

<u>No:</u>	BH2018/00937	<u>Ward:</u>	Wish Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	239 - 243 Kingsway Hove		
<u>Proposal:</u>	Demolition of existing buildings and erection of an eight storey building to provide 37no residential dwellings (C3) with associated access, parking and landscaping.		
<u>Officer:</u>	Wayne Nee, tel: 292132	<u>Valid Date:</u>	28.03.2018
<u>Con Area:</u>		<u>Expiry Date:</u>	27.06.2018
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	Mr Michael Wood Aldermary House 10-15 Queen Street London EC4N 1TX		
<u>Applicant:</u>	Agenda Homes Ltd C/o Mr Michael Wood Indigo Planning Ltd Aldermary House 10-15 Queen Street London EC4N 1TX		

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 as set out hereunder, **SAVE THAT** should the s106 Planning Obligation not be completed on or before the **30th October 2019** the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 11 of this report.

S106 Heads of Terms

- Affordable Housing: On-site provision of 4 no. 2-bedroom units, of which all 4 will be Shared Ownership.
- 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.
- Recreation / open space contributions - £119,181 towards open space and indoor sport provision in the local area.
- Sustainable transport contributions - £33,950 towards sustainable transport infrastructure improvements within the vicinity of the application site.
- Artistic Component - A contribution of £19,250 towards an Artistic Component to be provided on site.
- Education Contribution - £48,001 towards secondary and sixth form education, for Blatchington Mill and Hove Park Schools.
- Local Employment Scheme contribution - £10,400 towards the Council's Local Employment Scheme.

- A Construction Training and Employment Strategy including a commitment to using 20% local employment during the demolition and construction phases of the development,
- Five year Travel Plan including Travel Pack, subsidised public/shared transport services, cyclist training, £150 cycle voucher per household, and bicycle user group.
- Construction Environmental Management Plan (CEMP)
- S278 highway works to repair or make alteration as follows:
 - Removal of existing crossover on Kingsway and reinstatement of the public footway
 - New crossover on Kingsway in line with proposed plans
 - Alteration to crossover on Braemore Road

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	P_100		23 March 2018
Location Plan	P_101	01	24 June 2019
Proposed Drawing	P_111		23 March 2018
Proposed Drawing	P_112		23 March 2018
Proposed Drawing	P_113		23 March 2018
Proposed Drawing	P_114		23 March 2018
Proposed Drawing	P_202		23 March 2018
Proposed Drawing	P_203		23 March 2018
Proposed Drawing	P_204		23 March 2018
Proposed Drawing	P_205		23 March 2018
Proposed Drawing	P_211		23 March 2018
Proposed Drawing	P_212		23 March 2018
Proposed Drawing	P_221		23 March 2018
Proposed Drawing	P_222		23 March 2018
Proposed Drawing	P_301	01	24 June 2019
Proposed Drawing	P_201	02	24 June 2019
Proposed Drawing	P_302	01	13 June 2019

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. The development hereby permitted shall not commence until full details of existing and proposed ground levels (referenced as Ordnance Datum) within the site and on land and buildings adjoining the site by means of spot heights and cross-sections, proposed siting and finished floor levels of all buildings and structures, have been submitted to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved level details.

Reason: As this matter is fundamental to the acceptable delivery of the permission to safeguard the amenities of nearby properties and to safeguard 28 the character and appearance of the area, in addition to comply with policy QD27 of the Brighton and Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

4. Five per cent of the dwellings hereby permitted 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.

5. The development hereby permitted shall not be occupied until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out and provided in full in accordance with the approved details prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and to comply with policy QD27 of the Brighton & Hove Local Plan, policy CP8 of the Brighton & Hove City Plan Part One and Policy WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.

6. None of the new build residential units hereby approved shall be occupied until each unit as 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 and Hove City Plan Part One.

7. None of the new build residential units hereby approved shall be occupied until each new build 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 and Hove City Plan Part One.

8. Prior to the occupation of the building hereby approved, a Car Park Management Plan outlining the management of the parking areas shall be

submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include the following measures:

- Details of how each car parking space will be allocated and managed;
- Details of measures to ensure that each car parking space is for the sole use of its allocation owner and/or those they permit to use said space.

The approved scheme shall be implemented prior to occupation of the building and thereafter retained at all times.

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

9. 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.

10. 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, shall thereafter be retained for use at all times and adhere to design guidance.

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.

11. Prior to first occupation of the development hereby permitted, full details of electric vehicle charging points within the proposed car park hereby approved 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 seek measures which reduce fuel use and greenhouse gas emissions and to comply with policies SA6, CP7, CP9, CP12, CP13 and CP15 of the Brighton & Hove City Plan Part One and SPD14 Parking Standards.

12. Prior to first occupation of the development hereby permitted, a scheme for landscaping shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:

- a. details of all hard surfacing;
- b. details of all boundary treatments;
- c. details of all proposed planting, including numbers and species of plant, and details of size and planting method of any trees.

All hard landscaping and means of enclosure shall be completed in accordance with the approved scheme prior to first 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 of the Brighton & Hove City Plan Part One.

13. No development above ground floor slab level of any part of the development hereby permitted shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods 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 details.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to comply with policies SU4 of the Brighton & Hove Local Plan and CP11 of the Brighton & Hove City Plan Part One.

14. The development hereby permitted shall not be first occupied until a scheme to enhance the nature conservation interest of the site has 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 and thereafter retained.

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.

15. Prior to first occupation of the development hereby permitted, details of the external lighting of the site shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include the predictions of both horizontal illuminance across the site and vertical illuminance affecting immediately adjacent receptors. The lighting shall be installed prior to first occupation of the development hereby permitted, and maintained and operated in accordance with the approved details thereafter.

Reason: To safeguard the amenities of the occupiers of adjoining properties and comply with policies QD25 and QD27 of the Brighton and Hove Local Plan.

16. No development above ground floor slab level of any part of the development hereby permitted shall take place until samples 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 (where applicable):

- a) samples of all bricks, mortar and metal cladding,
- b) details of all hard surfacing materials,
- c) details of the proposed window, door and balcony treatments,
- d) details of all other materials to be used externally,
- e) a schedule outlining all of relevant materials and external details

Reason: To ensure a satisfactory appearance to the development and to comply with policy QD14 of the Brighton & Hove Local Plan and CP12 of the Brighton and Hove City Plan Part One.

17. No development above ground floor slab shall take place until full details of windows and their reveals and cills including 1:20 scale elevational drawings and sections have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details and shall be retained as such thereafter.

Reason: To ensure a satisfactory appearance to the development and to comply with policy CP12 of the Brighton & Hove City Plan Part One.

