

<b><u>No:</u></b>	<b>BH2016/01020</b>	<b><u>Ward:</u></b>	<b>St. Peter's And North Laine Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>CAR PARKING AT 9, Kensington Street, Brighton, BN1 4AJ (4-7,9 &amp; 15-20 Kensington Street Brighton)</b>		
<b><u>Proposal:</u></b>	<b>Erection of 12no residential units comprising of 2no one bedroom houses, 1no two bedroom house and 9no one bedroom flats (C3).</b>		
<b><u>Officer:</u></b>	Stewart Glassar, tel: 292153	<b><u>Valid Date:</u></b>	17.05.2016
<b><u>Con Area:</u></b>	NORTH LAINE	<b><u>Expiry Date:</u></b>	16.08.2016
		<b><u>EoT/PPA Date</u></b>	
<b><u>Listed Building Grade:</u></b>	N/A		
<b><u>Agent:</u></b>	Baily Garner 146-148 Eltham Hill Eltham London SE9 5DY		
<b><u>Applicant:</u></b>	Ms Jaine Jolly Room 506 Kings House Grand Avenue Hove BN3 2LS		

## 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:

### 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.

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan	PL01	A	21 March 2016
Floor Plans Proposed	PL03	B	30 September 2016
Floor Plans Proposed	PL04	A	21 March 2016
Floor Plans Proposed	PL05	B	30 September 2016
Floor Plans Proposed	PL06	A	21 March 2016
Elevations Proposed	PL07	B	30 September 2016
Elevations Proposed	PL08	B	30 September 2016
Elevations Proposed	PL09	B	30 September 2016
Elevations Proposed	PL10	A	21 March 2016
Sections Proposed	PL11	B	17 August 2016

Sections Proposed	PL12	B	17 August 2016
Sections Proposed	PL13	B	17 August 2016
Sections Proposed	PL14	B	17 August 2016
Sections Proposed	PL15	B	17 August 2016
Sections Proposed	PL16	B	17 August 2016
Sections Proposed	PL18	B	17 August 2016

- 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 Notwithstanding the submitted documentation, 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 brick, render and tiling (including details of the colour of render/paintwork to be used)
- b) Samples of all blinds/grills 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 treatments
- e) Samples of all other materials to be used externally

Development 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 City Plan Part One.

- 4 No development shall commence until an Employment and Training Strategy is submitted to and approved in writing by the Local Planning Authority. The strategy shall detail measures to secure 20% local employment during the construction phase and 20% during the demolition phase where possible. The approved Strategy shall be fully implemented unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To secure training and job opportunities for local residents and to comply with Policy CP2 of the Brighton & Hove City Plan

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

- i) The phases of the Proposed Development including the forecasted completion date(s);
- ii) A commitment to apply to the Council for prior consent under the Control of Pollution Act 1974 and not to Commence Development until such consent has been obtained;

- iii) A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme);
- iv) A scheme of how the contractors will minimise complaints from neighbours regarding issues such as noise and dust management vibration site traffic and deliveries to and from the site;
- v) Details of hours of construction including all associated vehicular movements;
- vi) Details of the construction compound;
- vii) A plan showing construction traffic routes;
- viii) An audit of all waste generated during construction works.

**Reason:** As this matter is fundamental to the protection of amenity, highway safety and managing waste throughout development works and to comply with policies QD27, SU9, SU10 and TR7 of the Brighton & Hove Local Plan, policy CP8 of the 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.

- 6 The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.

**Reason:** To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policy QD27 of the Brighton & Hove Local Plan.

- 7 Prior to first occupation of the development hereby permitted 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 first 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 of the City Plan Part One.

