

<u>No:</u>	BH2017/01108	<u>Ward:</u>	Westbourne Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Site Of Sackville Hotel 189 Kingsway Hove BN3 4GU		
<u>Proposal:</u>	Erection of 5 to 8 storey building to provide 60no residential dwellings (C3) (mix of one, two, and three bedroom units) incorporating balconies and terraces with associated access from Sackville gardens, 21no basement car parking spaces,6no ground floor car parking spaces, cycle parking, plant and associated works.		
<u>Officer:</u>	Gareth Giles, tel: 293334	<u>Valid Date:</u>	31.03.2017
<u>Con Area:</u>	Sackville Gardens	<u>Expiry Date:</u>	30.06.2017
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	20.09.2017
<u>Agent:</u>	Iceni Projects Limited	Jayne McArthur	Flitcroft House 114-116 Charing Cross Road London WC2H 0JR
<u>Applicant:</u>	Hyde Vale Limited	C/o Iceni Projects	Flitcroft House 114-116 Charing Cross Road London WC2H 0JR

SUMMARY/UPDATE

This application was deferred by Planning Committee on the 13 September 2017 in order to secure further advice from the District Valuer Service (DVS) about the viability evidence presented by the applicant to support an affordable housing provision below policy requirement. Following this deferral, officers have returned to the DVS to seek their advice which is set out below.

The DVS considered the evolved evidence subsequent to their initial advice in August 2017 and reached an agreed position with third party viability consultant (BNP Paribas) also working on behalf of the Council; the joint viability report has been published on the Council's Planning Register. The DVS report includes four possible combinations of affordable housing tenures. Based on the objectives of the Council's Affordable Housing Brief, it is recommended that the site can yield 10 affordable homes (16% of the site total) in the form of 5 affordable rent units and 5 shared ownership units.

1. RECOMMENDATION

1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to be **MINDED TO GRANT** planning permission subject to a s106 agreement and the following Conditions and Informatives:

1.2 S106 Heads of Terms

- Affordable housing – (10 units: 5 x affordable rent and 5 x shared ownership).
- The S106 will include a Review Mechanism to reassess the viability of the scheme close to completion in order to, where possible, secure up to policy compliant level of affordable housing via an off-site financial contribution.
- Education Contribution - £60,192 towards the cost of primary, secondary and sixth form provision most likely to be spent at West Hove Infant School, Hove Junior School, St Andrew's Primary School, Hove Junior school Holland Road, Brunswick Primary School or West Hove Infant School Connaught Road.
- Recreation / open space contributions - £129,908 towards provision in the local area including potential new projects on Western Lawns, locations to be confirmed.
- Local Employment Scheme contribution - £18,200 towards the scheme to increase the employment and training opportunities for residents who wish to work in the construction industry;
- Training and Employment Strategy using minimum 20% local labour during demolition (where appropriate) and construction phase,
- Sustainable Transport Contribution - £63,900 towards bus stop improvements such as accessible kerbs, real time information boards and shelters at various nearby locations, pedestrian and cycle network improvements between the site and nearby attractions and a new car club bay.
- Travel Plan including Travel Information Packs and two years' car club membership per household.
- Public Realm improvement with an artistic component, to be provided on site to a minimum value of £19,250 and with agreement from the Council prior to commencement of development. Some proposals could be approved through the discharge of planning conditions relating to this application (such as artistic components incorporated within boundary treatments) but more substantial proposals including wall-mounted artwork may require planning permission in its own right.

Conditions:

1. The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

Reason: For the avoidance of doubt and in the interests of proper planning.

Plan Type	Reference	Version	Date Received
Block Plan	13.099.002		30 March 2017
Floor Plans Proposed	13.099.100 BASEMENT		30 March 2017
Floor Plans Proposed	13.099.101 GF		30 March 2017
Floor Plans Proposed	13.099.105 4TH		30 March 2017
Floor Plans Proposed	13.099.106 5TH		30 March 2017
Floor Plans Proposed	13.099.107 6TH		30 March 2017
Floor Plans Proposed	13.099.109 ROOF		30 March 2017
Elevations Proposed	13.099.113		30 March 2017

	WEST		
Sections Proposed	13.099.114		30 March 2017
Floor Plans Proposed	13.099.102 1ST	A	19 July 2017
Floor Plans Proposed	13.099.103 2ND	A	19 July 2017
Floor Plans Proposed	13.099.104 3RD	A	19 July 2017
Elevations Proposed	13.099.110 SOUTH	A	19 July 2017
Elevations Proposed	13.099.111 EAST	B	27 September 2017
Elevations Proposed	13.099.112 NORTH	B	27 September 2017
Floor Plans Proposed	13.099.108 7TH	A	17 August 2017

- 2 The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

- 3 No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:

- i) The phases of the Proposed Development including the forecasted completion date(s).
- ii) A commitment to apply to the Council for prior consent under the Control of Pollution Act 1974 and not to Commence Development until such consent has been obtained.
- iii) A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme).
- iv) A scheme of how the contractors will minimise complaints from neighbours regarding issues such as noise and dust management vibration site traffic and deliveries to and from the site.
- v) Details of hours of construction including all associated vehicular movements.
- vi) Details of the construction compound.
- vii) A plan showing construction traffic routes.
- viii) An audit of all waste generated during construction works.

The construction shall be carried out in accordance with the approved CEMP.

Reason: As this matter is fundamental to the protection of amenity, highway safety and managing waste throughout development works and to comply with policies QD27, SU9, SU10 and TR7 of the Brighton & Hove Local Plan, policy CP8 of the Brighton & Hove City Plan Part One, and WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 and Supplementary Planning Document 03 Construction and Demolition Waste.

- 4 Part (i) Prior to commencement, a full asbestos survey of the premises, undertaken by a suitably qualified specialist shall be submitted in writing to the

local planning authority for approval. And if any asbestos containing materials are found, which present significant risk/s to the end user/s then

Part (ii) A report shall be submitted to the local planning authority in writing, containing evidence to show that all asbestos containing materials have been removed from the premises and taken to a suitably licensed waste deposit site.

Reason: As this matter is fundamental to the acceptable delivery of the permission to safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.

- 5 No development above ground floor slab level of any part of the development hereby permitted shall take place until samples / details of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including;
- a) Samples of all brick, pavers and cladding,
 - b) Details of all window reveals and cills, doors, canopy and balcony treatments (including tinted/obscured balcony glazing), pipework / rainwater goods, gates, walls and railings.

Development shall be carried out in accordance with the approved details and retained as such thereafter unless otherwise agreed in writing by the local planning authority.

Reason: To ensure a satisfactory appearance to the development and to comply with policies HE6 and HE11 of the Brighton & Hove Local Plan and CP12 and CP15 of the Brighton & Hove City Plan Part One.