18. Prior to first occupation of the development hereby approved, details of the photovoltaic array referred to in the Energy Statement shall be submitted to and approved in writing by the Local Planning Authority. The photovoltaic array shall then be installed in accordance with the approved details.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and has an acceptable appearance and to comply with policies CP8 and CP12 of the Brighton & Hove City Plan Part One.

19. No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any external façade.

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

20. Other than the dedicated balconies to each flat, access to the flat roofs over the building hereby approved shall be for maintenance or emergency purposes only and the flat roofs shall not be used as a roof garden, terrace, patio or similar amenity area.

Reason: In order to protect adjoining properties from overlooking and noise disturbance and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

21. All hard surfaces hereby approved within the development site shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the site.

Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policy SU4 of the Brighton & Hove Local Plan.

22. If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority), shall be carried out until a method statement identifying and assessing the risk and proposing remediation measures, together with a programme for such works, shall be submitted to the Local Planning Authority for approval in writing. The remediation measures shall be carried out as approved and in accordance with the approved programme.
Reason: To safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.
23. Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB below the existing LA90 background noise level. The Rating Level and existing background noise levels are to be determined as per the guidance provided in BS 4142:1997.
Reason: To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
24. The balcony louvres hereby permitted shall be installed prior to occupation of the development, and thereafter permanently retained as such.
Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
25. The development hereby permitted shall not be occupied until a plan detailing the positions, height, design, materials and type of all existing and proposed boundary treatments shall have been submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be provided in accordance with the approved details prior to occupation of the development and shall thereafter be retained at all times.
Reason: To enhance the appearance of the development in the interest of the visual and residential amenities of the area and to comply with policies QD15 and QD27 of the Brighton & Hove Local Plan, and CP12 and CP13 of the Brighton & Hove City Plan Part One.
26. The development hereby permitted shall not be occupied until details of a method of privacy screening to the west elevation balconies shall be submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in strict accordance with the agreed details prior to occupation, and the privacy screens shall thereafter be retained as such.
Reason: As insufficient information has been submitted; to safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

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. The applicant is advised by Southern Water that 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. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructurecharges>.
3. A formal application for connection to the water supply 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.
4. The applicant is advised that the disabled car parking spaces should be designed in accordance with Department for Transport produced Traffic Advisory Leaflet 5/95 Parking for Disabled People. This requires a 1.2m clear zone to both sides of the bay.
5. The Highway Authority advises the applicant that in order to be in line with Policy TR14 Cycle Access and Parking of the Brighton & Hove Local Plan 2005 cycle parking must be secure, convenient (including not being blocked in a garage for cars and not being at the far end of a rear garden), accessible, well lit, well signed, near the main entrance, by a footpath/hardstanding/driveway and wherever practical, sheltered. It should also be noted that the Highway Authority would not approve vertical hanging racks as they are difficult for many people to use and therefore not considered to be policy and Equality Act 2010 compliant. Also, the Highway Authority approves of the use of covered, illuminated, secure 'Sheffield' type stands spaced in line with the guidance contained within the Manual for Streets section 8.2.22 or will consider other proprietary forms of covered, illuminated, secure cycle storage including cycle stores, "bunkers" and two-tier systems where appropriate.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The application relates to a plot of land containing 3 dwellings, situated on the corner of Kingsway and Braemore Road. It is a prominent corner site on the main seafront route through Hove, and is visible from the Western Lawns and seafront area on the southern side of Kingsway.
- 2.2. The site comprises of 3 no. dwellings (C3 use), within a pair of semi-detached houses and a detached house. The dwellings are two-storey in height.

- 2.3. The character of the surrounding area is predominantly residential, with a mix of purpose built blocks of flats at the southern end of streets generally typified by semi-detached houses, as well as some detached properties.
- 2.4. To the north of the site, there are two-storey residential properties fronting onto Braemore Road. To the west, the remaining properties on the block face onto Kingsway, comprising of a pair of semi-detached houses and a detached house on the corner of Kingsway and Berriedale Avenue. To the east is Braemore Court which is an 8 storey block of flats.
- 2.5. The properties on this part of Kingsway have substantial front garden areas which mean the building line is set back from the street. The dwellings also have rear gardens. No. 239 has garages and hardstanding at the rear, which are accessed on Braemore Road.
- 2.6. The site is not in a conservation area and does not contain any listed buildings. The Western Lawns opposite the site are identified on the Council's local list of heritage assets, and the historic shelters on Western Esplanade to the south are grade II listed. The nearest conservation area is the Sackville Gardens Conservation Area, visible from the site along Kingsway to the east.
- 2.7. Planning permission is sought for the demolition of existing buildings and erection of an eight storey building to provide 37no residential dwellings (C3) with associated access, parking and landscaping.
- 2.8. The 37 flats comprise:
- 33 x 2-bedroom flats
 - 4 x 3-bedroom flats
- 2.9. During the application, plans/supporting information was submitted to amend the scheme as follows:
- Alterations to front garden landscaping, including alterations to layout of vehicle and cycle parking;
 - Additional submission of light/daylight study;
 - Additional submission of financial viability evidence.
- 2.10. Pre-application advice: The development has been influenced by pre-application feedback from officers.

3. RELEVANT HISTORY

- 3.1. **BH2003/01330/FP** Loft conversion including dormer extensions to front and side - Approved 03/06/2003
- 3.2. **BH2004/02127/FP** Single storey rear extension with pitched roof - Approved 25/08/2004
- 3.3. **BH2002/01331/FP** Single storey rear extension - Approved 01/07/2002

245 Kingsway:

- 3.4. **BH2015/04405** Erection of rear extensions to ground and first floor levels - Approved 16/02/2016

4. REPRESENTATIONS

- 4.1. **Cllrs Robert Nemeth and Garry Peltzer Dunn** object to the application, a copy is attached to the report.

- 4.2. **Former Cllr Denise Cobb** objects to the application, a copy is attached to the report.

- 4.3. **MP Peter Kyle** objects to the application, for the following reasons:

- Concerns about the development's impact on its neighbours.

