

<u>No:</u>	BH2015/04408	<u>Ward:</u>	WISH
<u>App Type:</u>	Full Planning		
<u>Address:</u>	332 Kingsway Hove		
<u>Proposal:</u>	Erection of additional two full floors and one half floor to create 9no residential units (C3) over existing office building and alterations to existing fenestration. (Part retrospective).		
<u>Officer:</u>	Sonia Gillam Tel 292265	<u>Valid Date:</u>	10/12/2015
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	04 February 2016
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	DowsettMayhew Planning Partnership, 63A Ship Street Brighton BN1 4ET		
<u>Applicant:</u>	Weatherstone Properties Ltd, Mr C Weatherstone C/O DowsettMayhew Planning Partnership 63A Ship Street Brighton BN1 4ET		

1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 and resolves to be **MINDED TO GRANT** planning permission subject to a Deed of Variation to the Section 106 Agreement dated 8th August 2012 and the Conditions and Informatives set out in section 11.

2 SITE LOCATION & DESCRIPTION

- 2.1 The application relates to an office building occupied by an Architects company (Use Class B1). The existing building is arranged as two floors of office space over a floor of garage parking, due to ground level differences between Kingsway and Basin Road North, the building has a single storey frontage onto Kingsway with two further floors fronting Basin Road North. A public house abuts the site to the east and a small business unit abuts the site to the west. To the south of the site, there are an array of warehouse buildings and timber storage yards relating to the port.

3 RELEVANT HISTORY

BH2015/02929 Application for approval of details reserved by conditions 6 and 7 of application BH2011/03300. Approved 05/10/2015.

BH2015/01701 Non Material Amendment to BH2011/03300 to allow changes to internal layout to units and inclusion of a passenger lift. Approved 16/06/2015.

BH2011/03300 - Application to extend time limit for implementation of previous approval BH2008/02338 for amendments to previously approved application BH2006/03628 (Construction of 2 full floors and 1 half floor of nine new apartments over existing office building and change of use from A2 to B1 at ground floor) to include: Fenestration-pattern of glazing bars; plan profile of central window bay to north elevation and increase in floor area to top floor flats. Approved 8th November 2012.

BH2011/02821 - Application for Approval of Details Reserved by Conditions 2, 3, 5, 6, 7, 8, 9, 10 and 11 of application BH2008/02338. Split decision, conditions 3, 7, 8, 10 & 11 approved. Conditions 2, 5, 6 & 9 refused.

BH2008/02338 - Amendments to previously approved applications BH2006/03628 to include: Fenestration-pattern of glazing bars; plan profile of central window bay to north elevation and increase in floor area to top floor flats. Approved 7th November 2008.

BH2006/03628 - Construction of 2 full floors and 1 half floor of nine new apartments over existing office building and change of use from A2 to B1 at ground floor. Approved February 2007.

Britannia House 336 Kingsway

BH2016/00784 Prior approval for change of use from office (B1) to residential (C3) to create 1no studio flat, 3no one bedroom flats and 2no two bedroom flats. Prior Approval is required and is approved 05/04/2016.

BH2015/02473 Prior approval for change of use from offices (B1) to residential (C3) to form 6no one bedroom flats. Prior Approval is required and is approved 03/09/2015.

BH2014/01689 Prior approval for change of use from offices (B1) to residential (C3) to form 6no 1 bed flats. Prior Approval is required and is approved 16/07/2014.

4 THE APPLICATION

- 4.1 Planning permission is sought for the erection of an additional two full floors and one half floor to create 9 no. residential units (C3) over the existing office building and alterations to existing fenestration. The application differs slightly from the previous approved scheme in design terms.

5 PUBLICITY & CONSULTATIONS

5.1 External

Neighbours:

Six (6) letters of representation have been received from **Flats 4, 5, 8, 11, 30 Vega Building, and 313 Kingsway** objecting to the application for the following reasons:

- Height and scale
- Poor design which would not relate well to character of area

- Soulless design with no nod to surrounding 1920s and 1930s architecture
- Increase in top floor massing not appropriate
- Loss of view
- Loss of light
- Overlooking and loss of privacy
- Parking issues

5.2 **Shoreham Port Authority:** No objection.

Internal:

5.3 **Environmental Health:** Object as no acoustic report submitted.

5.4 **Private Sector Housing:** No objection.

5.5 **Planning Policy:** No objection subject to 20% affordable housing as an equivalent financial contribution being secured.

5.6 **Sustainable Transport:** Support subject to conditions regarding cycle parking, travel plans and S106 contribution to be allocated to pedestrian routes.

6 MATERIAL CONSIDERATIONS

6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that “If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

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 and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only – site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.

