the satisfaction of the Local Planning Authority before the development hereby permitted is brought into use.
Reason: To ensure that adequate parking provision is provided and to comply with policies TR.44 of the Brighton Borough Local Plan and TR17 of the Brighton and Hove Local Plan - Second Deposit Draft.

PLANS LIST 2ND JULY 2003

14. The car parking area shown on the submitted plan shall not be used otherwise than for the parking of private motor vehicles belonging to the occupants of the development hereby approved and by their visitors.
Reason: To ensure that adequate parking provision is maintained and to safeguard the visual amenities of the area and to comply with policies TR.44 of the Brighton Borough Local Plan and TR17 of the Brighton and Hove Local Plan – Second Deposit Draft.
15. External lighting shall be provided in accordance with BS.5489, 1977.
Reason: In order to help make the site more secure and to comply with policies ENV.4 of the Brighton Borough Local Plan and QD7 of the Brighton and Hove Local Plan – Second Deposit Draft.
16. New or existing footway crossovers must be constructed or extended to the specification and satisfaction of the Highway Authority with any redundant crossover reinstated to the relevant footway standards.
Reason: To ensure that the footway crossover is satisfactorily constructed and to comply with policies TRP.4 of the Brighton Borough Local Plan and TR (Safe Development) of the Brighton and Hove Local Plan – Second Deposit Draft.
17. Prior to the commencement of any works, a scheme for the internal lighting arrangements to the car park shall be submitted to and approved by the Local Planning Authority and such approved scheme shall be incorporated within the development prior to the commencement of its use.
Reason: In order to help make the site more secure and to comply with policies ENV.4 of the Brighton Borough Local Plan and QD7 of the Brighton and Hove Local Plan – Second Deposit Draft.
18. All of the windows to the rear of the office blocks shall comprise obscured glazing to the lower halves and top hung openings to the upper halves and shall be so maintained to the approval of the Local Planning Authority.
Reason: To prevent overlooking and loss of privacy to the properties in Dyke Road Drive and to comply with policies ENV.1 of the Brighton Borough Local Plan and QD27 of the Brighton and Hove Local Plan – Second Deposit Draft.
19. No mechanical ventilation shall be located at the rear of the offices hereby permitted.
Reason: In the interests of the residential amenities of adjoining occupiers and to comply with policies ENV.1 of the Brighton Borough Local Plan and QD27 of the Brighton and Hove Local Plan – Second Deposit Draft.
20. The car parking area indicted on the approve plans shall make provision for no fewer than 21 disabled parking spaces in accordance with details to the approval of the Local Planning Authority, before the development hereby permitted is brought into use.
Reason: To ensure that there is adequate parking provision for people with mobility problems and to comply with policies TR44 of the Brighton Borough Local Plan and TR16 of the Brighton and Hove Local Plan – Second Deposit Draft.
21. Once operational, no deliveries shall be made to the building between the hours of 19.00 and 07.00.

Reason: In the interests of the residential amenities of adjoining occupiers and to comply with policies ENV.1 of the Brighton Borough Local Plan and QD27 of the Brighton and Hove Local Plan – Second Deposit Draft.

22. Noise from operations conducted on the premises shall not increase the existing L90 noise levels of 52dBA at the west boundary of the site as measured during any period of 1 hour between the hours of 19.30 and 23.00 on Mondays and Saturdays. Noise from such operations shall not be audible at the site boundary at any other times or on Sundays or Bank Holidays.

Reason: In the interests of the residential amenities of adjoining occupiers and to comply with policies ENV.1 of the Brighton Borough Local Plan and QD27 of the Brighton and Hove Local Plan – Second Deposit Draft.

Informatives:

1. This decision is based on drawing nos. 28/96 & 28/97 submitted on 3rd March 2003.
2. Sustainability and Design Statements must be submitted with applications for Reserved Matters.

3 THE SITE

The site covers approximately 0.006 of a hectare and is bounded to the west by residential properties in Dyke Road Drive, to the east by Preston Road (A23), to the north by a block of offices and to the south by offices occupied by British Telecom. On the southern part of the site is a vacant and partially derelict office building. There are a number of office blocks located along this stretch of Preston Road. There are no buildings on the site and it is overgrown with vegetation.

Preston Road is a Principal Traffic Route and is a designated Sustainable Transport Corridor by virtue of policy TR4 of the Brighton and Hove Local Plan – Second Deposit Draft.

4 RELEVANT HISTORY

The site has a very complicated history dating back to the 1960s. The relevant history is as follows:

BN.60/1530	Planning Permission granted – change of use residential to offices
BN.60/1982	Planning Permission granted – offices, garage, parking
BN.61/817	Planning Permission refused – 12 storey office block
BN.61/921	Planning Permission refused 8 storey office block
BN.61/955	Planning Permission refused – workshops and offices
BN.61/1167	Planning Permission granted 7 storey offices/31 car spaces
BN.62/1276	Planning Permission granted – 7 storey offices and one penthouse flat over
BN.61/1472	Planning Permission refused – flats
BN.62/1939	Planning Permission refused for offices, garage,

PLANS LIST 2ND JULY 2003

	restaurant, flats
BN.63/308	Planning Permission refused – 8 storey office block
BN.64.200	Planning Permission refused – flats
BN.64/1426	Planning Permission granted – offices
BN.64/1816	Planning Permission granted offices
BN.82/790	Planning Permission refused – office over 20m in height and 220 parking spaces
BN.82.791	Planning Permission refused – office over 20m in height
BN.82/792	Planning Permission refused – office over 20m in height and 83 additional parking spaces
BN.82.793	Planning Permission refused – office over 20m in height and 48 additional parking spaces
BN.82/1395	Planning Permission refused – service road
BN83/891	Planning Permission refused – 9 storey offices/parking
BN.83/1471/OA	Planning Permission granted – offices and parking
BN.87/1623/OA	Planning Permission granted – 8 storey office block and associated parking (9136m ² & 236 spaces)
BN.88/389/OA	Planning Permission granted – 6/8 storey office building and parking (6174m ² & 29 spaces) Renewal of BN.83/1471/OA.
BN.88/699/OA	Minded to grant (S52) demolition existing building, 7/8 storey offices (8,202m ² 216 parking spaces)
BN.88/700/RM	Reserved Matters granted re BN.83/1471/OA.
BN.88/706/F	Removal of condition on BN.87/1623/OA granted (Local user restriction)
BN.88/2553/OA	Planning Permission granted – demolish existing Building, build 7/8 storey offices (8282m ² 216 parking spaces)
BN.88/2554/OA	Planning Permission granted – demolish existing building, 2 x 8 storey offices (16,990m ² , 440 parking spaces)
BN.90/1531/OA	2 x 8 storey offices (8,828m ² , 224 parking spaces) Renewal BN.87/1623/OA. Appeal lodged/withdrawn
BN.90/1553/OA	2 x8 storey linked offices (10,940m ² , 285 parking spaces) Appeal lodged/withdrawn
BN.90/1554/OA	2 x8 storey linked offices (5435m ² , 129 parking spaces) Appeal lodged/withdrawn
BN.90/1555/OA	8 storey offices (5505m ² , 152 parking spaces) Revision to 88/2553/OA – Appeal lodged/withdrawn
BN.90/1556/OA	Duplicate of above
BN.91/0484/OA	Planning Permission approved – 8 storey office (5840m ² /148 car spaces)
BN.91/0485/OA	Renewal 88/2553/OA – allowed at appeal
BN.91/0486/OA	Planning Permission granted – 2x8 storey offices (10940m ² , 305 parking spaces)
BN.91/0487/OA	Revision to 88/2553/OA – approved
BN.91/0488/OA	Revision to 88/1623/OA – approved

PLANS LIST 2ND JULY 2003

BN.91/1390/OA	Renewal 88/699/OA - approved subject to s106
BN.94/0511/OA	Renewal BN87/1623/OA- approved
BN.94/0512/OA	Renewal 91/488/OA - approved subject to s106
BN.94/0513/OA	Renewal 91/487/OA - approved subject to s106
BN.94/0532/OA	Renewal 91/0484/OA
BN.92/0773/OA	Renewal 88/2554/OA - approved subject to s106
BN.92/0774/OA	Renewal 88/2553/OA - approved subject to s106
BN.95/0233/OA	Renewal 91/1390/OA - approved subject to s106
BN.95/0953/OA	Renewal 92/0773/OA - approved subject to s106
BH1997/01467/OA	Renewal 94/0513/OA - approved subject to s106
BH1997/01465/OA	Renewal 94/0532/OA - approved subject to s106
BH1998/00198/OA	Renewal 94/0511/OA - approved subject to s106
BH1999/0202/OA	Renewal 95/0953/OA - appeal lodged
BH1999/01999/OA	Planning Permission granted - 2x8 storey offices (10,940m ² , 305 parking spaces)
BH1999/02000/OA	Planning Permission granted - offices 9(16,690m ² & 511 parking spaces)
BH1999/02235/FP 139)	Change of use offices to hotel - appeal allowed (137-139)
BH2000/00131/FP	Change of use office to hotel (duplicate) - refused
BH2000/01597/OA	Renewal BH1997/01468 - not determined
BH2000/01600/OA	Renewal BH1997/01467 - not determined
BH2000/02240/OA s106	Renewal BH1997/01468/OA - approved subject to s106
BH2000/02241/OA s106	Renewal BH1997/01467/OA - approved subject to s106
BH2000/02571/FP	Planning Permission granted - change of use to hotel without complying with condition 7 requiring lay-by for coach stop prior to occupation of hotel.
BH2000/03127/OA	Renewal BH1997/01465/OA

5 THE APPLICATION

Duplicate applications have been submitted to renew the Outline Planning Permission ref. BH1999/02000/OA for demolition of existing building and erection of two linked office blocks (16,690sqm) underground parking for 509 cars and 2 surface spaces, dated 8th May 2000, following the signing of a s106 Obligation to secure a commuted sum of £24,750 for off-site pedestrian and cycle facilities and improvements to local public transport.

The applications were originally submitted without the support of an up-to-date Transport Impact Assessment as required by policy TR1 of the Brighton and Hove Local Plan - Second Deposit Draft. The TIA submitted with BH1999/02000/OA was offered but was considered to be out of date.

A new document was subsequently prepared and after discussions with the council's Transport Policy Team, a satisfactory solution has been reached. The car parking provision has been reduced, levels of disabled parking, cycle storage agreed, commitment to production of a travel plan secured as well as a commuted sum of £50,000 for bus, cycle and pedestrian facilities.

Consideration of duplicate applications for the renewal of BH1999/01999/OA, relating to the site of 141-147 Preston Road appears elsewhere in this agenda.

6 CONSULTATIONS

External:

Neighbours: 20 Dyke Road Drive – Objects – we don't need more office blocks, should be housing or hotel.

Preston & Patcham Society: Can these applications be looked at anew?

Telereal (on behalf of BT) – concern about additional number of vehicles exiting site during peak times and effect on employees exiting Telecom House.

Sussex Police: Refers to previous advice concerning security measures.

Environment Agency: Standard response, copied to applicant.

Seeboard: Standard response regarding safeguarding of cables.

Southern Water: Standard response – connections require consent of agency, water supply possible.

Internal:

Environmental Health: Please add conditions regarding refuse storage, soundproofing, odour control equipment etc., no deliveries between 7pm and 7am.

Transport Policy Manager: The previous applications on these sites were supported by a Traffic Impact Assessment prepared in February 2000. The approach used in this was to estimate parking demand with reference to that at similar developments elsewhere, provide spaces to meet this demand, and assess the impact on traffic conditions locally. Your officers have requested the preparation of a revised Transport Assessment reflecting the stronger emphasis on sustainable modes in current policy, and this work has been done.

The implications of this Transport Assessment for the developments have been discussed with the applicants and the following revisions, which would be incorporated in a Section 106 agreement, are now proposed:

Reduction in parking spaces from 511 to 417 (18%) The numbers of spaces now proposed comply with current parking standards. They remain substantially above the standards in the proposed revised parking standards but these have not yet been adopted. The applicants state that the numbers of spaces now proposed are the minima which will enable the commercial letting of the offices.

Specific provision for disabled and cycle parking: 21 disabled bays and 45 cycle parking spaces are proposed. These provisions are consistent with current standards.

Commitment to the production of a Travel Plan: Will require occupiers to promote the use of sustainable modes by those working in the offices.

The previous agreements included provision for commuted payments to enable

the provision by the Council of bus, walking and cycle facilities near the site. The reduction in the number of parking spaces proposed and the adoption of a Travel Plan suggest that the use of these modes should increase.

The sum to be contributed will therefore be increased from £33,000 to £40,000. Given that these amendments have been agreed, the transport impacts of the proposed developments are acceptable.

Planning Policy: No objection to the renewal of these applications. Secure Percent for Art.

Aboriculturist: Development requires removal of 9 T.P.O. trees, visual assessments not possible due to site conditions, need to be replaced at rate of 4:1, on or off-site. Trees provide amenity value to site, frontage could take new planting and to rear to provide screening– planting plan to be secured, tree protection measures as condition.

7 PLANNING POLICIES

Brighton Borough Local Plan:

ENV.1 - General principles, including amenity

ENV.2 - New development in the borough

ENV.3 - Design

ENV.4 - Design - safety & security

E.1 - Promotion of local economy through development in built-up area

E.2 - New employment opportunities

E.6 - New office floorspace

E.7 - New office floorspace

EP.5 - Site specific extant permissions

TR.9 - Highways contributions

TR.33 - Cycle parking

TR.44 - Parking standards

Brighton and Hove Local Plan Second Deposit Draft:

TR1 - Transport Assessments

TR2 - Public transport accessibility and parking

TR (new) - Travel plans

TR4 - Sustainable transport corridors

TR (new) - Safe development

TR12 - Cycle parking

TR16 - Disabled parking

TR17 - Parking standards

SU2 - Efficiency of development - energy, water, materials

SU13 - Minimisation and re-use of construction industry waste

SU15 - Waste management

QD1 - Design - quality of development and design statements

QD3 - Design - full and effective use of sites

QD5 - Design - street frontages

QD7 - Crime prevention through secure design

QD15 - Landscape design

EM2 - Identified employment sites - high-tech and offices

HE6 - Development within or affecting the setting of Conservation Areas

HE11 - Historic parks and gardens

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

E1 - Positive approach to economic development

E2 - Provision of employment floorspace

E3 - Provision of employment floorspace to meet specific needs of local economy

E4 - Provision of employment floorspace - maximisation of existing supply of land

E7 - Re-use of underused employment sites

E13 - Location of employment and housing uses;

8 CONSIDERATIONS

Principle of development:

This site is specifically listed under Policy EM2 of the Brighton and Hove Local Plan - Second Deposit Draft for office or high tech use. The planning history of the site also demonstrates the commitment by the council to employment use on this site. Policy EP.5 of the Brighton Borough Local Plan specifically highlights this site as one which detracts from the quality of the townscape and encourages the development of the extant permissions for offices.

Impact on Transport issues:

Whilst officers are concerned that the level of on site parking is high on this site, being located along a Sustainable Transport Corridor, and appears to conflict with the objectives of the Council's planning policies to promote sustainable development and transport, the proposals comply with the Council's current parking standards.

The revised Transport Assessment which was submitted following discussions with the Council's Transport Policy Team. A number of provisions including reduction in the number of parking spaces, adequate parking provision for disabled persons and cycles, the production of a travel plan and an increased contribution for the provision of bus, walking and cycling facilities near the site have now been secured from the developer. These measures, together with the requirements of the current parking stands, are considered to provide sufficient justification to recommend approval of these proposals.

Effect on the setting of the Preston Park Conservation Area and grade II listed Park:

There are a number of office and residential buildings of similar and greater height along the stretch of Preston Road that faces the park and the Conservation Area. The proposed linked office blocks of eight storeys in height would not be out of character for this side of the road and will have no adverse effect on the setting of either the park or the Conservation Area. The office blocks themselves would be substantially screened by trees from views across the park.

Effect on amenity:

There are residential properties backing onto the site in Dyke Road Drive. Any subsequent applications for Reserved Matters will need to take account of amenity issues such as overlooking, overshadowing and noise from plant and machinery. Conditions have been recommended to cover these matters.

Design:

All matters are reserved, but indicative drawings have been submitted showing the footprint and possible elevations of the scheme. A high standard of design will be sought, including the submission of landscaping schemes and sustainability statement.

Trees:

The proposal requires the removal of 9 trees covered by T.P.O. The Arboriculturist has recommended a suitable level of replacement for trees at a ratio of 4 for 1, to be provided either on or off-site as agreed and included within the s106 Obligation.

9 CONCLUSIONS

The principle of the development of this site is supported in adopted and emerging local plans. With the exception of the parking provision, these proposals are the same as those granted outline approval in 2000.

A further reduction in the level of parking provision would be very difficult to achieve given that the figure is within the current adopted standards in SPG4. However, the Transport Policy Manager has been successful in securing a lower provision than previously approved, as well as an increase in commuted payment for sustainable transport measures. This benefit is considered satisfactory justification for the level of parking on the site.

Approval is therefore recommended for both applications.

10 EQUALITIES IMPLICATIONS

Mobility issues arise. An acceptable level of disabled car parking spaces has been agreed. The new building will need to take account of the DDA and Part M of the Building Regulations.

PLANS LIST 2ND JULY 2003

No:	BH2003/00226/OA BH2003/00227/OA	Ward:	PRESTON PARK
Address:	141-147 Preston Road, Brighton		
Proposal:	Two linked eight storey office buildings (10940sq.m.gross) with underground parking for 274 cars, landscaping and highway works. Duplicate applications		
Officer:	Julie Cattell, tel: 292336	Received Date:	13 January 2003
Con Area:	ADJOINING PRESTON PARK	Expiry Date:	10 March 2003
Agent:	N/A		
Applicant:	Anston Properties Ltd, 29 Palmeria Mansions, Church Road Hove		

1 SUMMARY

These duplicate applications are to renew Outline Planning Permissions last renewed in 1999 for office development on this site. The proposals comply with policies in the adopted and emerging plans and are recommended for approval subject to commuted sums for highways works, travel plan, off-site trees and public art, secured by Section 106 Obligation.

2 RECOMMENDATION

Minded to grant Outline Planning Permission in respect of both applications subject to a Section 106 Obligation to secure off-site highways works, travel plan, off-site trees and percent for art and the following conditions:

1. The development to which this permission relates shall be commenced within 5 years from the date hereof or two years from the final approval of the reserved matters, referred to in Condition (2) below, whichever is the later.

Reason: To enable the Council to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990.

2. Details of the reserved matters (as set out below) shall be submitted to the Council for approval within three years from the date hereof:

- (a) The layout of the site.
- (b) The number, siting, design and external appearance of the building(s).
- (c) The means of access to and egress from the site.
- (e) The landscaping of the site.

Reason: To enable the Council to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990.

3. Samples of facing bricks, tiles and other materials used in the outside treatment of the building(s) shall be submitted to the Local Planning Authority for approval before the development is commenced and only such materials so submitted and approved in writing shall be used in the building(s).

Reason: To secure harmony of treatment in the external appearance of the buildings and to comply with policies ENV.3 of the Brighton Borough Local

PLANS LIST 2ND JULY 2003

Plan and QD1, QD3 and QD5 of the Brighton and Hove Local Plan - Second Deposit Draft.

4. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme for landscaping, which shall include hard surfacing, means of enclosure, planting of the development, indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policy QD15 of the Brighton and Hove Local Plan - Second Deposit Draft.

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

Reason: To enhance the appearance of the development in the interest of the Visual amenities of the area and to comply with policy QD15 of the Brighton and Hove Local Plan - Second Deposit Draft.

6. The development shall not be commenced until fences for the protection of trees to be retained have been erected to a specification and in positions to be agreed by the Local Planning Authority. These fences shall be maintained in good repair until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences.

Reason: To protect the trees which are to be retained on the site and to comply with policy QD15 of the Brighton and Hove Local Plan - Second Deposit Draft.

7. This permission does not approve the details shown on the illustrative plan accompanying the application.

Reason: The application was stated to be in outline only and the Local Planning Authority would not wish to be committed at this stage to the details shown to comply with policies ENV.3 of the Brighton Borough Local Plan and QD1, QD3 and QD5 of the Brighton and Hove Local Plan - Second Deposit Draft.

8. A scheme for the suitable treatment of all plant and machinery against the transmission of sound and/or vibration shall be submitted to and approved by the Local Planning Authority. The use of the premises shall not commence until all specified works have been carried out to the satisfaction of the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies ENV.1 of the Brighton Borough Local Plan and QD27 of the Brighton and Hove Local Plan - Second Deposit Draft.

PLANS LIST 2ND JULY 2003

9. Prior to the commencement of the development, a scheme for the provision of a road within the frontage area of the development site to service the development and an access to that road direct from Preston Road shall be submitted to and approved by the Local Planning Authority, such road to be capable of linking with the service road constructed or to be constructed, on the adjoining sites (137-139 Preston Road).
The offices within the development shall not be occupied until the approved scheme has been implemented to the written satisfaction of the Local Planning Authority and until the Local Planning Authority is satisfied that thereafter the road to service the development will be satisfactorily maintained.
Reason: In order to ensure the prior provision of a road necessary to ensure proper servicing of the development is provided and to comply with policies TRP.4 of the Brighton Borough Local Plan and TR (Safe Development) of the Brighton and Hove Local Plan - Second Deposit Draft.
10. Prior to the commencement of development a scheme for bicycle parking facilities shall be submitted to and approved by the Local Planning Authority. The approved scheme shall include no fewer than 33 secure spaces and be fully implemented and made available for use prior to the occupation of the development and shall be maintained to the satisfaction of the Local Planning Authority.
Reason: To ensure that a comprehensive range of on-site vehicle parking facilities are made available to users of the development and to comply with policies TR.33 of the Brighton Borough Local Plan and TR12 of the Brighton and Hove Local Plan - Second Deposit Draft.
11. Before any works commence a scheme shall be submitted to and approved by the Local Planning Authority indicating proposals for the satisfactory storage of refuse in accordance with BS.5906. Such proposals as shall be agreed shall be implemented and thereafter maintained.
Reason: To ensure the provision of satisfactory facilities for the storage of refuse in the interest of public health and amenity and to comply with policies ENV.1 of the Brighton Borough Local Plan and QD27 of the Brighton and Hove Local Plan - Second Deposit Draft.
12. Prior to the commencement of any works, details of the location of any ventilation/extraction system for the underground car park shall be submitted to and approved by the Local Planning Authority and such approved details shall be implemented as part of the development.
Reason: In the interests of the residential amenities of the neighbouring properties in Dyke Road Drive and to comply with policies ENV.1 of the Brighton Borough Local Plan and QD27 of the Brighton and Hove Local Plan - Second Deposit Draft.
13. The parking area indicated on the approved plans shall be laid out and surfaced to the satisfaction of the Local Planning Authority before the development hereby permitted is brought into use.
Reason: To ensure that adequate parking provision is provided and to comply with policies TR.44 of the Brighton Borough Local Plan and TR17 of the Brighton and Hove Local Plan - Second Deposit Draft.
14. The car parking area shown on the submitted plan shall not be used

PLANS LIST 2ND JULY 2003

otherwise than for the parking of private motor vehicles belonging to the occupants of the development hereby approved and by their visitors.

Reason: To ensure that adequate parking provision is maintained and to safeguard the visual amenities of the area and to comply with policies TR.44 of the Brighton Borough Local Plan and TR17 of the Brighton and Hove Local Plan - Second Deposit Draft.

15. External lighting shall be provided in accordance with BS.5489, 1977.

Reason: In order to help make the site more secure and to comply with policies ENV.4 of the Brighton Borough Local Plan and QD7 of the Brighton and Hove Local Plan - Second Deposit Draft.

16. New or existing footway crossovers must be constructed or extended to the specification and satisfaction of the Highway Authority with any redundant crossover reinstated to the relevant footway standards.

Reason: To ensure that the footway crossover is satisfactorily constructed and to comply with policies TRP.4 of the Brighton Borough Local Plan and TR (Safe Development) of the Brighton and Hove Local Plan - Second Deposit Draft.

17. Prior to the commencement of any works, a scheme for the internal lighting arrangements to the car park shall be submitted to and approved by the Local Planning Authority and such approved scheme shall be incorporated within the development prior to the commencement of its use.

Reason: In order to help make the site more secure and to comply with policies ENV.4 of the Brighton Borough Local Plan and QD7 of the Brighton and Hove Local Plan - Second Deposit Draft.

18. All of the windows to the rear of the office blocks shall comprise obscured glazing to the lower halves and top hung openings to the upper halves and shall be so maintained to the approval of the Local Planning Authority.

