

LIST OF MINOR APPLICATIONS

<u>No:</u>	BH2011/03956	<u>Ward:</u>	WESTBOURNE
<u>App Type:</u>	Full Planning		
<u>Address:</u>	191 Kingsway, Hove		
<u>Proposal:</u>	Demolition of existing building and construction of nine residential flats.		
<u>Officer:</u>	Adrian Smith, tel: 290478	<u>Valid Date:</u>	16/01/2012
<u>Con Area:</u>	Sackville Gardens	<u>Expiry Date:</u>	12 March 2012
<u>Listed Building Grade:</u>	None		
<u>Agent:</u>	John Coleman Architects, Rivermead, Berwick St James, Salisbury, Wiltshire		
<u>Applicant:</u>	Castlemist Properties Ltd, Mr & Mrs P Coleman, 20 Tongdean Avenue, Hove		

1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and the policies and guidance in section 7 of this report and resolves to be **MINDED TO GRANT** planning permission subject to a S106 agreement and the following Conditions and Informatives.

S106 Heads of Terms:

- £1,200 towards sustainable transport infrastructure.

Regulatory Conditions:

1. 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.
2. The development hereby permitted shall be carried out in accordance with the site plan received on the 30th December 2011; and the approved drawing nos. 724-1 rev B, 724-2 rev A, 724-3A rev A, 724-4 rev A2, 724-6 rev A, 724-7 rev A, 724-8 rev A, 724-9a rev A & the stairlift drawing received on the 4th April 2012.
Reason: For the avoidance of doubt and in the interests of proper planning.
3. No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any elevation facing a highway.
Reason: To safeguard the appearance of the building and the visual amenities of the locality and to comply with policies QD1 and QD27 of the Brighton & Hove Local Plan.

4. In the event mechanical ventilation or any other machinery is required to service the development hereby permitted, all noise associated with such machinery 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. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:1997.
Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
5. The vehicle parking areas shown on the approved plans shall not be used otherwise than for parking of private motor vehicles 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 TR19 of the Brighton & Hove Local Plan.

Pre-Commencement Conditions:

6. The works of demolition hereby permitted shall not be begun until documentary evidence is produced to the Local Planning Authority to show that contracts have been entered into by the developer to ensure that building work on the site the subject of this consent is commenced within a period of 6 months following commencement of demolition in accordance with a scheme for which planning permission has been granted.
Reason: To prevent premature demolition in the interests of the character and appearance of the Conservation Area and to comply with policy HE8 of the Brighton & Hove Local Plan.
7. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, including a timetable for the investigation, which has been submitted by the applicant and approved in writing by the local planning authority and the works shall be undertaken in accordance with the approved details.
Reason: To enable the recording of any items of historical or archaeological interest, as the development is likely to disturb remains of archaeological interest, in accordance with requirements within Policy HE12 of the Brighton & Hove Local Plan.
8. No development shall take place until full details have been submitted to demonstrate that the development will be constructed to meet all Lifetime Homes Standards. Unless otherwise agreed in writing by the Local Planning Authority, the new dwellings hereby permitted shall be constructed to the agreed 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.
9. No development shall take place until samples of the materials (including colour of render, paintwork and colourwash) and samples and details of

the balconies to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.

10. Unless otherwise agreed in writing by the Local Planning Authority, no residential development shall commence until:
 - (a) evidence that the development is registered with an accreditation body under the Code for Sustainable Homes and a Design Stage/Interim Report showing that the development will achieve Code level 3 for all residential units have been submitted to the Local Planning Authority; and
 - (b) a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development will achieve Code level 3 for all residential units has been submitted to, and approved in writing by, the Local Planning Authority.

A completed pre-assessment estimator will not be acceptable.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.

Pre-Occupation Conditions:

11. Unless otherwise agreed in writing by the Local Planning Authority, the residential unit hereby approved shall not be occupied until a Final/Post Construction Code Certificate issued by an accreditation body confirming that it has achieved a Code for Sustainable Homes rating of Code level 3 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, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.

12. The development shall not be occupied until the building has been soundproofed in accordance with the recommendations contained within the Noise Impact Assessment received on the 30th December 2011, and the implemented measures shall thereafter be retained as such.

