

Development Control Team
Brighton and Hove City Council
Hove Town Hall
Norton Road
Hove
BN3 3BQ

12 October 2021

Dear Sirs

**189 KINGSWAY BN3 4FB
MINOR NON MATERIAL AMENDMENTS TO BH2020/03522**

This letter is submitted in respect of the above application for minor non material amendments to the floor plans approved as part of planning permission BH2020/03522.

Planning permission BH2020/03522 consents the erection of a new apartment building between 5 and 8 storeys in height. Condition 24 of the permission requires the provision of 52 flats as a mixture of 1, 2 and 3 bedroom units.

The application seeks consent for the five of the seven 3-bedroom flats to be configured as 2-bedroom flats instead. This is owing to market demand – with prospective purchasers preferring a larger kitchen/lounge area rather than have a small third bedroom. The application also seeks consent for revisions to an access ramp (required by building control) and also the provision of a new door to the roof terrace serving plot 42.

Submitted Plans

The following plans are submitted for approval:

- 035D – Approved and Proposed Ground Floor Plan
- 036D – Approved and Proposed First and Second Floor Plans
- 037D – Approved and Proposed Third and Fourth Floor Plans
- 038D – Fifth and Sixth Floor Plans

Further detail is provided overleaf.



RTPI

mediation of space · making of place

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Access Ramp

With regard to the altered ramp this is a very minor change that is required to accord with building regulations.

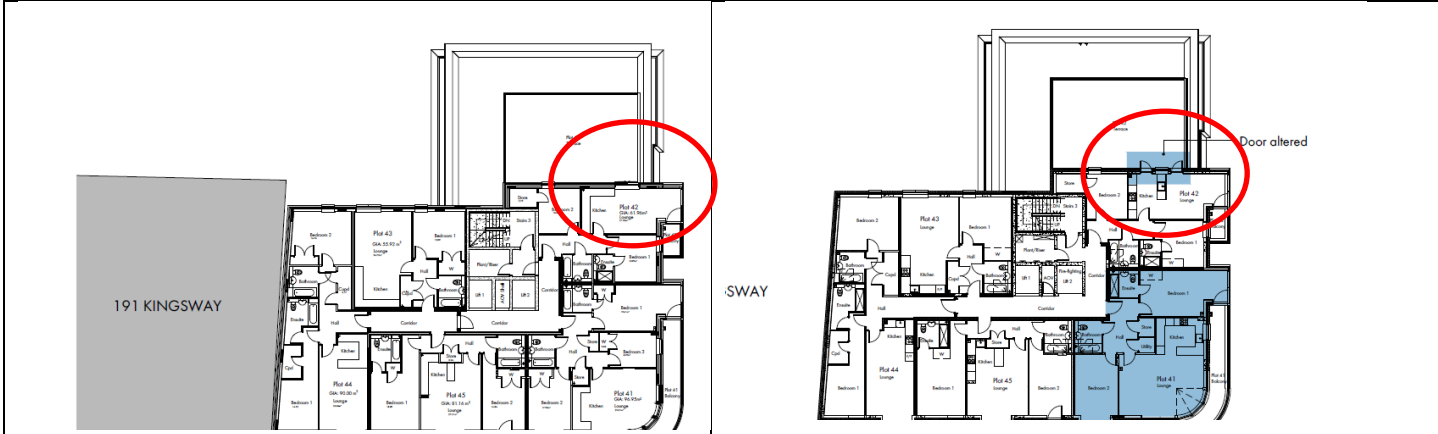


As can be seen, the ramp has had to be lengthened. This has minimal visual impact, and whilst it does mean that the terrace area to plot 3 is reduced, it is still commensurate in size with other terraces on the ground floor, and is generously sized for a one bedroom flat.

Alterations to Access Door to Plot 42

Access from plot 42 to its roof terrace is to be changed from a pair of sliding doors, to a pair of casement doors either side of a central window – see plans overleaf. Given the depth of plot 42’s terrace, this alteration will not be visible and is *de minimis*.

Approved and Proposed Access Arrangements for Plot 42:



Conversion of 3 bed units to 2 bedroom units

Each of the south east corner units is to change from a 3 bedroom unit to a 2 bedroom unit.

Such changes amount to non material amendments because:

- There is no change to overall floor area.
- There is no change to the overall number of residential units.
- The alterations could be carried out once the development has been completed without the need for planning permission (as they would be internal alterations to a non listed building).

Typical approved and proposed floor plans (showing the 4th floor) are shown below:



Please note that the two 3-bedroom units approved for the 7th floor (level 8) are to be retained, and so condition 24 of the main consent (which requires the provision of one, two and three bedroom units) does not require variation.

The changes are required as prospective purchasers have requested such changes. In effect, purchasers would rather have a larger kitchen/dining room rather than a small third bedroom. The proposed units therefore do meet housing need – as they are specifically requested by future occupiers.

Informal advice has been provided by officers regarding the changes. Such advice raised concerns about the reduction in number of 3-bedroom units and compliance with policy CP19 of the City Plan. Officers should note that policy CP19 does not provide a defined list of housing mix. There is an opinion on housing mix expressed in the supporting text to the policy, but supporting text is not adopted planning policy (though is a material

consideration). Officers should also note that in approving 169 residential units at Kings House (reference BH2018/00868), three 3-bed units were originally approved (1.8% of the total), and this was accepted by the Council. The number of three bed units was then increased (to four units, or 2.4% of the total) as part of a package of alterations approved under BH2019/01772.

The proposed percentage of 3-bed units for 189 Kingsway improves upon that approved for Kings house. Two out of the 52 units will be 3-bed units – which equates to 3.8% of the total.

Given that the proposed mix of units provides a greater number of three bed units than was approved on a similarly located seafront site under the same Development Plan provisions, there should be no objection to the proposed amendments for 189 Kingsway.

Conclusions

The application seeks approval of minor non material amendments for an access ramp at ground floor level, access doors at fifth floor level and internal layouts for 5 flats.

The alterations to the ground floor access ramp and 5th floor patio doors are *de minimis*.

The alterations to the internal layouts will meet with housing need (the preference expressed by future purchasers of the flats) and are alterations that can be carried out without the need for planning permission at a later date. Notwithstanding this, the overall provision of three-bedroom units will still be higher (expressed as a percentage) than has been approved on the Kings House site which benefits from a similar seafront location.

In light of the above, we trust that approval of non material amendments can be granted without delay.

Yours faithfully

LCP

Lewis & Co Planning