- 6 Notwithstanding the approved drawings, no development above ground floor slab level of any part of the development hereby permitted shall take place until details of privacy screens for the west-facing balconies on the 4th floor and 7th floor as well as those balconies on the western-most side of the southern elevation, shall be submitted to and approved in writing by the local planning authority. The privacy screens shall then be constructed in accordance with the approved details prior to first use of the balconies and shall be retained as such thereafter.
- Reason:** In order to protect the amenities of neighbouring properties and in accordance with policies QD27 of the Brighton & Hove Local Plan.

- 7 No development above ground floor slab level of any part of the development hereby permitted shall take place until a scheme for landscaping has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:
- a) Details of all hard and soft surfacing to include type, position, design, dimensions and materials - including durability and maintenance,
 - b) Details of all boundary treatments to include type, position, design, dimensions and materials - including durability and maintenance,
 - c) Details of external lighting, including durability and maintenance - it should be demonstrated that the lighting scheme is compliant with the recommendations of the Institution of Lighting Engineers (ILE) 'Guidance

Notes for the Reduction of Light Pollution (2011)' for Zone E or similar guidance recognised by the council. A certificate of compliance signed by a competent person (such as a member of the Institution of Lighting Engineers) should be submitted with the details;

- d) Details of all proposed planting, including numbers and species of plant, details of size and planting method of any trees, cultivation details and maintenance programme. Species should be included that mitigate pollution in the gas and particulate phases and wherever possible native species of local provenance should be provided. All hard landscaping and means of enclosure shall be completed in accordance with the approved scheme prior to occupation of the development. All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD15 of the Brighton & Hove Local Plan and CP12 and CP13 of the Brighton & Hove City Plan Part One.

- 8 Part i) No development shall take place until a programme of archaeological work has been secured in accordance with a Written Scheme of Archaeological Investigation which has been submitted to and approved in writing by the Local Planning Authority.

Part ii) The development hereby permitted shall not be brought into use until the archaeological site investigation and post investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under part (i) to the satisfaction of the Local Planning Authority, in consultation with the County Planning Authority.

Reason: This pre-commencement condition is imposed because it is necessary to ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with policy HE12 of the Brighton & Hove Local Plan

- 9 No development above ground floor slab level of any part of the development hereby permitted shall take place until a written scheme has been submitted for approval to the local planning authority on how and where ventilation will be provided to the various flats including specifics of where the clean air is drawn from and that sufficient acoustic protection is built into the system to protect end users of the development. The scheme shall ensure compliance with Building Regulations as well as suitable protection in terms of air quality.

Reason: To provide the occupants with sufficient air ventilation without the need to open windows thereby protecting them from noise nuisance in accordance with Policy SU10 of the Brighton & Hove Local Plan.

- 10 No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods as per the recommendations of the Flood Risk Assessment and Drainage Strategy, March 2017 submitted in support of this application has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design prior to the use of the building commencing.
Reason: As this matter is fundamental to the acceptable delivery of the permission to prevent the increased risk of flooding and to prevent pollution of controlled waters by ensuring the provision of a satisfactory means of surface water disposal and to comply with policy SU3 of the Brighton & Hove Local Plan.
- 11 The development hereby permitted shall not commence until such time as a scheme has been submitted to and approved in writing by the Local Planning Authority to provide that the residents of the development, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit.
Reason: This pre-commencement condition is imposed in order to allow the Traffic Regulation Order to be amended in a timely manner prior to first occupation to ensure that the development does not result in overspill parking and to comply with policies TR7 & QD27 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One.
- 12 The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.
Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policy QD27 of the Brighton & Hove Local Plan.
- 13 The development hereby approved shall not be occupied until each residential unit built has achieved a water efficiency standard using not more than 110 litres per person per day maximum indoor water consumption.
Reason: To ensure that the development is sustainable and makes efficient use of water to comply with policy CP8 of the Brighton & Hove City Plan Part One.
- 14 The development hereby approved shall not be occupied until each residential unit built has achieved an energy efficiency standard of a minimum of 19% CO2 improvement over Building Regulations requirements Part L 2013 (TER Baseline).
Reason: To ensure that the development is sustainable and makes efficient use of energy to comply with policy CP8 of the Brighton & Hove City Plan Part One.
- 15 A minimum of 10% of the affordable housing units and 5% of the total of all of the residential units hereby approved shall be built to wheelchair accessible standards. The wheelchair accessible dwellings shall be completed in compliance with Building Regulations Optional Requirement M4(3)(2b)

(wheelchair user dwellings) prior to first occupation and shall be retained as such thereafter. All other dwelling(s) hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) prior to first occupation and shall be retained as such thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.

- 16 Prior to first occupation of the development hereby permitted a scheme to enhance the nature conservation interest of the site shall have been submitted to and agreed in writing by the Local Planning Authority. The scheme shall accord with the standards described in Annex 6 of SPD 11 and shall be implemented in full prior to the first occupation of the development hereby approved.

Reason: To increase the biodiversity of the site, to mitigate any impact from the development hereby approved and to comply with Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

- 17 Prior to first occupation of the development hereby permitted, details of secure cycle parking facilities for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.

- 18 Prior to first occupation of the development hereby permitted, notwithstanding the approved plans which include some details of car parking layout, final details of the car park layout to include sufficient disabled car parking and motorcycle parking provision for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.

Reason: To ensure the development provides for the needs of residents and visitors to the site and to comply with policies CP9 of the Brighton & Hove City Plan Part One and TR18 of the Brighton & Hove Local Plan and SPD14 guidance.

- 19 The narrowed crossover and access shall be constructed and redundant section is reinstated to footway prior to the first occupation of the development hereby permitted.

Reason: In the interests of highway safety and to comply with policies CP9 of the Brighton & Hove City Plan Part One and TR7 of the Brighton & Hove Local Plan.

- 20 Prior to first occupation of the development hereby permitted, full details of electric vehicle charging points within the proposed car park hereby approved shall have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

Reason: To encourage travel by more sustainable means and to comply with policy CP9 of the Brighton & Hove City Plan Part One and SPD14 Parking Standards.

- 21 The vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved.

Reason: To ensure that adequate parking provision is retained and to comply with policy CP9 of the Brighton & Hove City Plan Part One.

- 22 Prior to occupation of the development hereby approved the glazing requirements as per tables 6.3 and 6.4 of the 7th Wave Acoustics report dated 13th March 2017 shall be implemented and retained unless otherwise agreed in writing by the local planning authority.

Reason: To protect the occupants of the development from noise nuisance in accordance with Policy SU10 of the Brighton & Hove Local Plan.

- 23 No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any elevation facing a highway.

Reason: To safeguard the appearance of the building and the visual amenities of the locality and to comply with policies HE10 and HE6 of the Brighton & Hove Local Plan and CP12 and CP15 of the Brighton & Hove City Plan Part One.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.