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

13. The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans 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.

14. 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.

15. The development shall not be occupied until the parking areas have been provided in accordance with the approved plans and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles in association with the approved dwellings.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway and to comply with Local Plan policies TR1, TR19 and SPG4

Informatives:

1. This decision to grant Planning Permission has been taken:

- (i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below, 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 proposed development represents an efficient and effective use of this brownfield site, and a suitable standard of design that would improve the appearance of the Kingsway and the character and appearance of the Sackville Gardens Conservation Area, without harming the amenities of adjacent residents. Subject to the recommended conditions, the development would represent sustainable development in accordance with development plan policies and the National Planning Policy Framework.

2 THE SITE

The application relates to a two storey building located on the north side of Kingsway, Hove, within the Sackville Gardens Conservation Area. The building forms part of Girton House, a four storey Victorian building attached to the west, and accommodates a mix of eleven studio and one bedroom flats. The site sits directly adjacent to the former Sackville Hotel, now a vacant plot of land.

3 RELEVANT HISTORY

191 Kingsway:

BH2011/03957: Conservation Area Consent for the demolition of existing building. Awaiting determination.

189 Kingsway:

BH2012/00097: Erection of 5no houses facing Kingsway in five storey terrace with basement and roof terrace and separate five storey building with basement facing Sackville Gardens of 2no flats and 2no maisonettes, with all underground parking accessed from Sackville Gardens. Refused 09/03/2012.

4 THE APPLICATION

Planning permission is sought for the demolition of the two storey building (retaining Girton House adjacent) to enable the construction of a five storey plus basement block of nine flats. The proposal includes a basement parking level for up to ten vehicles.

5 CONSULTATIONS

External

Neighbours: Six (6) letters of representation have been received from **8 Girton House, the owners of 191 Kingsway (3), and 15 & 39A Sackville Gardens** objecting the application for the following reasons:

- The external elevations of the block are characterless and do nothing to blend in with or compliment the adjoining existing property- Girton House
- A new modern block of flats would look appalling, would be out of keeping with the history and charm of the city, and would spoil the view down towards the sea
- The proposal will result in physical disruption and potential danger. Any consideration should ensure that no work can start until there has been full and lengthy consultation with every flat owner, including the provision of safeguards.
- The closeness of the building to the east boundary will impact on side facing windows in the proposed development at 189 Kingsway, causing loss of amenity and light to this building.
- No.189 Kingsway benefits from a legal 'right-to-light' to west facing windows. The proposed building would sit directly adjacent to these windows, blocking all light. The 'right-to-light' for these windows is a material planning consideration in the determination of the application at 191 Kingsway.
- The design of the building is ill-conceived, and does not reflect the historic character of the Sackville Gardens Conservation Area. It does not offer a high quality design.
- The east flank wall is a large unrelieved mass which will be very overbearing in the absence of any building adjacent at 189 Kingsway.
- The raised ground floor and underground car park offers a bland and uninteresting frontage, and would fail to relate in a satisfactory manner to the floor levels to Girton House adjacent.
- It would create a restrictive precedent for storey heights for 189 Kingsway.
- The widened access would encroach onto the zig-zag lines to the nearby pelican crossing.
- Increased vehicle movements of at least 20 vehicles onto a classified road.

- The access ramp appears insufficient given the change in levels and would compromise the safe use of parking spaces 9 & 10.
- The proposal would result in a net loss of residential units from 11 to 9.
- The kitchens to each flat would have no direct natural light or ventilation.

Hove Civic Society have objected on the grounds that the façade should be improved to better reflect the scale of the Victorian terraces, and that the site could accommodate a higher sustainability level, including green outdoor amenity spaces.

CAG: Objection

The group would support the principal of demolition and redevelopment of this site as long as the replacement building was of a quality that was sympathetic to the area. The group felt that although the proposal was of an acceptable height it was of poor design and did not reflect the character of the area and therefore recommended this application be refused. The group requested that it be referred to the Planning Committee to determine if officers are minded to grant.