Reason: To prevent overlooking and loss of privacy to the properties in Dyke Road Drive and to comply with policies ENV.1 of the Brighton Borough Local Plan and QD27 of the Brighton and Hove Local Plan - Second Deposit Draft.

19. No mechanical ventilation shall be located at the rear of the offices hereby permitted.

Reason: In the interests of the residential amenities of adjoining occupiers and to comply with policies ENV.1 of the Brighton Borough Local Plan and QD27 of the Brighton and Hove Local Plan - Second Deposit Draft.

20. The car parking area indicated on the approved plans shall make provision for no fewer than 14 disabled parking spaces in accordance with details to the approval of the Local Planning Authority, before the development hereby permitted is brought into use.

Reason: To ensure that there is adequate parking provision for people with mobility problems and to comply with policies TR44 of the Brighton Borough Local Plan and TR16 of the Brighton and Hove Local Plan - Second Deposit Draft.

21. Once operational, no deliveries shall be made to the building between the hours of 19.00 and 07.00.

Reason: In the interests of the residential amenities of adjoining occupiers

PLANS LIST 2ND JULY 2003

and to comply with policies ENV.1 of the Brighton Borough Local Plan and QD27 of the Brighton and Hove Local Plan – Second Deposit Draft.

Informatives:

1. This decision is based on drawing nos. 28/183/1B, 28/283 & 28/284 submitted on 13th January 2003.
2. Sustainability and Design Statements must be submitted with applications for Reserved Matters.

3 THE SITE

The site is located on the west side of Preston Road, just north of the main entrance to Preston Park (Listed Grade II in the National Register of Historic Parks and Gardens) and adjoining the Preston Park Conservation Area.

The site covers approximately 0.004 of a hectare and is bounded to the west by residential properties in Dyke Road Drive, to the east by Preston Road (A23), to the north by a block of offices and to the south by a vacant and partially derelict office building that is in the applicant's ownership. There are a number of office blocks located along this stretch of Preston Road. There are no buildings on the site and it is overgrown with vegetation.

Preston Road is a Principal Traffic Route and is a designated Sustainable Transport Corridor by virtue of policy TR4 of the Brighton and Hove Local Plan – Second Deposit Draft.

4 RELEVANT HISTORY

The site has a very complicated history dating back to the 1980s. The relevant history is as follows. Some applications relate to the wider development site of 137 – 147:

BN.82/790	Planning Permission refused – office over 20m in height and 220 parking spaces
BN.82/792	Planning Permission refused – office over 20m in height and 83 additional parking spaces
BN.82.793	Planning Permission refused – office over 20m in height and 48 additional parking spaces
BN.82/1395	Planning Permission refused – service road
BN.83/891	Planning Permission refused – 9 storey offices/parking
BN.83/1471/OA	Planning Permission granted – offices and parking
BN.87/1623/OA	Planning Permission granted – 8 storey office block and associated parking (9136m ² & 236 spaces)
BN.88/389/OA	Planning Permission granted – 6/8 storey office building and parking (6174m ² & 29 spaces) Renewal of BN.83/1471/OA.
BN.88/699/OA	Minded to grant (S52) demolition existing building, 7/8 storey offices (8,202m ² 216 parking spaces)
BN.88/700/RM	Reserved Matters granted re BN.83/1471/OA.
BN.88/706/F	Removal of condition on BN.87/1623/OA granted (Local user restriction)

PLANS LIST 2ND JULY 2003

BN.88/2553/OA	Planning Permission granted – demolish existing Building, build 7/8 storey offices (8282m ² 216 parking spaces)
BN.88/2554/OA	Planning Permission granted – demolish existing building, 2 x 8 storey offices (16,990m ² , 440 parking spaces)
BN.90/1531/OA	2 x 8 storey offices (8,828m ² , 224 parking spaces) Renewal BN.87/1623/OA. Appeal lodged/withdrawn
BN.90/1553/OA	2 x 8 storey linked offices (10,940m ² , 285 parking spaces) Appeal lodged/withdrawn
BN.90/1554/OA	2 x 8 storey linked offices (5435m ² , 129 parking spaces) Appeal lodged/withdrawn
BN.90/1555/OA	8 storey offices (5505m ² , 152 parking spaces) Revision to 88/2553/OA – Appeal lodged/withdrawn
BN.91/0485/OA	Renewal 88/2553/OA – allowed at appeal
BN.91/0486/OA	Planning Permission granted – 2x8 storey offices (10940m ² , 305 parking spaces)
BN.91/0487/OA	Revision to 88/2553/OA – approved
BN.91/0488/OA	Revision to 88/1623/OA – approved
BN.91/1390/OA	Renewal 88/699/OA – approved subject to s106
BN.94/0511/OA	Renewal BN87/1623/OA – approved
BN.94/0512/OA	Renewal 91/488/OA – approved subject to s106
BN.94/0513/OA	Renewal 91/487/OA – approved subject to s106
BN.92/0773/OA	Renewal 88/2554/OA – approved subject to s106
BN.92/0774/OA	Renewal 88/2553/OA – approved subject to s106
BN.95/0233/OA	Renewal 91/1390/OA – approved subject to s106
BN.95/0953/OA	Renewal 92/0773/OA – approved subject to s106
BH1997/01467/OA	Renewal 94/0513/OA – approved subject to s106
BH1997/01465/OA	Renewal 94/0532/OA – approved subject to s106
BH1998/00198/OA	Renewal 94/0511/OA – approved subject to s106
BH1999/01999/OA	Planning Permission granted – 2x8 storey offices (10,940m ² , 305 parking spaces)
BH2000/01597/OA	Renewal BH1997/01468 – not determined
BH2000/01600/OA	Renewal BH1997/01467 – not determined
BH2000/02240/OA	Renewal BH1997/01468/OA – approved subject to s106
BH2000/02241/OA	Renewal BH1997/01467/OA – approved subject to s106

5 THE APPLICATION

Duplicate applications have been submitted to renew the Outline Planning Permission ref. BH1999/01999/OA, dated 10th April 2000, following the signing of a s106 Obligation to secure a commuted sum of £33,000 for off-site pedestrian and cycle facilities and improvements to local public transport. The development was for two linked, eight storey office blocks, with a total of

floorspace of 10,940 (gross) and underground parking for 305 cars.

The applications were originally submitted without the support of an up-to-date Transport Impact Assessment as required by policy TR1 of the Brighton and Hove Local Plan - Second Deposit Draft. The TIA submitted with BH1999/01999/OA was offered but was considered to be out of date.

A new document was subsequently prepared and after discussions with the council's Transport Policy Team, a satisfactory solution has been reached. The car parking provision has been reduced, levels of disabled parking, cycle storage agreed, commitment to production of a travel plan secured as well as a commuted sum of £40,000 for bus, cycle and pedestrian facilities.

Consideration of duplicate applications for the renewal of BH1999/02000/OA, relating to the site of 137-147 Preston Road appears elsewhere in this agenda.

6 CONSULTATIONS

External:

Neighbours: 20 Dyke Road Drive – Objects – we don't need more office blocks, should be housing or hotel.

Sussex Police: Refers to previous advice concerning security measures.

Internal:

Environmental Health: Please add conditions regarding refuse storage, soundproofing, odour control equipment etc., no deliveries between 7pm and 7am.

Traffic Manager: The previous applications on these sites were supported by a Traffic Impact Assessment prepared in February 2000. The approach used in this was to estimate parking demand with reference to that at similar developments elsewhere, provide spaces to meet this demand, and assess the impact on traffic conditions locally. Your officers have requested the preparation of a revised Transport Assessment reflecting the stronger emphasis on sustainable modes in current policy, and this work has been done.

The implications of this Transport Assessment for the developments have been discussed with the applicants and the following revisions, which would be incorporated in a Section 106 agreement, are now proposed:

Reduction in parking spaces from 305 to 274 (10%): The numbers of spaces now proposed comply with current parking standards. They remain substantially above the standards in the proposed revised parking standards but these have not yet been adopted. The applicants state that the numbers of spaces now proposed are the minimal which will enable the commercial letting of the offices.

Specific provision for disabled and cycle parking: 14 disabled bays and 33 cycle parking spaces are proposed. These provisions are consistent with current standards.

Commitment to the production of a Travel Plan: Will require occupiers to promote the use of sustainable modes by those working in the offices.

The previous agreements included provision for commuted payments to enable the provision by the Council of bus, walking and cycle facilities near the site. The reduction in the number of parking spaces proposed and the adoption of a Travel Plan suggest that the use of these modes should increase.

The sum to be contributed will therefore be increased from £33,000 to £40,000. Given that these amendments have been agreed, the transport impacts of the proposed developments are acceptable.

Arboriculturist: Development requires removal of 9 T.P.O. trees, visual assessments not possible due to site conditions, need to be replaced at rate of 4:1, on or off-site. Trees provide amenity value to site, frontage could take new planting and to rear to provide screening- planting plan to be secured, tree protection measures as condition.

7 PLANNING POLICIES

Brighton Borough Local Plan:

ENV.1 - General principles, including amenity

ENV.2 - New development in the borough

ENV.3 - Design

ENV.4 - Design - safety & security

E.1 - Promotion of local economy through development in built-up area

E.2 - New employment opportunities

E.6 - New office floorspace

E.7 - New office floorspace

EP.5 - Site specific extant permissions

TR.9 - Highways contributions

TR.33 - Cycle parking

TR.44 - Parking standards

Brighton and Hove Local Plan Second Deposit Draft:

TR1 - Transport Assessments

TR2 - Public transport accessibility and parking

TR (new) - Travel plans

TR4 - Sustainable transport corridors

TR (new) - Safe development

TR12 - Cycle parking

TR16 - Disabled parking

TR17 - Parking standards

SU2 - Efficiency of development - energy, water, materials

SU13 - Minimisation and re-use of construction industry waste

SU15 - Waste management

QD1 - Design - quality of development and design statements

QD3 - Design - full and effective use of sites

QD5 - Design - street frontages

QD7 - Crime prevention through secure design

QD15 - Landscape design

EM2 - Identified employment sites – high-tech and offices

HE6 - Development within or affecting the setting of Conservation Areas

HE11 - Historic parks and gardens

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

E1 - Positive approach to economic development

E2 - Provision of employment floorspace

E3 - Provision of employment floorspace to meet specific needs of local economy

E4 - Provision of employment floorspace - maximisation of existing supply of land

E7 - Re-use of underused employment sites

E13 - Location of employment and housing uses;

8 CONSIDERATIONS

Principle of development:

This site is specifically listed under Policy EM2 of the Brighton and Hove Local Plan - Second Deposit Draft for office or high tech use. The planning history of the site also demonstrates the commitment by the council to employment use on this site. Policy EP.5 of the Brighton Borough Local Plan specifically highlights this site as one which detracts from the quality of the townscape and encourages the development of the extant permissions for offices.

Impact on Transport issues:

Whilst officers are concerned that the level of on site parking is high on this site, being located along a Sustainable Transport Corridor, and appears to conflict with the objectives of the Council's planning policies to promote sustainable development and transport, the proposals comply with the Council's current parking standards.

The revised Transport Assessment which was submitted following discussions with the Council's Transport Policy Team. A number of provisions including reduction in the number of parking spaces, adequate parking provision for disabled persons and cycles, the production of a travel plan and an increased contribution for the provision of bus, walking and cycling facilities near the site have now been secured from the developer. These measures, together with the requirements of the current parking stands, are considered to provide sufficient justification to recommend approval of these proposals.

Effect on the setting of the Preston Park Conservation Area and grade II listed Park:

There are a number of office and residential buildings of similar and greater height along the stretch of Preston Road that faces the park and the Conservation Area. The proposed linked office blocks of eight storeys in height would not be out of character for this side of the road and will have no adverse effect on the setting of either the park or the Conservation Area.

Effect on amenity:

There are residential properties backing onto the site in Dyke Road Drive. Any subsequent applications for Reserved Matters will need to take account of amenity issues such as overlooking, overshadowing and noise from plant and machinery. Conditions have been recommended to cover these matters.

Design:

All matters are reserved, but indicative drawings have been submitted showing the footprint and possible elevations of the scheme. A high standard of design will be sought, including the submission of landscaping schemes and sustainability statement.

Trees:

The proposal requires the removal of 9 trees covered by T.P.O. The Arboriculturist has recommended a suitable level of replacement for trees at a ratio of 4 for 1, to be provided either on or off-site as agreed and included within the s106 Obligation.

9 CONCLUSIONS

The principle of the development of this site is supported in adopted and emerging local plans. With the exception of the parking provision, these proposals are the same as those granted outline approval in 2000.

A further reduction in the level of parking provision would be very difficult to achieve given that the figure is within the current adopted standards in SPG4. However, the Transport Policy Manager has been successful in securing a lower provision than previously approved, as well as an increase in commuted payment for sustainable transport measures. This benefit is considered satisfactory justification for the level of parking on the site.

Approval is therefore recommended for both applications.

10 EQUALITIES IMPLICATIONS

Mobility issues arise. An acceptable level of disabled car parking spaces has been agreed. The new building will need to take account of the DDA and Part M of the Building Regulations.

PLANS LIST 2ND JULY 2003

No:	BH2003/01182/FP	Ward:	PRESTON PARK
Address:	8 Southdown Place, Brighton		
Proposal:	Side extension with pitched roof and insertion of rooflights to the front and rear.		
Officer:	Max Woodford, tel: 292178	Received Date:	08 April 2003
Con Area:	PRESTON PARK	Expiry Date:	03 June 2003
	Article 4 direction		
Agent:	Mike Smith, Institute planning, 6 Hollingbury Terrace, Brighton		
Applicant:	Mr & Mrs Clarke, 8 Southdown Place, Brighton		

This application went before the 11/06/03 Planning Committee and was deferred for a site visit.

1 RECOMMENDATION

Grant Planning Permission subject to the following conditions:

1. (5 years, full planning).
2. 01.03 (materials to match).
Reason: ..., to preserve the character and appearance of the Preston Park Conservation Area and to ensure compliance with policies ENV.3 and ENV.22 of the Brighton Borough Local Plan and policies QD14 and HE6 of the Brighton & Hove Local Plan Second Deposit Draft.
3. The proposed escape window in the gable on the western elevation shall be obscure glazed and shall be so maintained.
Reason: To preserve the privacy of neighbouring occupiers and to ensure compliance with policy ENV.6 of the Brighton Borough Local Plan and policies QD14 and QD27 of the Brighton & Hove Local Plan Second Deposit Draft.
4. The proposed rooflights to be used shall be 'conservation' style and should be flush with the roofslope to which they are added.
Reason: To ensure the satisfactory appearance of the development, to ensure the preservation of the character and appearance of the Preston Park Conservation Area and to ensure compliance with policies ENV.3 and ENV.22 of the Brighton Borough Local Plan and policies QD14 and HE6 of the Brighton & Hove Local Plan Second Deposit Draft.

Informative:

This decision is based on drawing nos. 0740/775 and 0740/776B submitted on 08/04/03.

2 THE SITE

This application relates to a detached bungalow dating from the 1970s situated on a backland site (possibly a former orchard) between Southdown Road and Edburton Avenue. The Victorian terraced houses of these roads back onto the site. The building is not listed but is situated within the Preston Park

Conservation Area.

3 RELEVANT HISTORY

Planning Permission for the erection of the bungalow was first granted in 1976, with a number of subsequent amendments being approved.

In 2002 permission was granted to fell Monterey Cypress, Lawsons Cypress and Leyland Cypress trees on the site (Ref: BH2002/02251/TCA/F).

4 THE APPLICATION

This application seeks Planning Permission to extend the width of the bungalow by 3m through the addition of a side extension on the eastern elevation, continuing the same basic shape of the property. The new extension will come to approximately 900mm from the boundary with the rear of properties on Edburton Avenue. As well as the extension there will be the addition of rooms in the roof, with four rooflights on the front roofslope, two double and two single rooflights (one for escape purposes) on the rear roofslope and an escape window in the gable on the western elevation.

5 CONSULTATIONS

External:

Neighbours: An objection has been received from **87 Edburton Avenue** on the grounds of loss of light due to the existing house being to the south west of their own and the sun therefore sets behind the application property. They state that a flat roofed extension would be more acceptable if permission were to be granted. They feel that bringing the property closer to the boundary will worsen this situation. They also object to overlooking from the new rooflights – especially those on the eastern end of the building, and are concerned that the extension will damage the original wall between the properties. Suggesting making rooflights more central to the roof slope. They refer to land covenants and the Article 4 direction in the area as reasons to limit development. Similar objections are raised by **83 Edburton Avenue**. **81 Edburton Avenue** raise the same points (except loss of light is not a concern to them) and add that noise from the open rooflights could be a problem in summer and state that the existing building is already out of character with the conservation area and that it will be made more obtrusive by the extension. They would request that if the application were to be approved then a minimum distance between the bungalow and the boundary wall should be stipulated by the council. **85 Edburton Avenue** also object on grounds of overlooking, loss of light and potential damage to the wall, as well as the fact that the house will be more visible and would worsen her view and the potential for the house to be a risk to her property if there were to be a fire. Also request that if Planning Permission were to be granted then a minimum gap of 1m to the boundary wall should added, as well as dimensions added to the drawings.

Internal:

Conservation & Design: No comments made.

6 PLANNING POLICIES

Brighton Borough Local Plan:

ENV.3 - Design in the built environment.

ENV.5 - Extensions and Alterations.

ENV.6 - Extensions and alterations: Affect on privacy.

ENV.22 - Development within or affecting the setting of a conservation area.

Brighton and Hove Local Plan Second Deposit Draft:

QD14 - Extensions and alterations.

QD27 - Protection of amenity.

HE6 - Development within or affecting the setting of a conservation area.

Supplementary Planning Guidance Notes:

SPGBH1 - Roof Alterations and Extensions.

7 CONSIDERATIONS

The main considerations in the determining of this application are as follows:

The Impact on Neighbouring Amenity Through Loss of Light and Overlooking:

The application property occupies a site between two terraces of two-storey Victorian properties. The occupiers of the adjacent houses on Edburton Avenue (the side of the property that is being extended) have written in to object on the grounds that the extension will result in loss of light and overlooking from the new rooflights.

The application property is a bungalow, which is situated perpendicular to the rear of the houses on Edburton Avenue. The side extension therefore brings the existing gable closer to the rear of those houses. It is considered that this extension along a perpendicular axis is not likely to lead to any material loss of light to the neighbours. The agent has submitted a 25° drawing, as suggested by the BRE standards, to back this up. There is also a lot of planting on the boundary which softens the impact of the existing house and already cuts light to neighbouring houses.

The potential overlooking that the neighbours have raised concerns about comes from the proposed rooflights that are to be added to the property. Looking at the section drawing on the proposed plans it is clear that the upward angle of the rooflights means that there would be very limited overlooking. Furthermore, the rooflights would be at an oblique angle to the adjacent gardens. As such it is considered that there would not be a material increase in overlooking above and beyond the existing overlooking of neighbouring gardens between houses on Edburton Avenue. Of more concern in terms of overlooking is the escape window to be inserted into the existing western gable. This could create direct overlooking of gardens of properties on Southdown Road. It is therefore suggested that a condition be added to ensure that the window is obscure glazed to prevent this being the case.

The Design of the Proposed Extension and Impact on the Preston Park Conservation Area:

PLANS LIST 2ND JULY 2003

It is noted that the building in question dates from the 1970s and is clearly not original to or in keeping with the character of the conservation area. The building is also in a secluded position, not readily visible from the public highway as it is set behind houses and accessed via its own private drive. However, it is still important that the building is not altered in a manner that would further detract from the character and appearance of the conservation area. The proposed extension would carry on the basic form to the existing bungalow but stretch it a further 3m to the east. Providing the materials used match those existing then it is not considered that the extension would in any way harm the appearance of the building or the conservation area.

In conservation areas with a Victorian character it is common to limit the number of rooflights used. The purpose of this is usually to prevent disruption of the rhythm of the roofslopes. However, this building is detached and is read on its own. It also has a very horizontal emphasis, being a bungalow. As such it is considered that a number of rooflights can be tolerated on the building as part of its overall composition. It is suggested that a condition is added to ensure that the rooflights are 'conservation' style (flush with the roof) to prevent them being too bulky and being harmful to the appearance of the building.

Response to Other Points Raised by Neighbours:

A number of neighbours suggest that a minimum gap between the extension and the existing boundary wall should be required by the council. However, the 900mm gap shown on the plans is sufficient. There is no need to put a condition on requiring this as it is possible to scale from the plans, and if it were to be built noticeably closer than 900mm from the wall enforcement action could be taken if it were considered appropriate.

The suggestion that a flat roofed extension would suit the neighbours more would result in a development that would be harmful in design terms. The proposed extension ties in well with the existing building and would be read as a continuation of it. A flat roofed extension would be visually jarring.

The issue relating to the potential damage to the boundary wall is something that would be covered by the party wall act. No alterations to the wall are covered by this application. If the wall were to substantially collapse as a result of this development going ahead then there could be a requirement to rebuild it as it may constitute demolition in a conservation area.

Any potential for a the house to be a fire risk through being closer to neighbouring houses is something that would be covered by the Building Regulations, and the 900mm gap from the wall ensures that this is unlikely to be a problem anyway.

It is not considered that noise from the proposed rooms in the roof would create a situation any worse than existing noise from these closely situated houses.

Conclusion:

For the reasons given above it is considered that the proposed extension would not materially impact on the amenities of neighbours, either through loss of light or overlooking. The works to what is a non-traditional building in the conservation area would not detract from the appearance of that building or therefore the Preston Park Conservation Area. It is therefore recommended that Planning Permission be granted.

8 EQUALITIES IMPLICATIONS

None identified.

LIST OF MINOR APPLICATIONS

No:	BH2003/01312/FP	Ward:	BRUNSWICK/ADELAIDE
Address:	14 The Athenaeum ,Salisbury Road		
Proposal:	Replace 5 metal windows and door to balcony with uPVC units., at 3rd floor level.		
Officer:	Natasha Belt, tel: 293334	Received Date:	18 March 2003
Con Area:	Adj. Willett Estate	Expiry Date:	11 June 2003
Applicant:	Andrew Wilson, 14 The Athenaeum, Salisbury Road, Hove BN3 3AA		

1 RECOMMENDATION

1. 00.01 Full Planning.
2. The glazing pattern of the replacement windows shall exactly match the pattern of the existing windows.
Reason: For the avoidance of doubt and in the interests of the visual amenities of the block in compliance with policy BE1 of the Hove Borough Local Plan and policy QD14 of the Brighton & Hove Local Plan Second Deposit Draft.

2 THE SITE

The site is a four-storey block of flats located on the corner of Salisbury and Lansdowne Road. The flats have a mixture of original and uPVC windows. The site is not within a conservation area; however, Salisbury Road opposite is located within the Willett Estate conservation area. The surrounding area is a mixture of terrace dwellings and blocks of flats.

3 RELEVANT HISTORY

Flats 6 and 12A have had replacement uPVC windows approved under applications **BH2002/01400/FP** and **BH2003/00940/FP** respectively.

4 THE APPLICATION

It is proposed to replace 5 metal windows and the balcony door of the third floor flat, with uPVC units.

5 CONSULTATIONS

External:

Neighbours:

1 letter of objection received from 4 Hilgrove Road, Saltdean:

- uPVC windows have chunky sight lines
- will destroy architectural merit of building
- plastic frames have a shorter life-expectancy than metal frames
- plastic frames are ecologically damaging and unsustainable

6 PLANNING POLICIES

Hove Borough Local Plan
BE1 (General Guidelines)
Brighton & Hove Local Plan Second Deposit Draft
QD14 (Extensions and Alterations)

7 CONSIDERATIONS

The main considerations are the effects of the replacement windows on the appearance of the elevation and its subsequent effects on the adjoining character of The Willett Estate Conservation Area.

Whilst uPVC is not normally considered to be an appropriate material for window replacements in Conservation Areas, however as the application site is not within such an area it can therefore be considered.

This is a modern block and one of many in this part of Hove, which has been the subject of similar window replacements (for example, Wilbury Lodge). The block has a mixture of original and uPVC windows, which obtained planning permission in 2002 and 2003 (refer to paragraph three for detail). The block of flats to the south of the application site has uPVC windows of similar design to that proposed. It is not considered that these windows or those within the application block have detracted from the overall appearance of the block or the adjoining Conservation Area.

The replacement windows will match existing and thus, will not detract from the character of the building or the amenity of the adjacent Conservation Area.

Conclusion:

The points raised by the Objector are noted. However in light of other flats within the block having uPVC windows, and given that the application site is not within a Conservation Area nor is the block considered to be of architectural merit, the points raised are not considered so significant as to justify a refusal.