6.3 The National Planning Policy Framework (NPPF) is a material consideration.

6.4 Due weight should be given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

6.5 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

7 RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
DA8	Shoreham Harbour
CP7	Infrastructure and developer contributions
CP8	Sustainable buildings
CP9	Sustainable transport
CP12	Urban Design
CP14	Housing density
CP19	Housing mix
CP20	Affordable housing

Brighton and 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
QD14	Extensions and alterations
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes

Shoreham Harbour Joint Action Area Plan (JAAP) Consultation Draft February 2014

Supplementary Planning Guidance:

SPGBH4	Parking Standards
	Guidance on Developer Contributions

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD12	Design Guide for Extensions and Alterations

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The merits of the scheme have been substantially discussed as part of the preceding applications. The principle of development, impact on the amenities of adjacent occupiers, standard of accommodation, transport and sustainability issues were found to be acceptable as part of the previous planning applications.
- 8.2 The quantum, siting and scale of the development have not been significantly altered and the assessment of this application will therefore mainly relate to those aspects of the current scheme that differ from the previous application. The main considerations in the determination of this application therefore relate to the design changes and any material changes to the site, or change in local and national policy.
- 8.3 **Planning Policy**

The City Plan Part 1 Inspector's Report was received February 2016. This supports a housing provision target of 13,200 new homes for the city to 2030. It is against this housing requirement that the five year housing land supply position is assessed following the adoption of the Plan on the 24th March 2016. The City Plan Inspector indicates support for the Council's approach to assessing the 5 year housing land supply and has found the Plan sound in this respect. The five year housing land supply position will be updated on an annual basis.

8.4 The proposal complies with City Plan policy DA8 and the Shoreham Harbour JAAP in terms of providing an appropriately designed mixed use residential development in this location.

8.5 *Affordable Housing*

The applicant has provided sufficient information to demonstrate that works commenced prior to the expiry of previous permission ref. BH2011/03300. Therefore this permission remains extant. In this context it is considered that this current application is effectively a part-retrospective application for a revised scheme, and the LPA will not seek a contribution towards affordable housing.

8.6 **Design and appearance**

The approved scheme was influenced by 1920s architecture and art deco design to fit in with properties in the vicinity. The current proposal is a more modern approach with clean lines. The quantum, siting and scale of the development have not been significantly altered and the change in style is not considered to warrant refusal of the application.

8.7 The design changes also include an enlarged penthouse apartment. Ostensibly this would give the upper form of the development more bulk. However the penthouse structure would sit behind a parapet wall and its visibility from the street would remain limited.

8.8 A site visit has revealed that there have been no significant material changes to the site since the grant of the previous consent.

8.9 **Standard of accommodation**

The proposal includes nine units of accommodation comprising a mix of 2 one bedroom units, 6 two bedroom units and 1 three bedroom units. All of the units would benefit from private amenity space in the form of balconies facing south, with the penthouse having the benefit of a roof terrace. There is no change from the previous application in terms of number and mix of units and the provision of outdoor space.

8.10 As the above was previously considered acceptable and as there is an extant permission in place there is no reason to revisit these issues.

8.11 Policy HO13 requires all new residential dwellings to be built to a lifetime homes standard whereby they can be adapted to meet the needs of people with disabilities without major structural alterations. This can be secured by condition.

8.12 Impact on Amenity

Policy QD27 states that planning permission for any development 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.

8.13 The previous scheme was assessed in terms of its impact on the amenity of adjacent properties. There are residential properties located to the north of the site, on the opposite side of Kingsway. With regard to the increased size of the penthouse apartment, it is considered that, given the distances separating the site and the residential properties, the scheme is not considered to have a detrimental impact on amenity.

8.14 The proposed alterations to the scheme proposed are deemed appropriate in terms of their impact on adjacent properties. The alterations to design and fenestration do not significantly affect the scheme's impact on adjacent properties.

8.15 Sustainable Transport

A financial contribution for highway improvements has been received by the Council in respect of the previous application. Therefore a deed of variation to the original section 106 agreement is proposed to secure the funds in respect of this application. The funds are to be allocated to pedestrian route improvements (to include dropped kerbs and tactile paving) on routes between the site and local amenities including Wish Park and the Seafront.

8.16 Sustainability

Details were approved under BH2011/02821 to ensure that the development achieves a Code for Sustainable Homes rating of "Level 3" rating. It is recommended that a further condition is applied so that prior to occupation, a Final/Post Construction Code Certificate issued by an accreditation body confirming that each residential unit built has achieved a Code for Sustainable Homes rating of Code level 3 as a minimum, is submitted and approved to the LPA.

8.17 Environmental Health

It is noted that the Council's Environmental Health Officer has raised concerns regarding potential noise issues for occupants of the new units. The concerns were not raised in relation to the previous applications. Given this and that the previous permission remains extant and this current application is a part-retrospective application for a revised scheme, it is considered that it would not be reasonable to request for an acoustic report at this stage of the development.

9 CONCLUSION

9.1 The proposal would make an effective and efficient use of the site by providing the City with additional dwellings without significantly compromising the quality of the local environment. No significant harm to neighbouring amenity would

result and the scheme is acceptable with regard to traffic and sustainability issues.

10 EQUALITIES

10.1 The proposed development is required to meet Lifetime Homes' standards.

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

S106 Heads of Terms

A Deed of Variation is proposed to the original Section 106 Agreement in terms of the highways contribution of £6,750 received in respect of application BH2011/03300.