2. A condition requiring details to be approved of car parking layout is necessary despite details being included in the application. This is because although the layout of the basement disabled parking is in accordance with Traffic Advisory Leaflet 5/95 Parking for Disabled People which requires a 1.2m access zone on both sides of each bay, the proposed bay at ground level is not and, as noted in the Highways Authority consultation response, access constraints mean that it is considered that this would be better located at basement level to ensure users are able to conveniently access the building entrance.

- 3 The planning permission granted includes a vehicle crossover which requires alterations and amendments to areas of the public highway. All necessary costs including any necessary amendments to a Traffic Regulation Order (TRO), the appropriate license and application fees for the crossing and any costs associated with the movement of any existing street furniture will have to be funded by the applicant. Although these works are approved in principle by the Highway Authority, no permission is hereby granted to carry out these works until all necessary and appropriate design details have been submitted and agreed. The crossover is required to be constructed under licence from the Head of Asset and Network Management. The applicant must contact the Streetworks Team (01273 293 366) prior to any works commencing on the public highway.
- 4 The applicant is advised that the scheme required to be submitted by the relevant condition relating to car-free development should include the registered address of the completed development; an invitation to the Council as Highway Authority (copied to the Council's Parking Team) to amend the Traffic Regulation Order; and details of arrangements to notify potential purchasers, and occupiers that the development is car-free.
- 5 To discharge the sustainable drainage condition, the Local Flood Authority would expect to see
 - An appropriate soakaway test in accordance with Building Research Establishment Digest 365 (BRE365). Details of the results will need to be provided.
 - Appropriate calculations to demonstrate that the proposed sustainable drainage will be able to cope with both winter and summer storms for a full range of events and storm durations.
 - The applicant should demonstrate that the sustainable drainage system will be able to cope with a 1 in 100- year plus climate change event.
- 6 The applicant is advised to contact the East Sussex County Archaeologist to establish the scope for the Written Scheme of Archaeological Investigation as required by the relevant condition.
- 7 A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1 The application site covers an area of 0.14 hectares and comprises vacant, brownfield land which was previously occupied by the Sackville Hotel on Hove seafront. It is surrounded by close-boarded fencing within the mainly residential area of Sackville Gardens Conservation Area, on the western corner of Kingsway and Sackville Gardens. There are no listed buildings within this conservation area.

- 2.2 Adjoined to the west of the site is the newly completed block of 9 flats at 191 Kingsway (5 storeys) with Girton House beyond that. To the northwest of the site is the 1970's four storey Clarke Court block of flats that fronts onto Walsingham Road. Clarke Court contains some windows facing south onto the rear of Girton House and some facing due east towards 2 Sackville Gardens. To the north of the site is a two storey house at 2 Sackville Gardens; there are no windows from that property facing directly onto the site. To the east at the opposite corner of Sackville Gardens is the "San Remo" building at 173-187 Kingsway (6 storeys). South of the site across the Kingsway is the Western Esplanade Hove Lawns including formal bowling greens and various low-rise seafront structures.
- 2.3 Planning permission is sought for the erection of a new residential block of 60 flats, 27 car parking spaces, 80 cycle parking spaces and associated works. The proposed materials are gault brick (yellow/cream), bronze detailing to the balconies and screens and dark grey metal for window frames and penthouse level. The proposal rises to 8 storeys at its main, southern elevation fronting Kingsway and steps down to 5 storeys on the return, east elevation facing Sackville Gardens.
- 2.4 The 60 flats comprise:
- 40 x one bed flats (including 12 x one person studio flats);
 - 19 x two bed flats;
 - 1 x three bed flat.
- 2.5 The application submission indicated that individual units were designed tenure-blind to accommodate private market housing or affordable housing as required, however a confidential viability assessment was submitted with the application indicating no affordable housing was viable (see Affordable Housing section below for further information).
- 2.6 Minor amendments were received during the course of the application to some of the concerns raised by the Heritage Officer and other adjustments: frosted windows were added to the northern elevation instead of the bronze panels, and the colour of the basement vents were amended to match the surrounding brickwork.

3. RELEVANT HISTORY

BH2015/04414 Construction of a 4 to 17 storey building (plus basement) to provide 98 residential dwellings with a mix of one, two and three bedroom units with balconies and terraces, new pedestrian and vehicle access from Sackville Gardens, basement car parking, cycle parking and associated works including new plant, substation and landscaping. Withdrawn (10/03/16)

BH2015/00471 Erection of 5no houses facing Kingsway in five storey terrace with basement and roof terrace and separate 5no storey building with basement facing Sackville Gardens of 2no flats and 2no maisonettes, incorporating underground parking accessed from Sackville Gardens. Approved (15/04/15)

BH2012/00982 Erection of 5no houses facing Kingsway in five storey terrace with basement and roof terrace and separate five storey building with basement facing Sackville Gardens of 2no flats and 2no maisonettes, with all underground parking accessed from Sackville Gardens. Refused (19/06/12). Allowed at appeal (10/10/12).

BH2012/00097 Erection of 5no houses facing Kingsway in five storey terrace with basement and roof terrace and separate five storey building with basement facing Sackville Gardens of 2no flats and 2no maisonettes, with all underground parking accessed from Sackville Gardens. Refused (09/03/12)

BH2011/01146 Erection of 5no five bedroom terraced houses (5 storeys plus basement) and 1no three bedroom detached house (four storeys plus basement) with underground parking accessed from Sackville Gardens. Refused (01/08/11)

BH2006/02153 Demolition of Hotel (Retrospective). Approved (26/11/12)

Neighbouring site at 191 Kingsway

BH2011/03956 Demolition of existing building and construction of nine residential flats - Allowed at appeal 10 October 2012.

Pre-Application Advice

Officer pre-application advice was given on an earlier version of the proposed scheme in January 2017. The principle of a residential scheme in this location was considered acceptable subject to:

- Conservation area is key constraint.
- No higher than 8 storeys, 2 penthouse storeys on 6 normal storeys preferred to reduce bulk.
- Transitional stepping-down of height on Sackville Gardens elevation is a suitable approach.
- Proposed building line is accepted.
- 40% affordable housing should be provided on-site.

Members Pre-Application Briefing

The applicant presented a pre-application scheme to Councillors on 7 February 2017. Members present were generally supportive of the height, scale, bulk and vertical rhythm of the proposed building both to the seafront and the transition to the lower buildings in Sackville Gardens. Design elements including the entrance onto Kingsway and external materials were supported. Concerns were raised about the blank west-facing flank wall.