It is not considered that the proposal would result in a loss of amenity or character to the subject block or the adjoining Conservation Area.

Therefore, the proposal considered to be consistent with policy BE1 (General Guidelines) of the Hove Borough Local Plan and policies QD14(Extensions and Alterations) and QD 27(Protection of Amenity) of the Brighton & Hove Local Plan Second Deposit Draft.

8 EQUALITIES IMPLICATIONS

None identified.

PLANS LIST 2ND JULY 2003

No:	BH2003/01512/FP	Ward:	BRUNSWICK AND ADELAIDE
Address:	Freemasons Public House, 38/39 Western Road, Hove		
Proposal:	Erection of 3 no. Air conditioning units on west elevation of the building.		
Officer:	Steve Walker, tel: 292337	Received Date:	02 May 2003
Con Area:	BRUNSWICK TOWN	Expiry Date:	27 June 2003
Agent:	N/A		
Applicant:	Tanya Gander, 38/39 Western Road, Hove		

1 RECOMMENDATION

Grant Planning Permission subject to the receipt of satisfactory amended plans illustrating in greater detail the design of the air conditioning units proposed and the following conditions:-

1. 00.01 Full Planning.
2. The units shall be enclosed in casings and painted a colour to blend in with the surrounding render, full details of which shall be submitted to and agreed in writing by the Local Planning Authority prior to installation. The units shall thereafter be installed in accordance with the agreed scheme.

Reason: To secure the adequate preservation of a Grade II Listed Building within the Brunswick Town Conservation Area, in compliance with policies BE5 and BE8 of the Hove Borough Local Plan and policies HE1 and HE6 of the Brighton & Hove Local Plan Second Deposit.

3. All proposed cabling and pipework shall be concealed and shall not be surface mounted, full details of which shall be submitted to and agreed in writing by the Local Planning Authority prior to installation. The cabling and pipework shall thereafter be installed in accordance with the agreed details.

Reason: to secure the adequate preservation of a Grade II Listed Building within the Brunswick Town Conservation Area, in compliance with policies BE5 and BE8 of the Hove Borough Local Plan and policies HE1 and HE6 of the Brighton & Hove Local Plan Second Deposit Draft.

4. Within one month of the date of installation of the units hereby permitted, the existing air conditioning units and associated cable and pipework shall be removed, and the area of wall onto which they are fixed made good.

Reason: To secure the adequate preservation of a Grade II Listed Building within the Brunswick Town Conservation Area, in compliance with policies BE5 and BE8 of the Hove Borough Local Plan and policies HE1 and HE6 of the Brighton & Hove Local Plan Second Deposit Draft.

Informative:

1.This decision is based on drawing no.01 submitted on May 2003 and additional specification submitted on.... June 2003.

2. A corresponding application for Listed Building Consent will be required.

2 THE SITE

This application relates to the Freemasons Public House on the southern side

of Western Road, at the junction of Brunswick Street West. It is a Grade II Listed Building and lies within the Brunswick Town Conservation Area.

3 RELEVANT HISTORY

In April 2002, Planning Permission and Listed Building Consent were granted for the replacement of a window in the front (north) elevation with folding doors, and replacement of window in the side (western) elevation.

Earlier this year applications were submitted for the retention of 3 air handling units on the western elevation (refs. BH2003/00080/FP and BH2003/00083/LB), but later withdrawn as it became clear that they were unlikely to be permitted on account of their design, location and noise nuisance caused to local residents in the vicinity.

4 THE APPLICATION

The proposal is for the erection of 3 air conditioning units on the western elevation of the building.

The original units were placed on the rear elevation of the building. Last year, these were replaced by equipment installed on the western side elevation without the benefit of Planning Permission. The units which have been installed comprise a high (first floor) level unit, and two lower units on the main western side elevation. The plant was then subject to complaints from local residents and a Noise Abatement Notice duly served. The current proposal seeks to amend the position and specification of the units, replacing the highest of the three units with a ground floor level unit positioned on the south facing return of the side porch entrance bay, and the two lower units just above pavement level.

5 CONSULTATIONS

External:

Neighbours: The occupiers of neighbouring properties have been consulted on the proposal. 2 letters of objection have been received. **58 Brunswick Street West** – By moving the units around the side, following the noise abatement notice, more people have been affected than the original complaints. It is a Listed Building, in a historically important street. Even with all the windows closed in the adjoining house the units can be heard stopping and starting. The residents of the street are weary of noises from the commercial aspects. The streets will be entirely residential in five to ten years. **60 Brunswick Street West** – The units are not only ugly but a constant source of noise irritation and more appropriate for an industrial estate than a quiet residential street. They would be better sited at the back of the property or on the roof where they would create less noise pollution. It is appreciated that the street has a mix of commercial and residential properties. However, residents are fighting an uphill battle to raise the tone of the street. Erecting three industrial air conditioning units would be a backward step.

Hove Civic Society: The Society is aware of the difficulties of siting air conditioning units on this building but the drawings supplied of the ground floor

west elevation lack the detail required to make a sound decision. Details of material, size and colours are necessary.

Internal:

Conservation & Design: The proposed positions and internal cable routing are significant improvements. The existing units and cables/pipework must be removed and the wall made good.

Environmental Health: The proposed units more than adequately meet the council's noise criteria, and should therefore have little impact on occupiers of local residential properties.

6 PLANNING POLICIES

Hove Borough Local Plan:

BE1 – General Guidelines

BE8 – Development in Conservation areas

BE4 – Listed Buildings – Design and materials

Brighton and Hove Local Plan Second Deposit Draft:

SU10 – Noise nuisance

QD27 – Protection of amenity

HE1 – Listed Buildings

HE6 – Development in Conservation Areas

7 CONSIDERATIONS

The main considerations are the effects of the units on the character and appearance of the property, a Listed Building, within the Conservation Area, and the effect on neighbouring residential amenity.

In terms of the effect of the proposal on the character and appearance of the listed building, the existing units are unsatisfactory by reason of both their appearance on the building and noise impact on neighbouring properties. The units would be located at footway level rather than at conspicuous positions half way up the main elevation. The Conservation Officer has stated that the revised positions have been negotiated with the applicant, together with the internal routing of cabling, there being no hidden elevation onto which the units could otherwise be fixed. The units should be housed in casings, and be painted to match the background colour (cream at the upper level, and black at footway level) to reduce their visual impact. The removal of the unauthorised units, concealment of associated cables and pipes and making good of the wall may all be secured by condition. Whilst adjoining residents have noted the mixed use character of the street, and consider that plant and machinery would be an unwelcome addition it is considered that such facilities are now commonplace in commercial units and seen as an essential requirement to their operations. Provided the level of plant and machinery is appropriate to the use and they are placed in the least conspicuous position, there could therefore be no justification in a refusal 'in principle' on purely visual grounds.

The Environmental Health Officer has requested an acoustic report from the applicant, which has duly been submitted and assessed. Details of the final specifications of the units indicates that the units will more than adequately meet the Council's noise criteria and should therefore have minimal impact on occupiers of neighbouring properties.

Conclusion:

The existing units cause both harm to the appearance of the Listed Building and character of the Conservation and have caused problems of noise and disturbance. Accepting the need for a public house to have such equipment, the design and positioning of the proposed units would be a significant visual improvement. The specification of the proposed units is such that they should not cause undue noise and disturbance.

8 EQUALITIES IMPLICATIONS

None identified

PLANS LIST 2ND JULY 2003

No:	BH2003/01160/FP & 1161/LB	Ward:	GOLDSMID
Address:	Land rear of 36 Cromwell Road, Hove		
Proposal:	Proposed erection of two storey dwelling		
Officer:	Paul Earp, tel: 292193	Received Date:	10 April 2003
Con Area:	WILLETT ESTATE	Expiry Date:	05 June 2003
Agent:	DMH Planning Services, 100 Queens Road, Brighton		
Applicant:	Trustees of Mrs P Leney, Discretionary Settlement, c/o Mr S Leney		

1 RECOMMENDATION:

Grant Planning Permission and Listed Building Consent, subject to the following conditions and informative:

BH2003/01160/FP (the planning application).

1. 00.01 Full Planning.
2. 01.01 Sample of Materials.
Reason: Standard – plus and to comply with policies BE1 of the Hove Borough Local Plan and QD1 and QD2 of the Brighton and Hove Local Plan Second Deposit Draft.
3. 02.11 Refuse storage.
Reason: Standard – add ‘and to comply with policy QD.27 of the Brighton & Hove Local Plan Second Deposit Draft’.
4. 02.10 Refuse storage – maintenance of.
Reason: Standard – add ‘and to comply with policy QD.27 of the Brighton & 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 & Hove Local Plan Second Deposit Draft’.
6. 05.01 Layout of car parking area. Add words ‘and screened’ after word ‘surfaced’.
Reason: Standard – add ‘and to comply with policies TR26 of the Hove Borough Local Plan and TR17 of the Brighton & Hove Local Plan Second Deposit Draft’.
7. The first floor windows, front (south) elevation, shall be obscure glazed and fixed shut at all times. The privacy slatting shall not be adjusted or removed.
Reason: To protect the amenities of the adjacent property and to comply with policy QD27 of the Brighton & Hove Local Plan Second Deposit Draft.
8. 04.01 landscaping/planting.
Reason: Standard – plus ‘ and to comply with policy BE41 of the Hove Borough Local Plan and QD1 of the Brighton & Hove Local Plan Second Deposit Draft.
9. 04.02 landscaping/planting – implementation and maintenance.
Reason: Standard – plus ‘ and to comply with policy BE41 of the Hove

PLANS LIST 2ND JULY 2003

Borough Local Plan and QD1 of the Brighton & Hove Local Plan Second Deposit Draft.

Informative:

For the avoidance of doubt the development hereby permitted shall be in accordance with amended plans received June 2003.

BH2003/01161/LB (the listed building application).

1. 00.02 Listed Building Consent.
2. 01.01 Sample of Materials.

Reason: Standard – plus and to comply with policies BE1 of the Hove Borough Local Plan and QD1 and QD2 of the Brighton and Hove Local Plan Second Deposit Draft.

Informative:

For the avoidance of doubt the development hereby permitted shall be in accordance with amended plans received June 2003.

2 THE SITE

The site consists of a parcel of land (16m x 10m / 160m²) situated between the rear of 36 Cromwell Road (3 storey plus basement and attic, subdivided into 6 flats – end property of grade 11 listed terrace), and 1 & 3 Cambridge Grove (2 storey end of terrace mews property, commercial at ground floor level, residential above). The land is within The Willett Estate Conservation Area and accessed from a narrow road off Wilbury Villas which serves Cambridge Grove. A double garage, which fronts the access road, and two single garages, are situated on the site. To the west, the garages adjoin a row of single storey outbuildings at the bottom of rear gardens of properties in Cromwell Road, many of which are now connected internally to buildings in Cambridge Mews. Several have had conservatories added at first floor level.

3 PLANNING HISTORY

- Application **M/7791/60 – OA628**, extensions of existing 4 garages at ground floor level for additional garage and erection of 2 bedroom flat over garaged in place of existing conservatories, refused 9.2.61.
- Application **M/9521/63 – OA862**, alterations and extensions, refused 28.3.63. Both applications refused as the proposal would cover an excessive area of the site and be inconsistent with the neighbourhood.
- Application **BH2002/3390/FP** proposed erection of two storey dwelling, refused 6.2.03, for reasons of:
 - i) adverse effect on the amenities of the occupiers of surrounding properties by reason of overlooking and loss of privacy’.
 - ii) unsatisfactory parking provision with inadequate turning to facilitate access and egress in a forward manner – detrimental to highway safety.

An informative was attached to the decision notice stating that no objections were raised in principle to a residential development on the site and that windows should be sited in a manner which would not directly overlook and lead to loss of privacy to properties in Cromwell Road.

Application **BH2002/3391/LB** demolition of existing disused garage and erection of two storey dwelling, granted 6.2.03. This application for listed building consent submitted in tandem with above application for planning permission and approved under delegated powers as objections raised to the proposal did not relate to the effect on the listed building.

4 THE APPLICATION

The proposal, as amended, is for the construction of a two storey single dwelling house consisting of:

- demolition of existing single storey structures.
- construction of a two bedroom building with similar footprint, 11.2m wide x 5.3m deep x 6.7m in height.
- Mono pitched roof, lightwell to rear –to adjoin 1/3 Cambridge Grove.
- Materials; roof – sheet metal, walls – reclaimed buff brick, glazing, cedar cladding, doors/windows – powder coated aluminium.
- Amenity area to front (south) of dwelling, 10m x 6m / 60m². Landscaping along boundaries.
- Car park space situated in the southwest corner of the garden.
- new close board fence 1.8m high to southern boundary.
- new timber trellis to existing brick boundary wall, west elevation

Amended drawings indicate two additional windows, a high level window at ground floor level and window at first floor level, to the side (east) elevation, and the relocation of the car parking space from between the proposed garden and access to rear of 36 Cromwell Road, to a corner of the garden.

5 CONSULTATIONS

External:

Neighbour Responses: comments on the original scheme:

36 Cromwell Road – flats 1, 2, 3 & 4.

Object to the proposal for the following reasons:

- Proposed car parking area would be directly outside the bedroom window of the ground floor flat and lounge and bedroom to the basement flat. This would result in disturbance and be unsightly.
- Increase in light and noise, from the development, which is very close to flats within No.36, will be very intrusive.
- Design, and in particular the modernist glazed screens, sheet metal monolith roof, and cedar cladding, are unsympathetic to the surrounding architecture of the conservation area.
- Overdevelopment – the plot of land is extremely small and in such close proximity to the existing house. This is an example of trying to squeeze an unsuitable dwelling into an undersized plot. The applicant's zeal to achieve planning permission has made them blind to the living conditions of future occupiers, as they have effectively blocked out any views.

Should the application be approved, request that:

- boundary walls adjacent and beyond the altered wall abounding Cambridge

Grove, within the ownership of the applicant, are in a dangerous state of repair and should be attended to as part of the application.

- a condition be placed on any approval, that at no time in the future can the obscure glazing at first floor level be altered to clear glazing nor can the privacy slatting be adjusted or removed.

Conservation Area Advisory Group (CAAG): Not consulted on this revision, which is of similar appearance to the previous scheme. The Group's previous comments were that they appreciated the careful preparation of the application, which they regard to be an interesting scheme, and recommend it as a good example to the Planning Application Sub-Committee.

English Heritage: No comment.

Internal:

Traffic Engineer: No objection. This re-submission has improved the access /egress for the parking space and thus overcomes previous concerns.

Conservation Officer: Considers this obviously contemporary approach to be suited to this 'unique' frontage site given its existing use as a hard paved forecourt and garaging.

6 PLANNING POLICIES:

Hove Borough Plan:

BE1 – The built environment – general guidelines;

BE4 – Listed buildings settings;

BE8 – Development in Conservation Areas;

BE18 – Refuse disposal;

TR16 – Cycle parking;

TR17 – Road safety;

TR26 – Car parking standards;

H6 – Housing – conversions.

Brighton & Hove Local Plan Second Deposit Draft:

QD1 – Design – quality of development;

QD2 – Design – key principles for neighbourhoods;

QD3 – Design – effective and efficient use of sites;

QD5 – Design – street frontages;

QD27 – Protection of amenity;

SU2 – Efficiency of development in use of resources;

TR – Safe development;

TR12 – Cycle parking;

TR17 – Car parking standards;

HE3 – Development affecting the setting of a listed building;

HE6 – Development within a conservation area.

8 CONSIDERATIONS

PLANS LIST 2ND JULY 2003

These applications follow a refusal in February 2003 (application BH2003/3390FP) for the erection of a two storey dwelling. The application for full planning permission was refused due to the adverse effect of the proposed dwelling on the amenities of the occupiers of surrounding properties by way of overlooking and loss of privacy, and due to unsatisfactory parking provision which had inadequate turning to facilitate access and egress in a forward manner. An informative attached to the decision notice states that no objections are raised in principle to a residential development on the site and that windows should be sited in a manner which would not directly overlook or lead to loss of privacy to properties in Cromwell Road. The previous application for listed building consent was approved.

The main issues involved in the determination of the applications relate to the effect of the development upon residential amenity and the character and appearance of The Willett Estate Conservation Area and the grade 11 listed buildings in Cromwell Road, and traffic issues.

Impact on setting and design

The existing garages are in a poor state of repair and of no architectural merit. The proposed building is of contemporary design using a mix of traditional and modern materials. The Conservation Officer and CAAG considers this to be an interesting scheme, very refreshing in terms of quality of the design, choice of materials. Despite public objections that the proposal would be out of keeping with the character of the area, the Conservation Officer is of the opinion that this contemporary approach is entirely suited to this 'unique' frontage site and would be an improvement upon the appearance of the existing garage development.

The proposed building is of modest height and scale and would not be unduly prominent in its setting. Whilst different in appearance to surrounding development it is not considered that the building would detract from the character and appearance of the conservation area or setting of the adjacent listed buildings.

Impact on Neighbours

The proposal building would be approximately 13m from the rear of 36 Cromwell Road, and windows to habitable rooms. This application follows a refusal in which the southern elevation presented an almost continuous glazed wall to habitable rooms and incorporated a balcony 6m in length at first floor level. Objections were received from residents of Cromwell Road stating that due to the close proximity of the development to habitable rooms, the proposal would be detrimental to residential amenities by way of overlooking, loss of privacy and outlook, and overshadowing. To overcome this impact the balcony has been deleted with the main bedroom and study area served by roof light and with cedar screen cladding with fixed etched glazing, and the smaller bedroom by etched glass to the south elevation. Whilst these rooms would have no outlook, it is considered that issues of loss of privacy have been resolved.

Parking provision

Objections have been received stating that the hardstanding originally to be sited in close proximity to windows of habitable rooms of 36 Cromwell Road would lead to disturbance and result in a poor outlook. To overcome these concerns the hardstanding has been resite within the southwest corner of the garden, a minimum of 7.0m from the rear of No.36 and screened from general view by landscaping. Given that the land currently forms a car parking area it would be unreasonable to object to the provision of a hardstanding in principle, and in the revised location should not effect residential amenity.

The Traffic Engineer considers the scheme acceptable in that it would allow satisfactory access and egress to the site and that the proposal would lead to a reduction in traffic than could be generated from the existing garage use.

Scope exists within the garden area for refuse and cycle storage.

Conclusions:

Planning policies encourage efficient use of land and place a duty on local authorities to conserve and enhance the appearance of conservation areas. It is considered that the development would physically improve the appearance of the site and whilst the proposed building is of modern design, contrasting with surrounding development, would not adversely impact on the character of the area. Despite objections that the proposal is an overdevelopment of the site, it is considered that as it could be accommodated without resulting in a loss of residential amenity or be a danger to highway safety, and the scheme overcomes previous concerns.

8 EQUALITIES IMPLICATIONS

The proposal would have to meet Part M of the Buildings Regulations.

PLANS LIST 2ND JULY 2003

No:	BH2003/01262/FP	Ward:	GOLDSMID
Address:	Intek House Ellen Street Hove		
Proposal:	External refurbishment of building including new floor with twelve flats.		
Officer:	Maria Seale, tel: 292114	Received Date:	08 April 2003
		Expiry Date:	23rd July 2003
Agent:	N/A		
Applicant:	Matsim Properties Ltd, Cambridge Cottage, Brantridge Lane, Balcombe, Sussex		

1 RECOMMENDATION

Refuse planning permission for the following reasons:

1. The introduction of residential use on an identified employment site allocated under policy EM1 of the Brighton and Hove Local Plan Second Deposit Draft would undermine this policy which specifically identifies the site for Class B1 (b) (c) and B2 industrial and business; the applicant has failed to demonstrate that there are exceptional circumstances to depart from planning policy in this instance.
2. The introduction of a residential use to an identified industrial and business building would lead to a conflict between residential uses and employment uses in terms of amenity, and would thereby undermine the future of adjacent employment uses contrary to policies BE1 and EM1 in the Hove Borough Local Plan and QD27 and EM1 in the Brighton and Hove Local Plan Second Deposit Draft.

Informative:

The applicant is advised that in order to justify departing from local plan policy it must be satisfactorily demonstrated that a residential enabling development is the only financial option to secure refurbishment of the building. Evidence will be required to show that all alternative funding options have been fully explored, and financial evidence that the amount of residential units proposed are the minimal amount necessary to secure refurbishment of the existing building. Detailed information regarding the condition of the building and the measures required to upgrade it will also be required.

Informative:

The council would, in accordance with local plan policy, expect the applicant to commit to entering into a Section 106 Agreement to secure a financial contribution towards the improvement of outdoor recreation space in the vicinity and amendments to on-street parking bays and traffic orders, and to secure 40% affordable housing provision, should it be minded to grant permission for a satisfactory scheme including residential development.

2 THE SITE

The site is a three-storey office building built in the early 1970's located on the corner of Ellen Street and Goldstone Street. The site lies within a

predominantly commercial area and there are sites to the north, west and east of the site in industrial/business (B1, B2, B8) use, including a bus depot. There is a block of residential flats opposite the site to the south. The ground floor is used by Partco Autoparts comprising a warehouse and trade counter with a rear service bay. The offices on the upper floors have been vacant in excess of 10 years though there was a letting in 1996/97. There are parking spaces to the side (west) and rear (north) of the building. The site lies within an Identified Employment Site (industry and business) as defined under policy EM1 of the Brighton and Hove Local Plan Second Deposit Draft.

3 RELEVANT HISTORY

BH2000/00617/OA Outline application for change of use of first and second floors from offices (B1) to residential (C3). Refused 15/11/00.

BH2000/03213/OA Outline application for installation of mansard extension and use for residential purposes in conjunction with the second floor comprising a conversion into 20 flats and partial change of use of the first floor to a creche. Refused 21/02/01.

4 THE APPLICATION

It is proposed to extend the property by way of an additional storey to provide a total of 12 flats (10 x 1-bedroom & 2 x 2-bedroom). It is also proposed to refurbish the existing offices and refurbish the exterior of the building involving replacement aluminium windows, colour coated steel cladding and a contoured curved metal profiled sheet roof. Eight new car parking spaces would be created to the front of the building adjacent to Ellen Street.

5 CONSULTATIONS

External:

Neighbours: The application has been advertised by way of four site notices posted in the vicinity of the site. No comments have been received.

Sussex Police: The proposal does not identify any unnecessary crime risk.

Southern Water: No objection

Internal:

Planning Policy: The premises lies with the Conway Street Industrial Area and is therefore considered under policy EM1 in the Brighton & Hove Local Plan Second Deposit Draft. In terms of the status of the plan, it has been through a Local Plan Inquiry and the Inspector's report is scheduled for publication in December/January 2004. In terms of this specific policy although there were a number of objections raised, there were no direct objections to this designation. Normally, proposals for residential development would not be acceptable within EM1 industrial areas by reason of the conflict between B2 and B8 uses and residential amenity. As such it could undermine the activities carried out within the industrial area, and lead to harm to amenities of future residents.

PLANS LIST 2ND JULY 2003

The only exception that could be made is if the residential development forms part of an enabling permission to secure physical refurbishment of an employment building. However, each application should be considered on its merits – particularly in terms of the location of residential within the industrial area – for example it is appropriate that it should be on the fringes of the area to ensure some degree of amenity for residents and impact of employment uses are at a minimum. This is the case in terms of Intek House which lies opposite residential properties.

In order to justify the proposal is a genuine enabling application the applicants should submit the following:

1. First – there should be evidence that they have explored all alternative funding options to securing refurbishment of the building before seeking residential use.
2. Second – having looked into all options above, which can be facilitated by the council's economic development team, the applicants may consider residential development but the other uses within the building should be compatible with residential. They must also submit financial evidence that the level of residential proposed is the minimum to secure refurbishment (as such they should also submit detailed info on the current condition of the building and how to make right) – and agree to enter into a legal agreement to secure all profit secured from residential to go into improving the employment building.

As far as I am aware the applicants have failed to submit the evidence to meet these two tests and as such the application should be refused.”

Economic Development: In economic development terms the application is welcomed and supported as it would enable the revitalisation of an underused building and the Conway Street Industrial Area.

Environmental Health: The plans submitted with this application show no designated area for the storage of waste. It would be necessary for a high level of soundproofing on the proposed new flats to ensure that noise and vibration is not transmitted between them. The areas on three sides of Intek House are occupied by commercial/industrial premises with hours of use which start in the early hours of the morning and continue until late evening. The main garage for Brighton & Hove Buses is only 45 metres away and the roads around the building are used by buses leaving and return to the garage. The occupiers of flats on the north, east and west sides of the building would have a direct view on these commercial premises, therefore noisy activities could have a significant negative impact. If granted permission, I would strongly recommend that acoustic double glazing be installed in all the flats and be supplemented by active (not passive) ventilation units in all habitable rooms so that windows do not need to be opened in order for an adequate supply fresh air. This may well be an unacceptable request as most occupiers would expect to be able to open windows for ventilation, especially during the summer months.