Archaeological Society: No objection

County Archaeologist: No objection

The proposed development is situated within an Archaeological Notification Area defining an area of prehistoric activity potential focused on Woolwich Beds Sand geology. In the wider landscape there have been finds of Palaeolithic, Neolithic and Bronze Age material as well as evidence of medieval activity including the village of Hove. In the light of the potential archaeological significance of this site, the area affected by the proposals should be the subject of a programme of archaeological works.

The following condition should be applied to any planning permission that is granted in respect of this application:

No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, including a timetable for the investigation, which has been submitted by the applicant and approved in writing by the local planning authority and the works shall be undertaken in accordance with the approved details.

(Reason: To enable the recording of any items of historical or archaeological interest, as the development is likely to disturb remains of archaeological interest, in accordance with requirements within PPS 5 'Planning for the Historic Environment'; and Policy HE12 of the Brighton & Hove Local Plan.)

Internal:

Design & Conservation: No objection

There is no objection in principle to demolition of the existing building and the opportunity to replace it with a contemporary apartment building of greater

scale and architectural quality, which would contribute to a more coherent townscape on this part of Kingsway, is welcomed. The application has been subject to pre-application advice and, in general, the design has evolved positively over the course of the pre-application discussions.

There is no objection in principle to a building of this height and occupying full width on the site. The building line is appropriate and the simple, formal design approach to the front elevation, with rendered finish, is also appropriate. The ground floor is suitably raised and there would be some graduation in scale as the building ascends, with the 2nd and 3rd floor windows c300mm less high than the ground and first floor windows. The balconies would have a suitably lightweight feel, subject to agreement of detailing. The central entrance with curving steps and curving projecting canopy gives the ground floor an appropriate degree of legibility and visual interest.

This site, as elsewhere along Kingsway, is very prominent in longer views from the seafront lawns and the roofline is therefore very important. The semi-circular central element and the deeply projecting eaves to the flanking sections (in dark GRP) would help to give the roofline interest and it the steps up by c600mm at a point 3.5m back from the eaves with a 'parapet' to screen the solar panels. The main concern is that the top storey, which has windows c200m higher than the 3rd and 4th floors, would appear somewhat top heavy. This could have been disguised by a tall, solid parapet but the largely glazed parapet results in too much attention being drawn to the heavy top storey. This issue needs to be addressed before a recommendation can be made for approval.

A contextual street elevation shows the proposal in relation to Girton House. It is considered that the proposal relates satisfactorily to Girton House and would help to create a more coherent townscape and a more consistent scale on this part of Kingsway.

Environmental Health: No objection

The Noise Impact Assessment is satisfactory and the recommendations for glazing and ventilation of the flats that are made by the consultants in their report should be followed.

Sustainability: No objection

Sustainable Transport: Objection

The Highway Authority has no particular view of this proposal in terms of the affects to public safety or capacity on the highway network, but recommend refusal as proposal does not protect the interests of the public using the roads and footways owing to the cycle parking not being designed to a suitable standard. The cycle parking should be convenient and wherever practical close to the main entrance of the premises. The cycle parking is located in an unsuitable location and is inaccessible due to car parking spaces and refuse storage space. Hence it is not convenient and not likely to encourage cycle

use by residents and visitors at the proposed site.

In the event permission is granted, conditions should be attached to secure improved cycle parking, secure the parking areas prior to occupation, and ensure that the widened crossover is built to standard. A contribution of £1200 should be sought to provide sustainable transport infrastructure in the vicinity of the site.

Access Officer: The plans as submitted do not conform with all 16 lifetime homes standards. Amendments to the layouts of the flats, including better access for wheelchair users, will be required, and are achievable, to meet the standards.

Private Sector Housing: No objection

6 MATERIAL CONSIDERATIONS

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.”

The development plan is the Regional Spatial Strategy, The South East Plan (6 May 2009); East Sussex and Brighton & Hove Minerals Local Plan (1999); East Sussex and Brighton & Hove Waste Local Plan (February 2006); Brighton & Hove Local Plan (21 July 2005).