- 4.4. Seventy One (71) letters of representation have been received objecting to the proposed development for the following reasons:

- Attempt to squeeze too much development onto the site
- The need for housing does not outweigh the negative impacts of the proposal
- Loss of light to windows and gardens of nos. 5, 6 and 8 Braemore Road, 245, 247 and 249 Kingsway, and no. 3 Berriedale Avenue
- Overshadowing to properties on Braemore Road
- Overlooking, loss of privacy and loss of outlook to properties on Braemore Road
- Detrimental impact on neighbouring house prices due to loss of amenity
- Proposal does not make a positive contribution to the neighbourhood
- Inappropriate appearance and scale of development
- Development set too close to two storey houses
- Building not in harmony and out of character with adjacent buildings
- Bulky appearance
- Excessive height/too many storeys
- Inappropriate position in relation to existing building line
- Fenestration pattern inappropriate
- Bland use of materials
- Stepping out of development on corner would have detrimental impact on views along Braemore Road
- New access point to site will add to danger of car movements in area
- Inadequate level of onsite parking, most notably lack of visitor parking
- Increased traffic congestion
- Increase in noise and disturbance
- Increase in pressure on local services such as schools and surgeries
- Detrimental impact on water supply from 37 new residential flats
- Creation of wind tunnel
- Increase in pollution
- Problems with waste disposal
- Demolition of existing will cause structural damage to adjoining no. 245 Kingsway

- Neighbours will lose their sea view
 - Proposal does not positively contribute to affordable homes
- 4.5. Four (4) letters of representation have been received in support of the proposed development for the following reasons:
- Will improve Kingsway and seafront view
 - Modern design will fit in with some modernised houses in this area.
 - Limited impact on off street parking access in Braemore Road
 - Will provide housing opportunities including affordable housing
 - Neighbours are already overlooked by Braemore Court and properties on Kingsway

5. CONSULTATIONS

5.1. **Planning Policy:** Comment

Adopted City Plan Policy CP5 supports investment in public realm spaces suitable for outdoor events and cultural activities and the enhancement and retention of existing public art works; CP7 seeks development to contribute to necessary social, environmental and physical infrastructure including public art and public realm; and CP13 seeks to improve the quality and legibility of the city's public realm by incorporating an appropriate and integral public art element.

- 5.2. Type of contribution: To safeguard the implementation of these policies, it is important that instances in which approval/sign off from the council is needed is clearly identified and secured.
- 5.3. Level of contribution: This is arrived at after the internal gross area of the development (in this instance approximately 3,634 sqm) is multiplied by a baseline value per square metre of construction arrived at from past records of Artistic Component contributions for this type of development in this area. This includes average construction values taking into account relative infrastructure costs.
- 5.4. It is suggested that the Artistic Component element for this application is to the value of £19,250.
- 5.5. As ever, the final contribution will be a matter for the case officer to test against requirements for s106 contributions for the whole development in relation to other identified contributions which may be necessary.
- 5.6. To make sure that the requirements of Policies CP5, CP7 and CP13 are met at implementation stage, it is recommended that an Artistic Component schedule be included in the section 106 agreement.
- 5.7. **Children and Young Peoples Trust:** Comment
 In this instance the team will not be seeking a contribution in respect of primary education as we have sufficient primary places in this area of the city for the foreseeable future. The team will however be seeking a contribution in respect of secondary and sixth form education of £48,001.80 if this

development was to proceed. The development is in the catchment area for Blatchington Mill and Hove Park Schools. Both of these schools are currently full and therefore it is entirely appropriate to seek a contribution in this respect.

5.8. **County Archaeologist:** No objection

Although this application is situated within an Archaeological Notification Area, based on the information supplied, It is not believed that any significant below ground archaeological remains are likely to be affected by these proposals. For this reason there are no further recommendations to make in this instance.

5.9. **Sussex Police:** No objection

To ensure a safe and secure environment it will be imperative that access control is to be implemented into this development. Sussex Police recommends that larger developments containing more than 25 dwellings or bedrooms shall have an access control system.

5.10. Large developments incorporating multiple flats, bedsits or bedrooms can suffer adversely from Anti-Social Behaviour due to unrestricted access to all areas and floors of the building. Sussex Police therefore seeks to curtail unlawful free movement throughout the building through the use of an access control system and compartmentalisation. The application of such is a matter for the specifier, but may be achieved by either, or a combination, of the following: Controlled lift access - each resident is assigned access to the floor on which their dwelling is located via the use of a proximity reader, swipe card or key. Stairwells should also be controlled on each floor, from the stairwell into communal corridors, to reduce the risk of them being used for anti-social behaviour or criminal activities. Creating a controlled barrier between public space and residential space.

5.11. External communal doors are to conform to LPS 1175 SR2 or STS 202 BR2. Flat entry doors along with ground floor and any easily accessible windows are to conform to PAS 024-2016. Door sets that are fitted with electronic locks or electronic staples must form part of the manufacturers certified range of door-sets.

5.12. Sussex Police recommend the postal arrangements for the flats is through the wall, external or lobby mounted secure post boxes. Sussex Police strongly urge the applicant not to consider letter apertures within the flats' front doors. The absence of the letter aperture removes the opportunity for lock manipulation, fishing and arson attack and has the potential to reduce unnecessary access to the block.

5.13. Consideration may be given controlling entry to the parking facilities to remove rogue parking from members of the public. Secure cycle stores have been made available, I am satisfied with the arrangement and quantities within each store.

- 5.14. Lighting incorporated into the development should be present at the entrances as well as the parking and public areas.
- 5.15. **Economic Development:** No objection
City Regeneration has no adverse comments in respect of this application.
- 5.16. Due to the size of this development there will be a requirement for developer contributions in line with the Planning Authority's Technical Guidance for Developer Contributions. The formula applied will be detailed in the Main Comments section of this response.
- 5.17. In addition, an Employment and Training Strategy is required detailing how the developer or their contractors will provide opportunities for local residents wanting to work or train in the construction industry and how the said contractors will engage with the council's Local Employment Scheme Co-ordinator to achieve this.
- 5.18. Both requirements will be included in any S106 agreement relating to the development.
- 5.19. **Southern Water:** No objection
Southern Water initial investigations indicate that there is currently adequate capacity in the local sewerage network to accommodate a foul flow of 0.6l/s at manhole reference TQ27044502 and surface water flow of 5l/s at manhole reference TQ27042650 to service the proposed development. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.
- 5.20. There is a dedicated surface water sewer system in the vicinity of the site. Southern Water would prefer that onsite surface water discharges to the dedicated public sewer system.
- 5.21. The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS). Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.
- 5.22. Thus, where a SUDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:
- Specify the responsibilities of each party for the implementation of the SUDS scheme
 - Specify a timetable for implementation
 - Provide a management and maintenance plan for the lifetime of the development.

- 5.23. This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.
- 5.24. It is the responsibility of the developer to make suitable provision for the disposal of surface water. Part H3 of the Building Regulations prioritises the means of surface water disposal in the order
- a. Adequate soakaway or infiltration system
 - b. Water course
 - c. Where neither of the above is practicable sewer
- 5.25. Southern Water supports this stance and seeks through appropriate Planning Conditions to ensure that appropriate means of surface water disposal are proposed for each development. It is important that discharge to sewer occurs only where this is necessary and where adequate capacity exists to serve the development. When it is proposed to connect to a public sewer the prior approval of Southern Water is required. The design of drainage should ensure that no land drainage or groundwater is to enter public sewers network.
- 5.26. **Transport:** No objection

Previously Revised Scheme

- 5.27. The Highway Authority are unable to recommend approval of these proposals. The Highway Authority have various concerns which may contribute to a case for refusal in combination with other non-transport concerns (if any). Key transport issues are as follows.
- Most pedestrian links within the site need to be increased to 1.8 metres to ensure they comply with inclusive design standards. Currently some are as narrow as 1.0m.
 - Resident cycle parking area must be covered and secured but this is currently not the case. At least 50% of spaces should be universally accessible Sheffield stands but currently the proposals consist near entirely of two-tier 'Josta' racks (which are not universally accessible). The spacing of individual stands with the Josta racks and aisle widths in front of these are also too narrow for access and security purposes.
 - Alterations are recommended to both rear and front car parking area, including in respect to the proposals to relocate the existing vehicle crossover on Kingsway. Keeping this where it is would help reduce potentially delivery risks, noting that both TRO changes and a road safety audit will need to be completed before we will be able to enter into a Highway Agreement for the changes to be made. The audit is necessary as Kingsway is a strategic road.