4. REPRESENTATIONS

4.1 **Seventy six (76)** letters have been received from residents within the vicinity of the site objecting to the proposed development on the following grounds (with highest number of objections first):

- The building's height is too tall, that it should be at least 2 storeys lower with reference to the Tall Buildings Guidance.
- Car parking including on-site parking provision being insufficient for the number of residential units and requesting that future residents should be prevented from applying for parking permits to limit increases in on-street parking pressure and traffic congestion specifically.
- Standard of accommodation; the size of the units being too small and having too few bedrooms, suggesting that too many studio or one-bedroom units failed to meet local needs which is mainly for two-bedroom and family sized accommodation.
- Overdevelopment / density, criticism of the number of units, the massing and the coverage by area.
- Affordable housing criticising the lack of affordable housing provision in the application submission.
- Design and appearance, criticism of the design aesthetic of the proposed building including comments that it is too modern in this context and out of scale with the street scene and nearby rooflines.
- Loss of privacy relating to overlooking of dwellings to the north and west of the site from proposed balconies on the rear and sides of the building.
- Loss of Light to nearby dwellings.
- Heritage concerns about impacts on the surrounding Sackville Gardens Conservation Area.
- Noise pollution, air pollution,
- Pressure on infrastructure and services,
- Need for biodiversity improvements such as bird boxes,
- Loss of sea views.

4.2 **Five (5)** letters were received from residents within the vicinity of the site offering general comment with some elements of support for the proposed development, summarised as follows:

- Design and appearance, particularly compared to previous schemes on the site.
- Provision of cycle parking.
- Height of the development.
- Car free designation (beyond the on-site car parking provision).

4.3 **Councillor Tom Bewick** has commented on the application, a copy of the letter is attached to the report.

5. CONSULTATIONS

5.1 **County Archaeology:** No objection

A programme of archaeological works should be secured by condition. The written scheme of investigation will set out the contracted archaeologist's detailed approach to undertake the programme of works and accord with the relevant sections of the Sussex Archaeological Standards (April 2015).

5.2 **Conservation Advisory Group:** No objection

CAG recommends approval.

5.3 County Ecologist: No objection

The proposed development will result in the loss of all vegetation from the site; this loss should be compensated through the provision of a sensitive landscaping scheme which uses native species of known value to wildlife, biodiverse green roofs and green walls. The site offers opportunities for enhancement that will help the Council address its duties and responsibilities under the Natural Environment and Rural Communities (NERC) Act 2006 and NPPF. Opportunities include the provision of a sustainable urban drainage scheme, the provision of house sparrow boxes on the new buildings, and the use of species of known wildlife value within the landscape scheme.

5.4 To avoid disturbance to nesting birds, any demolition of buildings or removal of scrub/trees that could provide nesting habitat should be carried out outside the breeding season (generally March to August). There is an active fox den on the northern boundary. Measures should be taken to ensure foxes are excluded from the den prior to its destruction and that this should avoid the period when young are fully dependent.

5.5 West Hove Forum: Comment

Priority to make the Western Lawns more family friendly recognising a diversity of needs; an inclusive play area, accessible for younger children and those with disabilities; a grass sports games area is another possibility; and also including exercise for older people. We recognise that specific uses of such S106 contributions must require careful consideration taking account of growing needs, protecting an important community space and avoiding crowding out established community uses noted above; what we are looking for is an explicit recognition of the priority for local use focused on the Western Lawns.

5.6 Hove Civic Society: No objection

Support subject to appropriate car parking and protection of privacy. Design elements including reduction in scale along Sackville Gardens and position of vehicle entrance are positive.

5.7 Sussex Police: No objection

General support; advice to the applicant to incorporate principles of Secured by Design to ensure a safe and secure environment for residents and visitors.

5.8 Southern Water: No objection

Consents will be necessary for excavations in proximity to a water main crossing the site.

5.9 Policy Officer: No objection

Principle of residential development is accepted.

5.10 All flats appear to meet the Government's Technical housing standards: nationally described space standard published in March 2015. Policy HO13 in the 2005 Local Plan provides the policy base for requiring the higher optional access standards set out in Building Regulations Part M(4)(2) for accessible and

adaptable and Part M(4)(2) for fully wheelchair accessible. All dwellings should meet Part M(4)(2) and 10% of the affordable housing should meet the higher Part M(4)(3) fully wheelchair accessible standard. However the Planning Statement indicates that only 3 units or 5% of the total units will meet Part M4(3)(2b) standards.

- 5.11 With respect to Policy CP19 Housing Mix, the latest objective assessment of housing need indicates that the most demand for market housing is for 2 and 3 bedroom properties (35% each). The proposed housing mix for this scheme is 68% 1-bedroom and, 30% 2-bedroom and 2% 3-bedroom units. Studio flats offer limited flexibility to changing household circumstances. On this basis, the proposed mix for this scheme could be improved upon by a better balance of two and three bedroom properties in the overall mix.
- 5.12 **Heritage Officer: Objection**
The submission follows pre-application advice based on a slightly different scheme. Positive feedback was given at pre-application stage when the seventh storey was presented as a lower penthouse level, thereby reducing the apparent difference in scale with the adjacent buildings.
- 5.13 It is accepted that due to existing building heights that have developed along the Hove seafront in more recent times the Kingsway frontage is able to accommodate a new building of a larger scale than would normally be acceptable in this conservation area. Further, it is considered that some variation in building heights to punctuate the wider sea facing frontage of Hove can enhance the townscape, and there is therefore some scope for a slightly taller building on this site, subject to an acceptable impact on immediate surroundings. However, it is considered that due to its low scale character, Sackville Gardens would not be preserved or enhanced in the same way and even the 5 storey element will dwarf the 2 storey houses to the North.
- 5.14 It is therefore considered that to reduce the impact of the significant height difference between the proposal and the flanking seafront terraces, particularly San Remo to the East, the scheme should revert to 6 main storeys with 2 penthouse levels as proposed at the pre-application discussions, and the balcony slab/screen structure should accordingly be lowered by 1 floor. Additionally the Western elevation of the southern penthouse levels should be set in from the main façade to better respect the scale of the terrace to the West, and likewise the northern elevation of the penthouse fronting Sackville Gardens should also be drawn back from the main northern façade. This development will be very prominent in views from the north in Sackville Gardens where the greatest impact on the Conservation Area will be experienced and it is considered that the scale of the proposal and contrasting roofline will harm the character of Sackville Gardens. It is considered that this would be less than substantial harm. Whilst the existing vacant plot is harmful, it is considered that developing the site will only enhance the conservation area with the use of good contextual design.
- 5.15 The use of brick and zinc as proposed is considered acceptable in principle, along with etched glass balcony balustrades. The use of bronze does not draw

on the existing palette of materials in the immediate surroundings and there are reservations about this, particularly on the large return surfaces of the vertical screens, which in oblique views will be dominant in the street scene.

5.16 Education Authority: No objection

Primary School provision would be likely to be from West Hove Infant School, Hove Junior School, St Andrew's Primary School, Hove Junior school Holland Road, Brunswick Primary School or West Hove Infant School Connaught Road as they are the closest primary's to the development. These school currently offer a total of 3,000 places and there are currently 2,885 pupils on roll at these schools. This offers a surplus of just 4% (the majority of which is in the junior year groups) which is required to allow for parental preferences and in year admissions. With regard to the secondary provision the development is currently in the catchment area for Blatchington Mill and Hove Park Schools. Given the limited capacity of all of these schools, a S106 contribution is entirely appropriate to seek a contribution in this respect.