Grounds Maintenance & Contracts: As no provision is being made on site, there should be a contribution to play and open space improvement elsewhere, probably Hove Park as is the nearest site. There would be an expected contribution of £13,796 based on 2 x 2-bedroom flats and 10 x 1-bedroom flats.

Traffic Manager: No objection if new parking indicated at front of site is used for residential accommodation. Provided there is no change in how servicing takes place it will continue to be satisfactory. The on-street parking bay will need to be amended to allow access and orders amended.

6 PLANNING POLICIES

Hove Borough Local Plan:

EM1 Retention of Class B1 and B2 uses

EM2 Class B2 uses and Class B8 uses

BE1 General policies and principles

L19 Requirement for play facilities in housing areas

H3 Affordable housing

Brighton and Hove Local Plan Second Deposit Draft:

EM1 Identified employment sites (industry and business)

QD14 Extension and alterations

QD2 Design- key principles for neighbourhoods

QD27 Protection of amenity

TR1 Development and the demand for travel

H02 Affordable housing

H05 Outdoor recreation space

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

E5 Safeguarding existing land and premises

E6 Regeneration of existing land and premises

7 CONSIDERATIONS

The main considerations are the principle of allowing a residential use on an allocated industrial site and whether this would undermine the Local Plan process, and whether this would lead to conflict between industrial and residential uses.

Background

The city is designated a Priority Area for Economic Regeneration (PAER), and continues to experience levels of unemployment above the national average. Policy RE7 of RPG9 Regional Planning Guidance for the South East, states that in order to address strategic spatial inequalities around the region, local and regional partners should give particular attention to actively supporting economic regeneration and renewal, including inward investment in PAERs. Within the city, it is important to maximise B1 and B2 uses on all sites to ease pressure to commute out of the city because of the overall shortfall of employment land within its boundaries. There is no scope for expansion

because the city is surrounded by the sea to the south and the downs to the east and north.

Structure Plan Policy

Structure Plan policy E5 seeks to protect the existing stock of industrial and commercial premises, the only exception being where sites are assessed to be genuinely redundant under the terms of policy E6. Policy E6 states that studies should be undertaken to identify employment sites that are genuinely redundant, by virtue of their location or other special circumstances, that are unlikely to be re-usable or redeveloped for industrial use within the plan period. Where such sites are redundant they should be reallocated through local plans. The supporting text states that short-term difficulties in local property market conditions should not constitute a reason for determining redundancy of a site, it is the long term prospects for re-use that are important for the strategy.

Local Plan Policy

Policy EM1 of the Hove Borough Local Plan resists the loss of significant sites for B1 or B2 uses. Policy EM2 accepts B2 and B8 uses provided there are no detrimental effects on amenity and there is satisfactory access servicing and parking arrangements. It states that such uses will therefore generally only be permitted where premises are surrounded by other non-residential premises or backing onto the railway. The policy goes on to identify some sites that could accommodate such uses, though not exclusively.

Policy EM1 in the Brighton and Hove Local Plan Second Deposit Draft allocates the Conway Street Industrial Area for industrial/business units. As an identified employment site, under the terms of policy EM1, B1 (b) (c) and B2 uses would be acceptable. The policy does not identify any other uses that may be acceptable.

Two previous applications involving the introduction of a residential use on the site have been refused relatively recently (see History section above). The applications were refused on grounds of significant loss of employment floorspace within an a zoned employment area with insufficient evidence to demonstrate genuine redundancy; conflict between residential uses and employment uses in terms of amenity, parking and servicing which would undermine future adjacent employment uses; and inadequate outdoor space to serve the crèche. It should be noted that in the case of this current application there would be no conversion/loss of existing B1 floorspace as was previously the case.

The designation of the site under policy EM1 sought to take into account the current market and existing and future needs for employment uses. Despite the building having lain mainly vacant for a number of years, in 2000 the site was included as part of the local plan employment allocations in the First Deposit Draft Local Plan. The site was considered to be well laid out and well placed within a predominantly commercial area of mixed B1/B2/B8 uses. The allocation is considered to carry significant weight as no objections have been

PLANS LIST 2ND JULY 2003

received to policy EM1 in respect of the specific sites identified under the local plan process. The local plan process takes account of strategic and long-term approach and thus specific sites are allocated and need to be secured for exclusive industrial use to ensure an adequate supply of industrial land over the plan period, unless an exceptional case can be made.

It is acknowledged that the premises have been partially vacant for an excess of 10 years (though there was a letting in 1996/7) and have been marketed throughout most of that time. The Economic Development Officer confirms that the premises have been actively marketed through commercial agents on flexible terms at a reasonable rate since the previous refusals. This involved advertisements in the local press and inclusion on the council's property page (the applicant is to forward information from the previous owners and the commercial agent as evidence of this). Recent uptake of Industrial House would indicate that there is demand for well-maintained and flexible units in this location, and the Economic Development Officer confirms that one of the main reasons for lack of interest appears to be the deteriorating condition of the building. The application is therefore welcomed in that it involves internal and external refurbishment of the building, however, no supporting information has been submitted to make an exceptional case for allowing a residential 'enabling' development on an allocated employment site. To depart from Local Plan policy the applicant would have to provide robust evidence that all options have been fully explored and that residential development is the only way to finance the refurbishment. Evidence would also have to be submitted to justify that a development of 12 flats is the minimum level of such development required. The Economic Development Officer confirms that there are options for the applicant to explore grant funding which have not been totally exhausted, and they have been approached regarding this. In the absence of substantive supporting evidence it is considered that an approval of permission cannot be justified as this would undermine the local plan process.

Notwithstanding the presence of residential properties opposite, the site forms part of a distinct employment area and is bordered by commercial uses on three sides. It is considered that use of a new floor for residential use could be problematic as it may lead to conflict between residential and commercial uses in terms of future residential amenity. A residential use could therefore prejudice the viability of other business uses in the vicinity and undermine the employment designation. Whilst B1 uses are by definition suitable adjacent to residential properties, given the close proximity of adjacent commercial sites (International House is just 15 metres away) and the potential for B2 uses in the locality (allowed under policy EM1) the introduction of a residential use may not be appropriate. The current B1 use of Intek House acts as an important buffer to the existing adjacent residential properties to the south as it enables the siting of B2 uses in this locality. The Environmental Health Officer has some concerns regarding the siting of Intek House as occupiers of the proposed flats would have direct views of commercial premises, including a bus depot, on three sides and suggests that windows on the north elevation may need to be fixed shut. This is considered unreasonable as they are the only windows serving

habitable rooms, however, an alternative layout may overcome this.

There is no objection to the creation of an additional storey or a curved roof design in visual terms given the varied building heights and architectural styles in the locality. The proposed cladding and replacement windows would represent an improvement to the building's appearance. Provided that the new parking proposed is to serve the residential properties the Traffic Engineer raises no objection to the application.

Conclusion:

Whilst the refurbishment of an underused building is welcomed in principle, there is concern regarding the introduction of a residential use on an allocated EM1 industrial site. There are not considered to be exceptional circumstances to depart from Local Plan policy, and it is therefore recommended that planning permission be refused.

8 EQUALITIES IMPLICATIONS

None identified

PLANS LIST 2ND JULY 2003

No:	BH2003/01358/FP	Ward:	PORTSLADE NORTH
Address:	The Old Forge, Foredown Road, Portslade		
Proposal:	Retrospective erection of fence panels.		
Officer:	Natasha Belt, tel: 293334	Received Date:	25 March 2003
		Expiry Date:	18 June 2003
Applicant:	M Gamble, The Old Forge, Foredown Road, Portslade		

1 RECOMMENDATION

GRANT planning permission, subject to the following conditions:
00.01 Full Planning.

2 THE SITE

The application site is a single storey dwelling located on the corner of Foredown Road and Forge Close. A fence of approximately 1.8m in height is located along the northern boundary.

3 RELEVANT HISTORY

No recent relevant history. However, this application was submitted as a result of an enforcement investigation.

4 THE APPLICATION

Replacement timber fence panels along the site, separating the applicant's private garden from a public footpath and parking area.

5 CONSULTATIONS

External:

Neighbours:

1 letter of objection from 2 Forge Close:

- excess height of fence panels

6 PLANNING POLICIES

Hove Borough Plan

BE1(General Design)

Brighton & Hove Local Plan Second Deposit Draft

QD1(Design)

QD14 (Extensions and Alterations)

7 CONSIDERATIONS

The main issue to consider with this application is the visual impact on the streetscene and neighbouring properties.

Fences do not dominate the neighbouring area and therefore the new fence is quite prominent. However it is not considered that the new fence has an

adverse visual effect on the streetscene.

The new fence provides the application site with privacy and it does not intrude into neighbouring properties or reduce their access to sun or light. When viewed from neighbouring properties, Forge Close or Foredown Road, it is considered that the fence, although quite high, does not adversely impact on outlook and is of a similar height to the portion of fence it is replacing.

It is considered therefore, that the new fence is consistent with current planning policies as outlined in 6 above.

Conclusion:

The concern of excessive height raised by the neighbour has been noted; however, it is not considered that the replacement panels have an adverse visual effect on the amenity of the area.

8 EQUALITIES IMPLICATIONS

None identified.

PLANS LIST 2ND JULY 2003

No:	BH2003/01327/CD/FP	Ward:	PORTSLADE SOUTH
Address:	267 Old Shoreham Road Portslade		
Proposal:	Erection of single storey rear extension and formation of driveway.		
Officer:	Paul Earp, tel: 292193	Received Date:	07 April 2003
		Expiry Date:	02 June 2003
Agent:	Owen Williams Consultants Ltd, Caburn House, Brooks Road, Lewes		
Applicant:	Brighton and Hove City Council, PO Box 2503, Kings House, Grand Avenue, Hove		

1 RECOMMENDATION

Grant Planning Permission subject to the following conditions and informative:

1. 00.01 – 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 QD1 and QD14 of the Brighton and Hove Local Plan Review Second Deposit Draft.

3. Details of the gate and front wall, which in the absence of adequate visibility splays should be no more than 0.6m in height, are to be submitted to and approved by the Local Planning Authority before works commence.

Reason: In the interest of highway safety and to comply with policies BE1 and TR17 of the Hove Borough Local Plan and TR – Safe Development, of the Brighton and Hove Local Plan Review Second Deposit Draft.

Informatives:

1. This decision is based on drawing no. 307160-42/02 revision B, received 23 May 2003.

2. The vehicle crossing must be constructed to the Council's specification and under the Council's supervision. Prior to construction the applicant should contact the Council's Transport Planning Team (tel: 292462) to discuss the requirements for vehicle crossings.

2 THE SITE

The application relates to a two storey semi-detached dwelling house on the south side of the road almost opposite the Hangleton Link Road. The area is predominantly residential.

3 RELEVANT HISTORY

None.

4 THE APPLICATION

The proposal, as amended, is for:

Rear extension:

- Demolition of single storey lean-to and conservatory.
- Construction of extension to measure 7.5m wide (full width of the building) x 4.0m deep x 2.8m high, to provide 2 additional rooms.

PLANS LIST 2ND JULY 2003

- Details: flat roof, UPVC windows and door, pebbledash finish to match existing.

Crossover:

- Formation of crossover to front elevation.
- Front garden to form hardstanding.
- New gates and front boundary wall approximately 1.3m in height.

The proposal has been amended by way of:

- Deleting a proposed extension to the existing front dormer window. The work would have unbalanced the dormer and be contrary to guidance contained within the Supplementary Guidance Note; SPGH1 – Roof Alterations and Extensions.
- Replacing the proposed pitched roof to the rear extension with a flat roof, in order to reduce the impact of the structure on the adjoining property (to the east). The maximum height of the extension has been reduced from 3.7m to 2.8m.

5 CONSULTATIONS

External:

Neighbours: 269 Old Shoreham Road, Portslade: Object to both original and amended proposals. The height of the building, although reduced, would still overshadow the main sitting room. Suggests the extension be no higher than the existing wall.

Internal:

Traffic Manager: No objection to the formation of a crossover. In the absence of visibility splays the front wall should be a maximum of 0.6m in height and the gate must not obstruct visibility when opened. Recommend approval subject to condition requesting that details of the gate and front wall are to be submitted to and approved by the Local Planning Authority and an informative advising that the crossover be constructed to the Council's specifications.

6 PLANNING POLICIES

Hove Borough Local Plan:

BE1 – Development – general guidelines.

BE19 – Extensions.

TR17 – Road safety.

Brighton and Hove Local Plan Second Deposit Draft:

QD1 – Design.

QD14 – Extensions and alterations.

QD27 – protection of amenity.

7 CONSIDERATIONS

The main considerations in the determination of the application relate to the appearance and effect of the extension on the amenities of the occupiers of adjacent properties, and of the crossover on highway safety.

Planning policies permit extensions to buildings which are well designed in relation to the building to be extended and to the surrounding area and would not result in a loss of privacy, outlook or daylight to neighbouring properties. The application relates to a semi-detached property and the proposed extension would adjoin in part the rear conservatory of the neighbours at No.269. The proposal has been amended to reduce the height of the extension which would be approximately 0.5 higher than the adjoining conservatory and existing boundary wall and shrubbery. Despite the amendment, the occupier of 269 considers that it would still be too high, would overshadow the main living room, and requests that the extension be no higher than the existing. The applicant's response is that the height of the extension has been determined by internal floor levels and that to lower the extension further would require the floor to be stepped down and be at a lower level than the floor of the existing house. It is considered that any loss of light would be marginal and insufficient to warrant a refusal.

The property is within a stretch of 11 dwellings fronting a lay-by; 5 of the properties have crossovers. The Traffic Engineer has no objection to the proposal subject to the lowering of the front wall to ensure adequate visibility. This is requested by condition.

Conclusion:

For the reasons stated it is not considered that the proposal would result in any appreciable loss of residential amenity or result in a danger to highway safety.

8 EQUALITIES IMPLICATIONS

None identified.

PLANS LIST 2ND JULY 2003

No:	BH2003/00251/FP	Ward:	PORTSLADE SOUTH
Address:	Rivervale, Victoria Road		
Proposal:	Partial demolition of existing showroom, construction of new showroom and support facilities, alterations to existing elevations.		
Officer:	Paul Earp, tel: 292193	Received Date:	16 January 2003
		Expiry Date:	20 March 2003
Agent:	David Kent Architects, The Malthouse, Sydney Buildings, Bath		
Applicant:	H R Owen plc, 75 Kinnerton Street, London		

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 QD1 and QD14 of the Brighton and Hove Local Plan Second Deposit Draft'.
3. 03.13 - Restrict load/unloading - to between hours of 08:00 and 18.00 Monday to Friday, 08:00 to 13.00 on Saturdays, not at any time on Sundays or Bank Holidays.
Reason: Standard - add 'and to comply with policies BE1 of the Hove Borough Local Plan and QD27 of the Brighton and Hove Local Plan Second Deposit Draft'.
4. 02.11 - Satisfactory refuse storage.
Reason: Standard - add 'and to comply with policy H09 of the Brighton and Hove Local Plan Second Deposit Draft'.
5. 03.10 - Soundproofing plant/machinery
Reason: Standard - add 'and to comply with policy H09 of the Brighton and Hove Local Plan Second Deposit Draft'.
6. 03.17 - No panel beating/paint spraying.
Reason: Standard - add 'and to comply with policy H09 of the Brighton and Hove Local Plan Second Deposit Draft'.
7. Details of a Green Travel Plan are to be submitted to and approved by the Local Planning Authority before the building hereby approved is brought into use.
Reason: To provide a sustainable means of transport and to comply with policy TR1 of the Brighton and Hove Local Plan Second Deposit Draft'.
8. All unloading/deliveries must take place on site and not on the public highway.
Reason: In the interests of highway safety and residential amenity and to comply with policies TR10 of the Hove Borough Local Plan and TR - Safe Development and QD27 of the Brighton and Hove Local Plan Second Deposit Draft'.
9. 04.01 - Landscaping/planting scheme.

Reason: Standard – add ‘and to comply with policies BE41 of the Hove Borough Local Plan and QD15 of the Brighton and Hove Local Plan Second Deposit Draft’.

10. 04.02 – Landscaping/planting scheme (implementation and maintenance).

Reason: Standard – add ‘and to comply with policies BE41 of the Hove Borough Local Plan and QD15 of the Brighton and Hove Local Plan Second Deposit Draft’.

Informatives:

1. This decision is based on drawing nos. 2789/02/L(O)11C submitted on 27 May 2003.
2. The private drive falls towards the public highway. A cut off drain must be provided to ensure that no surface water is discharged onto the public highway.
3. A clear demarcation strip must be provided between the private drive and the public highway.
4. The new vehicle crossing must be constructed to the Council’s specification and under the Council’s supervision. Prior to construction the applicant should contact Andy Arnold (tel. 292462), in the West Area Highways Team, who deals with vehicle crossings.

2 THE SITE

The application relates to the Mercedes-Benz dealership (car show room and servicing), a site of 0.9 hectares, on the south side of the street. The site abuts the Victoria Road Industrial Estate to the west, the Porsche showroom to the east and the railway line to the south. A warehouse, truck repair depot and residential properties are opposite the site to the north. The street consists of a mix of residential and commercial properties.

3 RELEVANT HISTORY

Planning permission was granted March 1989 for erection of a two storey car showroom and ancillary offices (application 3/89/0087). Subsequent applications have been granted for alterations and extensions to the site.

4 THE APPLICATION

The proposal is for:

- Renovation of building. Proposal involves demolition of part of the showroom fronting Victoria Road. Canopy of new building to be 12m from road frontage, 5m set back from the existing. Access road to site relocated 28m to east.
- Proposed building approximately 56m wide x 50m deep x 9.5m maximum high (2m higher than existing). Structure mainly single storey with mezzanine level. First floor section to northeast corner of building to form 288m² of office floorspace. Flat roof to street elevations, pitched roof to rear servicing area.
- Floorspace: 3029m² (344m² less than existing), retail floorspace increased by 314m² to 909m², storage reduced by 241m² to 404m², workshop and support facilities reduced by 354m² to 1046m², office floorspace reduced by 63m² to 670m².

PLANS LIST 2ND JULY 2003

- Elevations: silver curtain walling, black coated aluminium cladding, projecting roof canopy.
- Employment: number of staff reduced from 81 to 66.
- Car parking: provision increased by 35 spaces from 120 to 135 spaces to front (north) and east of building – to include 45 display spaces and 41 service spaces, 4 disabled parking bays and 4 cycle stands adjacent to showroom entrances; 10 covered secure racks next to workshop entrance to rear of building.
- Car transporter deliveries: principal route will be to enter site via access at rear of Porsche showroom, unload in designated area to rear of building and egress through trading estate. Alternatively, access to the unloading area could be via the gates at the rear of the service yard and out through the new site entrance to Victoria Road. It will not be necessary to reverse into the site.

5 CONSULTATIONS

External:

Neighbours: 49 Victoria Road: Object to the proposal on the following grounds:

- Increase in traffic flow and parking, in an already problem area due to business land commuter parking.
- Extra traffic flow will have a major impact on the environment, and on public safety in this largely residential area.
- Experience more and more problems with offloading of vehicles with lorries constantly blocking our driveway.
- There are enough showrooms in this area.

Steve Collier (as Ward Councillor when application received): Objected on behalf of constituents. The commercial development will lead to:

- Increased traffic flows to and from the site.
- Increased parking impact on the neighbouring area.
- Cumulative impact of well established car showrooms, together with showroom granted permission 5.2.03, in the immediate area. This demonstrates further development on the site will be far from sustainable both in environmental and car capacity terms. All too often the Council's Highway Officers appear to count on street parking spaces, forgetting these are already over subscribed. Similarly there is a failure in identifying the limitations, in terms of traffic flow, and environmental impact (air quality and public safety), in trying to place, and/or enlarge, so many similar car showroom activity in the same locality.

Internal:

Traffic Manager: Recommend approval subject to a condition to ensure that all deliveries, including those from car transporters, take place on the site and not from the public highway. Amended drawing (2789/02/L(0)11C) addresses concerns relating to:

Disabled parking: A minimum of two spaces must be provided for customers; suggest that the parking bays nearest to the two customer entrances be widened and designated as disabled persons parking spaces. These bays

should be 3.6m wide.

Cycle parking: two 'Sheffield' type stands should be provided by each customer entrance. Cycle parking for staff must also be provided. 66 staff will be employed on the premises, therefore 33 secure, undercover cycle parking spaces should be provided. This may be excessive and would accept secure undercover parking for ten cycles.

Deliveries: a loading / unloading bay must be provided for parts delivery and this should be clearly marked and ideally situated as close to the parts delivery entrance as possible.

Car transporter deliveries: much has been said in the past, by both the public and ward councillors, about car transporter deliveries to car dealers in Portslade and the traffic Police have been made aware of the problems. Unloading of car transporters on the public highway is totally unacceptable on road safety grounds. Therefore all car transporters must be driven on to the site to be unloaded and ideally an onsite turning area should be provided together with a suitably sized loading bay. Would like to see the provision of an on site turning area and also a loading bay.

Relocation of entrance: the existing vehicle crossing will have to be removed and a full height kerb installed, this must be guaranteed by condition. The following must also be noted:

- as the private drive falls towards the public highway a cut off drain must be provided to ensure that no surface water is discharged onto the public highway.
- a clear demarcation strip must be provided between the private drive and the public highway.
- the new vehicle crossing must be constructed to the Council's specification and under the Council's supervision.

Environmental Health: No objection - as this is not a new car showroom development the impact of these alterations on the occupiers of nearby properties is likely to be small. There are no specific details regarding the possible installation of any new plant and equipment (e.g. air handling units). Recommend approval subject to the following conditions:

- hours of opening/use remain as current.
- restrict load/unloading - to between hours of 08:00 and 18.00 Monday to Friday, 08:00 to 13.00 on Saturdays, not at any time on Sundays or Bank Holidays, in order to prevent noise disturbance as a result of late night/early morning deliveries of new/used cars and car parts.
- Satisfactory refuse storage.
- Soundproofing plant/machinery.
- No panel beating/paint spraying (if not currently carried out on this site)

6 PLANNING POLICIES

Hove Borough Local Plan:

BE1 – Development – general guidelines.

BE41 – Landscaping.

TR10 – Pedestrian safety.

TR16 – Cycle parking.
TR26 – Car parking standards.

Brighton and Hove Local Plan Second Deposit Draft:

QD1 – Design – quality of development.
QD2 – Design – key principles for neighbourhoods.
QD5 – Design – street frontages.
QD14 – Extensions and alterations.
QD15 – Landscaping.
QD27 – Protection of amenity.
TR1 – Development and the demand for travel.
TR – Safe Development.
TR12 – Cycle parking.
TR16 – Parking for people with mobility related disability.
TR17 – Parking standards.
SU – Efficiency of development in use of resources.

7 CONSIDERATIONS

The main considerations in the determination of the application relate to the effect of the redevelopment on the appearance and character of the area, residential amenity and traffic implications.

The site is situated between a warehouse and car showroom, opposite residential properties and, has a railway line to the rear. The building is elevated from the road. Planning policies state that new buildings or alterations to existing, should be of a high standard of design and make a positive contribution to the visual quality of the environment, particularly at street level. The proposed refurbishment of the premises results in a loss of approximately 10% of existing floorspace, whilst increasing sales area primarily by reducing workshop and support facilities. Reconfiguration of the car park and relocation of the entrance to Victoria Road increases on-site parking and cycle parking, and enables improved access for car transporter deliveries. The street frontage of the refurbished building would be 1.0m higher than the existing and with canopy set back a further 5m from the road. The proposed façade would be of similar shape and character as existing. The mix of proposed silver curtain walling and black aluminium cladding would substantially improve the appearance of the existing building and streetscene. Opportunities exist for landscaping which is requested by condition.

Relating to traffic implications, the Traffic Engineer is satisfied that the proposal as amended, with adequate disabled and cycle parking, and designated car transporter delivery route, is acceptable but request a condition to ensure that all deliveries take place on site. Despite public objections it is considered that the site can accommodate the proposed traffic generation.

The applicants have agreed to submit a Green Travel Plan, which is requested by condition.

The Environmental Health Officer considered that as this is not a new car showroom the impact of the proposed alterations on residential properties in the vicinity is likely to be small. The workshops are to remain to the rear of the building close to the Industrial Estate and railway line. Conditions relate to soundproofing of plant and machinery and prevent deliveries outside usual business hours.