Original scheme

- 5.28. The development is largely acceptable in transport terms subject to conditions and obligations required to ensure compliance with policies and to

mitigate the impact of the development. Therefore the Highway Authority would not wish to object.

5.29. **Housing Strategy:** Comment
Original scheme

The city-wide Housing Strategy adopted by Council in March 2015 has as Priority 1: Improving Housing Supply, with a commitment to prioritise support for new housing development that delivers a housing mix the city needs with a particular emphasis on family homes for Affordable Rent. The council has an Affordable Housing Brief based on evidenced housing needs in the city.

5.30. This response is provided by housing strategy to outline where the scheme does and does not meet the Affordable Housing Brief and current policy CP20 regarding provision of affordable housing. CP20 requires 40% of properties to be developed as affordable housing on site in schemes of more than 15 units. Developers are required to prove where it is not viable for them to meet this policy provision. A viability report has been provided and is available on the Planning website in line with open information policy.

5.31. This application is for 37 properties. To meet policy position this scheme would provide 40% of these as affordable which would provide 15 homes (8 for Affordable Rent and 7 for Shared Ownership sale).

5.32. This scheme currently proposes zero affordable housing stating that this is in line with the Viability report which shows that the development produces insufficient profit levels to provide affordable housing. This will now be assessed by an independent valuer and further negotiation will follow the outcome of this assessment.

5.33. **Environment Agency:** No objection

The application form shows foul drainage is unknown but the 'Sustainable Urban Drainage (SUDS) Strategy' suggests foul drainage will be via existing mains connection. Environment Agency have no objection to this application providing foul drainage is through the mains network, please let me know if this is not the case.

5.34. **Conservation Advisory Group:** No objection

The Group recommends approval. The Group considered the effect of the proposed building on the setting of the locally listed Western Esplanade, Western Lawns and Hove Lagoon and concluded that the scale, massing and design of the proposed eight storeys building would preserve the character of the heritage asset. It is hoped that a developer contribution to the repair and maintenance of this local asset can be considered.

5.35. **Heritage:** Comment
Revised scheme

It is appreciated that a balance has to be made between the requirements of both Transport and Heritage, and consider that at least some landscaping has been introduced in response to Heritage concerns.

5.36. The impact of the proposed building alignment on the townscape remains a concern, however it is also understood that the extent to which heritage assets will be affected is limited and therefore the weight afforded to this concern may be reduced accordingly.

Original scheme

5.37. Due to the distance between the development site and the identified heritage assets, and the presence of existing modern tall buildings of similar heights to that proposed on this frontage, it is considered that the impact of this proposal on the significance of the heritage assets would be minimal.

5.38. It is however considered that there is scope for amendments that would improve its impact on its setting; firstly consideration of the frontage line which steps beyond the footprint of the existing development and would be set well forward of the neighbouring houses fronting Kingsway, thereby making the new development even more intrusive in the street scene. Secondly a higher priority should be given to the area in front of the building which is currently shown as barren car parking that would make no positive contribution to the public realm.

5.39. **County Ecology:** No objection

The site is not subject to any nature conservation designations. Given the nature, scale and location of the proposed development, there are unlikely to be any impacts on the LNR or any other sites designated for their nature conservation interest.

5.40. From an assessment of the information provided, plus maps, photographs and local biodiversity records, the site currently comprises buildings and hard standing, shrubs and ornamental planting, and is of relatively low biodiversity value.

5.41. The site is unlikely to support any notable or protected species. If protected species, or signs of their presence, are encountered during development, work should stop and advice should be sought on how to proceed from a suitably qualified and experienced ecologist.

5.42. The site offers opportunities for enhancement that will help the Council address its duties and responsibilities under the NERC Act and the NPPF. Opportunities include, but are not limited to, the use of native species and species of wildlife value within the landscape scheme, the provision of bird, bat and/or insect boxes, and the provision of green walls and roofs. Advice on suitable species to be used within the planting scheme is available in Annex 7 of SPD11.

5.43. It is noted from the Design and Access Statement that climbing plants will be used to create a living wall; this is welcomed. A green (biodiverse) roof is also recommended. Solar photo voltaics are proposed on the roof. Green roofs are known to improve the efficiency of photo voltaics, as well as providing other benefits including water management, reduction of the heat

island effect and biodiversity. To help meet Biosphere targets, the green roof should use chalk grassland species.

- 5.44. If the Council is minded to approve the application, it is recommended that a condition is applied requiring a scheme to enhance the nature conservation interest of the site.
- 5.45. In summary, the proposed development is unlikely to have any impacts on biodiversity and can be supported from an ecological perspective. A scheme to enhance the nature conservation value of the site should be required by condition.

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
SA1	The Seafront
SA6	Sustainable Neighbourhoods
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
CP13	Public Streets and Spaces
CP14	Housing density

CP15	Heritage
CP16	Open space
CP17	Sports Provision
CP18	Healthy City
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
QD5	Design - street frontages
QD15	Landscape design
QD16	Trees and Hedgerows
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:

SPD03	Construction & Demolition Waste
SPD11	Nature Conservation & Development
SPD14	Parking Standards
SPGBH9	Provision of Outdoor Recreation Space
SPG15	Tall Buildings

8. CONSIDERATIONS & ASSESSMENT

- 8.1. The main considerations in the determination of this application relate to the principle of development, financial viability and affordable housing provision, the impacts of the proposed development on the character and appearance of the site and surrounding area, the proposed access arrangements and related traffic implications, and impacts upon amenity of neighbouring properties
- 8.2. Standard of accommodation, housing mix and density, ecology, sustainable drainage, arboriculture and sustainability impacts must also be assessed.

Planning Policy:

- 8.3. The existing buildings are in residential use and so no objection is raised to the principle of residential development on this site.
- 8.4. 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.

