

LIST OF MINOR APPLICATIONS

<u>No:</u>	BH2012/00982	<u>Ward:</u>	WESTBOURNE
<u>App Type:</u>	Full Planning		
<u>Address:</u>	189 Kingsway, Hove		
<u>Proposal:</u>	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.		
<u>Officer:</u>	Adrian Smith	<u>Valid Date:</u>	02/04/2012
<u>Con Area:</u>	Sackville Gardens	<u>Expiry Date:</u>	28 May 2012
<u>Listed Building Grade:</u>	Grade II Listed		
<u>Agent:</u>	Alan Phillips Architects, 31 Montefiore Road, Hove		
<u>Applicant:</u>	M Deol & R Webb, C/O Alan Phillips Architects		

1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in this report and resolves to **REFUSE** planning permission for the following reasons:

1. The site occupies a prominent position of the seafront and is within the Sackville Gardens Conservation Area. The proposed terrace, by virtue of:
 - a) its position set directly on the Sackville Gardens street frontage with no visual set back,
 - b) the poor architectural style, bulk and detailing of the upper floors, including the barrel vaulted roofline,
 - c) the excessive number of floors (6) in relation to the adjacent seafront buildings within the Conservation Area,

fails to respect the scale, general development pattern and predominant character of the Sackville Gardens Conservation Area and its significance as a heritage asset. Further, the proposed windows in the west elevation and the 0.5m separation to the west boundary fails to take into consideration the future redevelopment of the adjacent site at 191 Kingsway, in particular the visual relationship. For these reasons the proposal is considered to be contrary to policies QD1, QD2 and HE6 of the Brighton & Hove local Plan which aim to ensure that development preserves or enhance the character or appearance of Conservation Areas and local characteristics.

Informative:

1. This decision is based on the Planning, Design, Access and Heritage Statement received on the 17th January 2012; the Density Statement, Lifetimes Homes Checklist, Sustainability Checklist, Noise Assessment and 'breglobal' pre-assessment and drawing nos. ST.01 – ST.05, ST.09A, ST.09B, ST.09C, ST.10A, ST.10B, ST.10C, ST.11A, ST.11B, ST.11C,

ST.12AA, ST.12CA, ST.13A, ST.13B, ST.13C, ST.14 – St.20A, St.21 – ST.35, ST.37 & ST.39 received on the 30th March 2012; amended drawing nos. ST.06 rev A & ST.07 rev A received on the 11th May 2012; the supporting letter from Dean Wilson LLP received on the 16th April 2012; drawing nos ST.12BA & ST.38 received on the 18th May 2012; drawing nos. ST.06B, ST.07B & ST.08B received on the 17th May 2012; and drawing nos. ST.20 rev A & ST.36A received on the 22nd May 2012.

2 THE SITE

The application relates to the site of the former Sackville Hotel which was a five storey building from the turn of the century, with four bays and decorative corner turrets. The 45 bedroom building was demolished in April 2006 following a serious structural collapse and the site has now been cleared and fenced off. The site fronts the main seafront road, at the junction of Kingsway and Sackville Gardens and has an area of 0.16 hectares with a 32m frontage to Kingsway and 40m frontage to Sackville Gardens.

This site lies within the Sackville Gardens Conservation Area, which is a late Victorian and Edwardian residential area of largely suburban character, but with an urban frontage along the seafront road. The two storey suburban housing of the north-south streets contrasts with the grander scale of the seafront buildings.

The adjacent buildings to the west comprise nos.191-193 Kingsway. No.193 (Girton House) was largely rebuilt in the 1980's and is a three storey gabled building with basement and attic levels; No.191 Kingsway sits directly adjacent and is a smaller two storey building. To the east, between Sackville Gardens and Westbourne Villas, is a three storey Victorian terrace whilst to the north the site abuts no.2 Sackville Gardens, a two storey residential building.

The site is also within the Westbourne Controlled Parking Zone and is defined in the Local Plan as being within the Hotel Core Area.

3 RELEVANT HISTORY

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 for the following reasons:

1. *The site occupies a prominent position of the seafront and is within the Sackville Gardens Conservation Area. The proposed terrace, by virtue of:*
 - a) *Its position set directly on the Sackville Gardens street frontage with no visual set back*
 - b) *the poor architectural style, bulk and detailing of the upper floors, including the barrel vaulted roofline*
 - c) *The excessive number of floors (6) in relation to the adjacent seafront buildings within the conservation area,**fails to respect the scale, general development pattern and predominant character of the Sackville Gardens Conservation Area and its significance as a heritage asset. Further, the terrace building fails to take into*

consideration its cumulative visual impact with regard the potential development of the adjacent site at 191 Kingsway, an application for which is currently under consideration. For these reasons the proposal is considered to be contrary to policies QD1, QD2 and HE6 of the Brighton & Hove local Plan which aim to ensure that development preserves or enhance the character or appearance of conservation areas and local characteristics.

- 2. Policy QD27 of the Brighton & Hove Local Plan seeks to protect residential amenity. The proposed west facing windows to the terrace building development would result in loss of amenity to the occupiers of the neighbouring property at 191 Kingsway by way of overlooking and loss of privacy. For this reason the proposal is considered unacceptable and contrary to policy QD27.*
- 3. Policies TR1 & TR7 of the Brighton & Hove Local Plan seek to ensure that proposals provide for the demand for travel they create without increasing danger to users of the development or the public highway. The proposed development fails to demonstrate that the basement access ramp has been designed to a suitable standard to enable safe and practical access to the underground parking spaces for all forms of vehicle that are likely to require access. This represents an unsafe parking arrangement for future occupiers of the development and as such the development fails to satisfactorily and safely provide for the travel demand it would create, contrary to the above policies.*

BH2011/01146: Erection of 5no five bedroom terraced houses (5 storeys plus basement) and 1no three bedroom detached house (four storeys plus basement) with underground parking accessed from Sackville Gardens. Refused 20/07/2011 for the following reasons:

- 1. The site occupies a prominent position of the seafront and is within the Sackville Gardens Conservation Area which is a late Victorian and Edwardian residential area. The proposed terrace and detached house, in contrast, are of Regency style. It is considered that the proposed development, by virtue of the architectural style and detailing, fails to preserve the specific architectural appearance and character of the Sackville Gardens Conservation Area and its significance as a heritage asset. For these reasons the proposal is considered to be contrary to policies HE6, QD1 and QD2 of the Brighton & Hove local Plan which aim to ensure that development preserves or enhance the character or appearance of conservation areas and local characteristics.*
- 2. SPG15 defines tall buildings as buildings of 18m or taller. The proposed development would have a height of 20.4 metres and the application has not been accompanied by a Tall Buildings Statement in accordance with SPG15. Furthermore the guidance further advises against tall buildings in Conservation Areas. The applicant has failed to demonstrate that a tall building is appropriate and will not have a detrimental impact on the character or appearance of the Conservation Area. For these reasons the application is contrary to policies QD1, QD2 and HE6 of the Brighton & Hove Local Plan and SPG15.*
- 3. The proposed development would by reason of its scale and height in relation to neighbouring properties appear out of keeping representing an*

inappropriate development and fails to respect the context of its setting. The proposal is therefore contrary to policies QD1, QD2 and HE6 of the Brighton & Hove Local Plan.

4. *Policies QD3 and HO4 of the Brighton & Hove Local Plan aims to make full and effective use of land for residential development. Planning Policy Statement 3 states that using land efficiently is a key consideration in planning for housing. This proposal of 6 dwellings provides a residential density of 37.5 dwellings per hectare, which is a low density below that of many sites fronting the Kingsway and would be an inefficient use of a derelict site in this central location. For these reasons it is considered that proposal is contrary to policies QD3 & HO4 and PPS3.*
5. *Policy QD27 of the Brighton & Hove Local Plan aims to protect residential amenity. The development, with large windows on the side (west) elevation to the terrace would result in loss of amenity to the occupiers of the neighbouring property by way of overlooking and loss of privacy. For this reason the proposal is considered unacceptable and contrary to policy QD27.*

BH2006/02153: Demolition of hotel (retrospective). Awaiting determination.

BH2005/05935: Demolition of garages. Approved 13/12/2005.

BH2005/05916: Creation of underground car park in association with approval BH2004/03090/FP. Approved 13/12/2005.

BH2004/03237/CA: Demolition of existing garages. Approved 02/12/2004.

BH2004/03090/FP: Demolition of existing ground floor and lower ground floor extension, conversion of third floor to form 4 residential units, erection of new 6 storey rear extension to form 5 residential units, and refurbishment of hotel at lower ground floor (including gymnasium facilities), ground floor, first and second floor. Approved 14/01/2005.

191 Kingsway:

BH2011/03956: Demolition of existing building and construction of nine residential flats. Refused 03/05/2012 for the following reasons:

1. *The site occupies a prominent position on the seafront and is within the Sackville Gardens Conservation Area. The proposed development by virtue of its bland architectural style detailing would result in a development which would be incongruous in the context of its surroundings. The scale and form of the development fails to respect the character of the properties to the north in Sackville Gardens and Walsingham Road. For these reasons the proposal is considered to be contrary to policies QD1 and HE6 of the Brighton & Hove Local Plan 2005 which aims to ensure that the development preserves or enhances the character or appearance of conservation areas and local characteristics.*
2. *The proposed development by virtue of its poor quality of design would result in a scheme having an adverse impact on strategic views along the seafront and the Sackville Gardens Conservation Area. For this reason the proposal is considered contrary to policy QD4 of the Brighton & Hove Local Plan 2005.*

BH2011/01659: Demolition of existing building and construction of nine residential flats. Withdrawn

4 THE APPLICATION

The application is a re-submission following the refusal of the previous

application (BH2012/00097). Planning permission is again sought for the redevelopment of the site with a modern six-storey terrace of five five-bedroom houses fronting Kingsway and a separate five storey modern 'Villa' block fronting Sackville Gardens comprising three two-bedroom flats and one three-bedroom maisonette. Works consist of:

Terrace fronting Kingsway:

- A contemporary terrace of 5 dwellings 31m in length, 13m deep to main part of building and 16m deep to the rear projection. The building would be 5 storey, plus basement and room in roof with a total height of 17.9m.
- Each property is approximately 6m in width, with a floor area of approximately 82m² per storey, and a smaller 63m² roof level. The total internal gross floor area per unit is 555m².
- The top floor of each unit is set beneath a barrel vaulted roof that is set back from front of building behind an open terrace of 16m².
- The layout to each unit comprises a basement with rear entrance door from basement level parking compound and a lift to all floors above. The ground floor is raised above street level with its own separate stepped entrance door. The upper floors each have front facing balconies with a roof level comprising a summer room with roof terrace at the front.
- Each dwelling has a small rear garden on average 6m x 7m containing secure parking for 2 bicycles and refuse and recycling facilities.

'Villa' building fronting Sackville Gardens:

- A contemporary four-storey, plus basement and room in roof, building 9m in width, 15.9m in depth, and 15m in height above ground level.
- Each storey has a floor area of approximately 128m², with a 73m² roof level. The basement and ground floor maisonette has a total internal gross floor area of 201m², the first and second floor flats a floor area of 108m², and the third and roof level maisonette a floor area of 181m².
- The top floor is set back 6.2m from the front of the building to form a 49m² roof terrace.

Basement / rear ground floor:

- An access drive from Sackville Gardens between proposed detached house and garage of no.2 Sackville Gardens leads to a basement parking compound providing one parking space per dwelling.
- A visitor disable parking space is provided at ground floor level adjacent to the basement access.

The plans remain largely as per the previous application with the exception of alterations to the position of the west side elevation windows to the Terrace building, alterations to the number and position of the west facing windows to the former Sackville Hotel building, and the widening of the basement access 'U' turn. In order to provide a greater passing width for two vehicles the position of the 'Villa' building has subsequently been moved south by 0.3m and the cycle parking and bin stores moved to the northern boundary. The windows in the west side elevation of the Kingsway terrace building have also been amended to be obscurely glazed and fixed shut.