Regulatory Conditions:

1. The new dwellings hereby permitted shall be constructed to Lifetime Homes standards prior to their first occupation and shall be retained as such thereafter.
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.
2. No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to the North elevation of the development hereby approved.
Reason: To safeguard the appearance of the building and the visual amenities of the locality and to comply with policy QD27 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.
3. Prior to the first occupation of the development hereby approved the refuse and recycling storage facilities approved under application BH2015/02929 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.
4. No further works 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 brick, render and tiling (including details of the colour of render/paintwork to be used)
 - b) samples of all cladding to be used, including details of their treatment to protect against weathering
 - c) samples of all hard surfacing materials
 - d) samples of the proposed window, door and balcony treatments
 - e) samples of all other materials to be used externallyDevelopment shall be carried out in accordance with the approved details.

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

5. Unless otherwise agreed in writing by the Local Planning Authority, none of the residential units hereby approved shall be occupied until a Final/Post Construction Code Certificate issued by an accreditation body confirming that each residential unit built has achieved a Code for Sustainable Homes rating of Code level 3 as a minimum has been submitted to, and approved in writing by, the Local Planning Authority.

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.

6. The development shall be implemented in accordance with the Site Waste Management Plan approved under application BH2011/02821. The measures shall be implemented in strict accordance with the approved details.

Reason: To ensure that the development would include the re-use of limited resources, to ensure that the amount of waste for landfill is reduced, to comply with policy CP8 of the Brighton & Hove City Plan Part One.

7. Prior to the first occupation of the development hereby approved the cycle parking facilities approved by the Local Planning Authority under application BH2015/02929 have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development 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.

8. The development shall be implemented in accordance with the remediation scheme approved under application BH2011/02821. The measures shall be implemented in strict accordance with the approved details. Thereafter the scheme shall be monitored and maintained in accordance with the approved remediation scheme.

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.

9. Prior to the first occupation of the development hereby approved the details approved under application BH2011/02821 in respect of a scheme for the suitable treatment of all plant and machinery against the transmission of sound and/or vibration have been implemented. The specified works shall be carried out in accordance with the approved details and thereafter be retained to the satisfaction of the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of adjoining properties and future occupiers of the development and to comply with policies SU10 and QD27 of the Brighton and Hove Local Plan.

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10. Prior to the first occupation of the development hereby approved, a Residential Travel Information Pack shall have been submitted to and approved in writing by the Local Planning Authority. The Residential Travel Information Packs shall thereafter be fully implemented and provided to all first residents in accordance with the approved details.

Reason: 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.

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

Plan Type	Reference	Version	Date Received
Site location plan and block plan	TA877/01	A	07/12/2015
Existing sub basement	TA877/02	A	07/12/2015
Existing basement	TA877/03		07/12/2015
Existing ground floor plan	TA877/04		07/12/2015
Existing north elevation	TA877/05		07/12/2015
Existing south elevation	TA877/06		07/12/2015
Existing east elevation	TA877/07	A	07/12/2015
Existing section	TA877/08		07/12/2015
Proposed sub basement	TA877/10	E	03/02/2016
Proposed basement	TA877/11	D	03/02/2016
Proposed second floor plan	TA877/14	F	03/02/2016
Proposed third floor plan	TA877/15	J	16/03/2016
Proposed roof plan	TA877/16	F	16/03/2016
Proposed south elevation	TA877/18	M	16/03/2016
Proposed west elevation	TA877/20	G	16/03/2016
Proposed street scene	TA877/21	E	16/03/2016
Proposed street scene	TA877/22	G	16/03/2016
Comparative street scene	TA877/25	C	16/03/2016
Comparative street scene	TA877/26	C	16/03/2016
Proposed north elevation	TA877/27		21/04/2016
Proposed ground floor plan	TA877/28		21/04/2016
Proposed first floor plan	TA877/29		21/04/2016
Proposed east elevation	TA877/30		21/04/2016
Site Waste Management Plan			21/09/2011
Measurement of Existing Noise Levels & Assessment of New Plant Machinery Noise Report			19/10/2016
Code for Sustainable Homes Report			21/09/2011
Condition 11 Supporting Statement, Contaminated Land letter from Mr G Hawkins			14/10/2011

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

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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. This decision to grant Planning Permission has been taken:
 - (i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including Supplementary Planning Guidance and Supplementary Planning Documents:
(Please see section 7 of the report for the full list); and
 - (ii) for the following reasons:-

The proposal would make an effective and efficient use of the site by providing the City with additional dwellings without significantly compromising the quality of the local environment. No significant harm to neighbouring amenity would result and the scheme is acceptable with regard to traffic and sustainability issues.
3. The Residential Travel Information Pack required by Condition 12 could include but not be limited to the following measures:
 - The provision of up to date public transport information within the building and to users of the building:
 - years membership to Enterprise Car Club
 - Details of walking and cycling routes in the vicinity
 - Details of public transport services and routes (rail and bus)
 - Taster tickets towards bus and rail travel
 - Money off towards the cost of the purchase of a bike or cycle equipment.