- 8.5. The Council's most recent housing land supply position is published in the SHLAA Update 2018 (February 2019). The figures presented in the SHLAA reflect the results of the Government's 2018 Housing Delivery Test which was published in February 2019. The Housing Delivery Test shows that housing delivery in Brighton & Hove over the past three years (2015-2018) has totalled only 77% of the City Plan annualised housing target. Since housing delivery has been below 85%, the NPPF requires that a 20% buffer is applied to the five year housing supply figures. This results in a five year housing shortfall of 576 net dwellings (4.5 years supply). In this situation, when considering the planning balance in the determination of planning applications, increased weight should be given to housing delivery in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).
- 8.6. The council's own informal assessment is that housing delivery over the 2015-2018 period has been less than 80% of the required City Plan figure. Therefore, for planning policy purposes, it should be assumed that the council cannot demonstrate a five year housing land supply. In that situation, when considering the planning balance in the determination of planning applications, increased weight should be given to housing delivery in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).
- 8.7. The site is well located for high density development, with good access to local facilities and services, and well served by public transport. Given the city's housing requirement and the current supply position, the principle of development is supported in this case and detailed considerations of the proposed scheme are set out below.
- Proposed Mix
- 8.8. City Plan policy CP19 seeks to improve housing choice and ensure that an appropriate mix of housing is achieved across the city. Part c of the policy states that sites coming forward as 'windfall' development, as in this case, will be required to demonstrate that proposals have had regard to housing mix considerations and have been informed by local assessments of housing demand and need.
- 8.9. Policy CP19 notes that it will be important to maximise opportunities to secure additional family sized housing on suitable sites. Where appropriate (in terms of site suitability and with reference to the characteristics of existing communities/neighbourhoods), the intention will be to secure, through new development, a wider variety of housing types and sizes to meet the accommodation requirements of particular groups within the city.
- 8.10. The proposed accommodation schedule is 33 x two-bed units and 4 x three-bed units.
- 8.11. Policy CP19 of the City Plan Part One requires development to demonstrate regard to housing mix considerations and be informed by local assessments of housing demand and need. The Objective Assessment of Housing Need

(GL Hearn, June 2015) indicates the strategic mix of homes to be delivered over the plan period which is 25% for 1 bedroom units, 35% for 2 bedroom units, 30% for 3 bedroom units, and 10% for 4-plus bedroom units. In terms of the demand for market housing, the greatest demand is likely to be for 2 and 3 bedroom properties (36% and 34% respectively).

- 8.12. 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 does reflect the greatest demand. There are no one-bed units proposed, however a city-wide preference for housing mix cannot be applied rigidly to each site. The majority 2-bed unit mix would still reflect demand for housing for younger persons and young families, and on balance it would not warrant the refusal of the application on this basis alone.

Affordable Housing

- 8.13. 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 37 dwellings this would equate to 15 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 8 rented units and 7 intermediate units.
- 8.14. 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.
- 8.15. A Financial Viability Assessment was submitted with the application in order to assess whether or not the provision of 40% on site affordable housing would be viable. Officers requested the District Valuer Service (DVS) provide an independent review of this evidence. The review follows extensive discussion and adjustment of financial variables between the DVS and the applicant's Viability Consultant.
- 8.16. The DVS advised in the final review that the proposed scheme was not capable of providing a fully policy compliant scheme of 40% affordable housing, but could be viable with up to 10% affordable housing whilst retaining a reasonable developer profit.
- 8.17. This follows the sentiment of Paragraph 64 of the National Planning Policy Framework (NPPF) which states, 'Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership'. The offer equates to 4 shared-ownership units (4x2-bed units).

- 8.18. The highest need is for affordable rent rather than shared ownership affordable housing. However, given that the proposal offers the viable level of affordable units, that this equates to a relatively small number of units, it is considered that there is no objection to the mix in this instance. It is further noted that the proposed mix lacks any 1-bed and 3-bed units, however Policy CP20 only sets a preferred affordable housing mix, and given the overall mix of majority 2-bed units, it is considered acceptable in this instance.
- 8.19. Final details of the numbers, type, tenure and location on the site of the affordable housing and its management by a suitable RSL are secured within the s106 heads of terms. A review mechanism is proposed to be included as an obligation in the legal agreement to ensure that the viability of the scheme is reappraised at a later date when actual costs and values are known and if there is any uplift in the development value, a proportion of this can be captured as a financial contribution.

Developer Contributions

- 8.20. Developer contributions are sought in accordance with policy objectives as set out in the City Plan Part One and the remaining saved policies in the Brighton & Hove Local Plan 2005. The contributions will go towards appropriate and adequate social, environmental and physical infrastructure to mitigate the impact of new development. Contributions are required where necessary in accordance with City Plan policy CP7 Infrastructure and Developer Contributions.
- 8.21. The Affordable Housing Contribution is set out above. Further Developer Contributions are requested for the following:
- Sustainable Transport: Based upon the current adopted Developer Contributions Technical Guidance and established formulae, a contribution of £33,950 to sustainable transport infrastructure to be allocated towards the following:
 - Real-time bus passenger information and accessible bus stop kerbs for the eastbound and westbound bus stops on Kingsway close to Braemore Road.
 - Provision of benches on the north side of Kingsway in the vicinity of the site and/or on the south side close to the bus stop.
 - Open space and indoor sport: £119,181 towards provision in the local area
 - Artistic component - commission and install on the property to the value of £19,250.
 - Education - a contribution in respect of secondary and sixth form education of £48,001. The development is in the catchment area for Blatchington Mill and Hove Park Schools, both of which are currently full.
 - Local Employment Scheme contribution - £10,400 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,

Standard of Accommodation:

- 8.22. There are 3 x 2-bed units located on the ground floor. On the first through to fourth floors, there are 6 x 2-bed units on each level, with a replication of the layouts throughout. On the fifth and sixth floors there are 3 x 2-bed units and 1 x 3-bed units on each level, again with a replication of the layouts. There are 2 x 3-bed units located on the seventh floor.
- 8.23. The size and layout of each unit is generally considered acceptable, with all rooms having good access to outlook and ventilation.
- 8.24. The Council does not have adopted minimal space standards for new dwellings, however it is appropriate to consider 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.
- 8.25. The majority of the proposed units exceed the national minimal space standards, and most have dual aspect outlook, thereby ensuring a good standard of accommodation throughout the building. The proposed units include private balconies (the ground floor units include private yards). Given the location of the site adjacent to the seafront and given the character of the area where numerous converted properties do not have access to private amenity space, the proposed private amenity space is considered acceptable in this instance.
- 8.26. Some of the 2-bed 3-person units are exactly the minimum standard or slightly under (which is 61m²). However the proposed room sizes and layouts are not considered to be overly cramped or irregularly shaped, and in this instance are considered acceptable.
- 8.27. Policy HO13 requires all new residential units to be Lifetime Homes compliant, with 5% of all units (including 10% of affordable units) in large scale schemes such as this to be wheelchair accessible. This would require 2 units (including 1 affordable unit) to be wheelchair accessible in this instance. Limited information has been submitted with the application to clarify that wheelchair accessible units will be provided in the scheme, however this can be addressed by condition in the event permission is granted.
- 8.28. The requirement to meet Lifetime Homes has now been superseded by the accessibility and wheelchair housing standards within the national Optional Technical Standards. Step-free access to the building is achievable therefore in the event permission is granted conditions can be attached to ensure the development complies with Requirement M4(3) of the optional requirements in Part M of the Building Regulations for the wheelchair accessible units, and Requirement M4(2) for all other units.
- 8.29. The location of the site fronting onto Kingsway with its associated traffic noise has the potential for noise impacts for future residents. The applicant has submitted an air quality assessment report which concludes that the air quality effects from the development are not considered to be significant. The

proposed building is set back from the highway by more than seven metres which is a sufficient distance to alleviate significant air quality concerns.