A statement assessing the application in light of the publication of the National Planning Policy Framework has been included in the Planning, Design Access and Heritage Statement.

5 CONSULTATIONS

External

Neighbours: Nine (9) letters of representation have been received from **F4, F5, F6, F9 & F11 191 Kingsway; 19 & 44 Sackville Gardens; F3, 2 Sackville Gardens; and the owners of 191 Kingsway (2)**, objecting to the application for the following reasons:

- The application has not rectified any of the reasons for refusing the previous application
- The proposals will serve to restrict and sanitise the site of 191 Kingsway from future development which is not in accordance with the Council's stated aim of harmonising the seafront development on this part of Kingsway. It will effectively stop the redevelopment of a substandard building in this important conservation area which is out of context with its existing neighbour and proposed neighbour, resulting in an incongruous and poor relationship between very important seafront buildings.
- The buildings are too high and will be converted to flats adding strain to infrastructure
- The windows in the west elevation would prejudice the re-development of 191 Kingsway
- The multiple windows in the west and north elevations of the terrace would result in overlooking and loss of amenity
- The west elevation of the terrace represents an overbearing wall
- The proposal leaves a gap of approximately 500mm to the proposed development at 191 Kingsway. This gap spoils the street scene and creates a potential rubbish gap and fire hazard
- The vehicle access will cause disturbance through vehicle movements passing within 2m of living room and bedroom windows to 191 Kingsway
- The development is completely incongruous and is neither sympathetic nor complimentary to the surrounding buildings and area.
- The rear building bears a closer resemblance to an airport control tower than a domiciliary residence.
- The photomontages exclude the upper windows and flat to nos 2 & 4 Sackville Gardens
- The rear driveway did not provide access to 20 garages as claimed, only four. The access proposed would lead to an increase in noise pollution, disturbance and health and safety issues due to poor visibility of exiting vehicles.
- The application provides no benefit to the local residents. The site should be used to generate business through leisure/tourism (as a hotel) and not as housing as local services cannot support an increased population.

Thirteen (13) letters of representation have been received from **2 Woodlands; 61 Tivoli Crescent; 25 Dyke Road (2); 13 Vere Road; 4 Aylesbury, York Avenue; 86b Bonchurch Road; F2 Northumberland Court, 62-64 Marine Parade; 1 Glynn Road; 103 New Church Road; 36 Ship Street; 4 Oakley**

House; and 57 Eastern Terrace, supporting the application on the following grounds:

- The proposal will provide much needed housing and diversity in the area utilising the potential of the site.
- Excellent to have modern design to compliment the seafront architecture. Underground parking is a good idea
- The design and scale of the development is just right for the site and makes an exciting contribution to the sea front.

CAG: Objection

The group felt this site was an opportunity for a high quality, well designed piece of architecture that was respectful to the surrounding conservation area. The group felt whilst its height was acceptable, this application is of poor quality design and disrespectful to the character of the area. The group therefore recommended it be refused and referred to the Planning Committee to determine if officers are minded to grant.

Archaeological Society: Refer to County Archaeologist comments.

County Archaeologist: No objections.

Internal:

Environmental Health: No objection subject to conditions

As part of the application an acoustic report has been prepared by Acoustic Associates Sussex Limited (reference 2317/03/2012, dated 7th March 2012). The report identifies that road traffic noise from Kingsway is the dominant noise source and as such has used readings taken from the 14th and 15th June 2011 to populate a noise model. The model has been used to calculate likely exposure levels for facades. It concludes that the Kingsway façade requires enhanced glazing and this is discussed within the report. It is also documented that should individuals on the Kingsway façade wish to sleep with windows open for ventilation that this would of course increase the noise levels and suggests an alternative source of ventilation. Whilst the report has suggested Mechanical Ventilated Heat Recovery Systems, the ultimate selection will be for the applicant to determine and this may be secured via condition.

Air Quality: No objection.

Sustainability: No objection

Since sustainability aspects remain as there were in the previous application BH2012/00097, the comments remain the same.

The general standards within the proposals are indicated to exceed local policy requirements. A Code for Sustainable Homes level 4 is predicted whereas standard for medium scale residential development are expected to achieve Code level 3 as a minimum.

The proposals indicate that, in terms of how policy has been addressed: energy performance is good; water performance is adequate; passive design has been incorporated into the development along Kingsway but less so along Sackville

Gardens; and sustainable materials have been well addressed.

Sustainable Transport: No objection subject to conditions

This application follows on from the previous application BH2012/00097 recommended for refusal by the Highway Authority. This revised scheme fails to sufficiently address the concerns that previously highlighted.

The proposed scheme includes underground car parking for 9 vehicles, this parking is accessed from a ramp made up of two straight ramps and a 180° curved ramp.

The proposed ramp design has been reviewed against guidelines described within 'Design recommendations for multi-storey and underground car parks (Fourth edition)', published by the Institute of Structural Engineers. Table 4.5 'Recommended outer kerb radii for one-way curved ramps' indicates that the recommended radius is 12m, preferred minimum 9m and absolute minimum 7.5m plus 0.6m structural clearance to outer kerb and 0.3m structural clearance to inside kerb. Section 4.3.9 states that "the turning circle for a large design car can be between 13.4 and 15m diameter between kerbs". This is illustrated within Figure 4.1 'Swept path of notional large saloon' which shows the swept path analysis of a large saloon car performing a 180° turn needing 13.4m kerb to kerb.

The outer kerb radius of the curved ramp proposed as part of the development is 6.5m, with a kerb to kerb diameter of 13m, below the 7.5m 'absolute minimum' recommended for a one-way ramp (with 0.9m of further structural clearance).