7 RELEVANT POLICIES & GUIDANCE

National Planning Policy Guidance:

National Planning Policy Framework

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD15	Landscape design
QD27	Protection of Amenity
QD28	Planning Obligations
HO3	Dwelling type and size

HO4	Dwelling densities
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
HE12	Scheduled ancient monuments and other important archaeological sites

Supplementary Planning Guidance:

SPGBH4 Parking Standards

Supplementary Planning Documents:

SPD08 Sustainable Building Design

8 **CONSIDERATIONS**

Matters relating to disruption during the building operation are not material planning considerations. The main considerations in the determination of this application relate to the principle of redevelopment, the design of the building and its impact on adjacent buildings and the character and appearance of the Sackville Gardens Conservation Area, the standard of accommodation to be provided, its impacts on neighbouring amenity, and sustainability and transport issues.

Planning Policy:

At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development.

The Framework identifies that there are three dimensions to achieving sustainable development- economic, social and environmental- which should be sought jointly and simultaneously through the planning system.

To support these three dimensions, the Framework identifies twelve core land use planning principles. These principles include (amongst others) the desire to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings; take account of the different roles and character of different areas, promoting the vitality of urban areas; encourage the effective use of land by reusing land that has been previously developed; and conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.

Within the Brighton & Hove Local Plan, policy QD3 seeks the efficient and effective use of land for housing, including the re-use of previously developed land including land and buildings which are vacant or derelict and land which is currently in use but which has the potential for re-development. Policy HO4 states that development is permitted at a higher density than those typically found in the locality where it can be adequately demonstrated that the proposal exhibits a high standard of design and respects the capacity of the local area to accommodate additional dwellings. Policies QD1, QD2, QD3 and

HE6 state that all new developments within Conservation Areas should preserve or enhance the character or appearance of the area, should show a consistently high standard of design and detailing reflecting the scale and character or appearance of the area. Development should emphasise and enhance the positive qualities of the local neighbourhood, by taking into account the local characteristics, including a) the height, scale, bulk and design of existing buildings.

Policy HO5 requires the provision of private useable amenity space in all new residential development whilst 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.

Design and Appearance:

The building as existing forms a two storey block attached to the larger Girton House adjacent to the west. Both buildings are of a Victorian appearance, with Girton House at 193 Kingsway being of a considerably grander scale and overall design. The building at 191 Kingsway is of a significantly lesser scale and appearance such that it appears out of keeping with its surrounding and does not contribute positively to the Sackville Gardens Conservation Area. The site to the east is separated by a hardstanding to 191 Kingsway, and forms the derelict former Sackville Hotel plot.

The wider Kingsway is characterised by a mix of building forms, with traditional Victorian terraces set in juxtaposition with considerably larger and bulkier modern blocks of flats. There is a general lack of continuity and rhythm to the buildings with some set tightly together, and others set in more spacious plots. The frontage that falls within the Sackville Gardens Conservation Area is generally Victorian in appearance and consistent in scale, however the smaller 191 Kingsway building and vacant Sackville Hotel site are clear anomalies that disrupt this limited continuity. Current development plan policy encourages modern design approaches to new development within Conservation Areas therefore, provided the scale and form of the proposed building compliments the existing pattern of development, a contemporary design approach can be supported in principle.

The proposal seeks to replace 191 Kingsway with a modern five storey building incorporating a basement parking level and rooftop penthouse. The building would be extended across the entire width of the site and would follow the front and rear building lines to Girton House. It would have an overall height of 17.8m, set marginally higher than the 17.4m main ridge level to Girton House. No objection is raised in terms of the principle of the building's increased scale and footprint across the entire width of the site, and its alignment with the front and rear building lines to Girton House. In this respect in general terms the proposed building is considered to represent a suitable addition to the Kingsway such that it would not overdominate or draw attention away from the other buildings in the immediate vicinity of the site.