5.17 Economic Regeneration: No objection

Support for economic benefits of new housing provision on the local area. An Employment and Training Strategy will be required and a contribution towards the delivery of the council's Local Employment Scheme.

5.18 Sustainable Transport: No objection

The Highway Authority has no objections to the proposed development subject to a S106 agreement and the necessary conditions.

5.19 Car Parking:

27 car parking spaces are proposed including four disabled bays which is within the maximum limit in SPD14. This would provide parking at a ratio of 0.45 spaces per dwelling. Car ownership for the proposed development is likely to be lower than the ward average owing to the proposed units being flats and the majority having less than three bedrooms.

5.20 Taking account of the number of units without a parking space (33), it is therefore recommended that the permit free condition be attached to any planning consent in line with SPD14 guidance.

5.21 The car park layout is acceptable subject to minor amendments to accommodate acceptable disabled and motorcycle parking, to be secured by condition.

5.22 Cycle Parking:

80 cycle parking spaces are proposed using a two-tier system. Although acceptable in principle, it is recommended that further details of the stacking system including the manufacturer's specifications and horizontal and vertical clearances be obtained by condition.

5.23 Trip generation and S106 contribution:

Additional vehicle trip generation during any one hour represents a low proportion of existing flows (approximately 1%) and would have an acceptable

impact on the surrounding highway network but access to sustainable transport measures is still necessary. S106 contributions of £63,900 should be secured and used to fund the following sustainable transport improvements:

- Accessible kerb and/or real time information and/or shelter at the westbound bus stop on Kingsway to the south east of the site (Sackville Gardens); and/or
- Accessible kerb and/or real time information at the westbound bus stop on Kingsway to the south west of the site (Walsingham Road); and/or
- Shelter and/or real time information at the eastbound bus stop on Kingsway to the east of the site (Westbourne Villas); and/or
- Pedestrian and cycle network improvements between the site and nearby attractions and services including Hove Lagoon, the seafront, New Church Road and King Alfred Leisure Centre. This will include, but not be limited to, dropped kerbs, tactile paving, footway buildouts and side road entry treatments; and
- New car club bay in the vicinity of the development site to include advertising and amending the Traffic Regulation Order, lining and signing.

5.24 Environmental Health: No objection

The applicant has provided an acoustic report as well as information relating to potential land contamination. The acoustic report indicates that enhanced glazing is necessary for the majority of the facades and windows. To ensure a level of protection without opening the windows, a system of ventilation is necessary. This is also reflected in the report but no one definitive type of ventilation has been determined or recommended by the applicant. This may be dealt with via a flexible condition.

5.25 There is little evidence from the information held to support a full phased contaminated land condition. However, as a former hotel, and the potential for waste fly tipped on the site, there is the potential for asbestos containing materials to be present on the site. Asbestos sampling may be achieved via a condition.

5.26 Housing Strategy: Insufficient Information / Comment

At the time of comment, the applicant has not confirmed the number, location, size or tenure of any affordable units in the proposals.

5.27 A policy compliant 40% as affordable housing would provide 24 homes. To meet the Affordable Housing Brief the provision should provide the 24 units as 55% Affordable Rent (13 units) and 45% shared ownership (11 units).

5.28 Brighton and Hove is a growing City with 273,000 people in 124,000 homes, with an additional 22,840 households (914 per annum) projected to 2033. There is a very pressing need for affordable homes in the City with half of all households in the city earning less than £28,240 per annum, the city's private sector housing is unaffordable for the majority of the population. 1,655 households are currently in Temporary Accommodation, 1,098 of which include children and/or pregnant women, and more than 25,404 people are on the joint

housing register - 64% of whom are in demonstrable need - Bands A to C. [Source: Housing Statistical Bulletin October to December 2016].

- 5.29 Up to date assessment of housing needs shows that although greatest need (numerically) is for smaller one and two bed properties there is significant pressure on larger family sized homes. There is only one 3 bed property at this development. 66% of all the proposed units are 1 beds but a mix which includes 2 beds would be preferred. The wheelchair accessible properties would be preferred as Affordable Rent and all appear to be 2 beds. Smaller Affordable Rent units can be used for people to downsize when they are under-occupying, potentially freeing up larger family homes elsewhere in the city.
- 5.30 The Affordable Housing Brief includes the requirement for a review mechanism to reassess the viability of schemes near completion, where any reduction from policy (i.e. less than a 40% provision) can be reassessed and any increase in the viability position is reflected in an uplift of the contribution, to be paid as a commuted sum. This should be included in the S106 agreement in case of any changes to the proposed scheme following the granting of planning permission.
- 5.31 **Sustainability Officer:** Comment
There are some positive features proposed with the scheme that address policy CP8 Sustainable Buildings, but more could be done to improve the scheme. The Sustainability Checklist indicates some further positive measures to address aspects of policy CP8: internal flood resilience measures; ecological mitigation measures; provision of 80 cycle parking spaces; one allocated car club space; and two electric vehicle charging spaces. The scheme could be improved by including green roofs or walls; further passive design measures; use of sustainable materials; rainwater butts or rainwater harvesting and reuse; food growing or edible/productive planting incorporated into landscaping proposals; provision for onsite composting.
- 5.32 **Local Flood Authority:** No objection
No objection subject to the necessary conditions attached.

6. MATERIAL CONSIDERATIONS

- 6.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report
- 6.2 The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016);
 - Brighton & Hove Local Plan 2005 (retained policies March 2016);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);

- 6.3 Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

7. **POLICIES**

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

- SS1 Presumption in Favour of Sustainable Development
- CP1 Housing delivery
- CP2 Sustainable economic development
- CP7 Infrastructure and developer contributions
- CP8 Sustainable buildings
- CP9 Sustainable transport
- CP10 Biodiversity
- CP11 Flood risk
- CP12 Urban design
- CP14 Housing density
- CP15 Heritage
- CP16 Open space
- CP19 Housing mix
- CP20 Affordable housing

Brighton & Hove Local Plan (retained policies March 2016):

- TR4 Travel plans
- TR7 Safe Development
- TR14 Cycle access and parking
- SU9 Pollution and nuisance control
- SU10 Noise Nuisance
- QD15 Landscape design
- QD27 Protection of amenity
- HO5 Provision of private amenity space in residential development
- HO13 Accessible housing and lifetime homes
- HE6 Development within or affecting the setting of conservation areas

Supplementary Planning Documents:

- The Sackville Gardens Conservation Area Character Statement - 1997
- SPD03 Construction & Demolition Waste
- SPD09 Architectural Features
- SPD11 Nature Conservation & Development
- SPD14 Parking Standards
- SPG15 Tall Buildings

8. **CONSIDERATIONS AND ASSESSMENT**

8.1 **Principle of Development**

The City Plan Part 1 Inspector's Report was received in February 2016. The Inspector's conclusions on housing were to agree the target of 13,200 new homes for the city until 2030 as a minimum requirement. It is against this

minimum housing requirement that the City's five year housing land supply position is assessed annually. The most recent land supply position was published in the 2016 SHLAA Update (February 2017) which demonstrates a 5.6 year supply position. The Council can therefore demonstrate an up to date housing supply position in accordance with the NPPF.