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

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

- 9 Prior to the first occupation of the development hereby permitted the redundant vehicle crossovers onto Kensington Street shall be reinstated back to a footway by raising the existing kerb and footway.  
**Reason:** In the interests of highway safety and to comply with policies TR7 of the Brighton and Hove Local Plan and CP9 of the City Plan Part One.
- 10 None of the residential units hereby approved shall be occupied until each residential unit built has achieved an energy efficiency standard of a minimum of 19% CO2 improvement over Building Regulations requirements Part L 2013 (TER Baseline).  
**Reason:** To ensure that the development is sustainable and makes efficient use of energy to comply with policy CP8 of the City Plan Part One.
- 11 None of the residential units hereby approved shall be occupied until each residential unit built has achieved a water efficiency standard using not more than 110 litres per person per day maximum indoor water consumption.  
**Reason:** To ensure that the development is sustainable and makes efficient use of water to comply with policy CP8 of the City Plan Part One.
- 12 No extension, enlargement, alteration or provision within the curtilage of the of the dwellinghouses as provided for within Schedule 2, Part 1, Classes A - D of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.  
**Reason:** The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development to comply with policies QD14 and HE6 and QD27 of the Brighton & Hove Local Plan.
- 13 The dwellings 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.
- 14 The wheelchair accessible dwelling(s) hereby permitted as detailed on drawing no. PL05 Rev A received on 21.03.2016 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.

- 15 The development hereby permitted shall not commence until such time as a scheme has been submitted to and approved in writing by the Local Planning Authority to provide that the residents of the development, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit.

**Reason:** This pre-commencement condition is imposed in order to allow the Traffic Regulation Order to be amended in a timely manner prior to first occupation to ensure that the development does not result in overspill parking and to comply with policies TR7 & QD27 of the Brighton & Hove Local Plan and CP9 of the City Plan Part One.

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

**Reason:** To safeguard the appearance of the building and the visual amenities of the locality and to comply with policy QD14/HE6 of the Brighton & Hove Local Plan and CP12/CP15 of the City Plan Part One.

- 17 No development shall take place until 1:20 scale elevational drawings of the eaves, which should be sympathetic to examples in the area, and details of the reveals to the windows and doors, which should be suitably deep to provide relief to the elevations, 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:** As this matter is fundamental to the acceptable delivery of the permission to ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan and CP15 of the City Plan Part One.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. Accredited energy assessors are those licensed under accreditation schemes approved by the Secretary of State (see Gov.uk website); two bodies currently operate in England: National Energy Services Ltd; and Northgate Public Services. The production of this information is a requirement under Part L1A 2013, paragraph 2.13.
3. The water efficiency standard required under condition 12 is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD)

Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.

- 4 The proposed highways works should be carried out in accordance with the Council's current standards and specifications and under licence from the Streetworks team. The Streetworks Team can be contacted on (01273 293366).
- 5 The scheme required to be submitted by Condition 16 should include the registered address of the completed development; an invitation to the Council as Highway Authority (copied to the Council's Parking Team) to amend the Traffic Regulation Order; and details of arrangements to notify potential purchasers, purchasers and occupiers that the development is car-free.

## **2. SITE LOCATION & APPLICATION DESCRIPTION**

- 2.1 Kensington Street is located in the centre of Brighton, within the North Laine Conservation Area. It has a variety of buildings; the east side of the street is primarily made up of larger warehouse-style buildings. These are mainly brick-built and of three storeys. To the west side, the street includes historic 2 and 3 storey terraced historic buildings, interspersed by more modern buildings of a similar scale and gap sites used for car parking. The area is characterised by a mix of uses including residential, retail, office and light industrial operations.
- 2.2 The application relates to all three vacant gap sites along the western side of Kensington Street which are currently used for car parking (Nos. 4-7, 9 and 15-20 Kensington Street). These sites originally accommodated historic terraced properties, which were demolished in the mid-1980's. The gap sites are all now heavily graffitied.
- 2.3 The application proposes to redevelop the three sites for housing and would in total provide 12 residential units. The development would entail two and would comprise of:
  - Site 1 (Nos.4-6 Kensington Street):  
1No. Two bed house  
3No. Two bed flats
  - Site 2 (No.9 Kensington Street) :  
2No. One bed houses
  - Site 3 (Nos.15-20 Kensington Street):  
6No. One bed flats
- 2.4 All the units would be provided as affordable units.

### 3. RELEVANT HISTORY

**BH2004/02185/FP** - Construction of 10 affordable residential units consisting of 4 houses at 4 to 7 Kensington Street and 6 flats at 15-20 Kensington Street. Approved 16.04.2010.

**BH2004/00530/FP** - Construction of 9 affordable residential units consisting of 3 houses at 4 to 7 Kensington Street and 6 flats at 15 to 20 Kensington Street. Withdrawn 05.04.2004.