The design of the building is contemporary, with rendered elevations and aluminium windows, and hanging balconies. The building represents a strong symmetry, with a curved stepped access providing continuity with the curve of the canopy above and the curved front bay to the penthouse. The penthouse level sits atop the main four storey body of the building, and is suitably set back from the front, side and rear walls such that it would be read as a subordinate addition to the main building form. In angles views from the west, the penthouse level would be appropriately recessed off the main front elevation and largely disguised by the existing more dominant gables and chimney stacks to Girton House. The central bay to the penthouse would extend towards the front of the building and is considered acceptable in this instance as it would help reinforce the symmetry of the building and reflect the curved entrance canopy below. It is noted that the floor levels do not align with those to Girton House, but step instead to accommodate an additional floor. This is not in itself considered a significant concern, and it would not be considered reasonable to expect that the tall Victorian floor-to-ceiling heights be reflected in a modern development such as this. In any case, the floor-ceiling heights to the building have been adjusted to place greater emphasis on the ground and first floor levels such that a hierarchical arrangement is maintained. In this respect, the building as proposed pays respect to the development pattern in the immediate area, and would integrate a modern form into the conservation area and seafront frontage without dominating or detracting from the more historic buildings in the area. In this regard it represents a good design standard that would have a positive impact on the character and appearance of the Sackville Gardens Conservation Area. Further, the proposed building is considered to set a suitable precedent on terms of scale, form and floor levels for future development in the area, in particular the adjacent vacant site at 189 Kingsway where an application for a six storey modern building was recently refused consent (BH2012/00097).

The Conservation officer supports the general scale, form and design of the building, but raised initial concerns over the width of the penthouse level and the treatment of the front part solid part glazed parapet. The drawings have subsequently been amended to reduce the width of the penthouse and solidify the parapet. These amendments have satisfactorily addressed these concerns and strengthened the overall design of the building, in particular the strength and continuity of the parapet roofline.

Density:

The proposal is for nine residential flats, equating to a density of 234 units per hectare. This level of density compares favourably with the previous density (470 units per hectare), the density of Girton House (231 units per hectare), and the general density of the other seafront buildings in the locality (ranging from 207 to 276 units per hectare). In this regard the development makes an efficient and effective use of this brownfield site in this location, in accordance with policy QD3 of the Brighton & Hove Local Plan.

Standard of Accommodation:

The application proposes the replacement of eleven small studio and one bedroom flats with a block of nine flats. The size, layout and outlook to all flats is considered acceptable, with individual balconies providing outside amenity space in accordance with policy HO5. The number of units has been reduced from eleven to nine, with the change in unit types the number of bedrooms has been increased from eleven to between nineteen and twenty three, thereby representing an increase in residential accommodation such that no harm is identified.

The site fronts a main road where there is a high risk of noise disturbance to future residents of the building. A noise report has been submitted to the satisfaction of the Environmental Health officer that recommends minimum standards of glazing to meet acceptable noise level thresholds. These levels are secured by condition to ensure the long term amenity of future residents is protected. The Environmental Health officer has highlighted that mechanical ventilation may be required given the nature of the glazing proposed. As a precautionary measure a condition is attached to ensure that any noise from ventilation machinery (in the event it is required) operates below background noise levels. This would help preserve the amenities of residents within and adjacent to the building.

Policy HO13 requires all new residential units to demonstrate that all Lifetime Homes standards have been incorporated into the design. No information has been submitted to demonstrate that all flats can meet the 16 lifetime homes standards. The access officer is of the opinion that the standards can be met, however, concern has been raised that a number of standards are not currently met in the layouts to each flat. A detailed summary has been provided specifying the exact shortcomings. More fundamentally, there is limited accessibility for wheelchair users given the front steps and steep access to the basement parking level and lift. The applicants have adapted the front wall of the building to accommodate a discrete chairlift facility. This would enable wheelchair users not accessing the basement level by car to better enter and exit the site in a safe manner, and is considered sufficient to ensure the longer term sustainability of the site for future users. The requirement to meet all lifetime homes standards, including the installation of the stairlift, is secured by condition, with full details and plans to be submitted for approval prior to the commencement of works.

Impact on Amenity:

The main impact would be on the amenities of the adjacent residents within Girton House, and on the amenities of the residents within the four storey block of flats at Clarke Court to the rear. The proposed building would follow the front and rear most building lines to Girton House. Given the position and footprint of the building, it is not considered that the proposed development would obscure outlook, or result in a significant loss of light or privacy to Girton House, despite its additional height and the inclusion of small balconies to the rear elevation. In this respect the proposed development is considered

to accord with policy QD27 of the Brighton & Hove Local Plan.