The amended scheme proposes that the ramp be one way which will be controlled via a shutter and traffic light system. However while the proposed ramp does not meet the standards set within the design guidance discussed above, drawings ST.06 rev A and ST.07 rev A demonstrate through vehicular swept path analysis that a car can negotiate the proposed spiral ramp. The vehicular swept paths shown on these drawings show the envelope of the wheels, they do not show the outer body of the vehicle including the wing mirrors which protrude further than the wheels of a vehicle. However, given the width shown between the vehicle and the ramp walls it is now considered that there is sufficient clearance for a vehicle to manoeuvre safely.

Further information on the operation of the ramp including signal timings, location of signals and road markings or signage will need to be provided to the Local Planning Authority to demonstrate that vehicles can safely exit the ramp and pass a vehicle waiting to enter the basement parking.

Access officer: No objection subject to amendments

The comments provided on application no BH2012/00097 remain applicable to this application

Comments relating to previous application BH2012/00097:

Heritage: No objection subject to conditions

Whilst the site was originally occupied by a large individual and distinctive hotel building, the predominant typology on Kingsway was (and within Sackville Gardens conservation area still is) terraces of Victorian townhouses. There is therefore no objection in principle to a terrace of townhouses on the site. The height, footprint, alignment and individual house plot widths are all appropriate and relate well to the historic context. A set-back, detached apartment building on Sackville Gardens, one storey lower and with a wider plot width to reflect the typical width of the Sackville Gardens properties, is also considered appropriate in addressing the transition in scale and building line. The change of this detached 'villa' from a single house to an apartment block has also raised the density of the site to 56dph, which is more consistent with this urban location, though still low in comparison with the average for this stretch of Kingsway. The proposed site coverage is typical of Kingsway. The palette of materials proposed is limited and simple and so detailing will be crucial.

Planning Policy: No objection

It is clear that this site could have supported a higher density/intensity of development; particularly if the proposed terrace development facing Kingsway was comprised of flats rather than the 4 bed town houses as proposed. However, given the design format of the proposal, which appears to be in keeping with the prevailing height and scale of development along the Kingsway in particular, the proposal is considered satisfactory in terms of Policy QD3.

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 (November 1999);
- East Sussex and Brighton & Hove Waste Local Plan (February 2006);
- Brighton & Hove Local Plan 2005 (saved policies post 2004).

The National Planning Policy Framework (NPPF) was published on 27 March 2012 and is a material consideration which applies with immediate effect.

Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF. At the heart of the NPPF is a presumption in favour of sustainable development.

All material considerations and any policy conflicts are identified in the considerations and assessment section of the report.

7 RELEVANT POLICIES & GUIDANCE

Brighton & Hove Local Plan:

- | | |
|------|---------------------------------------|
| TR1 | Development and the demand for travel |
| TR7 | Safe development |
| TR14 | Cycle access and parking |

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TR19	Parking standards
SR15	Protection of hotels /guest houses
SU2	Efficiency of development in the use of energy, water and materials
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
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO6	Provision of outdoor recreation space in housing schemes
HO13	Accessible housing and lifetime homes
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Guidance:

SPGBH4 Parking Standards

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste

SPD08 Sustainable Building Design

The National Planning Policy Framework (NPPF)

8 **CONSIDERATIONS**

The main considerations in the determination of this application relate to the principle of the loss of the hotel use and consequent acceptability of housing on the site, the design and appearance of the proposed building and its impact on the character and appearance of the Sackville Gardens Conservation Area, its impacts on residential amenity, traffic implications and sustainability issues. Although an application (BH2011/03956) for the redevelopment of the adjacent site at 191 Kingsway has recently been refused planning permission (see section 3 above for reasons), the potential development of this site and the future synergy of the two developments is a material consideration with regard to this application.

The applicants have made reference to an established right-to-light for west facing windows in the proposed development, stating that it is a material planning consideration in their view. The Council's established position is that right-to-light issues are not material planning considerations, and are not material to this specific planning application. Such issues should not therefore be considered with regard the acceptability of this development.

The National Planning Policy Framework:

The National Planning Policy Framework (NPPF) was published on 27 March 2012 and is a material planning consideration. Paragraph 215 states that due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF. In this instance all relevant Brighton

& Hove Local Plan policies as outlined in section 7 above are considered consistent with the NPPF.

At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development. For decision making, the presumption means that development should be approved without delay when consistent with the development plan. Where the plan is absent, silent or relevant policies are out-of-date, development should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF as a whole, or specific policies in the NPPF indicate development should be restricted (paragraph 14).

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 (7-8). To support these three dimensions, the Framework identifies twelve core land use planning principles (17). 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.

Principle of development:

Loss of hotel use:

The site falls just within the western boundary of the current Hotel Core Area as defined in the Brighton & Hove Local Plan. Policy SR15 aims to protect the loss of hotel and guest house accommodation within the core area unless it can be demonstrated that the use, and alternative types of holiday accommodation, are not viable. The most recent Hotel Futures Study 2007 has recommended a reduction in the hotel core area boundary to a more central core. This revised area excludes the western Hove part of the city, and in particular this site.

The site forms an empty plot that has been vacant since the structural failure of the former Sackville Hotel in 2006. In light of the up-to-date background information contained within the Hotel Futures Study 2007 and the circumstances of this hotel having been demolished for such a period of time, it is considered that its redevelopment for wholly residential use does not raise conflict with policy SR15 of the Brighton & Hove Local Plan.

Density:

Policies HO4 and QD3 seek to ensure that new development make efficient and effective use of sites, including incorporating an intensity of development appropriate to the locality. The policy states that higher densities are particularly appropriate where the site has good public transport accessibility, pedestrian and cycle networks.

The proposal is for five houses and four flats, covering 38% of the site, which

results in a residential density of approximately 70 dwellings per hectare (dph). Whilst it is noted that some similar densities are located within the surrounding area, notably Sackville Gardens and Westbourne Villas, the developments fronting Kingsway all tend to be of a much higher density at around 200dph. Notwithstanding the higher densities prevalent along the Kingsway, there are no minimum density standards set within the Local Plan and none in the NPPF. Although a higher density would be supported at this site, it is not considered that the density proposed represents an inefficient use of this derelict site, particularly given the scale and site coverage of the proposed buildings. On this basis it is considered that the applicants have satisfactorily addressed the density concerns that were raised with regard to application BH2011/01146. The proposal is accordingly considered satisfactory with regard policy QD3 of the Brighton & Hove Local Plan.