**BH2002/03275/FP** - Redevelopment of 15-20 Kensington Street Brighton to provide 5 new houses. Approved 06.02.2003.

**BH2002/01565/FP** - Redevelopment of 4-7 Kensington Street to provide 4 new houses. Approved 16.01.2003.

**BH2002/03276/FP** - Redevelopment of 4-7 Kensington Street to provide 4 new houses. Approved 16.01.2003.

### 4. REPRESENTATIONS

4.1 **Two (2)** letters have been received from **18 Kensington Gardens** and **24 Gloucester Road** objecting to the proposed development for the following reasons:

- Daylight/sunlight report is not correct in some of its assumptions and thus its outcomes
- Loss of light
- Loss of privacy
- Noise nuisance
- Structural impact on neighbouring buildings
- Impede access to neighbouring buildings

4.2 In addition a representation from **21 Kensington Street** has been received in support of the provision of affordable housing and has raised the following points:

- There appears to be no reason why the proposed application cannot be limited to the line of the roof level of the two storey building
- The hours of working for any construction to take place and also the maximum decibel level that the works can attain should be controlled
- Any additional vehicle/parking congestion caused by this development could easily lead to a complete traffic seizure as the northern end of Kensington Street is often congested with commercial vehicles unloading goods.

### 5. CONSULTATIONS

5.1 **Heritage:** No objection

Development of these gap sites is acceptable in principal, as is the use of a modern interpretation of the characteristic historic form of the area. The general

heights and building lines are generally acceptable. The design gives an appropriate sense of bay rhythm and reflects the plot size of the area.

- 5.2 In general some increase in eaves height would not be harmful given the context of the street, but it is the fact that there would be five continuous houses at this height at the northern end that is of some concern, as it rather makes this appear as the predominant height. It is considered that that this does result in some harm to the conservation area but that this harm is outweighed by the overall benefits of developing these unsightly gap sites.
- 5.3 The revised roof pitch is more characteristic/appropriate for the area. The amendments satisfactorily address concerns about materials
- 5.4 Large scale details of the elevations and architectural features will be required by condition.
- 5.5 **Housing: No objection**  
The city-wide Housing Strategy adopted by the 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.
- 5.6 In this instance the scheme is being developed by Brighton & Hove City Council and will provide 12 affordable housing properties for rent (100% of the properties developed). This includes one wheelchair accessible unit (1 bed 2 person) which meets the Affordable Housing Brief requirement of 10%.
- 5.7 Brighton and Hove is a growing City with 273,000 people in 124,000 homes, with an additional 22,840 households (914 per annum) projected to 2033. Our affordable housing brief reflects the very pressing need for affordable homes in the City.
- 5.8 In terms of need for rented accommodation: We currently have 1,636 households in Temporary Accommodation and more than 23,400 people on the joint housing register (66% of whom are in demonstrable need - Bands A to C). With half of all households in the city earning less than £28,240 per annum, the city's private sector housing is unaffordable for the majority of the population. [Source: Housing Statistical Bulletin January to March 2016].
- 5.9 **County Archaeologist: No objection**  
As the development sites are not within an Archaeological Notification Area, it is considered unlikely that these proposals will have a significant archaeological impact.
- 5.10 **Sustainable Transport: No objection**  
Recommended approval as the Highway Authority has no objections to this application subject to the inclusion of the necessary conditions and /or informatives.
- 5.11 **Sustainable Drainage: No objection**



The Lead Local Flood Authority (LLFA) has no objection in principle to the development proposal.

**5.12 Sustainability Officer: No objection**

City Plan Policy CP8 sets out residential energy and water efficiency standards required to be met on residential developments. The planning application confirms that these standards are targeted by the scheme. It is therefore recommended that these are secured by condition: energy efficiency standards of 19% reduction in CO2 emissions over Part L Building Regulations requirements 2013; and water efficiency standards of 110 litres/person/day.

5.13 The scheme is located in a very constrained urban site that restricts potential for passive design. However, the scheme proposes thermal performance values well in excess of minimum national standards, intended to deliver enhanced energy efficiency. For example triple glazing and Mechanical Ventilation with Heat Recovery (MVHR) are proposed in addition to enhanced insulation values. The proposals also include installation of renewables in the form of a roof mounted PV array of 60m<sup>2</sup> 8.5kWp. These are shown in the roof plan.