Conclusion:

The application, to refurbish the existing premises, would result in a building of greater architectural merit, and with improved access should, despite the objection, alleviate existing servicing problems.

8 EQUALITIES IMPLICATIONS

Disabled persons' parking provision to be provided close to the entrance to the showroom. There is level access into the building and a disabled persons' toilet will be provided.

PLANS LIST 2ND JULY 2003

No:	BH2003/01379/FP	Ward:	WISH
Address:	19 Leicester Villas, Hove		
Proposal:	Replacement fire escape at rear (retrospective)		
Officer:	Natasha Belt, tel: 293334	Received Date:	04 April 2003
		Expiry Date:	24 June 2003
Agent:	Mr J Vivian, Estates Dept, Brighton General Hospital, Elm Grove, Brighton BN2 3EN		
Applicant:	South Downs Health NHS Trust,		

1 RECOMMENDATION

Grant planning permission, subject to the following conditions:
00.01 Full Planning.

2 THE SITE

The application site is a two-storey detached dwelling used as a house for 5 adults with learning difficulties with a fully fenced rear garden. At the rear of the dwelling is a metal fire escape leading from the first floor roof terrace into the rear garden.

3 RELEVANT HISTORY

No relevant recent history. There is a no record of permission having been granted for the original fire escape.

4 THE APPLICATION

This is a retrospective application to replace a rear wooden fire escape with a metal one.

5 CONSULTATIONS

External:

Neighbours: 2 letters of objection received from the northern neighbour, 21 Leicester Villas:

- Intrusion of privacy
- reduction of light
- no consultation; this escape is larger and intrudes further into the garden than the previous, wooden, staircase.

6 PLANNING POLICIES

**Hove Borough Local Plan:
BE1 (General Design)**

**Brighton and Hove Local Plan Second Deposit Draft:
QD27 (Protection of Amenity)**

7 CONSIDERATIONS

The main consideration in the determination of this application is the effect of the replacement fire escape on residential amenity.

The replacement fire escape is larger than the former; however it is not considered that it will reduce any light to neighbours, given its location and design.

The replacement fire escape has been positioned towards the garden, as opposed to leading towards the dwelling. Therefore people using the fire escape will have a more direct view into the neighbours property. It is considered however, that this view is no more detrimental than from the existing first floor roof terrace.

Conclusion:

The points raised by the neighbour about privacy and light are noted, but these issues are not considered significant enough to justify a refusal. It is considered that the positioning of the new fire escape will not result in a loss of privacy greater than from the first floor terrace. Therefore, the proposal is consistent with policies BE1 (General Design) of the Hove Borough Local Plan and policy QD27 (Protection of Amenity) of the Brighton and Hove Local Plan Second Deposit Draft.

8 EQUALITIES IMPLICATIONS

It is considered that the replacement fire escape will provide better access to and from the first floor roof terrace.

PLANS LIST 2ND JULY 2003

No:	BH2003/01654/FP	Ward:	EAST BRIGHTON
Address:	Eaton Lodge, 191 Eastern Road Brighton		
Proposal:	Replacement of timber sash windows with UPVc double glazed windows (Re-submission of BH2003/00413/FP which was refused 20/03/2003).		
Officer:	Matt Payne, tel: 292359	Received Date:	19 May 2003
Con Area:	Adj. East Cliff	Expiry Date:	14 July 2003
Agent:	N/A		
Applicant:	D J & D Smith & E E Knight, 73 Coombe Vale, Saltdean		

1 RECOMMENDATION

Refuse planning permission for the following reason:

The proposed windows, by reason of their design and method of opening, harm the appearance of this building, to the detriment of this row of terraced properties, and are therefore contrary to policies ENV.1, ENV.3 and ENV.5 of the Brighton Borough Plan and QD2 and QD14 of the Brighton & Hove Local Plan Second Deposit Draft.

2 THE SITE

This application relates to a mid-terrace Victorian property currently arranged as flats. They have largely retained their original character, with many of the original timber sash windows remaining. The terrace is opposite the Eastcliff Conservation Area.

3 RELEVANT HISTORY

BH2003/00413/FP – Replacement of existing timber sash windows with PVCu double glazed windows, refused in March, 2003.

4 THE APPLICATION

The application seeks consent to insert tilt and turn PVCu windows to all of the windows to the front elevation. This is a second application following a recent refusal of application ref. no. BH2003/00413/FP under delegated powers.

5 CONSULTATIONS

External:

Neighbours:

The occupier of **Flat 2, 191 Eastern Road** supports the application. He states that PVCu is easy to maintain and the double-glazing will prevent noise and vibrations.

A letter from **299 Ditchling Road** states that PVCu sash windows would necessitate in the removal of all the decorative box frames, which would result in a substantial rise in costs.

An additional letter has been received by the applicant to state that there are examples of PVCu windows in the vicinity of this application property.

6 PLANNING POLICIES

Brighton Borough Local Plan:

ENV.1 – conservation and enhancement of the urban environment

ENV.3 – alterations to existing buildings

ENV.5 – alterations to existing buildings

Brighton and Hove Local Plan Second Deposit Draft:

QD2 – design and neighbourhoods

QD14 – extensions and alterations

7 CONSIDERATIONS

The applicants have submitted information explaining that the proposed windows will be less expensive than timber framed windows and will provide better protection against noise and will be safe in high winds etc.

However, the main issue is the impact of the proposal on the character and appearance of the host building and the surrounding area, part of which is within a conservation area.

The design of the proposed windows, by reason of their thicker frames and meeting rails appearing heavier than would be expected in a house of this period, will severely and adversely, affect the existing character of the building as a whole.

Their proposed method of opening (outward tilt and turn) is considered to harm the visual appearance of the property, to the detriment of this row of terraced properties.

Consequently the proposal will harm both the appearance of the building and the area in conflict with relevant planning policies aimed at their protection and refusal is recommended.

8 EQUALITIES IMPLICATIONS

None identified.

PLANS LIST 2ND JULY 2003

No:	BH2003/01401/FP	Ward:	HANOVER & ELM GROVE
Address:	184 Lewes Road, Brighton		
Proposal:	Conversion of ground and first floor maisonette to form :- 1 no. 1 bed flat, 1 no. studio flat and 1 no. 2 bed maisonette and a single storey rear extension. (Revision of BH2002/03242/FP which was refused on 29/01/2003).		
Officer:	Sue Dubberley , tel: 292321	Received Date:	22 April 2003
		Expiry Date:	01 July 2003
Agent:	Clive Voller Associates, 15 Station Road, Burgess Hill, West Sussex		
Applicant:	Geneva Investment Group Ltd, Geneva House, 77a Rutland Road, Hove		

1 RECOMMENDATION

Grant Planning Permission subject to the following:

1. 00.01 Full Planning.
2. 02.09 refuse storage (facilities).
(Reason: To ensure the provision of satisfactory facilities for the storage of refuse and to comply with policy H12 of the Brighton Borough Plan and policy H09 of the Brighton and Hove Local Plan First Deposit Draft.)
3. 05.03 Provision of cycle parking.
Reason: Standard - add 'and to comply with policy TR12 of the Brighton & Hove Local Plan Second Deposit Draft.'

2 THE SITE

The site is a two-storey (plus basement) end of terrace property which is converted into a basement flat and a ground and first floor maisonette. There is an existing timber extension to the rear and a detached shed in the garden of the property, serving the maisonette. There is an alleyway adjacent to the site leading to a karate club located to the rear. The rear garden of the site is bordered by flint walls, and the wall adjacent to alleyway is approx. 2.5 -2.75 metres high and the rear garden wall is that of the karate club building which is set slightly higher than the site. There is an approx. 2.5m high wall on the common boundary with 183. There are examples of pitched roof single dormers to the rear of some properties in the terrace.

3 RELEVANT HISTORY

BH2002/03242/FP Conversion of ground & first floor maisonette to form 2 x 1 bed ground floor flats and 1 x 2 bed maisonette over. Single storey rear extension. New rear dormer and rooflights. Refused 29/01/03 under delegated powers.

4 THE APPLICATION

It is proposed to convert the existing ground and first floor maisonette into three self-contained residential units: a 1 bed flat and a studio flat on the ground floor and a 2 bed maisonette at first floor and within the roofspace. The

proposal would involve a single storey rear extension on the ground floor and installation of rooflights. The existing shed and loggia would be demolished.

5 CONSULTATIONS

External:

Neighbours:

183 Lewes Road object on grounds of loss of light, increase in noise and disturbance and light pollution, loss of privacy, works will disfigure original house, possible adverse impact to chimney stack upon which aerial is located.

Internal:

Traffic Manager: This development would be likely to increase demand for on-street parking which is undesirable in this area, otherwise no objections.

Private Sector Housing: No adverse comments.

6 PLANNING POLICIES

Brighton Borough Local Plan:

ENV1 General principles

ENV3 Design in the built environment

ENV5 Extensions and alterations to residential properties

ENV6 Protection of residential amenity

ENV7 Protection of amenity

H11 Residential conversions

H12 Residential conversions

H19 Provision of private amenity space

TR34 Cycle parking

Brighton and Hove Local Plan Second Deposit Draft:

QD1 Design – quality of development and design statements

QD3 Design – efficient and effective use of sites

QD14 Extensions and alterations

QD27 Protection of amenity

H09 Residential conversions and the retention of smaller houses

H0 Provision of private amenity space in residential development

7 CONSIDERATIONS

The main issues in the consideration of this application are the impact the proposal would have on the character and appearance of the existing building and that of the locality in general and the impact on the amenity of occupiers of adjoining residential properties. New residential units should normally ensure that adequate private amenity space is provided, and adequate refuse/bicycle storage, and proposals should not significantly impact upon the existing parking situation in the locality. At least one 2-bed unit of accommodation suitable for a family should be provided.

An application was refused earlier this year for the conversion of ground & first floor maisonette to form 2 x 1 bed ground floor flats with a 2 bed maisonette above, a single storey rear extension and a new rear dormer and rooflights. The application was refused on the grounds of loss of outdoor amenity space,

PLANS LIST 2ND JULY 2003

leading to an overdevelopment of the site and lack of amenity space refuse/bicycle storage. A proposed dormer was also considered unacceptable in design terms; this has now been omitted from the scheme.

On the ground floor one of the proposed flats has been reduced to a studio flat and this has enabled the single storey extension to be reduced in size. The effect of the reduction in the footprint of the extension and the demolition of the shed and loggia is an overall increase in the amenity area, although the amenity area is still not large, development in the locality is of relatively high density and existing development in the area has limited amenity space. A bin store and cycle store have been added and there is a side door in the boundary wall giving access from the street to the upper maisonette and front ground floor flat to the refuse and cycle store.

The height of the new boundary wall on the joint boundary with number 183 has also been reduced from 4m to 2.9m in order to reduce the impact on the adjoining property.

Whilst the concerns of the occupier of no.183 Lewes Road are noted it is considered that the previous reasons for refusal have been overcome and that on balance the proposal is now acceptable.

8 EQUALITIES IMPLICATIONS

None identified.

PLANS LIST 2ND JULY 2003

No:	BH2003/01107/FP	Ward:	QUEEN'S PARK
Address:	St Annes Institute, St Georges Road, Kemptown		
Proposal:	Variation of condition No.3 to approval BH2002/01415/FP – to allow demolition of the walls on the south and west elevations of the buildings.		
Officer:	Maria Seale, tel: 292114	Received Date:	24 March 2003
Con Area:	EAST CLIFF	Expiry Date:	03 June 2003
Agent:	DRP Architects, 87-88 Upper Lewes Road, Brighton		
Applicant:	Waterhouse Estates Ltd, 99 Western Road, Brighton		

1 RECOMMENDATION

GRANT planning permission subject to the following conditions:

1. No development shall take place to implement the demolition hereby approved until a photographic record has been submitted of the existing flint walls on the northern and western boundaries of the garden of 15 Crescent Place.

Reason: To ensure there is a record of the existing flint walls to enable their accurate repair and reconstruction if required, in the interests of preserving the special character and appearance of the East Cliff Conservation Area, and to comply with policies ENV22 of the Brighton Borough Local Plan and HE6 and HE8 of the Brighton and Hove Local Plan Second Deposit Draft.

2. The existing flint walls on the northern and western boundaries of the garden of 15 Crescent Place shall be protected during excavations and demolition of the southern and western boundary walls of St Annes Institute and preserved in accordance with the methodology submitted on 15th May 2003. In the event that it is necessary to repair or rebuild any sections of the flint walls within the garden of 15 Crescent Place, they must be repaired or rebuilt reusing the existing bricks and flints to exactly match the existing walls in terms of height and flint coursing, and details of the proposed mortar mix shall be submitted to the Local Planning Authority prior to any repair or reconstruction. No dwellings approved under BH2002/01415/FP shall be occupied until the flint walls have been repaired or rebuilt to the satisfaction of the Local Planning Authority.

Reason: In the interests of preserving the special character and appearance of the East Cliff Conservation Area to comply with policies ENV22 of the Brighton Borough Local Plan and HE6 and HE8 of the Brighton and Hove Local Plan Second Deposit Draft.

Informative:

This decision is based on the additional information received on 15th May 2003 and the amended block plan and location plan.

Informative: The applicant is reminded that the remaining conditions attached to planning permission BH2002/01415/FP remain relevant and must be complied with.

Informative: The applicant is advised that a separate application will be required to vary condition 4 of conservation Area Consent BH2002/01416/CA which relates to the same condition hereby varied.

2 THE SITE

St Annes Institute is a 3-4 storey vacant building formerly used as a church hall located on the corner of St Georges Road and Crescent Place. The site is a Building of Local Interest and is located within the East Cliff Conservation Area.

3 RELEVANT HISTORY

BH2002/01415/FP & BH2002/01416/CA Conversion of front part of building into three flats and retail shop (A1) at ground floor. Demolition of rear of building fronting Crescent Place and erection of three town houses. Approved 20/12/02. An earlier consent for the alteration and conversion of the building to provide supported living accommodation has not been taken up.

4 THE APPLICATION

The application seeks to vary condition 3 of **BH2002/01415/FP** (see above), which states:

The existing boundary walls on the southern and western boundaries of the site shall be retained as indicated on the approved plan and protected during construction, and shall not be removed without the prior written approval of the Local Planning Authority.

The application is to allow demolition of the southern and western walls of the existing St Annes Institute building, and it is proposed to rebuild them. Supporting information has been submitted by the applicant to provide the reasoning behind the demolition, outlining how the redevelopment of the rest of the site would adversely affect the integrity of the walls and any bonding or tying to the walls will not create effective restraints. The information states that the foundations may need to be underpinned due to the increase in loading in the central section of the building that may result, which is not a suitable solution in terms of health & safety and economics. The information confirms that it is intended to retain and protect the adjacent flint walls in the garden of 15 Crescent Place.

5 CONSULTATIONS

External:

Neighbours: (prior to submission of further supporting information) **15 Crescent Place** object to demolition of flint wall in their garden as contributes to character of the house and conservation area, condition was imposed to protect the walls and insufficient justification given, demolition would be unsafe and distressing.

The Kingscliffe Society: (prior to submission of further supporting information) strongly object as original condition was only imposed after full consideration, and therefore apparently the work can be carried out without demolishing the walls. No justification has been provided other than to provide a safe working

area – If it was vital to demolish why was this not looked into at time of previous application? It appears that the southern wall cannot be removed without substantially damaging the garage at No.15 and destroying the attractive flint wall in garden of no.15. It is accepted that not all the southern (flint) wall is visible from the street but this was acknowledged when the condition was imposed.

Internal:

Conservation & Design: “The additional submitted information by the architects provides the reasoning behind the demolition of the walls and shows the extent of the proposed demolition as not extending to the existing flint walls. It further provides a brief methodology for the adjacent excavations and support works to protect the flint walls during construction works.

Whilst it is probably possible to retain the existing south and west walls within the existing structure I note that this may require underpinning works and such underpinning works themselves would be likely to impact on the southern flint wall. Furthermore, in view of the limited public view of the flint walls, and therefore the limited contribution that they make to the appearance of the conservation area, I do not consider that it would be reasonable to insist upon the retention of the building's south and west elevations at all costs.

It is noted that the proposed demolition is not intended to extend to the flint walls but it is certainly the case that where the west flank flint wall adjoins the building a section will inevitably be lost and will have to be rebuilt. The methodology refers to protecting the flint walls during excavations but there is nothing about how the flint walls will be protected during the demolition work which will precede the excavations and I think we are justified in asking for this now (though at worst I would accept a condition requiring this as it may have to wait until they appoint a specialist demolition contractor, if they haven't done so already). Once we have that I also suggest the two conditions to ensure that any rebuilding works are carried out in a manner which preserves the traditional appearance of the flint walls and preserves their contribution to the appearance of the conservation area.”

6 PLANNING POLICIES

Brighton Borough Local Plan:

ENV22 Development in conservation areas

Brighton and Hove Local Plan Second Deposit Draft:

HE6 Development within or affecting the setting of conservation areas

HE8 Demolition in conservation areas

HE10 Buildings of local interest

7 CONSIDERATIONS

The main issues in the consideration of this application is the impact to the building of local interest and the impact to the character and appearance of the East Cliff Conservation Area.

When the original application was granted for the partial demolition of the St Annes Institute building a clear distinction was made between the architectural merit of the front part of the building adjacent to St Georges Road and the rear part of the building. The Conservation Officer confirmed that there was little architectural or historic interest both externally or internally in the rear hall, and as it could be 'read' separately from the front, no objection was raised to the loss of the rear part in principle. There is therefore no objection to the loss of the southern and western walls of the building as they do not, in their own right, have any intrinsic architectural merit. The walls would be rebuilt and rendered and have a similar appearance to existing and form part of a new redeveloped site. The impact on the appearance of the conservation area, is therefore considered to be insignificant. The reason the original conditions were imposed was to ensure that the attractive flint walls in the garden of the adjacent property, 15 Crescent Place, were not adversely affected as they were considered to contribute to the character and appearance of the East Cliff Conservation Area. In particular the flint wall on the western boundary of the garden is considered to contribute to the appearance of the locality as it can be easily viewed in the street scene. The flint walls would certainly be affected in some way by demolition of the walls of the building as they are physically attached to them in places.

At the time the previous application was under consideration, the applicant was agreeable to the imposition of a condition restricting demolition of the southern and western walls as this was not deemed to be necessary to carry out the redevelopment at the site. Since further detailed investigation carried out by a surveyor following the grant of permission, it has become apparent that the retention of the walls would prejudice the safe development of the remainder of the site. Further supporting information to this effect has been submitted by the applicant, and the Conservation Officer is satisfied that sufficient reasoning has been provided to justify the loss of the walls of the building and raises no objection subject to protection of the adjoining flint walls. As the main concern relating to the proposal is the impact to the flint walls in 15 Crescent Place, it is important that they are protected and repaired or re-built if damaged if this application is to be granted. A restrictive condition to ensure their protection is recommended accordingly. On this basis, there is no objection to the proposal as it would preserve the special character and appearance of the East Cliff Conservation Area.

Conclusion:

For the reasons outlined above, it is not considered that the proposal would adversely affect the character or appearance of the locality and the council's Conservation officer raises no objection to the proposal subject to appropriate conditions. Approval is therefore recommended.

8 EQUALITIES IMPLICATIONS
None identified.

PLANS LIST 2ND JULY 2003

No:	BH2003/01533/FP	Ward:	QUEEN'S PARK
Address:	Top Totty Club, 75 Grand Parade, Brighton		
Proposal:	Change of use from club (Class D2) to pole dancing venue [Retrospective]		
Officer:	Matt Payne, tel: 292359	Received Date:	16 April 2003
Con Area:	VALLEY GARDENS	Expiry Date:	10 July 2003
Agent:	N/A		
Applicant:	Delal Ltd T/A Top Totty Club, 75 Grand Parade, Brighton		

1 RECOMMENDATION

Grant planning permission subject to the following conditions:

1. 00.01 Full Planning.
2. A scheme for the soundproofing of the venue shall be submitted to, approved in writing by, and carried out to the satisfaction of the Local Planning Authority within 3 months from the date of this decision. The soundproofing works shall be retained thereafter to the satisfaction of the Local Planning Authority. **Reason:** To safeguard the amenities of the occupiers of adjoining properties, and to accord with policies ENV44 and ENV45 of the Brighton Borough Plan and QD27 of the Brighton & Hove Local Plan Second Deposit Draft.
3. The premises shall not be open or in use except between the hours of 17.00pm and 02.00am Monday – Saturday (to include the 2 hours of Sunday morning). **Reason:** To safeguard the amenities of the locality, and to accord with policies ENV44 and ENV45 of the Brighton Borough Plan and QD27 of the Brighton & Hove Local Plan Second Deposit Draft.
4. Amplified music or other entertainment noise from within the premises shall not be audible at any adjacent residential premises between the hours of 17.00pm and 02.00am.
Reason: To safeguard the amenities of the occupiers of adjoining properties, and to accord with policies ENV44 and ENV45 of the Brighton Borough Plan and QD27 of the Brighton & Hove Local Plan Second Deposit Draft.

Informative:

This permission relates solely to the change of use, and not for any external alterations to the building such as the installation of air-handling equipment.

2 THE SITE

This application relates to the first and second floors of 75 Grand Parade, currently being used as a club, with restriction on its license to open no later than 2am. The entrance to the club is at ground floor level fronting Grand Parade. There is currently a bar and sauna at ground and basement level relating to 75-76 Grand Parade. The upper floors of 76 Grand Parade are in use as a hotel, and also extends over the second floor of 75 Grand Parade. 74 Grand Parade is arranged as flats at first, second and third floor levels.

3 RELEVANT HISTORY

11-78-463: Change of use from guest house to non-residential club on first floor, approved in 1953.

4 THE APPLICATION

This application seeks retrospective consent to use the first and second floors, formerly used as a club, for a pole dancing venue. The premises currently have a liquor license until 2am.

5 CONSULTATIONS

External:

Neighbours:

The owner/occupier of **3 Steine Gardens** objects to the nature of the proposal.

The owner/occupier of **Flat 17, 71-73 Grand Parade** expresses concern regarding loud music late at night.

The owner/occupier of **Flat 13, 71-73 Grand Parade** objects to the application on the grounds that it is next to residential properties, it will create noise and disturbance, and is out of keeping with this cultural part of Brighton.

Sussex Police: No objections, as the existing premise have a liquor license for a private members only club, with a terminal hour of 2am.

Internal:

Traffic Manager: No objections.

Environmental Health – No objections subject to no amplified music or audience noise being audible at any adjacent premises during the operation of the club.

6 PLANNING POLICIES

Brighton Borough Plan

ENV44 (Noise), **ENV45** (Noise and disturbance) and its **Supplementary Planning Guidance – Clubs and similar late night entertainment uses: Appendix 'A'**

Brighton and Hove Local Plan Second Deposit Draft:
SR16 (Nightclubs)

7 CONSIDERATIONS

The site forms part of a designated area: 'Area A', identified in the Brighton Plan's Supplementary Planning Guidance for clubs and similar late night entertainment uses, where there is a general presumption in favour of clubs. This supplementary guidance note goes on to state that planning permission will not normally be granted for new clubs, if the club operates, or is proposed to operate, within or abutting premises containing residential accommodation.

The premises do have residential accommodation next door. However, its last

PLANS LIST 2ND JULY 2003

use was as a members club with a liquor license until 2am. There is very little difference in planning terms between the permitted and 'proposed' use, in terms of generation of noise and general activity. Indeed, amplified music levels may well be lower in a pole dancing venue, as it is a requirement of this type of club that speech between staff and customers is intelligible at all times. The premises can be adequately soundproofed in order to prevent amplified music disturbing neighbours. It is not anticipated that any noise directly attributable to the pole dancing venue would aggravate the existing situation bearing in mind the last use and other uses in the vicinity as described in Section 2.

There is a taxi rank at St Peter's Church for customers leaving the premises in the early hours.

Conclusion:

Approval is recommended.

8 EQUALITIES IMPLICATIONS

None identified.

PLANS LIST 2ND JULY 2003

No:	BH2003/01424/FP	Ward:	ROTTINGDEAN COASTAL
Address:	62 Longhill Road		
Proposal:	New dormer window on front roof slope (re-submission of BH2003/00228/FP)		
Officer:	Simon Taylor; tel: 292097	Received Date:	29 April 2003
Con Area:	N/A	Expiry Date:	24 June 2003
Agent:	Acimen Designers & Architects Ltd, Headrow House, Old Leeds Road, Huddersfield		
Applicant:	Mrs A Brigden, 62 Longhill Road		

1 RECOMMENDATION

GRANT planning permission, subject to the following conditions:

1. Full Planning.
2. 01.03 Matching Materials, to comply with policy ENV.3 of the Brighton Borough Plan and policy QD14 of the Brighton and Hove Local Plan Second Deposit Draft.