Dwelling type:

Policy HO3 seeks to ensure that proposals for new residential development incorporate a mix of dwelling types and sizes. The proposal offers a mix of five five-bedroom houses within the Kingsway Terrace, and three two-bedroom flats and one three-bedroom maisonette within the rear 'Villa' building. The provision of larger family sized housing is welcomed and, along with the two and three bed apartments within the 'Villa' building, represents a suitable mix of housing that is appropriate to the area and the needs of the city.

Design and impact on the character and appearance of the Sackville Gardens Conservation Area:

Policy HE6 states that proposals within or affecting the setting of a Conservation Area should preserve or enhance the character or appearance of the area and show a consistently high standard of design and detailing reflecting the scale and character or appearance of the area. This is broadly consistent with the NPPF which places strong emphasis on good design, stating that it is a key aspect of sustainable development and is indivisible from good planning (56). The NPPF also states that planning permission should not be refused for buildings that demonstrate good design due to concerns over incompatibility with an existing townscape, unless the concern relates to a designated heritage asset and the impact would cause material harm to the asset or its setting (65). In determining applications, account should be had to the desirability of sustaining and enhancing the significance of the heritage asset (131), and great weight should be given to the asset's conservation (132). In this case the Sackville Gardens Conservation Area is a designated heritage asset therefore special regard should be had to the acceptability of the integration of the proposed development into the setting of the Conservation Area.

The site lies within the Sackville Gardens Conservation Area, which is a late Victorian and Edwardian residential area of largely suburban character but with an urban frontage along the seafront road. The two storey suburban housing of the north-south streets contrasts with the grander scale of the seafront buildings. The Conservation Area Character Statement notes Kingsway faces the sea and the buildings reflect its more important position. There are 5 groups of buildings of note in close proximity to this site along Kingsway which are generally 4-5 storeys high (excluding basements) and are much more ornate and prominent

than the smaller more domestic two-storey buildings in the quieter streets to the north.

The Kingsway is generally formed of a variety of high density modern purpose built blocks and more historic converted Victorian and Edwardian properties. The larger modern blocks are located outside of the Conservation Areas to the west and represent a range of building heights and forms. The more historic Victorian and Edwardian terraces are located within the Sackville Gardens Conservation Area directly to the east and west of the site. These terraces are 4-5 storeys in height (excluding basements) and largely consistent in height, however they differ in form and detailing. To the east 'San Remo' 173-187 Kingsway is a three storey terrace of converted houses each with basement levels and a further floor set within an ornate roof. Some of the buildings in the terrace have a further recessed floor level above. To the west of the site, 191 Kingsway is an out-of-character two storey Victorian bay fronted building forming eleven flats. Girton House (193 Kingsway) sits at the junction with Walsingham Road and forms a three storey plus basement Victorian building with a fourth floor set within a pitched roof. Girton House is a shorter terrace and notable for its bay windows at ground and first floor levels, and three dominant front gables at roof level. On the opposite side of Walsingham Road is 195-203 Kingsway, a four storey terrace with projecting first floor enclosed balconies and a parapet roofline with low pitched roof behind. All three terraces sit on corner plots with return elevations set back off the pavement by approximately 2m. To the rear/north of the site are lower more domestic scale two-storey semi-detached properties to Sackville Gardens, some of which have converted roof spaces.

The proposal is identical to the previous refused scheme (with the exception of altered west side elevation windows) and again seeks a modern rendered six storey (excluding basement) terrace of houses fronting the Kingsway, and a lower rendered five storey 'Villas' building fronting Sackville Gardens. The terrace building would be set directly on the footway to Sackville Gardens and 0.5m off the western site boundary, with the front elevation recessed off the Kingsway footway to align with the general building line to street. The 'Villa' building is recessed 4.2m from the Sackville Gardens footway to provide a transition between the main terrace and the more recessed properties along Sackville Gardens. The main terrace itself is notable for its projecting bays at first, second and third floor levels, and a recessed barrel vaulted roofline containing the sixth floor. The 'Villa' building is lower at five storeys (excluding basement) to assist the visual transition between the terrace and lower properties along Sackville Gardens, and has a flat roofed fifth floor instead of a barrel vault.

Given the range of building forms along the Kingsway it is considered that a contemporary building form is appropriate, subject to its scale and design being of suitable strength to compliment and enhance the special character and appearance of the Conservation Area. The main terrace would be 17.9m in height (below the 18m threshold that would require a tall buildings study), a height that relates well to the adjacent terraces. The villa building to the rear is lower in height and represents a suitable transition to the properties on Sackville Gardens. Notwithstanding the suitability of the heights of the proposed buildings,

concern is raised at the number of floors being proposed, the position of the terrace on the Sackville Gardens footway, and the overall design of the upper floors.

With regard the number of floors, it is noted that the adjacent terraces have between 4 and 5 storeys, of which 3-4 tend to be set within the main body of the terrace with the additional floors recessed within the roofspaces. The proposed terrace features five storeys within the main body of the building, with a further floor set within the recessed vaulted roof. Whilst it is appreciated that the older terraces have a more pronounced hierarchy of floor-ceiling heights that are not common to modern design practice, the resultant visual transition that the 6 storeys proposed represents is visually jarring and results in a building with floor levels that appear cramped within the height constraint imposed by the adjacent terraces. It is noted that the adjacent proposal at 191 Kingsway featured five storeys that related more sympathetically to Girton House adjacent and the other historic terraces along the Kingsway. When placed in context, the six floor levels to the proposed terrace appear uncomfortably cramped in relation to these other developments, especially given that the buildings are of the same overall height.