5.14 In terms of other CP8 policy considerations, the scheme could be improved by use of timber from certified sustainable sources; green walls or green roofs; rainwater collection; measures to minimise the risks associated with flooding; biodiversity enhancements. Several of these measures however may be difficult to incorporate into the site given its practical constraints and the Conservation Area designation.

No objection. Suggested condition: Standard conditions for energy and water efficiency.

**5.15 City Regeneration: No objection**

City Regeneration has no adverse comments in respect of this application other than the acknowledgement of the loss of the site as an iconic location for large scale graffiti art, which has become a tourist attraction in its own right in recent years.

5.16 However, the proposed provision of 12 dwellings on this site demonstrates the council's commitment to identifying and utilising suitable brownfield sites whenever possible in order to contribute, in some small way, to addressing the city's challenging housing targets and needs.

5.17 If approved, City Regeneration requests a contribution through a S106 agreement for the payment of £3,600 towards the Local Employment Scheme in accordance with the Developer Contributions Guidance. An Employment and Training Strategy is also required, to be submitted at least one month in advance of site commencement. The developer will be required to commit to using at least 20% local employment during the demolition phase (where possible) and construction phase (mandatory).

**5.18 Education (Capital): No objection**

Education contribution to school provision in this part of the city would equate to £8,063.00

- 5.19 In terms of which schools might benefit from this funding, this could be Middle Street Primary, St Pauls C E Primary, St Mary Magdalene RC Primary, St Bartholomew's CE Primary, Carlton Hill Primary or Brunswick Primary as these are the closest. These schools offer a total of 1962 permanent places and there are currently 1968 pupils on roll.
- 5.20 In terms of secondary schools this development would fall into the catchment area of Dorothy Stringer and Varndean Schools and the funding would be used at either or both of these schools

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

## **7. POLICIES**

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part One

- SS1 Presumption in Favour of Sustainable Development
- CP1 Housing delivery
- CP2 Sustainable economic development
- CP8 Sustainable buildings
- CP12 Urban design
- CP13 Public streets and spaces
- CP14 Housing density
- CP15 Heritage
- 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  
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  
SPD09 Architectural Features  
SPD14 Parking Standards

**8. CONSIDERATIONS & ASSESSMENT**

8.1 The main considerations in the determination of this application relate to the principle of development; the design and appearance of the buildings, their impact upon the conservation area; the impact on amenity; sustainable transport; sustainability; housing standards, mix and density. The extent of any developer contributions also needs to be assessed.

**8.2 Principle of the development:**

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. The application proposal will therefore make a useful contribution to the City's provision of housing.

8.3 The wider objective of the City Plan (policies CP1 and CP12 and CP14) with regard to the delivery of housing is to encourage the efficient use and development of land and sites across the City, including higher densities in appropriate locations. This application would accord with this objective of productively using centrally located vacant/brownfield land. Given that the application sites' originally accommodated terraced properties; the prevailing range of land uses in the area, which includes residential use and the City Plan objective of seeking to maintain mixed and sustainable communities, it is considered that the principle of the redevelopment is acceptable and accords with the wider objectives of the City Plan.

**8.4 Housing Standards, Mix and Density:**

The application proposes a total of 12 new residential units, which will make an important contribution towards the overall housing supply targets for the City. The development produces a density of 300 dwellings per hectare which exceeds the minimum desired density of 150 dwellings per hectare that is set

out in Policy CP14 of the City Plan. This policy encourages developments to make efficient use of land and notes that increased densities can be acceptable where the development is of a high standard and respects and reinforces the character of the area and contributes positively to the sense of place, which this scheme is considered to do. In addition, these sites' central location means that they are close to facilities and thus sustainable, both of which are factors identified in Policy CP14 as necessary in ensuring higher density developments are acceptable.