Informative:

This decision is based on Acumen drawing numbered 1517 – 02C received 29th May 2003.

2 THE SITE

This is a two-storey, detached dwelling on the northern side of Longhill Road, in Ovingdean.

3 RELEVANT HISTORY

BH2003/00228/FP: New dormer window on front roof slope – withdrawn (March 2003).

4 THE APPLICATION

This application seeks consent to insert a new dormer window on the front roof slope of this property. The original application requested a new window on the existing side (south) dormer, but this has now been removed.

5 CONSULTATIONS

Neighbours:

60 Longhill Road Object – query the accuracy of the originally submitted drawings and concerned about overlooking.

60 Longhill Road would like to see a fixed window (on the proposed dormer) looking out on left hand side so that it would look the same as the downstairs window and would give 60 Longhill Road more privacy. (09th June 2003).

6 PLANNING POLICIES

Brighton Borough Plan

ENV.5 – extensions and alterations

Local Plan Second Deposit Draft
QD14 - extensions and alterations

Supplementary Planning Guidance Note 1 – Roof Alterations and Extensions

7 CONSIDERATIONS

The proposed new dormer window as shown in the amended plan no. **1517 – 02C** is considered acceptable as it is now contained within the existing roof profile, and thus complies with the relevant policies and Guidance. The dormer is now approximately half the size of the original design, and therefore does not appear unduly prominent or out of proportion with the remainder of the house.

The re-submitted drawings indicate that the proposed new dormer complies with this request, therefore it is considered to harmonise with the character of the area.

It is considered that the dormer should not cause any unreasonable loss of light, overshadowing or loss of privacy to any habitable rooms in neighbouring properties, or gardens.

The application is considered to satisfy the requirements of the policies, and approval is recommended.

8 EQUALITIES IMPLICATIONS

None identified.

PLANS LIST 2ND JULY 2003

No:	BH2003/01158/FP	Ward:	ROTTINGDEAN COASTAL
Address:	79 Lustrells Crescent, Saltdean		
Proposal:	Front and side extension, and loft conversion to include dormer windows on the front and rear roofslope.		
Officer:	Cushla Barfoot , tel: 293335	Received Date:	08 April 2003
		Expiry Date:	03 June 2003
Agent:	W G Roberts, 7 Weald View, Barcombe, Nr Lewes, East Sussex		
Applicant:	Mr & Mrs Rowan, 79 Lustrells Crescent		

1 RECOMMENDATION

Grant planning permission, subject to the following conditions:

1. Full Planning.
2. 01.03 Matching Materials, and to accord with Policy QD14 of the Brighton & Hove Local Plan Second Deposit Draft.

2 THE SITE

The application site is located on the northern side of Lustrells Crescent. The dwelling is a detached bungalow. There is a garage on the property of 77 Lustrells Crescent, which adjoins the side boundary to the subject property. There are front dormers at 92, 94 and 96 Lustrells Crescent, and a front and rear dormer at 87 Lustrells Crescent. These dormers do not have the benefit of planning permission.

3 RELEVANT HISTORY

None.

4 THE APPLICATION

The application is for a front and side extension, and loft conversion to include dormer windows on the front and rear roofslope. The front extension will adjoin the side extension on the western side of the dwelling. The side extension will be 2m from the boundary at its furthest point and 1m from the boundary at its closest point. The proposal involves raising the roof ridge by 0.9m and extending the roof space widthwise by 2.9m. There are four modestly sized dormers proposed – two on the front roofslope and two on the rear roofslope.

5 CONSULTATIONS

External:

Neighbours:

81 Lustrells Crescent – object to the proposal for three reasons. Firstly, the spacious gap and the feeling of spaciousness in the streetscene would be severely impaired. Secondly, the increase in ridge height and dormers would restrict the amount of daylight and sunlight to this property. Thirdly, the amount of off street parking space would be reduced, as would the size of the rear garden of the property.

4 Winton Avenue – object to the proposal as their view would be affected by the raising of the roof ridge, the side extension would reduce the open space at the side of the subject property, and the proposal is a case of overdevelopment, as the rear garden is not designed to accommodate a larger bungalow.

6 PLANNING POLICIES

Brighton Borough Local Plan:

ENV.3 – New development and extensions or alterations to existing buildings

ENV.5 – Extensions and alterations to existing buildings

Brighton and Hove Local Plan Second Deposit Draft:

QD14– Extensions and alterations

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

7 CONSIDERATIONS

The front and side extension will not restrict daylight or sunlight to number 77 Lustrells Crescent, as their dwelling is separated from the subject property by a garage. The extension to the roof is unlikely to increase overshadowing to the side flank of number 81 Lustrells Crescent. It is noted that this flank is already overshadowed by the existing roofspace and because the angle of the roof line will be similar to the existing, it is unlikely that overshadowing will be any worse than existing.

While the side extension will close up the gap from the dwelling to the side boundary, an open gap will remain between the subject property and the 77 Lustrells Crescent as this dwelling is located approximately 3.5m from the side boundary. Thus, it is not considered that the spaciousness of the streetscene will be compromised.

The proposal will not reduce any of the rear garden space. The area which will be affected by the extension is an existing garage and driveway and a minor part of the front garden space. The extension is not considered to be overdevelopment as its size and siting is appropriate to the streetscene. Other dwellinghouses on this side of the road to Perry Hill are located close to their side boundaries. The raising and widening of the roof space will not be out of character with surrounding dwellings, which vary in size of roofspaces and whose roof ridges do not follow a consistent gradient with Lustrells Crescent.

The front and rear dormers are located well within the roofspace and will blend in with the character of the house and the surrounding streetscene thus satisfying SPG1. It may still be possible for one car to be parked on the property, and it is also noted that there is sufficient on-street parking on Lustrells Crescent. The views currently enjoyed from 4 Winton Avenue would be affected by the extension works, however such matters are not material to consideration of this application.

PLANS LIST 2ND JULY 2003

- 8 EQUALITIES IMPLICATIONS**
None identified.

PLANS LIST 2ND JULY 2003

No:	BH2003/01638/AD	Ward:	ROTTINGDEAN COASTAL
Address:	White Horse Hotel, Marine Drive		
Proposal:	Proposed new illuminated and non-illuminated signage (10 signs) on all elevations of existing hotel.		
Officer:	Matt Payne, tel: 292359	Received Date:	19 May 2003
Con Area:	Adj. to Rottingdean	Expiry Date:	14 July 2003
Agent:	S R Signs, 12 Wortley Moor Lane, Leeds, West Yorkshire		
Applicant:	Greene King Pub Co, Westgate Brewery, Bury St Edmunds, Suffolk		

1 RECOMMENDATION

A split decision is recommended:-

A. Grant advertisement consent for signs A, B, C, F, H, J, L, M subject to the following conditions:

1. 00.08 Advertisements.
2. The new floodlights hereby approved shall be painted to match the colour of the render to the elevation to which they are attached.
Reason: To safeguard the visual amenities of the area, and to accord with policies ENV3 of the Brighton Borough Plan and QD14 of the Brighton & Hove Local Plan Second Deposit Draft.
3. The luminance to the floodlights hereby approved shall not spill outside the application site. To protect local amenity, and to accord with policies QD26 of the Brighton & Hove Local Plan Second Deposit Draft.
4. 00.13 – Adverts, and to accord with policies ENV11 of the Brighton Borough Plan and QD12 of the Brighton & Hove Local Plan Second Deposit Draft.

B. Refuse advertisement consent for signs D and G subject to the following conditions:

1. Sign G, by reason of its overall size, siting and illumination, is considered to be excessive, which would be unduly prominent in the streetscene and detrimental to the visual amenities of the area, contrary to policies QD12 of the Brighton & Hove Local Plan Second Deposit Draft and ENV11 of the Brighton Borough Plan.
2. Sign D, by reason of its siting and illumination, would together with the existing signs displayed on the premises result in a proliferation of advertising material, and therefore detract from the appearance of the building on which it is to be displayed, detrimental to the visual amenities of the area. The sign is therefore contrary to policies QD12 of the Brighton & Hove Local Plan and ENV11 of the Brighton Borough Plan.

2 THE SITE

This application relates to the White Horse Public House, situated on the corner of High Street and Marine Drive in a prominent location. Its north, west and east elevations are highly visible from the roadside. The south elevation faces onto

the beach.

3 RELEVANT HISTORY

There have been numerous advertisement consent applications in the past relating to this building.

Several recent applications include:

BH1997/00150/AD – Removal of existing signage and display of 2 internally illuminated box signs on north and west gables and display of various non-illuminated signage and lettering (retrospective), refused in June 1997.

BH2002/00015/AD – Advertisement sign fronting Marine Drive, approved in January 2002.

BH2002/00603/AD – Advertising sign to west of site, refused in May, 2002.

4 THE APPLICATION

This application seeks consent to erect various illuminated and non-illuminated signs, and associated floodlighting.

5 CONSULTATIONS

Neighbours: None received.

Rottingdean Parish Council – Has preliminary concerns regarding advertising affecting the setting of Rottingdean Conservation Area. Further comments awaited.

6 PLANNING POLICIES

Brighton Borough Local Plan:

ENV11 – advertising

Brighton and Hove Local Plan Second Deposit Draft:

QD12 – advertisements and signs

7 CONSIDERATIONS

The sole considerations for applications to display adverts are those of amenity and safety. In this case there are no public safety implications.

Turning to issues of amenity, the White Horse is currently being refurbished externally and new signage is proposed, with uplighting/downlighting to illuminate the elevations.

To the east elevation, a fascia sign is proposed with trough lighting which is appropriate. 5 downlights are also proposed to this elevation.

To the north, there is a new freestanding panel sign to replace that existing, which identifies the pub from High Street, Rottingdean and the A259 leading from Saltdean. There are other uplights, individual lettering and menu/chalkboards which relate in size to this elevation. An additional fascia sign is proposed to this elevation, but in light of the other signage proposed to this elevation, this additional fascia sign is considered to create an overall cluttered appearance.

PLANS LIST 2ND JULY 2003

Moving around the building, a modestly sized panel sign is to be mounted onto an existing pole to the northwest of the site, beside the A259. In addition to this panel sign, a 3.4m banner sign is proposed, which is considered excessive in this location, again resulting in a proliferation of advertising material around the site.

The additional signage to the west and south elevations is again modest in size, and relates to the size of the elevations.

Conclusion:

Signs D and G are recommended for refusal. Approval is recommended for the remaining signage and associated floodlighting subject to conditions.

8 EQUALITIES IMPLICATIONS

None identified.

PLANS LIST 2ND JULY 2003

No:	BH2003/01550/FP	Ward:	PATCHAM
Address:	133 Cuckmere Way, Hollingbury		
Proposal:	Two storey side extension		
Officer:	James Hunter, tel: 291709	Received Date:	12 May 2003
		Expiry Date:	07 July 2003
Agent:	N/A		
Applicant:	B Nevell, 133 Cuckmere Way, Hollingbury		

1 RECOMMENDATION

Refuse planning permission for the following reasons:

1. An important part of the open character of the immediate area is the visual amenity afforded by the separating distances between properties, and this is the case with the existing relationship of the application property to 135 Cuckmere Way. The proposed addition would infill this space and be contrary to the requirements of policies ENV 1 and ENV 5 of the Brighton Borough Local Plan and QD 14 of the Brighton and Hove Local Plan Second Deposit Draft which seek to retain these qualities.
2. The design of the proposed addition, with particular regard to its roof, is considered unacceptable, and prejudicial to the visual amenities of the area. This would be contrary to the requirements of policies ENV 1 and ENV 5 of the Brighton Borough Local Plan and QD 14 of the Brighton and Hove Local Plan Second Deposit Draft.

Informative:

This decision is based on drawing nos. 1 submitted on 08 May 2003.

2 THE SITE

The site comprises a semi-detached, 2-storey dwelling on the west side of Cuckmere Way in Hollingbury. On its north side is a flat roofed, single storey addition with a width and depth of 3.1m x 4.2m respectively.

The properties in the road are staggered to the effect that the rear elevation of the application property approximately aligns with the front elevation of No. 135.

The property is set below the pavement level – the footway approximately aligning with the first floor level – and that set behind a 1.5m high front boundary hedge.

From the road the existing separation between the application property and No. 135 afforded a clear view to the west, and it was noted that this was a characteristic of the immediate area and formed part of its character and amenity.

3 RELEVANT HISTORY

(BH2002/03348/FP) – Existing store/outbuilding to be demolished. Two-storey side extension. Refused in February 2003 under delegated powers.

The reasons for Council's decision to refuse to permit the development were:

1. An important part of the open character of the immediate area is the visual amenity afforded by the separating distances between properties, and this is the case with the existing relationship of the application property with No. 135 Cuckmere Way. The proposed addition would infill this space and be contrary to the requirements of policies ENV 1 and ENV 5 of the Brighton Borough Local Plan and QD 14 of the Brighton and Hove Local Plan Second Deposit Draft which seek to retain these qualities.
2. The design of the proposed addition, with particular regard to its roof, is considered unacceptable, and prejudicial to the visual amenities of the area. This would be contrary to the requirements of policies ENV 1 and ENV 5 of the Brighton Borough Local Plan and QD 14 of the Brighton and Hove Local Plan Second Deposit Draft.

4 THE APPLICATION

The proposal is to demolish the existing single storey side addition and construct a 2-storey side extension with an encircling, partially hipped, partially flat roof over. This would have a width and depth of 3.7m x 4.9m respectively and come to a minimum of 1m of the side boundary with No. 135. The structure would be set back 0.68 from the front elevation of the house and the new roof would be 2m below the ridge of the main roof. Windows would be restricted to the front and rear of the addition.

The proposals are exactly the same as those refused in February this year.

5 CONSULTATIONS

Councillor Pat Hawkes supports the proposal. She believes the previous application should not have been refused as there are many other examples of extensions to ex-council houses that are not unacceptable or prejudicial to the visual amenities of the area. An example in Elsted Crescent is quoted by Mrs Nevell and was approved in 2000. Her letter is attached to the Plans List.

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 – Extensions and alterations to houses and commercial properties

Brighton & Hove Local Plan Second Deposit Draft

QD1 – Design – quality of development and design statements

QD14 – Extensions and alterations

QD27 – Protection of amenity

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

7 CONSIDERATIONS

Overshadowing:

With just one small first floor window in the south side of No. 135 which, due to the orientation of the two properties would retain its principal view to the south and down the line of the back elevation of No. 133, no significant overshadowing is envisaged.

Privacy

In the absence of any side windows to the new addition, no overlooking is envisaged.

Design and visual amenity

The proposed addition is set behind the front elevation of the existing house and is below the height of the main roof so that it would be subordinate to the main house. However, the addition is of poor design, due primarily to its roof, and, as the addition would be so clearly seen from the property frontage and from the north because of ground levels and the site's orientation, this would be detrimental to the visual amenities of the area.

The application property is already in advance of the adjoining pair of semi-detached houses to the north and is set on a higher level, so that this addition may emphasise these factors when viewed from the north and east. Furthermore, as referred to in section 2 of this report, the separating distances between properties in the area creates an openness and affords broad views to the west and this is an important contribution to the character and amenity of the area which would be prejudiced by this application.

With reference to a separate application (BH2000/01572/FP, 17 Elsted Crescent – Approved, 27 July 2000) mentioned in Councillor Hawkes' letter, the differences would outweigh the similarities in the circumstances of the proposals. Although the two dwellings are of a similar semi-detached design located high up to the eastern boundaries of the Patcham Ward, the aspect and prominence of the dwellings within the respective roads together with the relationship between neighbouring properties is notably different. In relation to the subject property in Cuckmere Way, the proposal would be far more prominent and visually obtrusive within the streetscape as the rear elevation roughly aligns with the front elevation of the adjoining neighbour (135 Cuckmere Way) and is more highly elevated. The property in Elsted Crescent is at the opposite end of the semi-detached pair and is at a lower elevation in relation to the neighbour at no. 15 Elsted Crescent. The dwellings in Elsted Crescent are more closely aligned with regard to front elevations; therefore the side alterations are less prominent in the streetscape. The design of both extensions is poor and the example at 17 Elsted Crescent would be unlikely to be approved in the current planning context.

Conclusion:

The application is not considered to satisfy the Council's policies and refusal is recommended.

- 8 EQUALITIES IMPLICATIONS**
None identified.

PLANS LIST 2ND JULY 2003

No:	BH2003/01596/FP	Ward:	PATCHAM
Address:	11 Rustington Road, Brighton		
Proposal:	Conversion of roof involving raising of roofline, velux windows on all elevations and extension to rear garage.		
Officer:	James Hunter, tel: 291709	Received Date:	13 May 2003
		Expiry Date:	08 July 2003
Agent:	J Darvall, 26 Chichester Road, Seaford		
Applicant:	Mr J Saxby, 11 Rustington Road, Brighton		

1 RECOMMENDATION

GRANT planning permission, subject to the following conditions:

1. Full Planning.
2. 01.03 Matching Materials.
Reason: Standard- add 'and to comply with Policies ENV.3 and ENV.5 of the Brighton Borough Local Plan and Policy QD14 of the Brighton and Hove Local Plan Second Deposit Draft'.
3. The velux window to the bedroom located on the roof slope of the east elevation closest to the rear of the dwelling shall be obscure glazed and fixed shut and thereafter permanently maintained.
Reason: To ensure that the privacy, outlook and amenity of the adjoining neighbour (9 Rustington Road) is retained and to comply with policies ENV.6 of the Brighton Borough Local Plan and QD14 of the Brighton & Hove Local Plan Second Deposit Draft.

Informative:

This decision is based on drawing nos. unnumbered submitted on 13 May 2003.

2 THE SITE

The site comprises a single storey 1960's bungalow with north facing frontage to Rustington Road. Rustington Road slopes gently from east to west. The adjoining neighbour (9 Rustington Road) has a roof conversion similar to that, which is proposed.

3 RELEVANT HISTORY

None.

4 THE APPLICATION

The applicants propose a roof conversion to form two additional bedrooms and a stairway. The proposal would involve raising the existing roof height by 1.1m thereby increasing the roof pitch from 35° to 45°. A hip to gable roof extension is also proposed to the rear elevation. Velux roof lights would be situated to the front and side roof elevations with a double window to the rear gable.

The applicants also propose to widen the existing single storey garage by approximately 1.4 metres.

5 CONSULTATIONS

External:

Neighbours:

9 Rustington Road: Have concerns regarding loss of privacy and daylight. Their property has already had a roof conversion and they believe the siting of velux roof lights in the proposal would lead to direct overlooking of adjoining bedrooms. Also believe that if the roof is raised they will lose light to their top bedrooms. Require assurance that there will not be a loss of privacy or daylight as they are currently unsure, as their neighbours could not tell them how high the roof was to be raised.

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 – Extensions and alterations to houses and commercial properties

Brighton & Hove Local Plan Second Deposit Draft

QD1 – Design – quality of development and design statements

QD14 – Extensions and alterations

QD27 – Protection of amenity

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

7 CONSIDERATIONS

The main issues for consideration are the design of the proposal and the impact upon neighbouring properties.

Design

The proposed alterations to the garage are minor and would not be out of character with the existing building. Materials would match those existing and the overall effects would be limited to the site to which the proposal relates.

The alterations to the roof would mirror the adjoining property (No. 9 Rustington Road) by increasing the roof height/pitch by just over a metre together with the formation of a hip to gable extension to the rear. The hip to gable extension would form the largest deviation from the original design, however due to the siting of the extension to the rear any visual effects would be limited to this aspect. The inclusion of velux rooflights to the front and side roof slopes would provide light and means of escape whilst retaining the slope of the roof.

Due to the proximity of the adjoining neighbour and the relatively minor impact that their roof alterations have on the streetscape, the proposed alterations to the roof design of the applicants dwelling would not be out of character with the existing dwelling(s).

Impact

The impacts to neighbouring properties would be minor. As mentioned the dwelling to the east (9 Rustington Road) has a similar roof conversion and is located at a higher elevation. It is unlikely there would be any effects to sunlight and daylight as a result of raising the roof height (1.1m), as there are no windows to the side elevation other than two velux rooflights to the roof slope. To avoid any possible loss of privacy to bedrooms a condition is recommended that the velux window located to the end of the east roof slope in the proposal be obscure glazed and fixed shut and permanently maintained thereafter. The other small velux window in the east elevation would provide light to a stairway and would not face the windows of the adjoining property.

There were no issues identified with properties to the rear as they are sufficiently removed from the applicant's property.

The adjoining neighbour to the west (13 Rustington Road) is situated at a slightly lower elevation than the subject property. It is unlikely that the proposal would significantly increase any overshadowing to the kitchen and bathroom situated on this side of the dwelling. Two additional velux windows providing light to the stairway and bedroom in the proposal would be located on this elevation. These would be situated towards the ridgeline of the roof slope with no effects to privacy envisaged.

Conclusion:

The development complies with plan policies and is recommended for approval.

8 EQUALITIES IMPLICATIONS

None identified.

PLANS LIST 2ND JULY 2003

No:	BH2003/00960/FP	Ward:	PRESTON
Address:	121- 123 Havelock Road Brighton		
Proposal:	Variation to planning permission BH2000/03187/FP to form five live/work units including increased size of rear dormers.		
Officer:	Julie Cattell, tel: 292336	Received Date:	24 March 2003
Con Area:	PRESTON PARK	Expiry Date:	19 May 2003
	Article 4 direction		
Agent:	David Garbutt, 8 Highview Avenue North, Brighton		
Applicant:	Glovers Yard Ltd, c/o Agent		

1 RECOMMENDATION

Grant Planning Permission subject to the following condition:

Large scale details of the revised dormer windows shall be submitted to the Local Planning Authority within one month of the date of this permission and the remedial works as agreed in writing carried out no later than two months from the date of any approval

Reason: In the interest of visual amenity in the Preston Park Conservation Area and to comply with policies ENV.3 and ENV.22 of the Brighton Borough Local Plan and QD14 and HE6 of the Brighton and Hove Local Plan - Second Deposit Draft.

Informative:

1. This decision is based on drawing nos. 99031/S3/b, S4/b, S5/a 05c, 6, submitted on 24th March 2003.
2. All conditions relating to BH2000/03187/FP continue to apply to this Planning Permission.

2 THE SITE

The site is located on the west side of Havelock Road, within the Preston Park Conservation Area and comprises a two storey detached former industrial building. There is an archway through to land at the rear.

The surrounding area is predominantly residential in character and the building is surrounded by houses and flats.

3 RELEVANT HISTORY

The building dates from the late 19th century and was originally as a dairy. It was last used as a factory for the manufacture and distribution of gloves and other accessories. This use ceased in 2002.

Planning Permission was granted in May 2001 (ref. BH2000/03187) for the change of use of the building to form five live/work units, involving demolition of some outbuildings to the rear, some rebuilding and substantial external

alterations. Work commenced on this scheme in September 2002.

4 THE APPLICATION

This application seeks Planning Permission for a variety of major amendments to the approved scheme as noted below and which have been substantially carried out:

- i) alteration to size and position of dormers to rear roof slope – new dormers larger than approved
- ii) rear elevation to be painted render rather than retained original brickwork
- iii) large window openings to first floor rear of building made smaller, window openings to ground floor rear increased in size
- iv) two storey bay window added to southern wing of building to rear
- v) single storey bay window added to northern wing of building
- vi) additional rooflight to rear roof slope, larger rooflights to front roof slope
- vii) alterations to the size and location of windows to the side elevations of the south wing

The final design of the dormer windows has been amended.

5 CONSULTATIONS

External:

Neighbours: 125 Havelock Road – Object on grounds of increased overlooking as a result of larger dormer windows and new bay windows, some of these should have obscure glazing, design should be restored to approved scheme, feel this is a *fait accompli*, council should not approve this retrospectively, developer should be made to clear up debris from building works; **127 Beaconsfield Road** – Very concerned about new bay window, which will increase overlooking to adjoining properties, the larger dormers have become a very dominating feature, external alterations are not in character with the building, top heavy nature of windows creates a visual mess, appalled that developers have gone ahead with significant changes and have disregarded the correct procedure to obtain Planning Permission and have apparently have no appreciation for the effect on neighbours property; **74 Beaconsfield Villas** – Object on grounds of overlooking from larger windows, very disappointed that developer has ignored original Planning Permission – council should ask him to correct his position; **76 Beaconsfield Villas** – Object – loss of privacy due to bay window being nearer to boundary, bay window is obtrusive and dominating, changes ignore the character of the building, no trace of the original remains – find it astonishing that this can be allowed; **80 Beaconsfield Villas** Objects to alterations and the fact that building works have been carried out without regard to the approval, dormers are too large – others in area have been refused as being too large – guidelines should be followed, new bay window too close to neighbouring properties and will lead to overlooking.