Design and Appearance:

- 8.30. 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 Braemore Road, 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.
- 8.31. Policy SA1 - The Seafront - states that proposals should complement the historic setting and natural landscape value of the seafront. The aim is to promote high quality architecture, urban design and public art which complements the natural heritage of the seafront and preserves and enhances the character and appearance of the Conservation Areas, and the historic squares and lawns that adjoin the seafront.
- 8.32. Good design will take the opportunities available for improving the character and quality of an area and respond to local character and history. City Plan Part One Policy CP14 requires development to make full, efficient and sustainable use of land.

Height/Form:

- 8.33. 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.
- 8.34. City Plan Policy CP12 builds on evidence within Supplementary Planning Guidance "BH15 Tall Buildings" (SPG15) which identifies the Western Seafront/Kingsway corridor as suitable for mid-rise buildings (6-8 storeys) to replace poor building stock, and a taller 'landmark development form' as an end-stop to Hove's Western Lawns. It is therefore considered that this site has potential for a substantially increased scale of development. However, as acknowledged within the guidance, the general scale and form of surrounding residential areas make introducing tall buildings challenging, requiring the submission of further analysis to support any application. The applicant has submitted a Design & Access Statement, and a Planning Statement that refer to how pre-application advice and public consultation shaped the scheme, as well as supporting information relating to the proposed height and massing.
- 8.35. 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.

- 8.36. Braemore Road is a quiet residential, tree-lined street formed mostly of low-rise housing development between busy thoroughfares. The application site 'book-ends' Braemore Road as viewed from the north and the proposed building would be in contrast to the existing site where the existing 2 storey buildings provide a limited visual break before the views of Western Lawns and sea beyond. However, the overwhelming pattern of urban form and grain is for taller, varied Kingsway buildings sited south of the low-rise, ordered streets to the north.
- 8.37. The immediate area around the site contains buildings that range widely in their scale from 2 storey semi-detached houses to 8 storey Braemore Court. The development would be eight storey in height, and steps down to five storeys nearer to the adjoining properties to the north and west. The five storey elements of the building help integrate the eight storey element with the lower neighbouring properties.
- 8.38. The nearest building to the north, 6 Braemore Road, is two storeys in height with a separation distance of 6.3m from the proposed development. The bulk of the north elevation of the development, although still substantially larger than the houses along Braemore Road, 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.
- 8.39. This is a similar situation to that of Berriedale House to the west of the site, which steps down at the north to help transition to the two-storey properties on Berriedale Avenue.
- 8.40. There are comparable buildings nearby on Kingsway that set a precedent for 8 storey buildings next to low-rise neighbouring buildings. The most immediate examples are Braemore Court to the east, and Berriedale House to the west. 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. Other nearby taller buildings next to lower-rise neighbouring properties to the east of the application site are Horizon (205 Kingsway) which is a modern 8-storey plus basement residential building alongside 4 storey historic terraces, Channings (8 storeys) and Langdale Court (6 storeys) sited on either side of Langdale Road, and Prince of Wales Court (8 storeys) set alongside 2 storey properties on Langdale Gardens.
- 8.41. The application building would stand 12m taller than its adjoining neighbour at 245 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. As well as the transitioning of the building stepping down to five storeys, the dominance of the building would be reduced with the eighth storey designed to be set back and have an appearance as a penthouse style addition.

- 8.42. 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.
- 8.43. For these reasons it is now considered that the building maximises the potential of the site whilst respecting the scale and massing of the adjacent buildings and the general rhythm and character of the street.

Positioning:

- 8.44. It is considered that the proposed footprint of the property would result in a building that is highly visible when viewed from Braemore Road. The building line of the proposed building would be set further forward than the existing building line and the immediate frontages of the neighbouring Kingsway buildings on the block.
- 8.45. It should be noted that at pre-application stage, the proposed development was shown to step forward of the front building line to both Braemore Road and Kingsway. The building line of Braemore Road in this instance is considered to be particularly significant and development that disrupts this visual alignment would be unacceptable. In response to pre-application advice, the footprint of the proposed development is stepped back in order to align with 6 Braemore Road to the north. Closer to Kingsway, the building would step more forward due to the feature balconies that wrap around the south-east corner of the building. The building would still be set behind the existing building fronting onto Braemore Road. Given the acceptable footprint, it is considered that the protruding feature balconies are an appropriate strong corner design in this instance.
- 8.46. It is considered the building position of the Kingsway elevation beyond the neighbouring properties to the west is acceptable in this instance, as there is not necessarily a consistent building line between each of the blocks along Kingsway. The applicant sets out in their supporting information that to the east of the site, the existing apartment blocks are averagely set approximately 7m back from the street. Also that the positioning along the line curve respects the positions of the existing apartment blocks, provides parking, and allows opportunity for green landscaping.

Impact on nearby Conservation Area and Locally Listed Assets:

- 8.47. The Western Lawns immediately to the south of the site are identified on the Council's local list of heritage assets, and the historic shelters to the south-east and south-west of the site on Western Esplanade are listed Grade II. The nearest conservation area is the Sackville Gardens Conservation Area to the east.
- 8.48. Due to the distance between the application site and these identified heritage assets, and given the presence of existing modern tall buildings of similar heights to that proposed, it is considered that the impact of this proposal on

the significance of the heritage assets and the nearby conservation area would not be significant.