- 8.5 City Plan Policy CP19 seeks to ensure that an appropriate mix of housing (in terms of housing type, size and tenure) is achieved across the City. Up to date assessments of housing need show that although greatest need (numerically) is for smaller one and two bed properties there is significant pressure on larger family sized homes and the Council's Affordable Housing Brief for the City is based on providing a mix of unit types/sizes. This development only provides smaller units but given the restricted nature of the site and the design requirements of being within a conservation area it is accepted that providing larger, family units would not be feasible in this instance. Accordingly, it is considered that greater weight should be placed on the site's location and the conservation area requirements than seeking larger, family units within the scheme.
- 8.6 With regard to the overall standard of accommodation, it is noted that three of the units in site 3 fall slightly below the space standards and each provide 2-3m<sup>2</sup> of floorspace below the 50m<sup>2</sup> preferred minimum for a 1 bed/2 person flat. However, the scheme does include one wheelchair accessible unit (1 bed 2 person) which meets the Affordable Housing Brief requirement of 10% of the units being wheelchair accessible. Overall the standard of accommodation is considered acceptable given the constraints of the site.
- 8.7 As the Council is the applicant/developer the intention is that the development will provide 100% 'affordable housing' and that when the development is completed the City Council will be able to nominate people from the housing register to the properties. It may also enable people to move into the new units thereby freeing up larger family homes elsewhere. The provision of affordable housing would be secured through a legal agreement. However, as Policy CP20 of the City Plan requires up to 30% of developments of this size to be affordable units, the Local Planning Authority can only seek a maximum of 30% affordable housing and any provision above that level would be at the applicant's discretion.
- 8.8 **Design and Appearance:**  
The application proposes to infill the three sites with new, terraced properties. The units would comprise houses and flats and would be accommodated within buildings which although contemporary in their appearance and materials, seek to respect the historic character and pattern of development of the area.
- 8.9 The buildings would be two and three storeys in height and were originally to be finished in a white brick with dark roofs. The use of white brick and slate roofs would enable the new development to integrate into its historic context and a

condition requiring the submission of finished materials is recommended. Coloured aluminium panels and blinds with grey window frames are proposed and would be considered acceptable against a backdrop of white brick and dark roof.

- 8.10 The proposed elevations would have a strong vertical emphasis which reflects the prevailing character of the street, particularly the existing, taller three storey buildings. This is largely achieved through the position and dimensions of the windows and openings and indents within the façade which help to reinforce the regular rhythm and sense of the narrow building plots.
- 8.11 A modern interpretation of the historic form of the area is considered acceptable in principal and is supported by City Plan Policy CP14 which encourages a high standard of design and recognition of heritage assets but do not seek pastiche developments. In this instance the design gives an appropriate sense of bay rhythm and reflects the plot size and building lines that are characteristic of the area.
- 8.12 Overall it is considered that the design and appearance of the buildings are acceptable.
- 8.13 **Heritage:**  
The gap sites have become iconic locations for large scale graffiti art, which in turn have become tourist attractions in their own right in recent years and have come to form part of the character of the street. However, the gaps provide views to the rear of buildings on Kensington Gardens and in heritage terms erode the urban grain of the conservation area. The North Laine Conservation Area Study (1995) states that 'the development of these small sites should reflect the particular character of each individual street in terms of uses, height, mass, materials, building lines, roof and parapet lines and plot widths' (para 6.40).
- 8.14 It is considered that the proposed development has largely met the stated desires of the North Laine Conservation Area Study (1995) in that the development has high site coverage on narrow plots with buildings hard up against the pavement edge and contributes to the variety of building types, styles, and heights. In this respect the overall character of the conservation area will be preserved.
- 8.15 Some concerns were initially raised with regard to the height of the three storey buildings and that their ridges sit above those of the existing three storey buildings. The applicants have indicated that it is not possible to reduce the eaves heights to match adjacent buildings as this would result in inadequate floor to ceiling heights within the building. Early designs did suggest lower ridge heights but this was achieved through a shallower roof pitch which was felt to be uncharacteristically shallow and would be particularly apparent in oblique views along the road and in the relationship with existing neighbouring buildings.
- 8.16 Historic photographs of Kensington Street indicate that there was not uniformity amongst the height of the original three storey dwellings with some being

slightly higher than others. Given that there are two storey 'cottages' at the North Road end of the street and other original two storey buildings midway along Kensington Street together with three storey buildings on the opposite side of the street which are of varying heights it could be argued that the variety of building heights along Kensington Street has long been part of its character.