8.2 The last lawful use undertaken on the site was a hotel that was demolished following a fire in 2006. Since then, a series of planning permissions have approved a change of use of the site to residential. The site is not identified for a specific use within the Development Plan. The principle of the proposed residential use is therefore accepted.

8.3 **Scale of Development / Tall Building Guidance**

City Plan Part One Policy CP14 requires development to make full, efficient and sustainable use of land. The density of 60 flats across 0.14 hectares equates to 429 dwellings per hectare which is therefore supported by Policy CP14.

8.4 Policy CP12 identifies the site as being within the Western Seafront and Kingsway area, with potential for taller development. CP12 states that taller buildings on existing brownfield land can achieve sustainable growth subject to respecting identified local character and protecting built heritage. City Plan Policy CP12 builds on evidence within Supplementary Planning Guidance "BH15 Tall Buildings" (SPG15) which identifies the Western Seafront/Kingsway corridor as an area with opportunities for mid-rise buildings of 6-8 storeys, including landmark buildings.

8.5 The site is within the Sackville Gardens Conservation Area. An objection letter referred to the Council's Tall Buildings Study (Gillespies, 2003) which identified the application site as within a "Planned conservation area generally unsuitable for tall buildings". However, SPG15 was adopted more recently and did not include exact boundaries for tall buildings corridors, but defined linear zones around transportation routes. SPG15 (and CP12) do support tall-buildings in conservation areas providing that it can be demonstrated that the character and appearance of the conservation area is preserved or enhanced.

8.6 The City Plan therefore supports a tall building in this location in principle, subject to all other material considerations.

8.7 **Height**

Fronting Kingsway, the proposed building is 26m tall to the upper roof of the penthouse level and 23m tall to the highest point of the main elevation (7th storey). The adjoined building at 191 Kingsway is 17.8m at its highest point.

8.8 The Sackville Gardens eastern elevation steps down from 26m at the corner of Kingsway to 16m at the northern 5 storey end and 13m to the top of the main elevation on this side (4th storey). The nearest building to the north, 2 Sackville Gardens, measures 11.5m tall to ridge-height at a separation distance of 12m. The bulk of the eastern elevation, although still substantially larger than the houses along Sackville Gardens, sufficiently steps-down to a height that would

not be overly dominant of the existing 2-storey houses given the surrounding context and separation distance.

- 8.9 There are comparable buildings nearby on Kingsway that set a precedent for 8 storey buildings next to shorter neighbours including in conservation areas. 'Fairlawns' (159 Kingsway), 150m to the east, is a modern 8-storey residential building within the Pembroke and Princes Conservation Area and stands adjacent to the 3-storey over basement historic terrace of 167-171 Kingsway. To the rear of Fairlawns is a two-storey house (2 Princes Crescent) at a separation distance of 16m. 'Horizon' (205 Kingsway), 100m to the west of the application site, is also a modern 8-storey over basement residential building and adjoins the 4-storey over basement historic terrace of 195-203 Kingsway within the Sackville Gardens Conservation Area. In both nearby examples, the neighbouring buildings are at odds in terms of their architectural styles and relative heights, but do not appear overly discordant in the streetscene because of the great variety of styles, heights and spacing that characterises this part of the Kingsway.
- 8.10 The application building would stand 8m taller than its adjoined neighbour at 191 Kingsway but this level of difference would not be out of keeping with the significant variety of heights, forms and styles along this part of Kingsway.
- 8.11 Constraining new development to being no taller than all adjoining neighbours would not allow for variety and sustainable, higher density re-development of brownfield land as supported by City Plan Policy CP12. Kingsway is identified as a tall buildings corridor and Special Area in the City Plan and is likely to see further tall buildings in the future; proposals in the short term should not be limited to lower heights solely because they are a progenitor of this trend.
- 8.12 **Design and Appearance**
Good design will take the opportunities available for improving the character and quality of an area and respond to local character and history (NPPF paragraphs 58 and 64). Kingsway, the A259, is a busy dual-carriageway and a main arterial route into the City from the west. Within the vicinity of the application site Kingsway is characterised by tall, often utilitarian, residential development on its north side and open lawns with sparse, low-rise sea-front structures on the south side. Many of the streets running north from Kingsway, including Sackville Gardens, are characterised by historic rows of smaller domestic buildings of two or three storeys, book-ended by taller buildings at the southern end on Kingsway.
- 8.13 The palette of materials is based around gault brick (yellow/cream) which is a common and characteristic tone within the Sackville Gardens Conservation Area. It is noted that the use of bronze and dark grey metal detailing are non-traditional materials in this area but their tone and limited use relates well to the brick, presenting a modern appearance whilst preserving surrounding historic character. The extensive use of glazed balconies presents a risk of a cluttered appearance from domestic paraphernalia and untidiness on the outside of the building. The use of etched glass to provide some mitigation can be secured by condition.

- 8.14 The building line is acceptable, aligning with the adjoined 191 Kingsway along its southern boundary and relating adequately to houses on Sackville Gardens along its eastern boundary despite taking an angle away from them. The curved design feature to the south east corner is understood to have arisen from consultation with the community and provides visual interest and connectivity between the two most prominent elevations. The south elevation replicates the bay-rhythm and window proportions of the San Remo building to the east which will provide consistent proportions in the streetscene and is an architectural strength.
- 8.15 The position, form, detailing and choice of materials are appropriate in this location and respond well to the mix of modern and traditional influences in the area.
- 8.16 **Sackville Gardens Conservation Area**
Great weight should be given to the preservation of the character and appearance of the Sackville Garden Conservation Area, with any harm requiring a 'clear and convincing justification' such as economic, social and environmental benefits (NPPF paragraph 132).
- 8.17 The Sackville Gardens Conservation Area, along three straight and parallel residential streets running northwards from the seafront, was built in the late 19th century from either red or yellow gault brick, with some stucco buildings in between. Many of the buildings have prominent gables to the street with some of them still retaining their original red tiled roofs. The clear geometrical layout of the conservation area has a role in its character with the busy east-west arterial routes in and out of the City and the north-south streets being comparatively quiet with only local traffic associated with the houses.
- 8.18 The Conservation Area Character Statement describes buildings on Kingsway as being generally 5 or 6 storeys high and more ornate and prominent than the smaller more domestic buildings in the quieter street to the north. The former hotel on site was 5 storeys and the neighbouring building to the east, "San Remo" (173-187 Kingsway), is a very good historic terrace of 6 storeys. The architectural variety and also the contrasting juxtaposition of taller, south-facing Kingsway buildings and low-rise east- and west-facing houses is a key part of the local character and creates a strong sense of place.
- 8.19 Sackville Gardens itself is a quiet residential, tree-lined street formed mostly of low-rise housing development between busy thoroughfares. The application site 'book-ends' Sackville Gardens as viewed from the north and would be in stark contrast to the current situation where the empty site provides no visual break before the Western Lawns and sea beyond. However, this is a clear anomaly in the wider conservation area (and adjacent areas) where the overwhelming pattern of urban form and grain is for taller, varied Kingsway buildings south of the low-rise, ordered streets and conservation areas to the north.