Similarly, Clarke Court is located approximately 33m to the rear/north of the site, a sufficient distance such that outlook and light to the nearest facing windows would not be excessively disrupted by the proposed building.

Sustainable Transport:

Local Plan policy TR1 requires all new development to provide for the travel demand it creates, whilst policy TR7 states that planning permission will not be granted for developments that increase the danger to users of pavements, cycle routes and roads. Policy TR14 requires that new development must provide covered cycle parking facilities for residents. SPG04 'Parking Standards' requires new dwellings within controlled parking zones to provide one parking space per dwelling and one additional space per five dwellings. The proposal provides for 10 parking spaces within a basement parking compound, all accessed from a front driveway. This level of parking provision is considered acceptable under the above guidance and is secured by condition for sole use by residents and visitors of the block. The existing dropped kerb access is to be widened to allow greater ease of access to the proposed basement parking bays. Although the dropped kerb would encroach further on the nearby pedestrian crossing, it would not materially increase danger to users of the crossing or other vehicles. The new access has good visibility and would sit close to pedestrian traffic lights such that there would be breaks in traffic to allow safe passage both into and out of the site. In this respect the intensification of use of this access point and its proximity to a pedestrian crossing would not result in a significant risk to highway users, in accordance with policy TR7 of the Brighton & Hove Local Plan. The Transport officer has raised no objection in this regard.

Given that the development represents an intensification of use of the site, a contribution of £1200 towards sustainable transport infrastructure in the local vicinity of the site is sought under the terms of policies TR1 and QD28 of the Brighton & Hove Local Plan. Such monies would be required to be secured by way of a S106 unilateral undertaking prior to permission being formally granted.

Cycle parking for nine bicycles is proposed within the basement level. This level of provision falls short of SPGBH1 guidance (12 bicycles), but not to a degree that would warrant the refusal of permission. Access to the cycle parking would be via front steps that include a side ramp. Although not ideal, given the form of the building and the basement parking arrangement, this is not considered so poor as to warrant the refusal of permission. Cyclists would be able to enter/exit the basement via the main ramp if any of bays 7-10 are vacant, with the steps and ramp acting essentially as a backup arrangement. This arrangement is secured by condition.

Sustainability:

Policy SU2 of the Brighton & Hove Local Plan, including SDP08 'Sustainable

Building Design', requires new development to demonstrate a high level of efficiency in the use of water, energy and materials. Proposals for new build residential development of this size should include a completed sustainability checklist, should achieve level 3 of the Code for Sustainable Homes, and should meet all Lifetimes Homes Standards.

As stated, the site is capable of meeting all 16 lifetime homes standards subject to further plans and layout changes. The application includes a Sustainability Checklist and EST credits estimator, whilst the building itself would have 28 solar panels contained discretely at roof level. The sustainability officer is satisfied that Code for Sustainable Homes Level 3 can be achieved at this site in accordance with policy SU2 and SPD08. This is secured by condition. Suitable bin storage is provided for at basement level and is secured by condition.

Other Considerations:

The owners of the vacant site adjacent at 189 Kingsway have raised an objection to the development on the grounds that it would result in loss of light to facing side windows proposed in the future development of 189 Kingsway. The objectors contend that their side facing windows are preserved by way of a 'right-to-light', and stated that they would be prepared to serve an injunction accordingly against the proposed development of 191 Kingsway should permission be granted. Right-to-light issues are not material planning considerations in the determination of planning applications, as supported in case law, but are instead a separate civil matter between land owners. The application has been considered on its own merits based on both the absence of a building at 189 Kingsway, and its impacts on any future development of 189 Kingsway. There are no material planning considerations with regard this application that would unnecessarily or unreasonably prejudice the future development of the vacant site at 189 Kingsway.