Detailing and Materials:

- 8.49. In the supporting information, the applicant states that the proposed design uses features to help achieve integration within the wider townscape, including a set-back top floor, horizontal banding, curved edges, steps and indentations, and large areas of glazing.
- 8.50. The design incorporates curved horizontal layers which include the projecting balconies on the south-east corner of the building. 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. This design is considered appropriate given its corner plot location and the mid-long range views that the building would be visible from.
- 8.51. The surrounding context of materials is a mix of brick and painted render, although the taller buildings on Kingsway consist mostly of brick with cladded areas around windows. The exterior of the proposed development would consist of light coloured brickwork with stone cladding horizontal ribbons, and blue tiles. The set-back eighth floor would consist of zinc cladding.
- 8.52. The applicant has provided supporting information indicated that the proposed materials were influenced by public consultation, including reasons as to why render would not be the most appropriate choice of material in the marine environment for maintenance reasons which are understood and supported in this instance. The use of brick has proven durable qualities for a building of this form and height, and unlike render, would require little in the way of future maintenance. Given the historic use of brick in the immediate area and the maintenance/weathering issues, the proposed materials are considered an acceptable solution. Although the other cladding materials would not match other buildings, the type and light colour would not appear obtrusive in mid and long distance views. Samples of all materials would be secured by condition.
- 8.53. Overall, the design details are considered to not appear discordant in the street scene, especially due to a variety of styles, heights and spacing that characterises this part of Kingsway

landscaping:

- 8.54. The application site currently comprises buildings, hard standing, shrubs and garden planting, and is therefore considered to have relatively low biodiversity value.
- 8.55. The County Ecologist has stated that the proposed development is unlikely to have any impacts on biodiversity and can be supported from an ecological perspective. The site is unlikely to support any notable or protected species. The Design and Access Statement states that climbing plants will be used to create a living wall. A green roof is not proposed but has been recommended

by the County Ecologist. A scheme to enhance the nature conservation value of the site is required by condition.

- 8.56. During the course of the application, amendments were made to the proposed car parking layout at the front of the site facing Kingsway to enable a greater provision of soft landscaping. This would be located behind a new 1.2m high boundary wall and 0.3m railings on top where the planting would be able to grow through.
- 8.57. To screen the parking from the north, pergolas are proposed with climber planting on the walls and the roofs. As the proposed development is stepped back on the east side in order to align with 6 Braemore Road, the space enables two areas of communal amenity space to be proposed, with planting, visitor cycle parking, and a lower 0.6m boundary wall.
- 8.58. Overall, due to the proposed footprint of the building, and the layout of parking provision, there is limited space for soft landscaping, however the green spaces and planting detailed in the submission would soften the appearance of the building from views along Kingsway and Braemore Road. For these reasons the proposal would accord with policies QD15 & QD16 of the Brighton & Hove Local Plan.

Impact on Amenity:

- 8.59. Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 8.60. The nearest residential properties are the immediate properties on Braemore Road to the north (nos. 5, 6 & 8), Braemore Court to the east, nos. 245-249 Kingsway to the west, and 3 Berriedale Avenue. Residents of these properties have raised objections, amongst others, over loss of amenity from the proposed building.
- 8.61. Whilst the proposal would generate a certain amount of noise from private amenity areas within the development and the usual comings and goings including vehicular movements that you would expect from a residential development of this scale, it is not considered that any potential noise disturbance would be significant.
- 8.62. A sunlight and daylight assessment has been submitted with the application. The Council has commissioned an independent review of this assessment which was completed by the Building Research Establishment (BRE).

Properties on Braemore Road

- 8.63. The immediate properties to the north, in particular no. 6 Braemore Road, would suffer to some extent from the overbearing nature of the height and proximity of the building, especially from within the rear garden.

- 8.64. At pre-application stage, concerns were raised over the gap between the proposed development and the boundary of 6 Braemore Road immediately to the north of the site. In this application, the gap has been increased to 6m. The applicant provides details of similar examples of separation distances of taller buildings (5-7 storeys) with distances ranging between 2.3m-9.7m. Therefore the separation distance is not out of character in the area. It should also be noted that the 6m gap is the distance from the nearest five storey element of the development, and that the taller part of the building is set back a further 6.3m.
- 8.65. In terms of overlooking, the neighbouring properties on Braemore Road and no. 3 Berriedale Avenue to the north already experience some overlooking from the existing rear windows of the properties on Kingsway. Although not providing new views, the north facing windows on the upper storeys of the proposed development would result in some heightened overlooking. The proposal has been designed to limit the opportunity for overlooking with north facing screening on balconies in the form of louvres. The balconies at fifth floor level and above would be sufficiently set back so as not to result in significant overlooking.
- 8.66. The side (south) elevation of no. 6 Braemore Road would face the development. The windows on the side elevation consist of ground floor utility room, kitchen/diner and toilet, first floor bathroom, staircase and toilet, and second floor landing and shower windows. The submitted sunlight and daylight assessment (reviewed by the BRE) concluded that the only side elevation habitable room window (the kitchen/diner) would have a substantial loss of daylight and sunlight. However, given it is a secondary window (the room is also lit by the rear conservatory), the impact here was considered to be minor adverse. The loss of daylight to the rear windows was considered to be within the guidelines. The loss of sunlight to the rear gardens of nos. 6 & 8 Braemore Road was considered to be within guidelines and would be a minor adverse impact. The rear windows and rear garden would retain unobstructed daylight from the west.
- 8.67. The impact on no. 6 Braemore Road in terms of overlooking and overbearing impact should be considered in balance with the merits of the scheme. The proposed development would provide much needed housing including affordable units, and the applicant has committed to making the financial contributions and other measures set out in the s106 Heads of Terms within the report. It is therefore considered that in this instance, the identified harm would be outweighed by the public benefits that would be generated through the delivery of this development.
- 8.68. In relation to the impact on no. 5 Braemore Road, this house is set further away and so the overbearing/loss of privacy impact is considered to not be significant. The daylight/sunlight was considered to be within guidelines and would have a negligible impact.
- 8.69. Residents of no. 8 Braemore Road and no. 3 Berriedale Road would feel the impact of a greater number of north facing windows at upper storey level

overlooking the rear gardens, however given the distances from the application site, this impact is not considered so significant as to warrant the refusal of the application on this basis. The impact of sunlight/daylight would also not be significant.

Properties on Kingsway/Berriedale Avenue:

- 8.70. No. 245 Kingsway to the west is attached to one of the existing application site properties that are proposed to be demolished. Given the position of the proposed development in line with the extended part of the rear of no. 245 Kingsway, there would be limited impact on daylight/sunlight to the rear windows of this neighbouring property. At the front of this neighbouring property, there are ground floor entrance doors lighting hallways and a bathroom window. On the first floor there are windows for stairs, a toilet and an ensuite/secondary bedroom window. In all instances it is considered that any loss of daylight/sunlight to these mostly non-habitable would not be so significant as to warrant the refusal of the application in this instance. The loss of sunlight to the rear gardens of no. 245 Kingsway was considered to be within guidelines and would be a minor adverse impact.
- 8.71. Nos. 245 & 247 Kingsway would suffer to some extent from the overbearing nature of the height and proximity of the building, especially from within the rear gardens. However this impact is not considered so significant as to warrant the refusal of the application on this basis.
- 8.72. Residents of 245 Kingsway have raised concerns relating to the demolition process, safety, legal issues, land ownership rights and details of the rebuild/making good. It is considered that these are issues are outside the parameters of the planning application and have not been considered further in relation to this recommendation.
- 8.73. Braemore Court is a block of flats on the opposite side of the street to the east of the application site. The most impacted windows on this building would be the west facing windows on the side of the building. Due to their orientation, loss of sunlight would not be a significant issue here. The only window significantly affected by the proposal in terms of daylight are a ground floor kitchen window, upper floor kitchen windows, bathroom/toilet windows and secondary living room windows that are lit by other main windows to the front and rear. The impact here was therefore considered to be minor adverse.