- 8.20 The Council's Heritage Officer is comfortable with the overall height in principle, considering that taller buildings have emerged along the Hove seafront recently so the site is able to accommodate a new building of a larger scale than would normally be acceptable in this conservation area. However, it was concluded that the bulk of the building with 7 full storeys and a penthouse between its neighbouring seafront terraces does not adequately preserve the character of Sackville Gardens. Several other minor elements of the design and appearance also raised some concern.
- 8.21 The Heritage Officer proposed a series of amendments to address their concerns, rather than raising a fundamental objection to the scheme from the outset. These included adjusting the design to 6 full storeys and two penthouse levels effectively limiting the bulk and main architectural features of the building to 6 storeys whilst retaining the overall 8-storey height. Most of the minor amendments were agreed and changed by the applicant but they were not minded to alter the 7th storey to a lower-penthouse level and so the proposal is assessed on this basis.
- 8.22 The designation of a conservation area does not prevent a tall building in principle, subject to the preservation of its historic character and appearance. The proposed 8 storey building would appear as a significant change compared to the current vacant site, but would continue the established development pattern of the area, as set out above. As set out earlier in this report, the colour palette, bay proportions, building line and orientation of the proposal conforms well to the surrounding conservation area despite being a modern design. The neighbouring building to the west, 191 Kingsway is a new-build with very modern design; an appeal inspector found *"rather than being 'incongruous', I consider that the building would fit easily into its surroundings and would respect the development pattern without dominating or detracting from the more historic buildings on the seafront and the character and appearance of the conservation area"*. For these reasons it is considered that the character of the conservation area is preserved by the proposal.
- 8.23 The appearance of the Sackville Gardens Conservation Area will be most affected in views along Sackville Gardens close to the site from the north where the height of the proposed building relative to houses on the street would be most apparent. Although the building will visually dominate the nearest houses on Sackville Gardens when viewed in close proximity to the site, its height will be seen in the context of the other tall buildings nearby and the building will clearly read as being more related to Kingsway. From further along Sackville Gardens, moving away from the site to the north, the building's relative height will become less evident and its building line, transitional stepping-down in height and colour palette will accord with the surrounding houses and not appear significant or obtrusive. Noting again that many of the conservation area streets nearby end in tall buildings along the Kingsway yet retain their special historic qualities, the appearance of the conservation area although impacted, is not considered to be significantly harmed by the proposal on balance.

8.24 **Affordable Housing:**

City Plan Part One Policy CP20 requires the provision of 40% on-site affordable housing for sites of 15 or more net dwellings. For this proposal of 60 dwellings this would equate to 24 affordable units. The Council's Affordable Housing Brief (2014) sets out a citywide objective to achieve a tenure mix of affordable housing of 55% social or affordable rented and 45% intermediate e.g. shared ownership. For the application scheme this would equate to approximately 13 rented units and 11 intermediate units.

- 8.25 The policy wording of CP20 advises that the target of 40% may be applied flexibly where it is considered to be justified in light of various criteria including, among others: the costs relating to the development; in particular the financial viability of developing the site (using an approved viability model); the extent to which affordable housing would prejudice other planning objectives; and, the need to achieve a successful housing development.
- 8.27 A confidential viability assessment was submitted with the application indicating no affordable housing was viable. Officers requested the District Valuer Service (DVS) provide an independent review of this evidence. The initial advice of the DVS was that the scheme could viably support some level of affordable housing but following extensive discussion and adjustment between the DVS and the applicant's viability consultant, no agreement on their respective conclusions could be reached. The disagreement revolved around a fundamental element of the two viability appraisals: the Benchmark Land Value. Because no agreement could be reached on the Benchmark Land Value, the Council commissioned a third party to adjudicate (BNP Paribas).
- 8.28 During consideration by BNP Paribas and subsequent to the initial report of the DVS, the applicant's viability consultant continued to make amendments to their evidence and correct errors in their report. This led to a verbal update to the 13th September 2017 Committee on the maximum viable affordable housing position agreed between BNP Paribas and the applicant. The agreed position was 5 Affordable Rent units (8% of site total) as the preferred option of the Housing Strategy Team. Members were also advised that a mixed tenure scheme of 4 Affordable Rent and 3 Shared Ownership units (7 units / 11.6% of site total) was also viable as an alternative.
- 8.29 Following deferral of the application further advice was sought from the DVS regarding the latest version of the applicant's viability evidence. The DVS have now reached agreement with BNP Paribas and their joint, final advice has been published on the Council's Planning Register. The report includes four possible combinations of affordable housing tenures. The Affordable Housing Brief states an objective to achieve a mix of 55% rented and 45% intermediate units and so the combination of 10 affordable units (16% of the site total) in the form of 5 affordable rent units (2 x 1-bed and 3 x 2-bed) and 5 shared ownership units (3 x 1-bed and 2 x 2-bed) accords most closely with this objective. It is therefore recommended that 10 affordable units is the maximum viable level that is possible to secure at the proposed scheme, in accordance with City Plan Policy CP20.

8.30 Impact on Amenity:

Neighbouring representations raised amenity concerns mainly relating to loss of light and loss of privacy from overlooking.