- 8.17 The proposed buildings would be some 0.8 metres higher than the existing three storey buildings. The additional height will give the proposed buildings a degree of prominence compared to some of the adjacent buildings which could be seen to reinforce the variety of roof heights along Kensington Street. At the northern end of the street this does make this height appear as the predominant height and could be seen to result in some harm to the conservation area at this point.
- 8.18 Having assessed this aspect of the scheme, it is considered that in general some increase in eaves height would not necessarily be harmful given the context of the street. Whilst the five continuous houses at this height which results in some harm to the conservation area, it is acknowledged that the scheme is now more in keeping with the area than the previously proposed shallower roofs and that any harm caused to the Conservation Area by the height of the buildings is outweighed in heritage terms by the overall benefits of developing these unsightly gap sites.
- 8.19 Thus, in considering each site individually, and their cumulative impact, it is considered that the proposed redevelopment in the manner proposed of the vacant gaps does not cause overall harm to the character or appearance of the area and represents an enhancement to Kensington Street and the appearance of the North Laine Conservation Area. Accordingly the scheme is not considered contrary to City Plan policy CP15 which seeks to protect the City's historic environment.
- 8.20 **Impact on Amenity:**  
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.
- 8.21 The neighbouring properties, particularly those on adjacent sites in Kensington Gardens have over time to some extent benefitted from the application sites not having been redeveloped. Thus their existing level of amenity and expectation must be recognised but it is also acknowledged that this is not characteristic of the area and that central locations will have a greater degree of overshadowing and buildings in close proximity to one another.
- 8.22 Site 1: (Nos.4-6 Kensington Street):  
The backs of 30-34 Kensington Gardens onto which this part of the development will face is not uniform and contains the blank rear elevations of two storey outriggers together with boundary walls and fences which separate the open areas between these outriggers from the application site.

- 8.23 The proposed development has been laid out so that any part of the development which extends the full depth of the site backs on to the blank rear of an existing building. Thus the existing open areas between the outriggers will be opposite new areas of amenity space within the new development. Site 1 has been laid out so that most of the new development is approximately 2 metres away from the boundary with the Kensington Gardens properties which helps to mitigate some of the impact of the three storey element of the development.
- 8.24 Given that the application sites are currently vacant, any development will have an impact on the outlook from the adjoining buildings to the rear. However, it is noted that in terms of the windows on the side/rear of Nos. 33-34 Kensington Gardens, these are generally not serving habitable rooms and many of the windows have obscure glazing. It is also noted that these windows are all currently overshadowed by an existing tree on the boundary which currently blocks light and outlook. The two-storey dwelling which will back onto Nos.33-34 Kensington Gardens will therefore have a limited impact in terms of outlook and no windows will directly face towards these neighbours.
- 8.25 The proposed flats, which are to the rear of Nos.30-32 Kensington Gardens have been laid out so that only bathroom windows, kitchen windows or windows serving corridors are on the rear elevation of the building. These windows are at 90° to the windows on the outriggers to Nos. 31-32 Kensington Gardens and thus avoid any direct overlooking. Given that the new building is set some 2 metres from the shared boundary the impact has been kept as low as possible for a redevelopment of this nature.
- 8.26 Access to the upper floor flats is via stairs at the back of the building. Access to these stairs is through an entrance door directly off Kensington Street, which maintains the appearance and rhythm of the building's facade. The stairs are within the footprint of the building but not enclosed and thus in order to minimise any disturbance/overlooking grey aluminium blinds are proposed.
- 8.27 Site 2: (No.9 Kensington Street)  
This proposed building will completely infill the space between 8 and 10 Kensington Street and will back directly on to the rear of Nos.28/29 Kensington Gardens.
- 8.28 There are three rooflights on the rear of No.28 Kensington Gardens which is two storeys in height. There will be some change to the outlook from these windows and some diminution of light as a result of the proposed building. However, there are no windows on the rear of the proposed building and the neighbouring properties are three storeys in height. The relationship between the existing buildings is complex as the neighbour at No.10 Kensington Street has a first floor rear veranda which is directly opposite one of the rooflights in No.28 Kensington Gardens. Therefore the rear of the proposed new building has been designed as two storeys in height at this point to minimise the impact of the building on the veranda and the rooflights serving No.28 Kensington Gardens.
- 8.29 Site 3: (Nos.15-20 Kensington Street):

As with Site 1, the proposed buildings do not occupy the full depth of the site and are between 1.7m and 2m away from the boundary with the properties in Kensington Gardens that back on to the site. The neighbouring building has an obscurely glazed side window which faces towards the site and thus this setting back of the proposed building also avoids blocking this window.