Considerable concern is raised over the footprint of the main terrace, especially its position set directly on the footway to Sackville Gardens and 0.5m off the west site boundary. It is noted that the adjacent corner terraces, including San Remo opposite, are set approximately 2m off the footway to respect the building line to the buildings to the north. Indeed the former hotel building was similarly set approximately 3m off the Sackville Gardens footway. Owing to its position directly on the footway, the proposed terrace building would be set 6.5m forward of the building line to Sackville Gardens with a 15m high flank wall directly on the footway. Although punctuated by windows, the building would be a visually dominant structure that would excessively enclose the junction of Sackville Gardens and Kingsway, harming views down Sackville Gardens to the sea that are an important aspect of the Conservation Area. It is appreciated that this layout issue was not identified with application BH2011/01146 (which sat on the same footprint), however this does not preclude it being assessed as a significant urban design flaw. Against the backdrop of NPPF policies and local plan policy HE6, the position of the building on the Sackville Gardens is therefore considered to represent a harmful form of development and a poor design approach that would be of permanent detriment to the historic layout of the streets and building lines within the Sackville Gardens conservation area.

A further concern is raised at the position of the building 0.5m off the western site boundary. Whilst this in itself would not necessarily be a significant concern if the building is considered on its own merits, given that planning applications have been received to develop the adjacent site at 191 Kingsway, due consideration must be had to how both sites would potentially visually relate. There are no material planning reasons why 191 Kingsway should not be redeveloped or should not fill the entire width of its plot. Should both sites be developed accordingly, a 0.5m gap would exist between the buildings. This gap is too small for maintaining the flank wall to each building, and significant enough to be readily noticeable within the street scene such that both buildings would sit awkwardly in tandem, resulting in harm to the street scene and

character of the Conservation Area. The proposed west facing non-principal windows in the flank wall to the terrace building further accentuate this concern, and would prejudice the reasonable development of this adjacent site. It is noted that such small separations between buildings are not a common feature of the Kingsway, and where such separations do occur, they provide significant visual breaks between the buildings. The 0.5m separation proposed therefore represents poor design practice and a lack of consideration as to how the development would assimilate with future development at 191 Kingsway, applications for which have been received. For clarity, the first reason for refusal recommended in Section 1 above has been expanded from previous to express this harm in greater detail.

With regard the overall design of the development, it is considered that the lower floors (basement to first floor level) work well and present a clean and visually interesting frontage. Considerable concern is raised though at the design merits of the upper floors, in particular the use of a barrel vaulted roofline. Whilst it is appreciated that the applicants have made a conscious effort to design a contemporary and individualistic building that takes design references from the former hotel, it does not automatically follow that the individual character and distinctiveness of the former hotel building should be replicated/referenced within this replacement development. Whilst policies QD1, QD2 and HE6 encourage modern design approaches, such designs must respect their context, particularly within Conservation Areas. In this regard it is considered more appropriate that any new terrace building should sit comfortably with the adjacent terraces, without necessarily replicating form or detailing, than a building that previously stood on the site. The proposed terrace would always be visually associated with the adjacent buildings, not the former building. For this reason it is considered that the barrel vaulted roofline represents an unfamiliar form of roof treatment that visibly jars with the pitches and flat roofs of the adjacent terraces and modern blocks. It is noted that the Villa building has a flat roofed top floor than sits much more comfortably with the design of the building below and the adjacent properties, and in this regard the villa building is considered to represent a stronger and more acceptable design standard. Further concern is raised at how the vaulted roofs are to be treated to allow satisfactory drainage and prevent them weathering poorly over time, and how the lift shafts would integrate with this roofline. These matters could be secured by condition in the event planning permission is granted, however the lack of detail at this stage gives weight to concerns over the general inappropriateness of this design feature.

The inappropriateness of the vaulted roofline is further accentuated by the treatment of the upper three floors in general, which step unconvincingly to the vaulted roof. The lack of conviction in this step (which is necessary to visually recess the upper levels to better assimilate with the similarly recessed upper floors to the adjacent terraces) results largely from the additional floor in the proposal which disrupts the applicant's 'tripartite' floor arrangement by providing for three levels of 'attic' where only two levels sit within the lower 'basement' (lower ground and ground floor levels) and 'piano nobile' (first and second floor levels) sections of the tripartite. The additional floor at this level creates a disproportionate three storey 'attic' and results in a top-heavy appearance to the

building.

The Heritage officer has welcomed the contemporary design approach undertaken, and raised no significant concerns with regard the design and layout of the scheme as a whole. In particular no concern has been raised with regard the vaulted roofline given the range of roof treatments in the area and the presence of similarly unusual gables and cupolas to the former hotel building. Notwithstanding this lack of objection to the scheme, the above concerns are considered significant flaws in the design and layout of the terrace building such that it is not considered to represent a sufficiently strong design that adequately reflects the development pattern of the surrounding area. The concerns over the general design of the building are supported by the objections forwarded by the Conservation Advisory Group and local objections.

The footprint of the development and the design approach undertaken consequently fails to preserve the development pattern and special character and appearance of the Sackville Gardens Conservation Area, and represents a poor quality development that fails to accord with the high design standards required under policies QD1, QD2 and HE6 of the Brighton & Hove Local Plan. The development as proposed would therefore cause significant material harm to this heritage asset and its setting, contrary to the sustainability objectives set out in the NPPF.

Standard of Accommodation:

The five houses in the Kingsway terrace would provide 555sqm of internal floorspace, with each room providing for a good standard of light and outlook. The four flats within the villa building are again of a good size and layout. It is noted that the site is situated on a major arterial route into and out of Brighton. A noise assessment has been submitted with the application to address concerns that traffic noise from the Kingsway could be disruptive to future residents of the development. The Environmental Health officer is satisfied with the conclusions of the report, which identifies that improved glazing and alternative ventilation mechanisms other than open windows are required. Such measures can be managed by condition in the event permission is granted. Further details would also be required prescribing how the basement car park would be ventilated, however this could again be required by condition if necessary.