Internal:

Conservation & Design: (Verbal) Some of the changes are acceptable – but regret loss of large first floor windows and the dormers as built. However, could not sustain argument that changes to rear would be as harmful to the character and appearance of the Conservation Area as if the front had been altered. Overall benefit of getting building restored and fully occupied outweigh negative aspects.

6 PLANNING POLICIES

Brighton Borough Local Plan:

ENV.1 – General principles, including amenity

ENV.3 – Design

ENV.22 – Development in Conservation Areas

Brighton and Hove Local Plan Second Deposit Draft:

QD1 – Design

QD14 – Alterations

QD27 – Amenity

HE6 – Development in Conservation Areas

7 CONSIDERATIONS

Design and effect on Preston Park Conservation Area:

The scheme as originally approved retained much of the intrinsic character of the building, notably the large windows on the first floor rear and the original rear brickwork. It is very regrettable that these features have now been lost. However the principle front elevation has been satisfactorily maintained and restored. Given this, it would be very difficult to argue that the changes to the rear elevation have a negative effect on the character and appearance of the Preston Park Conservation Area.

The dormers as approved were actually larger than would normally be permitted in a normal domestic situation as the building is of a different character and scale from its neighbours. The dormers as constructed will be further refined to minimise their impact. A condition has been recommended requiring that these refinements are carried out within 3 months of the date of the permission.

Effect on amenity:

The new bay window to the upper floor of the south wing of the building is less than one metre closer to properties at the rear than the original approval. It would be very difficult to justify seeking further amendment to this element of the scheme.

Conclusion:

As noted above, it is regrettable that the development has not been built in accordance with the approved scheme. However, on balance, it is felt that the

PLANS LIST 2ND JULY 2003

benefits arising from the scheme as a whole still outweigh any shortcomings.
Approval is recommended.

8 EQUALITIES IMPLICATIONS

None arising.

PLANS LIST 2ND JULY 2003

No:	BH2003/01386/FP	Ward:	PRESTON PARK
Address:	2 Hythe Road, Brighton		
Proposal:	Alterations to existing dwelling, relocation of commercial unit to new build, demolition of existing single garage and erection of new 2 bedroom dwelling with commercial unit below.		
Officer:	Max Woodford, tel: 292178	Received Date:	25 April 2003
Con Area:		Expiry Date:	20 June 2003
Agent:	Morgan Carn Partnership, Blakers House, 79 Stanford Avenue, Brighton		
Applicant:	Mr P Gill, 2 Hythe Road, Brighton		

1 RECOMMENDATION

Minded to Grant Planning Permission subject to the receipt of a satisfactory daylighting assessments for the windows that may be affected at numbers 2 and 4 Hythe Road and subject to the following conditions:

1. (5 years, full planning).
2. 01.01 (sample of materials), to be preceded with: Notwithstanding the details shown on the approved plans...
Reason: To ensure the satisfactory appearance of the development, to preserve the setting of the Preston Park Conservation Area and to ensure compliance with policy ENV.3 of the Brighton Borough Local Plan and policies QD1 and HE6 of the Brighton & Hove Local Plan Second Deposit Draft.
3. 02.11 Satisfactory Refuse Storage
Reason: ...and to ensure compliance with policies ENV.1 and H.12 of the Brighton Borough Local Plan and policy QD27 of the Brighton & Hove Local Plan Second Deposit Draft.
4. Prior to the commencement of development a scheme shall be submitted to and approved by the Local Planning Authority giving details of cycle storage facilities for all proposed dwellings and the office. This scheme shall be implemented prior to the occupation of the dwellings and shall thereafter be maintained.
Reason: To ensure the adequate provision of cycle parking facilities and to ensure compliance with policy TR.33 of the Brighton Borough Local Plan, policy TR12 of the Brighton & Hove Local Plan Second Deposit Draft and Supplementary Planning Guidance SPGBH4 - Parking Standards.
5. The relocated office space shall only be used for purposes within Class B1 of the Town & Country Planning (UK Classes) Order 1987 and shall only be in use between the hours of 0830 and 1800 on any day.
Reason: To preserve the amenities of neighbouring occupiers and to ensure compliance with policy ENV.1 of the Brighton Borough Local Plan and policy QD27 of the Brighton & Hove Local Plan Second Deposit Draft.

Informative:

This decision is based on drawing nos. 0317-003 and 0317-004 submitted on 25/04/03.

2 THE SITE

This application relates to an existing late Victorian two storey building in residential use at first floor with the ground floor having a planning history that suggests it should be an A1 shop, though it appears to have gradually changed to an office. The building occupies a plot on the corner of Hythe Road and Lowther Road, and the southern part of the plot is taken up by a yard and a lock up garage that fronts Lowther Road and is at a slightly lower level than the rest of the house.

The building is not listed and is not in a conservation area, though the boundary of the Preston Park Conservation Area is approximately 7.5m to the south of the plot, running along the rear boundary of the houses on Preston Drive.

3 RELEVANT HISTORY

The erection of the garage was granted Planning Permission in 1957.

The change of use of the garage from domestic to the fitting of radio telephones was refused in 1988 (Ref: 87/1872/F). A subsequent appeal was dismissed.

Alterations and an extension to the garage were granted Planning Permission in 1995 (Ref: 95/0146/FP).

4 THE APPLICATION

This application seeks Planning Permission for alterations to the existing building to turn it into a four-bedroom single dwelling and for the erection of a new three-storey building in place of the existing garage. The new building will be little higher than the eaves of the existing building as the ground floor will be sunk into a semi-basement. This floor will be a commercial office use to accommodate the relocated business that is presently in the ground floor of the existing building. The two floors above will house a two-bedroom maisonette.

5 CONSULTATIONS

External:

Neighbours: A letter of support has been received from **4 Hythe Road**, as the owner feels that the shop has become derelict and a fire hazard. He also considers that the scheme will be a considerable improvement (it is noted that the applicant claims to be the owner of 4 Hythe Road according to the site plan). Letters of objection have also been received. **141 Preston Drive** feel that the south facing windows will result in loss of privacy and that by being closer to their boundary it will result in loss of light. **143 Preston Drive** feel that by bringing the building closer to the southern boundary (from 12.5m to 7.5m) there will be a loss of light and sense of enclosure affecting themselves and their neighbour. They also feel that there will be overlooking. Would accept the building if it were to be two stories with no south facing windows. **9 Lowther Road** feel that the proposal would result in loss of privacy as there would be

views into bedrooms and that there would be an increase in traffic congestion as well as noise pollution. Feel that too many flats are let in the area. **21 Lowther Road** object to the new dwelling/commercial unit as they also feel it will overlook their living room and main bedroom resulting in loss of privacy and there may also be people congregating outside. The owner of the **adjoining land to the south** (a compound of lock-up garages) objects as they feel that the new building will impinge on their land and point to the fact that a previous application was refused at 117 Lowther Road for being overdevelopment with insufficient garden depth and amenity space. They also feel that the proposed southern wall would be excessive and overpowering.

Internal:

Planning Policy: The relevant planning policies depend on the existing use of the property. It is clear that an element is residential but the commercial area is unclear - A1 or B1? If the use is A1 then Policies SR9 in the BHLP and S.10 in the Brighton Borough Local Plan apply. Whilst it is recognised this proposal relocates the unit (although it is a slightly smaller unit) within the site thus there does not appear to be a fundamental conflict with these policies, the new unit does not appear to have such a recognisable shopfront. This could affect the viability of the unit which is felt to be a material consideration (which could lead to a need for advertisements on the site). If the use is B1 then Policies EM3, EM4, EM5, EM6 in the BHLP and E.1, E.9 in the BBLP apply. The principle of this proposal does not appear to fundamentally conflict with these policies. However, the commercial unit's frontage does appear much lower key than the existing thus there may be issues over viability. If it is felt the planning use of the existing commercial unit is retail but that the unit has been used as an office for a number of years (ideally 10 years so in effect it is an established use) then in terms of policy it is felt on balance to justify not requiring the applicant to market the retail unit for a period of time to prove redundancy - because the 'new commercial floor area' will be B1 and it will be relocating the existing business.

The principle of the provision of an additional unit on the site complies with PPG3, and, Policies QD3 and H04 in the BHLP provided it is felt this level of development is in keeping with the surrounding area, there is sufficient open space, and there are no detrimental impacts on amenity.

There are concerns relating to the loss of the car parking space especially when this proposal is providing an additional 2 bed residential unit on the site, the lack of secure cycle parking, and the apparent lack of storage space for refuse and recycling for each of the units on the site. (SU2, TR12, TR17 in the BHLP and TR33, TR44 in the BBLP)

The regard to sunlighting and daylighting is welcome with regard to the new build element. Has consideration been given to the provision of a green roof (e.g. sedum or grass)? Due to the slope of the roof on the new build it is felt this could be suggested as they have good insulation properties and enhance biodiversity (SU2 and QD17 in the BHLP and ENV50 in the BBLP).

Consider that the principle of this proposal does not appear to fundamentally conflict with planning policies. There are however some concerns over the detail.

Traffic Manager: loss of existing off-street parking together with the additional residential accommodation will put further strain on the on-street parking situation in the area. Parking is close to 100% of kerbside capacity. Also, the site is a corner plot where on-street should be avoided as it may be a traffic hazard.

Environmental Health: Recommend granting with condition relating to satisfactory refuse storage.

6 PLANNING POLICIES

Brighton Borough Local Plan:

ENV.1 - Environmental protection.

ENV.3 - Design in the built environment.

ENV.5 - Extensions and Alterations.

TR.33 - Cycle parking standards.

S.10 - Local shopping centres, parades and corner shops.

Brighton and Hove Local Plan Second Deposit Draft:

TR12 - Cycle access and parking.

TR17 - Parking Standards.

TR (New Policy) - Safe Development.

QD1 - Design - Quality of development and design statements.

QD2 - Design - Key principles for neighbourhoods.

QD3 - Design - Efficient and effective use of sites.

QD14 - Extensions and alterations.

QD27 - Protection of amenity.

H04 - Dwelling densities.

H0 (New Policy) - Provision of Private Amenity Space in Residential Development.

SR9 - Individual shops.

Supplementary Planning Guidance Note:

SPGBH4 - Parking Standards.

7 CONSIDERATIONS

The main considerations in the determining of this application are:

The Design and Intensity of Development:

It is notable that the application site is in a predominantly residential area comprising late Victorian houses. The proposed new build element of the scheme contrasts strongly with this by having a modern design, using up to date features such as front balconies, cedar sunscreens and aluminium framed windows. It is considered that the design is striking and is of a high quality, preferable to a traditional style pastiche. The modern design does not detract from the character of the area or the nearby Preston Park Conservation Area. The scale of the building is not out of keeping with that surrounding and

the wall finish – white painted render – matches the existing buildings. The new building is actually an extension to the existing substantial corner property, but separation is achieved by the glazed hallway over the entrance door.

It is noted that the new building is being built on a site that is of limited size, however it is considered that this is being done in a way that is not harmful to the amenities of the area (see below). Achieving a larger family dwelling unit on the site of the existing building, relocating the commercial use and providing a new two-bedroom maisonette is a full and efficient use of the site in keeping with the guidance in policy QD3 and PPG3.

Impact on Neighbouring and Future Occupier Amenities:

It is not considered that the proposal would have a negative impact on the amenities enjoyed by any neighbours. Many of the modern design features help to ensure that this is the case. For example there are high level windows on the south elevation, the second bedroom is lit by a high level dormer to prevent overlooking. The cedar sunscreens help to the minimise any overlooking from the front balconies, though it is considered that overlooking across the street is a common situation in a residential environment and is not unreasonable to expect.

It is not considered that the new building would have a material impact on the light into gardens on Preston Drove. The building is situated to the north, is about the same height as the eaves of the existing house and would be 7.5m away from the northern boundaries of those gardens.

The biggest concern in terms of amenity would be the impact on daylight into the rear windows of the enlarged house at 2 Hythe Road, and the west facing rear windows of 4 Hythe Road, which is also in the applicant's ownership. The appellant has been asked to submit daylighting assessments to see what the impact on these windows is and it is recommended that the decision be 'minded to grant' subject to the assessments being satisfactory.

Both dwellings would benefit from outside amenity space, as required by policies in the Local Plan.

Planning Policy Issues:

This application involves the relocation of the existing commercial use at ground floor of the existing building to the sunken ground floor of the new building. The planning history on the site appears to suggest that the correct use of the commercial floorspace is as A1 retail. However, the applicant has confirmed that he has used the premises as a B1 office for a period approaching ten years. Regularising the loss of the A1 to keep the existing B1 business is therefore considered justifiable. The Planning Policy Team advise that this approach is felt to be appropriate to this proposal because it is felt to comply with all the other criteria (except the viability one) in Policy SR9. It is within 400m of the Fiveways Local Centre and other properties within the 'shop's' catchment are felt to be within 400m of the shops on Preston Drove if not

Fiveways and the proposal is not felt to be detrimental to the amenities of nearby occupiers or the general character of the area. Whilst the loss of the 'retail' unit to B1 would not necessarily meet criterion i. in Policy S10 (e.g. provide an essential service to the local community) it is felt given the stage of the second deposit local plan and the number of years the office has been in operation it is felt unreasonable to refuse purely on this basis.

Traffic Considerations:

It is noted that the Traffic Engineer is concerned that the proposal will result in a worsening of the on-street parking situation by way of the loss of an off street space and addition of an extra residential unit. However, in practice the existing garage is not used for car parking at present, rather storage (as confirmed by the applicant), and it is not considered that the net increase of one residential unit would have a material impact in the parking situation. With regards to concerns about the fact that it may encourage parking on or near the junction, it is considered that if parking near the junction is a hazard then this can and should be controlled with yellow lines anyway.

Other Concerns Raised by Neighbours:

Ownership of the boundary wall is not a planning issue, and is a matter that would need to be cleared up privately by the parties involved. It is noted that the land to the south is used for commercial lock-up garages. It is not considered that the south facing wall would have a negative impact on these garages as it will not cut direct sunlight to them or make them any less viable as commercial units.

Conclusion:

For the reasons given above it is considered that the proposal would result in a more full and effective use of the site whilst contributing good quality modern design to the streetscene. It is not considered that there would be a material decrease in neighbouring amenity or traffic problems. For these reasons it is recommended that Planning Permission be granted.

8 EQUALITIES IMPLICATIONS

The existing house will be made more accessible to the disabled by way of introducing a level access where presently there are steps. The new maisonette, however, would not be readily accessible as a result of being raised above the proposed office space.

PLANS LIST 2ND JULY 2003

No:	BH2001/01838/FP	Ward:	REGENCY
Address:	Former ABC Cinema & vacant Public House, 75-79 East Street, Brighton		
Proposal:	Variation of condition 4 of Planning Permission dated 4th September 2000 (ref. BH1999/01370/FP) to read: "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".		
Officer:	Julie Cattell, tel: 292336	Received Date:	24 July 2001
Con Area:	OLD TOWN	Expiry Date:	18 September 2001
Agent:	Peter Pendleton & Assoc. Ltd, Upper Floors, 97 Lower Marsh, London		
Applicant:	Falcon Land Developments Co Ltd, c/o 7 Manchester Square, London		

1 RECOMMENDATION

A. Refuse Planning Permission for the following reason:

In the absence of an agreed security management plan and late night coach service for the A3 units in this building, the alteration to the agreed closing times by way of allowing half hourly rather than hourly intervals and extension until 02.30, is likely to lead to levels of noise and disturbance and potential for increase in crime and disorder to the detriment of amenity in the area, contrary to policies ENV.1 of the Brighton Borough Local Plan and QD27 and SR15 of the Brighton and Hove Local Plan - Second Deposit Draft.

B. Authorise the service of a Breach of Condition Notice to secure compliance with the closing times specified in the original planning permission.

Informative:

This decision is based on drawing nos. SP3-001/B, SP3-002/B, SP3-003/D, SP3-004/C, SP3-005/C (level 3 and level 4), SP3-007/B submitted on 24th July 2001.

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.

Planning Permission was refused in December 1998 (ref. BH1998/01946/FP) 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. A further application was submitted in June 1999 (ref. BH1999/01370/FP) 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.

Planning Permission was granted in July 2001 (ref. BH2000/03131/FP) for external alterations to the building. All alterations and refurbishment works have been carried out and the four A3 units occupied, although it is understood that two of the operators have ceased trading.

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:

“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.

This application was previously 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, together with the provision of a late night coach service to disperse customers.

The Obligation and the security plan have yet to be submitted and the remaining tenants are operating closing times without the benefit of consent. Officers have sought to progress the matter since the committee’s decision in October 2001, but the applicants have failed to complete and submit the Obligation. Members are therefore asked to consider the application again in this light.

5 CONSULTATIONS

All consultation responses noted below were generated when this application was first submitted in 2001.

External:

Neighbours: Pool Valley Coach Station – Fully supports proposal, urges council to assist in bringing development to fruition.

Sussex Police Community Safety Advisor: Feels it is vital to maintain the hourly stagger between closing times, especially given the application to vary the S106 regarding mezzanine floors.

Internal:

Environmental Health: The half-hour extension (2am –2.30am) would make very little difference as any noise would be a problem at any time. Would prefer to see a temporary trial for one year, but realises this is impractical.

Transport Policy: (Verbal comment) No objection to possible addition to late night transport provision.

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 and night bus proposal.

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.

In the absence of the security management plan and late night coach service, the Community Safety Officer will not withdraw his objection. If the application were to be considered favourably without the Obligation, it would be in conflict with policy SR15 and the council would be failing in its duty under S17 of the Crime and Disorder Act 1998. Refusal is therefore recommended.

8 EQUALITIES IMPLICATIONS

None arising.

PLANS LIST 2ND JULY 2003

No:	BH2003/01203/FP	Ward:	ST. PETER'S & NORTH LAINE
Address:	72A Beaconsfield Road, Brighton		
Proposal:	Amendment to refused planning application BH2002/02851/FP for addition of first floor extension with pitched roof and alterations to shop front and window.		
Officer:	Andy Watt, tel: 292525	Received Date:	14 April 2003
Con Area:	PRESTON PARK	Expiry Date:	09 June 2003
Agent:	Ms L Flower, Southbank, Newhall Lane, Smallldole, West Sussex		
Applicant:	Rid Struthers, 41 Cleveland Road, Brighton		

1 RECOMMENDATION

Grant Planning Permission subject to the following conditions:

1. 00.01 – Full Planning.

2. 01.01 – Samples of materials.

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. 02.04 – Obscured glass and fixed shut [rear].

Reason: Standard – add 'and to comply with Policy ENV.1 of the Brighton Borough Local Plan and Policy QD27 of the Brighton & Hove Local Plan Second Deposit Draft'.

Informatives:

1. This decision is based on drawing no. Planning 01A submitted on 12 June 2003.

2. The illuminated signage will require advertisement consent.

2 THE SITE

This is a single storey vacant office unit located between single storey restaurant and glazing business. It is sited in the middle of Beaconsfield Parade on the eastern side of Beaconsfield Road within the Preston Park Conservation Area.

3 RELEVANT HISTORY

89/751/F: Change of use from A2 financial and professional services to B1 business use – granted 23 May 1989.

BH2002/02851/FP: Addition of first floor pitched roof and alterations to shop front and windows – refused 24 December 2002.

4 THE APPLICATION

Permission is sought for the construction of an additional storey at first floor level. This follows a previous refusal, where the design did not sit sympathetically with the locality.

This time, a sleek, modern façade is proposed with painted rendered walls flanking a central area of full-height aluminium-framed glazing, separated only by the fascia signage. This will be constructed of stainless steel fretwork and back lit. The pitched roof will rise directly above the window with no parapet (as on adjoining properties) and will be clad with powder coated aluminium, finished in a matt mid-dark grey colour.

The extension will stop short of the easternmost boundary by between 1.7 to 2.5 metres. The flat roof here will be retained and a mid to high level window will be inserted overlooking this, but given the proximity to neighbouring properties it will be obscure glazed. Three conservation-style rooflights are proposed on the northern elevation and some minor alterations will be made to the existing fenestration at ground floor level on the southern elevation.

5 CONSULTATIONS

External:

Neighbours:

2 letters of objection from Flats 2 and 5, 23 Springfield Road on the following grounds:

- Overshadowing;
- Loss of sunlight;
- Overlooking;
- Infringement of privacy;
- Reduction in value of property.

Internal:

Planning Policy: No comments received.

6 PLANNING POLICIES

Brighton Borough Local Plan:

ENV.1 – General objectives and policies

ENV.3 – Design in the built environment

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

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

ENV.7 – Extensions and alterations to houses and commercial properties

ENV.22 – Conservation areas – general policies

Brighton and 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

Impact on neighbouring properties:

There is unlikely to be any overlooking caused to neighbouring residential properties by the rear window as it will be obscure glazed. Amended plans were received setting the window back further to the south such that no oblique

views to the neighbouring conservatory will be possible. The rear window is now reduced in height to be approximately 1 metre above floor level. It is also recommended this window is fixed shut. All new rooflights face away from the residential dwellings to the south of the site.

The increased height of the building (2.8 metres) has been set back from the shared boundary with no. 23 Springfield Road by 2.5 metres at its maximum. The objectors at Flat 2 own a ground floor conservatory which sits alongside a small roof terrace one storey above the garden area, also in their ownership. Two lower ground floor flats possess much smaller gardens but they are sited much further away from the site and, despite requesting in writing a site visit to ascertain the impact this proposal may have on one of the occupier's amenity (who objected to the application), no reply was received. Having viewed the layout from Flat 2, it seems clear that Flat 5 and its garden will not be adversely affected by the proposal, in terms of loss of light or privacy. The conservatory at Flat 2 possesses obscure glazed windows facing the site and clear glazing and a door facing north. There are no other windows facing the site within this flat. Given the proximity of the proposed new storey to this conservatory it was considered more neighbourly to set the window back to the south so that no oblique views would be possible in both directions between the north-facing windows of the conservatory and the rear window of the site. The conservatory is also not a habitable room and so the increased bulk of the building at 72A Beaconsfield Road is not considered to cause demonstrable loss of light to this occupiers of the neighbouring flat.

The windows of 21 Springfield Road are noted as 2 first floor rear windows, 1 on the second floor and 2 on the third. The latter floors are not likely to be affected by the proposal. The first floor windows are sited 2 metres away from the site, but it is not known what rooms they serve and no representations have been received from this property. On balance, then, the proposal is considered acceptable.

Effect of proposal on Preston Park Conservation Area:

It is considered that the proposed development will enhance this parade of shops and be a visual improvement to the character and appearance of the Conservation Area. As such, subject to samples of materials being submitted and approved, the proposal is welcomed.

Conclusion:

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

8 EQUALITIES IMPLICATIONS

The offices are already accessible to people with mobility difficulties.

PLANS LIST 2ND JULY 2003

No:	BH2003/01503/FP	Ward:	ST. PETER'S & NORTH LAINE
Address:	34 Kemp Street, Brighton		
Proposal:	Variation to planning permission BH2003/00467/FP by way of sub-division of approved southern house into 2 self-contained maisonettes.		
Officer:	Julie Cattell, tel: 292336	Received Date:	28 April 2003
Con Area:	NORTH LAINE	Expiry Date:	23 June 2003
Agent:	Graham Johnson Designs, 37A Portland Road, Hove		
Applicant:	Walsingham Properties Ltd, 54A Waverley Road, St Albans		

1 RECOMMENDATION

Grant Planning Permission subject to the following conditions:

1. 00.01.
2. The development hereby approved shall not be commenced until the following have been submitted to and approved by the Local Planning Authority and the works carried out in full as approved:
 - a) details, including sections, of all new windows and external doors
 - b) details of external finishes, including colour of render

Reason: In the interest of visual amenity on the North Laine Conservation Area and to comply with policies ENV.22 of the Brighton Borough Local Plan and HE6 of the Brighton and Hove Local Plan - Second Deposit Draft.
3. All new windows shall be painted timber sliding sashes, with concealed trickle vents.

Reason: In the interest of visual amenity on the North Laine Conservation Area and to comply with policies ENV.22 of the Brighton Borough Local Plan and HE6 of the Brighton and Hove Local Plan - Second Deposit Draft.
4. No meter boxes, flues or pipes other than those indicated on the approved drawing shall be located on the front elevation of the building.

Reason: In the interest of visual amenity on the North Laine Conservation Area and to comply with policies ENV.22 of the Brighton Borough Local Plan and HE6 of the Brighton and Hove Local Plan - Second Deposit Draft.
5. The workshop areas as shown on the approved drawing number 22307/3AD shall not be used for any purpose other than that specified under classes B1a, B1b and B1c of the Town and Country Planning (Use Classes) Order 1987 (as amended).