- 8.30 The interior layout of the buildings means that habitable room windows are generally on the front elevation. There is at first and second floor level a window on the rear elevation which is shown as serving a dining area although given its position at the end of kitchen units and adjacent to an internal door it is not a practical space for a table and chairs. These windows are thus unlikely to be intensively used and instead are more likely to provide light to the kitchen area than provide an outlook for residents. Notwithstanding their likely use, the windows face towards the blank rear elevation of 18 Kensington Gardens.
- 8.31 The main impacts from this site will be on the windows serving Nos. 18 and 19 Kensington Gardens. Most of the windows to the rear of No.19 are obscurely glazed and/or relatively small. Whilst these windows are unlikely to serve habitable rooms the development will have an impact on the natural light entering these spaces. However, it is noted some of the windows on No.18 do serve habitable rooms. The natural light to these rooms will be affected. Whilst the use of a light/white external brick on much of the rear elevation will assist in helping to reflect light it is clear that there will be a noticeable diminution of light to this particular neighbour.
- 8.32 As with site 1, the upper floor flats are accessed via stairs at the back of the building with access to these stairs through an entrance door directly off Kensington Street. These stairs are similarly within the footprint of the building but not enclosed and thus in order to minimise the disturbance/overlooking grey aluminium blinds are proposed on the central rear section of the building.
- 8.33 Kensington Street (East Side):  
Kensington Street is part of the irregular linear grid street pattern which helps to characterise the North Laine area. The streets are relatively narrow and have buildings positioned hard up against the pavement edge. The development of these gap sites will consequently have some impact upon the buildings on the opposite side of Kensington Street. These are generally commercial in use on the ground floor with the first and second floors being residential. The infilling of the gap sites will change the outlook in some cases from these buildings and at ground floor the impact will be most noticeable. However, given that the new developments are some 8 metres away, on the opposite side of the road and are of a similar height to the existing adjacent properties the impact upon the residents opposite is not likely to be significant.
- 8.34 The proposed development will inevitably have an impact upon the neighbouring buildings. It is accepted that in central areas of the City there is likely to be a degree of overlooking and that any new development will necessarily be in close proximity to existing buildings. It is therefore acknowledged that any redevelopment of these sites will inevitably have some impact of the rear elevations of the Kensington Gardens properties due to their



closeness to the site boundary and their orientation eastwards. Furthermore, any resulting amenity impact must be balanced against the heritage consideration which relates to both the re-use of these sites and the requirement to ensure building heights in the surrounding area are respected.

- 8.35 Through a combination of design/layout and the position of windows on existing building, the issues of overlooking/loss of privacy/amenity have been limited as much as possible. However, there will be some neighbouring habitable room windows, particular to the rear of Site 3 that will be noticeably impacted by the development through a loss of light and outlook.
- 8.36 The impact of the development will be that much greater on neighbours because the sites have been vacant for a number of years. Clearly had the buildings been retained on site then the redevelopment would have been perceived to have had a lesser impact. However, given that the occupants are now used to the current levels of light the development will be seen to have a significant impact on the rear of No.18 Kensington Gardens in particular.
- 8.37 **Sustainable Transport:**  
The development is not forecast to generate a significant increase in vehicle trips and therefore any impact on the capacity of the local road network will be minimal. The Highway Authority therefore deems the application acceptable.
- 8.38 To comply with Brighton and Hove Local Plan 2005 policies TR7, TR11 and TR12, CP9 of the City Plan Part One and the Council Guidance on Developer Contributions the applicant is expected to make a financial contribution of £8,400. This contribution would be used to improve pedestrian access through the installation of dropped kerbs and tactile paving between the site and various education, employment, retail, leisure, medical and transport facilities in the vicinity of the site that future residents would need to access on a regular basis.
- 8.39 Given the sites' central and sustainable location, with public transport and local facilities close by the scheme does not propose any on site car parking, which accords with the Council's SPD14 maximum parking standards. However, as the site is within the CPZ it is considered appropriate to condition the development so that it is 'car free' and that residents do not have access to residents parking permits.
- 8.40 In addition to the absence of parking there is a proposed loss of 22 car parking spaces once the sites are redeveloped. However this reduction is in line with policies promoting sustainability, air quality and road safety and the Highway Authority has noted that the loss of these spaces has been consulted since at least January 2015 and therefore does not object to their loss. On this basis it is considered that the loss of the car parking spaces would not carry significant weight in the overall determination of the application.
- 8.41 For a development of this scale, the minimum cycle parking standard is 16 cycle parking spaces in total (12 for residential units and 4 visitor spaces). The application proposes 13 cycle parking spaces which does not quite reach the minimum standard and there is a lack of detail regarding the cycle parking