Policy HO5 requires the provision of private amenity space in new development where appropriate to the scale of the development. Each house has a private back garden and multiple roof terraces providing a significant provision of amenity space. Each flat would have a balcony terrace as a minimum and again this is considered acceptable having regard policy HO5.

Policy HO13 requires all new residential dwellings to be built to a Lifetime Homes standards whereby they can be adapted to meet people with disabilities without major structural alterations. The application is accompanied with a Lifetime Homes Checklist which indicates the scheme to be fully compliant. It is noted that the front entrances to both buildings is raised and accessed by several steps. There are two level entrances to the rear of the terrace building at basement and ground floor levels, however the flats are only accessed on the level from the rear

basement car park. This is considered a poor arrangement. With the exception of the roof levels, all floors to both buildings are accessible via internal lifts, with both the lift and corridor widths being suitable for wheelchair access. All rooms and bathrooms appear wheelchair accessible with adequate turning circles. The access officer has raised concern over the realities of the disabled access proposed both externally to the basement car park and to the rear ground floor doors. Further issues have been identified with regard corridor widths etc. On balance it is considered that sufficient minor amendments could be provided to certify that the units would be able to meet the Lifetime Homes standards.

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.

The proposed development would sit adjacent to 191 Kingsway to the west and 2 Sackville Gardens to the north. 191 Kingsway is a two storey plus attic building forming 11 self-contained flats. This property has many windows within the side elevation facing the proposed development, four of which are to habitable rooms, three to lounges and one to a kitchen. The facing flank wall of the proposed terrace features two columns of windows that would potentially cause overlooking into the principal windows to 191 Kingsway. It is noted that the windows either serve landings or are secondary windows to the front habitable rooms, rear bathrooms or study rooms, however it is clear that at such close proximity they would result in a loss of privacy to the occupiers of 191 (should 191 Kingsway remain undeveloped). Objections have been received from the occupiers of 191 accordingly on the grounds of loss of privacy. Revised plans have been received that confirm that all west facing windows to the Kingsway terrace building will be obscurely glazed and fixed shut. This is considered sufficient to overcome the amenity concerns highlighted above, however the concerns raised over the prejudicial impact of these windows on the future development of the adjacent site are still upheld.

Further objections have also been received on the ground that the access to the basement car park (which is located in part to the rear of the 191) will lead to noise and disturbance. On balance it is considered that the impact would not unduly differ from when the land was laid out as a garage block to the former a hotel, or if surface parking in this location was proposed as per BH2005/05916.

The adjacent property to the north, 2 Sackville Gardens, is a two storey plus attic property, forming 3 flats. The south elevation is a flank wall with no windows. The proposed villa building would be 7m to the south of the property and extend marginally beyond the attached garage and the rear of the front part of the dwelling. Dormers are situated in the rear roof, but the proposed development would meet the Council's 45 degree guideline in accessing impact on neighbouring development, as prescribed in QD14, and therefore it is considered that the impact of the Villa building on No.2 would be limited. The re-

positioning of the Villa building 0.3m to the south to accommodate a wider rear access drive would not materially impact on the appearance of the development or the amenities of the properties at No.2 Sackville Gardens. Further, although the separation between the Villa building and the Kingsway Terrace building would reduce from 4.8m to 4.5m, this would not impact on the outlook and light to the proposed houses.

Sustainable Transport:

Policies TR1 and TR7 aim to ensure that proposals cater for the demand in traffic they create, and do not increase the danger to users of adjacent pavements, cycle routes and roads.

Each of the proposed nine dwellings would have a parking space at basement level; a further single visitor and disabled space is proposed on site at ground floor level. The proposed access drive is adjacent to 2 Sackville Gardens, as was the former which served the Hotel. The use of this access point from the street for vehicles is considered acceptable as was used to provide access to garages to the former hotel building. Despite public objections from the occupiers of 2 Sackville Gardens which adjoin the access drive, on grounds of safety, it is not considered that the exit point to the drive would be detrimental to highway or pedestrian safety.

The Sustainable Transport Officer has previously raised significant concerns over the safe accessibility of the ramped access to the basement car park. These concerns are reflected in the third reason for the refusal of the previous application (see section 3 above), and centred around whether it was possible for a vehicle to negotiate the 180° ramp in a single safe manoeuvre. Utilising guidelines for ramped vehicular accesses as described within 'Design recommendations for multi-storey and underground car parks (Fourth edition)', published by the Institute of Structural Engineers, it was identified that the turning radius of the ramp fell short of the minimum standard for one-way ramps. The guidelines recommend that one way ramps should provide an absolute minimum 7.5m turning radius, plus 0.9m for clearances and kerbs (a total radius of 8.4m).

The section of site allocated to the proposed ramp has been enlarged to provide a maximum radius of 6.5m plus kerbs, with new traffic light controls to avoid two cars utilising the ramp at the same time. A swept path analysis has been submitted which clarifies that a large saloon car can negotiate the ramp in a single manoeuvre, but with little room for error. The Sustainable Transport Officer is of the opinion that the swept path analysis and new traffic control system adequately demonstrate that the ramped access to the basement car park is workable and would not now represent an unduly unsafe arrangement. Subject to conditions ensuring that the kerb radius and traffic controls are secured within the construction and future operation of the site, it is considered that sufficient evidence has been provided to overcome the previous concerns identified. For this reason the proposed development is now considered to accord with policies TR1 and TR7 of the Brighton & Hove Local Plan.

Each dwelling would provide 2 secure and covered cycle storage spaces, a total

of 18 spaces for the development. This is considered a satisfactory provision. A financial contribution towards sustainable transport infrastructure in the area would not be sought in this instance given the previous use of the site as a hotel.

Sustainability:

Policy SU2 and SPGBH8 requires efficiency of development in the use of energy, water and materials and recommends that developments of this size meet the criteria minimise 'heat island effect' via contribution towards off-site tree planting, be part of the Considerate Constructors Scheme, achieve zero net annual CO₂ from energy use, achieve Level 3 of the Code for Sustainable Homes (CSH), and be of Lifetime Home Standards.