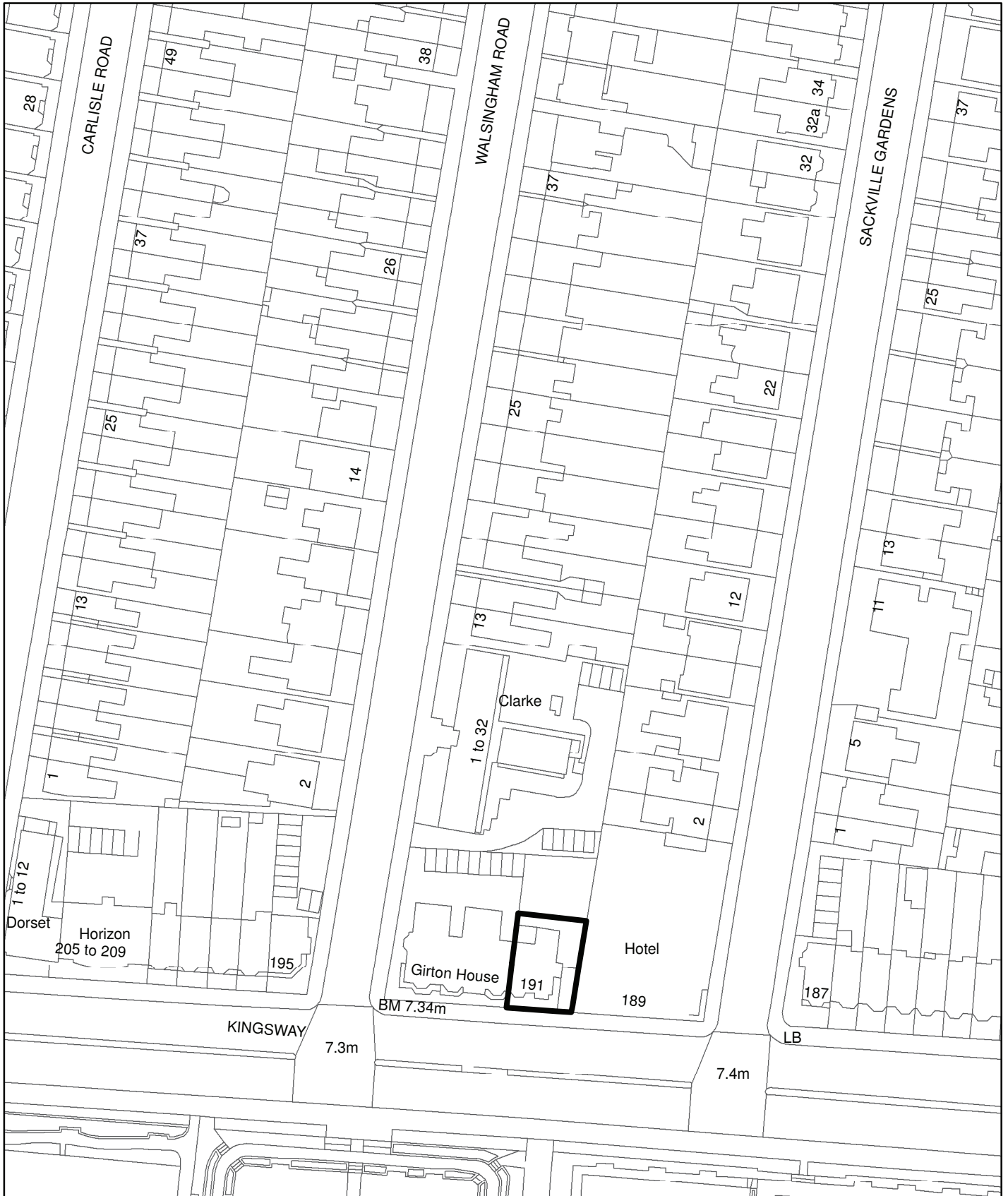
9 CONCLUSION

The proposed development represents an efficient and effective use of this brownfield site, and a suitable standard of design that would improve the appearance of the Kingsway and the character and appearance of the Sackville Gardens Conservation Area, without harming the amenities of adjacent residents. Subject to the recommended conditions, the development would represent sustainable development in accordance with development plan policies and the National Planning Policy Framework.

10 EQUALITIES IMPLICATIONS

The proposed development is required to meet all lifetime homes standards.

BH2011/03956 191 Kingsway, Hove.



**Brighton & Hove
City Council**



Scale: 1:1,250