equipment. The Highway Authority has therefore sought a cycle parking condition on the basis that with use of the latest parking equipment the minimum standard can be capable of being met.

**8.42 Sustainability:**

City Plan Policy CP8 sets out residential energy and water efficiency standards required to be met on residential developments. The planning application confirms that these standards are targeted by the scheme. It is therefore recommended that these are secured by condition: energy efficiency standards of 19% reduction in CO2 emissions over Part L Building Regulations requirements 2013; and water efficiency standards of 110 litres/person/day.

8.43 The scheme is located in a very constrained urban site within a conservation area that limits some measures such as green walls, green roofs or rainwater collection. However, the scheme proposes thermal performance values well in excess of minimum national standards, intended to deliver enhanced energy efficiency. For example triple glazing and Mechanical Ventilation with Heat Recovery (MVHR) are proposed in addition to enhanced insulation values. The proposals also include installation of renewables in the form of a roof mounted PV array of 60m<sup>2</sup> 8.5kWp.

8.44 Overall it is considered that the scheme would accord with Policy CP8 of the City Plan.

**8.45 Developer Contributions**

In accordance with City Plan Policy CP7 and the Council's Developer Contributions Technical Guidance all major developments are expected to make contributions towards a range of infrastructure facilities within the City. The proposed development would generate a requirement for:

- 30% Affordable Housing
- Employment & Training Initiatives: £3,600
- Open Space & Indoor Sport: £24,700
- Education Provision: £8,063
- Sustainable Transport: £8,400

8.46 These would need to be secured through an appropriate legal agreement.

**8.47 Conclusions**

The proposal will make an important contribution to the City's housing supply and the provision of affordable housing within the central area of the City. The buildings will offer a modern and contemporary design solution for what are constrained development sites but nevertheless the resulting buildings are adjudged to preserve the character of the North Laine conservation area and will enhance the overall appearance of the conservation area by replacing three gaps sites.

8.48 The size of the sites and their close relationship with the neighbouring buildings to the sides and rear inevitably mean that there will be some impact upon the amenity of these neighbours. No.18 Kensington Gardens is likely to be the most

affected by the development with a reduction in light to habitable room windows and a significant change in their outlook. Reducing the height of the development, for example to two storeys, would not necessarily overcome all these impacts on light and outlook and might have an adverse impact on the appearance of the Conservation Area. However, it must also be noted that these sites were previously occupied by housing and that this scheme is not dissimilar to a previous approval in 2010 on these sites. In particular, that approved scheme for Site 3 similarly proposed three storey houses to the rear of Nos. 18 and 19 Kensington Gardens and had a similar impact to those of the current proposal.

- 8.49 Notwithstanding the above, the application offers significant benefits both in terms of providing much needed housing for the City and an important overall upgrading to the character and appearance of the Conservation Area. The use of the sites for parking in such a central location is clearly unsustainable against the background of national and local demand for new housing in urban areas, especially on brownfield sites. Accordingly, these aspects are considered to have significant weight and given that during pre-application discussions and during the course of the application the scheme has been altered to try to limit as much as possible the impacts on neighbours, it is considered that the proposal has reached a point where the benefits of the scheme can be considered to outweigh the impacts and accordingly the application can be approved.

## **9. EQUALITIES**

- 9.1 None identified.