Reason: In order to ensure the retention of employment floorspace in the North Laine area and to comply with policies E4 of the Brighton Borough Local Plan and EM6 and EM10 of the Brighton and Hove Local Plan - Second Deposit Draft.
6. The refuse storage facilities as shown on the approved drawing shall be made available for use prior to the occupation of the building and shall be thereafter retained in good order.

Reason: To ensure that such facilities are available in the interest of public health and amenity and to comply with policies ENV.1 of the Brighton Borough Local Plan and QD27 of the Brighton and Hove Local Plan Second

Deposit Draft.

7. All external alterations shown on the plans hereby approved shall be completed in their entirety before any of the units are first occupied.

Reason: In the interest of visual amenity on the North Laine Conservation Area and to comply with policies ENV.22 of the Brighton Borough Local Plan and HE6 of the Brighton and Hove Local Plan – Second Deposit Draft.

Informative:

This decision is based on drawing nos. 22307/1 submitted on 23rd April 2003 and 22307/3A submitted on 9th June 2003.

2 THE SITE

The site is located on the east side of Kemp Street, in the North Laine Conservation Area and comprises a three storey double fronted building with lower ground floor leading to a small open yard to the rear. There is a two storey extension to the rear, which oversails the lower ground floor rear yard and extends to the first floor.

Parking is restricted and prohibited in the vicinity of the site.

The ground floor and basement are in commercial use, with a garage on one side, occupied office on the other and storage in the lower ground floor. It is understood that the garage is vacant. The upper floors comprise a three bedroom maisonette with a large terrace to the front at second floor.

The area is characterised by a lively mix of small scale commercial, residential and leisure uses. Kemp Street is predominantly residential, but commercial uses prevail at the north and south ends at the junctions with the east-west streets. It backs onto Trafalgar Lane, a narrow street, which may have been stabling for adjoining streets. The properties in Trafalgar Lane are all in commercial use.

3 RELEVANT HISTORY

The property dates from the late 19th century, but its original use is unclear – the plan form does not relate to the other residential uses in Kemp Street and the front elevation has a definite commercial appearance, with a fascia and shopfront. There is little in the planning history records to indicate the pattern of use, but B1 use appears to predominate. There is no planning history from 1966 until 2002, when Planning Permission was refused for the conversion of the building from office, garage and maisonette to form two houses. The reasons for refusal were loss of employment generating floorspace and inappropriate design.

A subsequent application was approved in March 2003 (ref. BH2003/00467/FP) for the change of use and conversion to form two residential units and one B1 workshop, involving removal of rear extension and alterations to the front elevation.

4 THE APPLICATION

This application seeks a variation to the approval by introducing an additional

residential unit. This is to be achieved by subdividing the approved 3/4 bedroom house into a 2 bed flat and a two bed maisonette and involves retaining the rear extension.

The B1 unit, which is separately accessed and has no physical link with any of the residential units, is to remain and the alterations to the front elevation are as previously approved.

5 CONSULTATIONS

External:

Neighbours: North Laine Community Association: Object – prefer approved scheme – elevation is too fussy, developer is being too greedy by trying to get an extra residence on the site – it is overdevelopment, existing shop front should be retained, a close watch should be kept on site to ensure work space remains in business use.

Internal:

Traffic Manager: No observations

Planning Policy: No objection in principle, but concerned about lack of adequate cycle storage space and retention of extension to rear which makes garden space less desirable – while higher densities are desirable, this should be balanced against quality of life.

Private Sector Housing: Standard letter concerning means of escape matters – copied directly to agent.

6 PLANNING POLICIES

Brighton Borough Local Plan:

ENV.1 – General principles, including amenity

ENV. 3 – Design/alterations to existing buildings

ENV.22 – Proposals in Conservation Areas

E.4 – Protection of employment floorspace

TR.33 – Cycle parking

H.8 – Residential conversions

H19 – Amenity space in residential developments

Brighton and Hove Local Plan First Deposit Draft:

TR12 – Cycle parking

QD2 – Design – key principles for neighbourhoods

QD14 – Alterations

QD27 – Amenity

H0 (new) – Amenity space in residential developments

H09 – Residential conversions

EM6 – Small industrial and business units

EM10 – North Laine area – mixed uses

HE6 – Proposals in Conservation Areas.

East Sussex and Brighton and Hove Structure Plan

E5 – Protection of employment floorspace

7 CONSIDERATIONS

Comparison with previous scheme:

The proposal will result in one additional residential unit, achieved by further sub-dividing the internal space and retaining the rear extension. In all other respects, the proposal remains the same.

Standard of accommodation to be provided:

The proposed residential accommodation would be of good quality, within the recommended guidelines for room size and layouts for residential development. The scheme would also offer the rare provision of amenity space for all three residential units and for the B1 unit.

The total residential floorspace as approved under the previous application exceeds 115m², so there is no conflict with policies H.9 and H08.

Effect on amenity and functioning of the area:

The proposal would have no adverse effect on the amenity of adjoining occupiers by way of overlooking or additional disturbance. Refuse storage for one of the residential units and the workshop/office is in the rear yard and for the other residential units, in a storage cupboard located on the front elevation.

The demand for on street parking is high and a resident's parking scheme operates on the area. The site is, however, centrally located and close to good public transport links, shopping leisure and entertainment facilities. Cycle parking for one residential unit and the workshop/office is also in the back yard, but there is no ground floor space available for the upper units. However, this alone is not considered to be a reason for refusal.

Effect on character and appearance of the North Laine Conservation Area:

The mix of uses offered by the scheme is in keeping with the character of the North Laine Conservation Area. The changes to the front elevation are as previously agreed and are considered to be satisfactory. The proposed new sash windows at the upper floors offer a considerable improvement to the appearance of the building.

Response to representations:

The North Laine Community Association's comments are noted. The elevations are as previously approved and were developed with considerable input from the Conservation Officer. The additional unit has been achieved by further subdivision of the building and re-using existing space. The room sizes and layouts are acceptable.

The Policy Team comments are noted. Cycle storage space for all units at ground floor level is not always achievable but a shortfall of spaces in itself would not be a sustainable reason for refusal. The rear patio area to the ground floor unit is of comparable size to other similar houses in North Laine and the covered area offers valuable storage opportunities.

Conclusion:

PLANS LIST 2ND JULY 2003

This scheme meets the relevant policies regarding protection of employment space and would result in an effective increase in usable floorspace. The existing residential floorspace has been used more efficiently and the result is an extra dwelling. Benefits also arise from the improved elevations, which will have a positive effect on the character and appearance of the North Laine Conservation Area. Approval is therefore recommended.

8 EQUALITIES IMPLICATIONS

The development would need to comply with Part M of the Building Regulations.

PLANS LIST 2ND JULY 2003

No:	BH2003/01648/TA	Ward:	WITHDEAN
Address:	Junction of Dyke Road Avenue & The Beeches, Brighton		
Proposal:	Erection of slimline monopole (10m high) with three integral panel antennas and associated equipment cabinets.		
Officer:	Max Woodford, tel: 292178	Received Date:	21 May 2003
		Expiry Date:	16 July 2003
Agent:	Narvinder Sindhar, GVA Grimley, 10 Stratton Street, London		
Applicant:	Hutchison UK 3G Limited (trading as '3'), Great Brighams Mead, 1-9 Vastern Road, Reading		

1 RECOMMENDATION

That the council is minded to determine that **Prior Approval is not required**, subject to the receipt of a letter from the applicants undertaking that they will not be carrying out previous approval BH2002/02629/TA, and stating that they understand that the basis for sending that letter is that it is required in order to achieve a determination that prior approval is not required, which would not otherwise be granted due to the consent for the adjacent mast. This letter must arrive before the expiry of the 56-day deadline and must also outline the technical reasons for why two such masts cannot be placed adjacent to one another.

Informative:

This decision is based on drawing nos. 00201549-111, 00201549-112, 00201549-113 and 00201549-114 submitted on 21/05/03.

2 THE SITE

This application relates to a small grassed area of public open space at the junction of Dyke Road Avenue and The Beeches. The area is predominantly residential with a number of detached properties around. There are also a number of mature trees in the area as well as high lampposts. The site is not within a conservation area.

3 RELEVANT HISTORY

Earlier in 2002 an application was received from the same applicants to establish whether prior approval was required for a 10m high monopole mast incorporating three panel antennas and associated equipment (Ref: BH2992/01459/TA). Committee determined that prior approval was required and that the council objected. This was subject to an appeal that was subsequently withdrawn.

Following that determination a further application was received to establish whether prior approval was required for the proposed installation of a 10 metre high lamp post incorporating three panel antennas plus radio equipment cabinet with ancillary equipment (Ref: BH2002/02298/TA). In this application both the cabinet and the lamppost housing the mast were to be situated on the

grassed area adjacent to the highway. This application was withdrawn after it was indicated that the council would determine that prior approval was required and that the council would object. Included in the reasoning for this were concerns that there may be a traffic safety impact, which had not been addressed by the applicants, and the siting of the lamppost set back from the predominant line of lampposts.

This application was resubmitted in late 2002, but with the lamppost on the pavement (Ref: BH2002/02629/TA), and it was determined that prior approval was not required. The description was: Erection of 10 metre high lamp-post housing three panel antennas and radio equipment cabinet with ancillary equipment (lamp-post to be situated on pavement, cabinet on grassed area adjacent). However, it was subsequently rejected by the council as highways authority as there were concerns about the maintenance of the lighting unit.

4 THE APPLICATION

The proposed development constitutes Permitted Development under Part 24 of the Town and Country Planning (General Permitted Development) Order, and therefore the principle of the development has been established. This application is to determine if the council considers that Prior Approval is required or not for the siting or appearance of the proposal.

The Local Planning Authority must determine the application within 56 days of receipt, otherwise the proposal has deemed consent and may be erected by default (the 56 days expires before the next Sub-Committee meeting).

It is proposed to erect a 10 metre high (total height) monopole in sage green with three panel antennae. These antennae would not alter the circumference of the monopole and would be shrouded so that they replicate the slimline antenna. Also proposed is an ancillary equipment cabinet (600mm x 1260mm x 1400mm high) on the ground. This application is therefore effectively identical to the first application submitted in 2002 (Ref: BH2002/01459/TA).

5 CONSULTATIONS

External:

Neighbours: A circular letter of objection has been received from: **1 The Beeches, 2 The Beeches, 3 The Beeches, 6 The Beeches, 7 The Beeches, 8 The Beeches, 9 The Beeches, 10 The Beeches, 12 The Beeches, 15 The Beeches, 16 The Beeches, 18 The Beeches, 19 The Beeches and 21 The Beeches.** This letter states that the objectors feel that there has been insufficient consultation of neighbours, given the fact that there were 92 objections to the previous application for a determination as to whether Prior Approval was needed and they refer to a recent case in Swindon where the Ombudsman forced the local council to pay £117,000 to local residents for diminution of house values following the erection of a mobile phone mast. They refer to the possible health concerns and impact on house values both being issues that the council should refer to in its deliberations. A letter has also been received from Cllr Pat Drake, writing in a personal capacity as the owner of **11 Hazeldene Meads.** She raises

an objection based on the fact that it is a triple antenna with a greater output and a larger field than others in the area. She feels that it will add to the multiplicity of street furniture and she feels that there are already too many masts in the area and that this extra one would affect the most vulnerable at a nearby nursery and retirement home. Feels that possible interference with sensitive electrical equipment is now a valid consideration following a Court of Appeal judgement.

Further objections are anticipated. This application was put on the agenda prior to the consultation period expiring to ensure a decision within the 56-day deadline.

Internal:

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

Traffic Manager: Concerned that vehicles servicing the equipment, if parked immediately adjacent, could obscure sight lines and would be a traffic hazard. Would recommend the mast being situated on The Beeches side of the open space to encourage maintenance vehicles to park in that road.

6 PLANNING POLICIES

Brighton Borough Local Plan:

ENV.1 - Environmental protection.

ENV.26 - Street furniture.

TR.9 - Highway considerations.

Brighton and Hove Local Plan Second Deposit Draft:

TR - Save Development (new policy).

QD23 - Telecommunication apparatus (general).

QD27 - Protection of amenity.

7 CONSIDERATIONS

The main issue in the consideration of this application is the impact the proposal would have on the character and appearance of the locality and streetscene in terms of its siting and appearance.

Siting of the Mast

The applicant has submitted substantial information to support the need for telecommunications equipment in this locality, together with details of potential alternative sites that have been discounted. It is not considered that the proposed monopole with antennae or the equipment cabinet would be visually obtrusive in this location where there are already a considerable number of tall lampposts giving a vertical emphasis to the area. The site is considered to be appropriate for the proposal as it is located on a main road and though close to residential properties is clearly on open land. As such it would be partially viewed against a backdrop of the main road and nearby mature trees.

The Traffic Team is concerned that vehicles servicing the mast might pose a traffic hazard if they park on Dyke Road Avenue. However it is considered that this would be too infrequent to be of real concern, and is no more of a potential hazard than other service vehicles such as refuse lorries or BT vans parking in this position.

One concern that remains is the possibility that the developer could overcome the highways objections to the existing permission for a lamppost type mast on the pavement (Ref: BH2002/02629/TA) and then, in the event of this application being approved, be able to implement both schemes at the same time. This would result in too much clutter and street furniture in the locality. The applicant has therefore confirmed that they have no intention of implementing both schemes, and they also claim that two so closely adjacent masts would be impossible for technical reasons as they would create interference with each other and would result in emissions above and beyond those allowed by the International Commission for Non-Ionising Radiation Protection (ICNIRP) guidelines. Our legal team have confirmed that a Written undertaking to this effect would be sufficient if they set out the whole basis for the document i.e. that it is required in order to obtain a permission which would not be granted due to the adjacent permission. This recommendation is therefore minded to grant, subject to the receipt of a written undertaking to this effect as well as technical case outlining why the two masts could not be erected together. Obviously this would need to be received within the 56-day period for a determination to be made.

It is noted that a circular letter from neighbours refers to a recent Ombudsman decision in relation to Swindon. This decision was actually made because the Local Planning Authority there failed to issue a decision within the deadline and a mast was allowed by default. The payments relate to injustice resulting from this maladministration. The impact the mast might have on house values cannot in itself be a material consideration in the determination of this application.

Appearance of the Mast

The scale of the proposal is modest and the simple pole design and equipment cabinet would have a similar appearance to existing street furniture in the locality, and would not look out of keeping. There was a concern that the three panel antennae referred to in the development description would mean that the mast would look very much like a standard mobile phone mast with antenna attached to it and as such would be an alien feature in the street scene. However, the applicant's agent has confirmed that the three masts are slimline and are housed within the monopole and they have included a plan-form drawing confirming this.

Health Concerns

Though this application can only take into account the siting and appearance of the proposed apparatus, the High Court has ruled that health arguments fall within the question of the siting of the mast. Health concerns are therefore a

PLANS LIST 2ND JULY 2003

material consideration in this application. However, the applicant has submitted a certificate stating that the proposal will meet the International Commission for Non-Ionising Radiation Protection (ICNIRP) guidelines as recommended in the Stewart Report. Planning Policy Guidance Note 8 states that where this is the case it should not be necessary for the Local Planning Authority to consider further the health aspects and concerns about them. It is therefore considered that if the council were to refuse this application on health grounds this would be a difficult position to sustain at appeal.

Conclusion:

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

8 EQUALITIES IMPLICATIONS

None identified.

PLANS LIST 2ND JULY 2003

No:	BH2003/01566/FP	Ward:	WITHDEAN
Address:	182 Tivoli Crescent North, Brighton		
Proposal:	Single storey garden room, pottery area and covered area.		
Officer:	James Hunter, tel: 291709	Received Date:	09 May 2003
		Expiry Date:	04 July 2003
Agent:	Matthew Boynton, 110 Waldegrave Road, Brighton		
Applicant:	Ed & Jane Carr, 182 Tivoli Crescent North, Brighton		

1 RECOMMENDATION

Minded to Grant planning permission subject to the receipt of satisfactory amended drawings to overcome the Traffic Engineer's concerns and the following conditions:

1. Full Planning
2. 01.03 Matching Materials

Reason: Standard- add 'and to comply with Policies ENV.3 and ENV.5 of the Brighton Borough Local Plan and Policy QD14 of the Brighton and Hove Local Plan Second Deposit Draft'.

3. The garden room, covered area and pottery area shall not be used for any purpose other than ancillary to the dwelling to which it relates.

Reason: To safeguard the amenities of the occupiers of nearby properties and to comply with Policies ENV.1 of the Brighton Borough Local Plan and Policy QD14 and QD27 of the Brighton and Hove Local Plan Second Deposit Draft'.

2 THE SITE

The site comprises a two-storey semi-detached dwelling on a large L-shaped plot. The site has south facing frontage to Tivoli Crescent and the rear boundary runs along Withdean Avenue to the north. A large garage and store with access to Withdean Avenue have already been removed from the rear of the site.

3 RELEVANT HISTORY

(71-1202) – Erection of private garage, 08 June 1971 – Granted.

4 THE APPLICATION

The applicants propose the erection of a single storey garden room and covered area comprising a shower and pottery area for private use surrounded by landscaping and decking. The covered area would have access to Withdean Avenue through a large door to the rear. A large fence approximately 1.6 metres in height from the pavement level would extend from the side of the covered area to the side boundary along Withdean Avenue.

5 CONSULTATIONS

External:

Neighbours:

186 Tivoli Crescent North Objects: This is a quiet residential area. The proposals might not be ancillary to residential use and could be used for example, as a showroom and for ancillary functions. The proposal will be higher than other buildings on this side of Withdean Avenue and out of keeping. Noise will be generated. The proposals are likely to generate more traffic and increase parking difficulties.

The Coach House, Withdean Avenue Object: Proposal will have a detrimental effect on the special environment of the road and the building has residential potential; subsequent occupiers could change the use of the building. Trees could be at risk. Would prefer a rear extension to the property, in line with neighbours'.

Internal:

Traffic: The covered area is not described as a garage and is sub-standard in width which would make it difficult to be used as such. This would remove offstreet parking from the site and increase demand for on-street parking. Although on-street parking is not overly congested at this location the basic premise that the public highway is not a car park applies. If the covered area was widened sufficiently to allow its use as a garage the sight lines would be non-existent. In new build a 2m x 2m splay for sight lines on the exit from the parking area in which nothing should be over 600mm in height is required.

6 PLANNING POLICIES

Brighton Borough Local Plan:

ENV.1 – Environment – general objections

ENV.3 – Design in the built environment

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

Brighton and Hove Local Plan Second Deposit Draft:

QD1 – Design – quality of development and design statements

QD14 – Extensions and alterations

QD27 – Protection of amenity

Supplementary Planning Guidance on Roof Alterations and Extensions (SPGBH1)

7 CONSIDERATIONS

The main issues for consideration are the design of the proposal and the impact upon neighbouring properties.

Design

The proposal is of a simple, modern design. In the context of the site this would not result in the proposal being out of character with the existing dwelling or those in the immediate area. The scale of the development would not be unduly large; comprising a single storey covered area for the storage of materials and completed works together with a shower and pottery area. A single storey garden room would be located to the end of the covered area with large steps, decking and landscaping integrating the scheme into a functional pottery area and outdoor living space. The development would be sited to the rear north-

east corner of the large L-shaped garden in a position previously occupied by a large garage and storage building. A fence approximately 1.6 metres in height from the pavement level would extend from the side of the covered area to the side boundary along Withdean Avenue.

Impact

The impact to neighbouring properties is unlikely to be significant. Dwellings opposite the proposed development on Withdean Avenue are set back from the roadway, widely spaced and buffered by trees and gardens. The proposal is single storey and therefore not particularly visually intrusive. Any activities within the development would be contained on site and screened by a large fence and covered area. As mentioned in one of the letters of objection, the buildings along this side of Withdean Avenue are garages for properties on Tivoli Crescent. The scale of the development would not be such that it would be largely different from these buildings that are ancillary to the dwellings to which they relate.

Perhaps the most significant impacts would be to the adjoining property at 180 Tivoli Crescent. This property shares the boundary nearest to the proposed development. There are no windows in the side elevation of this property that would overlook the proposal and a large brick wall would screen/buffer the development. The area nearest to the corner in which the development would be sited is actually used as a forecourt/driveway area and not part of the dwelling house. The effects of the development would therefore be minor.

The neighbours in the adjoining semi-detached property (184 Tivoli Crescent) are sufficiently removed to avoid any significant impacts of the development.

Traffic/Highway Safety

Discussions are currently in progress with the applicants to overcome the concerns of the Traffic Engineer about visibility splays and the size of the parking area. Amended drawings are awaited.

Conclusion:

The development complies with plan policies and is recommended for approval, subject to the receipt of satisfactory amended drawings.

8 EQUALITIES IMPLICATIONS

None identified.

PLANS LIST 2ND JULY 2003

No:	BH2003/01640/FP	Ward:	WITHDEAN
Address:	2 Withdean Close, Brighton		
Proposal:	New dormer window to rear roofslope.		
Officer:	James Hunter, tel: 291709	Received Date:	19 May 2003
		Expiry Date:	14 July 2003
Agent:	Mr P A Bond, 61 Spencer Avenue, Hove		
Applicant:	Mr & Mrs Bollingbroke, 2 Withdean Close, Brighton		

1 RECOMMENDATION

Minded to Grant planning permission subject to the receipt of satisfactory amended drawings and the following conditions:

1. Full Planning.
2. 01.03 Matching Materials.
Reason: Standard- add 'and to comply with Policies ENV.3 and ENV.5 of the Brighton Borough Local Plan and Policy QD14 of the Brighton and Hove Local Plan Second Deposit Draft'.
3. The proposed dormer shall match in size and design the existing dormer to the rear elevation of 2 Withdean Close.
Reason: To ensure the satisfactory appearance of the development and to comply with policies ENV.5 of the Brighton Borough Local Plan and QD14 of the Brighton & Hove Local Plan Second Deposit Draft.
4. The dormer windows shall be obscure glazed and thereafter permanently maintained.
Reason: To ensure that the privacy, outlook and amenity of the adjoining neighbour (1 Blackthorn Close) is retained and to comply with policies ENV.6 of the Brighton Borough Local Plan and QD14 of the Brighton & Hove Local Plan Second Deposit Draft.

2 THE SITE

The site comprises a large two storey detached dwelling with east facing frontage to Withdean Close. The site slopes from the front to the rear. The immediate area is characterised by large plots of land that provide substantial setbacks from adjoining properties. These setbacks are shielded by established vegetation on the site and adjoining properties.

3 RELEVANT HISTORY

(BH1998/02089/FP) – First floor side extension, 8 December 1998 – Approved.
(BH2002/01267/FP) – Conservatory at side, 10 July 2002 – Approved.
(BH2003/00097/FP) – Erection of two-storey side extension with pitched roof, 07 February 2003 – Approved.

4 THE APPLICATION

The applicants propose the erection of a dormer to the rear of the existing dwelling for the purposes of an en-suite bathroom. The bathroom would

service a bedroom that is yet to be erected as part of an extension previously approved under application BH2003/00097/FP.

5 CONSULTATIONS

External:

Neighbours:

1 Blackthorn Close: The letter refers to the previous application (BH2003/00097/FP) that showed the addition of velux roof lights only, to which there was no objection. The current application to erect a dormer to the rear roof slope would result in overlooking and loss of privacy and seclusion to the rear garden. It is unclear from the plans what room in the new extension the proposed dormer will serve. If it was for an en-suite bathroom there would be a lesser objection providing it could be made a condition of the planning approval that the new dormer window is fitted with suitable obscure glazing.

6 PLANNING POLICIES

Brighton Borough Local Plan:

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

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

Brighton and Hove Local Plan Second Deposit Draft:

QD1 – Design – quality of development and design statements

QD14 – Extensions and alterations

QD27 – Protection of amenity

Supplementary Planning Guidance on Roof Alterations and Extensions (SPGBH1)

7 CONSIDERATIONS

Design

A condition is recommended that the proposed dormer shall match the existing dormer to the rear elevation. This would mitigate any potential design concerns and retain the character of the existing dwelling.

Impact

The impacts on neighbouring properties would be limited to the property at the rear (1 Blackthorn Close). The proposed dormer would overlook the rear garden of the property and reduce the privacy afforded to the site. However, as the proposed dormer relates to an en-suite bathroom and not a habitable room the effects would be significantly lessened. Further to this it is a condition of this report that the windows be obscure glazed and match those on the existing dormer to avoid overlooking and loss of privacy.

Conclusion:

The development complies with plan policies and is recommended for approval.

8 EQUALITIES IMPLICATIONS

None identified.