The application is supported with a Sustainability Checklist and Code Pre-assessment. The proposals predict that Code for Sustainable Homes level 4 will be achieved. This is welcomed and in excess of the SPD08 standard which seeks a minimum of Code level 3 for medium scale residential development such as this. The proposals indicate that energy performance would be good and water performance adequate, whilst passive design has been incorporated into the development along Kingsway, but less so along Sackville Gardens. There are some aspects of policy that have been less well addressed in the submission such as the installation of renewables, the greening of the development, and use of Considerate Constructors scheme. Despite this shortcoming, the commitment to Code level 4 exceeds local policy requirements for medium scale development and no policy conflict is identified.

9 CONCLUSION

The site has been left vacant for a number of years since the collapse of the hotel and creates an unattractive gap in the Kingsway frontage. Given the length of time it has been vacant and the findings of the Hotel Futures Study 2007, which redefines the Hotel Core Area to a more central core, no objections are raised to the principle of redeveloping the site for housing.

The site occupies a prominent position of the seafront and is within the Sackville Gardens Conservation Area which is a late Victorian and Edwardian residential area with an urban frontage along the seafront road. The predominant typology on Kingsway and within Sackville Gardens conservation area is terraces of 4-5 storey Victorian converted townhouses. Whilst a contemporary design approach is supported, the excessive number of floors to the main terrace, the proximity of the main terrace to the Sackville Gardens footway and separation from the west boundary of the site, and the design of the upper floors to the main terrace, fails to respect the development pattern of the area. The proposal consequently fails to preserve or enhance the special character of the Sackville Gardens Conservation Area, and would prejudice the future reasonable development of the adjacent site at 191 Kingsway.

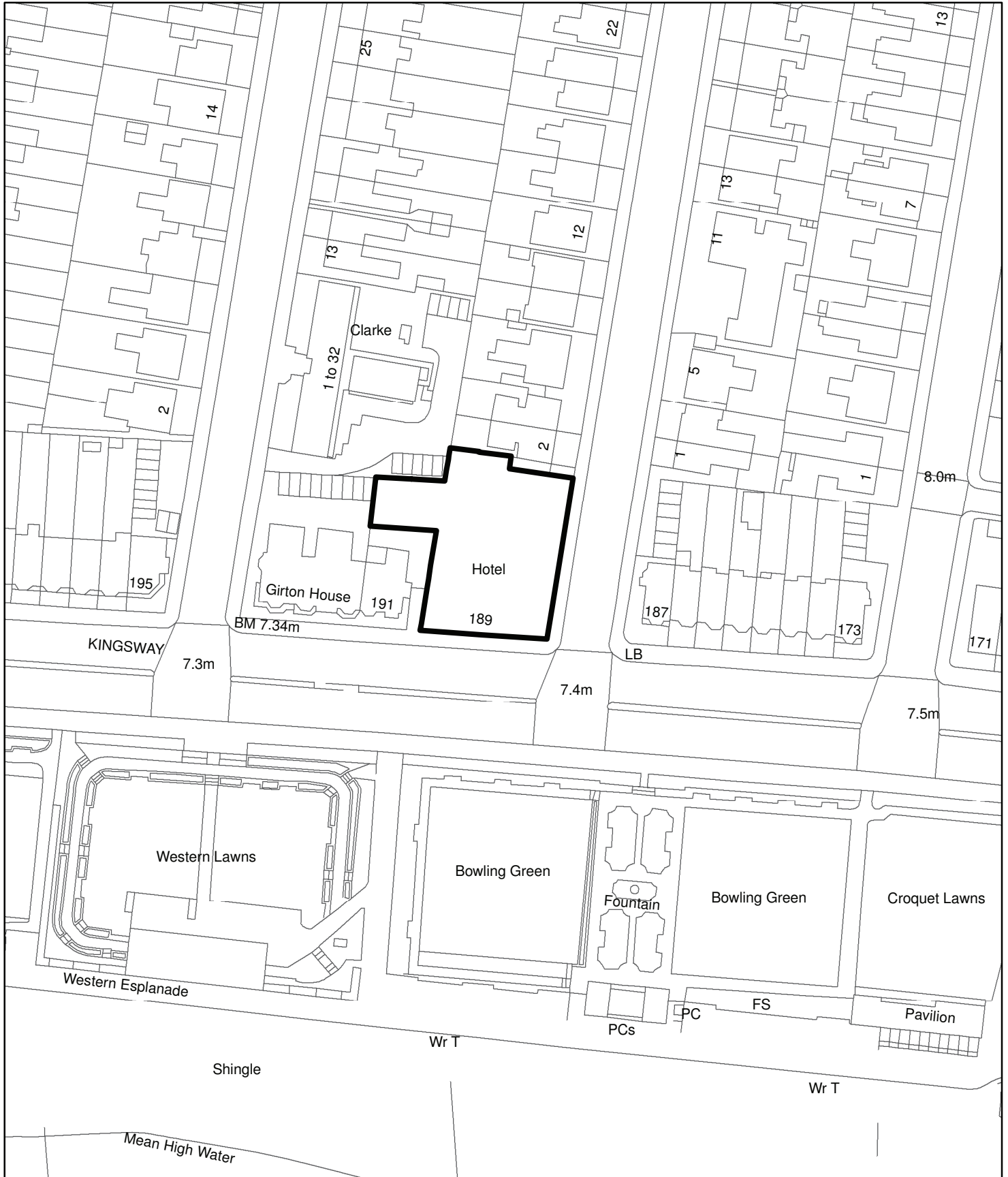
For these reasons the proposal is considered unacceptable and contrary to development plan policies. Further, it is considered that the adverse impacts of granting planning permission for this development as detailed above would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF. The proposal is not therefore considered to represent the

sustainable development of this site.

10 EQUALITIES IMPLICATIONS

The dwelling would have to meet Part M of the Building Regulations. The rear entrance of each dwelling provides disabled access and all levels are accessible by lift.

BH2012/00982 189 Kingsway, Hove.



**Brighton & Hove
City Council**



Scale: 1:1,250