- 8.31 The submitted Daylight and Sunlight Report and the Overshadowing Assessment provide a full assessment of light impacts on neighbouring properties. It concludes that impacts arising from the proposed development demonstrate good levels of compliance with BRE guidance.
- 8.32 The northernmost windows are proposed to be obscurely glazed and the north-facing windows of the main building will be comparable to several other north-facing units to the rear of buildings located along Kingsway including the neighbouring 191 Kingsway which has the same orientation and outlook.
- 8.33 There are only two balconies which afford a limited view north towards the private amenity space of housing. The fourth floor rear penthouse has a west-facing balcony which looks towards the rear of Clarke Court at a distance of 46m and with no outdoor amenity space so loss of privacy is minimal. Oblique views towards the rear gardens of houses on the western side of Sackville Gardens could be protected by the installation of a narrow privacy screen, to be secured by condition. The seventh floor penthouse again has a west-facing balcony with minimal visibility to the north which could also be protected by the installation of a privacy screen.
- 8.34 Concern has been raised about the overlooking of front and roof terraces at the adjacent 191 Kingsway from the front balconies on each floor of the new building, as well as the penthouse terrace. From the submitted drawings it does appear that a clear line of sight in close proximity would occur and so the installation of privacy screens to the western-most balconies is recommended to be secured by condition.
- 8.35 Otherwise, taking into account all of the other representations, the impact on amenity is not harmful enough to warrant the refusal of the application.
- 8.36 **Type and Quality of Accommodation**
The proposed accommodation schedule is 40 x one bed units (including 12 studio flats), 19 x two bed units and 1 x three bed units.
- 8.37 The latest objective assessment of housing need for Brighton & Hove (GL Hearn, June 2015) indicates that for market housing, most demand is likely to be for 2 and 3 bedroom properties (35% each). This reflects continuing demand for housing from younger persons and young families. Studio flats offer limited flexibility to changing household circumstances. On this basis, the proposed mix for this scheme is less than ideal. However, a city-wide preference for housing mix cannot be applied rigidly to each site and it has to be considered that a block of flats on the seafront is likely to contain smaller units with fewer bedrooms to cater for a certain market, compared to areas further away from the city centre which would focus more on family units. There is however a wide range of unit sizes, despite a majority of one-beds, and on balance it would not be expedient to refuse the application on this basis alone.

8.38 The Council does not have adopted minimal space standards for new dwellings but uses the Government's Technical housing standards: nationally described space standard published in March 2015 as a benchmark for an acceptable level of living space for future occupiers. All of the proposed dwellings exceed the national minimal space standards with the larger two-bed and three-bed units offering the most generous space well above the minimal standards and all with private balconies. The access to light and outlook is generally good and some of the smaller units on the northern side have been amended to include more windows. The individual and overall accommodation is assessed as being satisfactory.

8.39 **Sustainable Transport**

Subject to the recommended conditions, the Highways Authority supports the application. The highest number of representations raising concern about transportation matters related to on-street parking pressure. The application proposes 27 car parking spaces, 6 outside at ground level to the rear of the site and 21 in the basement car park including 4 disabled bays. This would leave 33 new units without a parking space. A condition is therefore recommended to prevent any future residents from applying for an on-street parking permit, preventing any additional pressure experienced by local residents. A financial contribution to improve local sustainable transport measures is also sought along with a Travel Plan to encourage sustainable transport choices.

8.40 **Sustainability**

Sustainability measures have been incorporated into the design including a 28kWp solar PV system on the roof. The Council's Sustainability Officer is supportive of the energy saving features of the development although notes more could have been incorporated in the design of the scheme. The Sustainability Officer recommends considering a decentralised energy scheme such as communal heating which is an objective of City Plan Special Area policies. However, given the site is not within a Special Area designation (it is adjacent to the northern boundary of SA1) and energy and water saving measures to meet the requirements of policy CP8 can be secured by condition, a decentralised energy scheme is not considered reasonable to require. A condition to secure biodiversity enhancements is also proposed.

9. EQUALITIES

9.1 The scheme would provide for 10 affordable units. Conditions are attached to ensure that all dwellings are built to Building Regulations Optional Requirement M4 parts (2) and (3)(2b) standards for accessibility.

Letter from Ward Councillor Tom Bewick: Sackville Gardens, HOVE: Section 106 Agreement

Submission by Cllr Tom Bewick, Westbourne ward

Background

The site of the old Sackville Hotel in Westbourne is earmarked for development. Hyde Housing put forward an initial scheme, "Sackville Tower", which was rejected by local residents and planning.

A completely revised scheme has been submitted and consulted on by developers, which is lower (8 stories), and meets most of the objections of the previous scheme. A planning committee submission has been prepared for the beginning of September.

Local views

The principal planning officer has received over 80 individual submissions about the proposed development. Westbourne councillors have received several representations, including information from conservation groups.

The application has been discussed extensively at meetings of the West Hove Forum, where consideration has focussed on community benefit issues, including the Section 106 Agreement with the Council.

On behalf of the community, I would like to see the s106 take account of two issues for further consideration. Both are important to local residents:

- 1) Development of a new **Children's Play Area** / Senior Citizens' Exercise Area with disabled access, adjacent to the proposed development on the Western Lawns;
- 2) Regeneration of **Clarke Court**, a local authority owned block on Walsingham Road, situated behind the proposed development.

New children's play area – Western Lawns

The demographics of Westbourne are changing. In recent years, the ward has been an attractive option for families with pre-school children. Demand is driven by the availability of outstanding (public & private) pre-school childcare choices in the area, including outstanding council maintained infant schools in West Hove.

One fifth of residents (21%) in Westbourne are aged 0-15 years, compared to just 8% of residents aged 0-15 years in Regency Ward. Along with Wish Ward, Westbourne is predicted to experience a significant increase in the child age population – the third highest in the city.

According to Council data, the child population is projected to increase by 5% until 2024.

Currently, the council maintains no outdoor recreational facilities for young children in Westbourne. Residents in the north of the ward, around Poets' Corner, use Stoneham Park (in Wish Ward) and residents with older children may travel further to use Hove Lagoon or playgrounds further a field.

A popular (privately owned) indoor facility known locally as "Westows" is earmarked for housing redevelopment and will close next year. While the new housing has been welcomed, the lack of recreational facilities for pre-school children in Westbourne is of major concern to young families in the area.

The combination of many factors: the significant growth in the child population; the continued attraction of young families to rent accommodation in the ward; delays with the King Alfred redevelopment; and the planned closure of local facilities at the Westerman Complex; makes the consideration of a new children's play area in Westbourne an urgent priority.

Section 106 monies could be used to build and maintain such an area, positioned on the un-used bowling greens at the Western Lawns. This would have the advantage of making provision available to parents of babies and pre-school children that live in the flats along the Kingsway. As seen on the continent, the area could also be developed/co-located with an elderly exercise and recreational area with disabled access.

Affordable housing policy and Clarke Court

Westbourne has a growing proportion of properties from the private rented sector. Over one third of residents already privately rent and the ward has been subject to HMO licensing since 2015. The proposed additional licensing scheme (currently out for consultation) may help improve standards. Rents are high in the ward: average £1800pcm for a three-bedroom property.

There is less local authority housing compared to other wards. It is one of the reasons why the Council policy of 40% affordable housing must be adhered to in Westbourne where developers come forward with new housing schemes. We do not want to see the steady social cleansing of low-income households from this part of the city.

Clake Court is a mid-sized local authority block situated behind the planned Sackville Gardens re-development. On inspection of the block the exterior is looking run down. In discussion with residents, they have told me that they would like to see more attention given to the needs of social tenants, including an upgrade of facilities. The s106 Agreement with Hyde Housing represents an opportunity to address the needs of our tenants, as well as promote community cohesion, since the Sackville Gardens development will no doubt target up-market buyers.

Councillor Tom Bewick