Sustainable Transport:

- 8.74. Subject to the proposed conditions and developer contributions / obligations the scheme is considered to be in accordance with development plan policies in respect of the transport impacts.

Highway works:

- 8.75. In order to make alterations to the access to the site, minor changes are required to parking spaces on the public highway of Kingsway, as well as some other minor access arrangements. This must be secured via a Section 278 agreement

Parking:

- 8.76. A total of 26 no. on-site car parking spaces are proposed as part of the development, 7 no. spaces are proposed to the front accessed via Kingsway, and 19 no. spaces would be located in a parking area to the rear accessed via Braemore Road. According to the application, approximately 20 no. spaces would be for residents, and 6 no. spaces for visitors. This is within the maximum level of 39 spaces set out in SPD14 (20.5 residents spaces and 18.5 visitor spaces). Two of the parking spaces would be usable for disabled residents, in accordance with SPD14.
- 8.77. The site is within a Controlled Parking Zone (CPZ) 'W' for which there is no waiting list. CPZ 'R' is located nearby, which has a higher parking stress.
- 8.78. The applicant has submitted a Transport Assessment in support of the proposal. It states that census car ownership data from 2011 provides estimation that there would be demand for 24 spaces (2 spaces under the proposed parking provision). However, given the potential for multi-car ownership and for demand of parking spaces for visitors to exceed supply, there is the possibility of overspill parking from the development.
- 8.79. In justification for the proposed use of residents permits by future occupiers of the development, the Transport Assessment includes a parking survey which indicated that the maximum recorded occupancy in Zone W was 76% (160 of 210 spaces occupied).
- 8.80. Objections from neighbouring residents have been received in relation to concern about parking levels. This is noted, however it appears that there is significant spare capacity within zone W to accommodate any overspill. Given that the overspill is predicted to be relatively low, in this instance it is considered appropriate to allow future occupiers to obtain residents' parking permits.
- 8.81. A car parking management plan would be required by condition to confirm the allocation of parking spaces between residents and visitors, and how this would be managed on-site. Details of electric vehicle charging points are also required by condition.

Cycle parking:

- 8.82. The proposal includes the provision of 56 no. cycle parking spaces. Visitor spaces would be appropriately located to the front, and Sheffield stands would be used. At the rear, it is unclear how the cycle stores would be made secure. Two-tier racks are proposed, which would be acceptable if they are part of a mix of storage type along with Sheffield stands to allow accessibility for all. The provisions are considered acceptable however further detail is sought by condition to secure details of the final layout.

Trip generation:

- 8.83. It is noted that the submitted Transport Assessment concludes that there will be an overall small uplift in trips at the site following redevelopment. As such

the Transport Team recommend a contribution towards improving sustainable modes of transport to address this impact equating to £33,900 and is proposed to be spent on matters including public transport improvements to include bus stop kerbs, real time information, and benches at stops on Kingsway.

- 8.84. In addition to the above, it is recommended that a Construction Environmental Management Plan (CEMP), and Travel Plan are also secured via condition.

Sustainability:

- 8.85. City Plan policy CP8 requires that all developments incorporate sustainable design features to avoid expansion of the City's ecological footprint, radical reductions in greenhouse gas emissions and mitigate against and adapt to climate change. The policy specifies the residential energy and water efficiency standards required to be met, namely energy efficiency standards of 19% reduction in carbon emissions over Part L Building Regulations requirements 2013 and water efficiency standards of 110 litres per day, and conditions are proposed to secure these standards.

- 8.86. Solar photovoltaics are proposed on the roof however there are no details of design and amount, details of which are therefore conditioned.

Other Considerations:

- 8.87. Whilst it is acknowledged that the proposed development will increase pressure on local services the scale of the development is not such that the LPA could reasonably expect the provision of such services on site as part of the proposal.

Conclusion:

- 8.88. The proposed development is of a suitable scale and design that would make a more efficient and effective use of the site without harm to the surrounding townscape. The development would make a welcome contribution towards meeting the city's minimum housing requirement, and would include a provision of affordable housing. The development would also not result in an unacceptable increase in parking pressure.

- 8.89. Overall it is considered that the public benefits of the scheme as a whole which includes the provision of a significant amount of housing are such that they outweigh the limited harm to the amenity of neighbouring occupiers. Approval of planning permission is therefore recommended subject to the completion of a s106 planning legal agreement and to the conditions within the report.

9. EQUALITIES

- 9.1. Conditions are proposed which would ensure all new build dwellings are in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings). In addition 5% of the new dwellings are to meet Wheelchair Accessible Standards.

S106 Agreement:

In the event that the draft S106 agreement has not been signed by all parties by the date set out above, the application shall be refused for the following reasons:

1. The proposed development fails to provide affordable housing contrary to policy CP20 of the Brighton and Hove City Plan Part 1.
2. The proposed development fails provide a financial contribution towards the City Council's Local Employment Scheme to support local people to employment within the construction industry contrary to policy CP7 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
3. The proposed development fails to provide an Employment and Training Strategy specifying how the developer or their main contractors will provide opportunities for local people to gain employment or training on the construction phase of the proposed development contrary to policy CP7 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
4. The proposed development fails to provide a financial contribution towards the improvement and expansion of capacity of local schools required as a result of this proposed development contrary to policy CP7 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
5. The proposed development fails to provide a financial contribution towards the improvement and expansion of open space and recreation in the vicinity of the site required as a result of this proposed development contrary to policies, CP7 and CP16 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
6. The proposed development fails to provide a financial contribution towards sustainable transport measures contrary to policies CP7 and CP9 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
7. The proposed development fails to provide a financial contribution towards an onsite artistic component provision contrary to policies CP5, CP17 and CP3 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
8. The proposed development fails to provide a Travel Plan which is fundamental to ensure the promotion of safe, active and sustainable

forms of travel and comply with policies TR4 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One.

9. The proposed development fails to provide a construction & Environmental Management Plan (CEMP) which 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.
10. The proposed development fails to provide highway works to repair and make improvements in the vicinity of the site, which are fundamental to the protection of amenity and highway safety and to comply with policies QD27 and TR7 of the Brighton & Hove Local Plan.

