

239-243 Kingsway

BH2022/03385

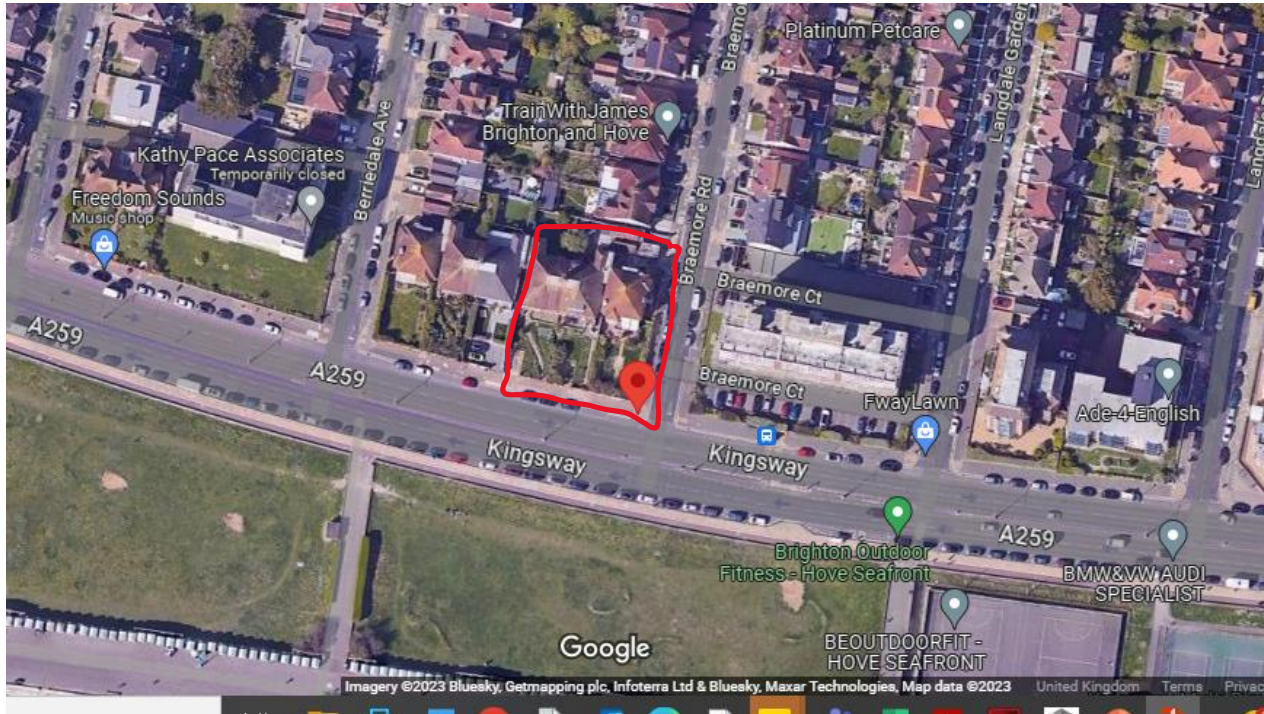


Brighton & Hove
City Council

Application Description

Application to vary Condition 2 of planning permission BH2018/00937 (allowed on appeal), as amended by BH2022/00541, to allow amendments to approved drawings, to vary Condition 8 (Disability access) to refer to Part M4(3)(2a) of the building regulations, to vary Conditions 12 (Cycle Parking), and 13 (Electric Vehicle Charging) to refer to approved details and to vary Condition 26 (Unit numbers) to refer to 33 units.

Map of application site



Aerial photo(s) of site

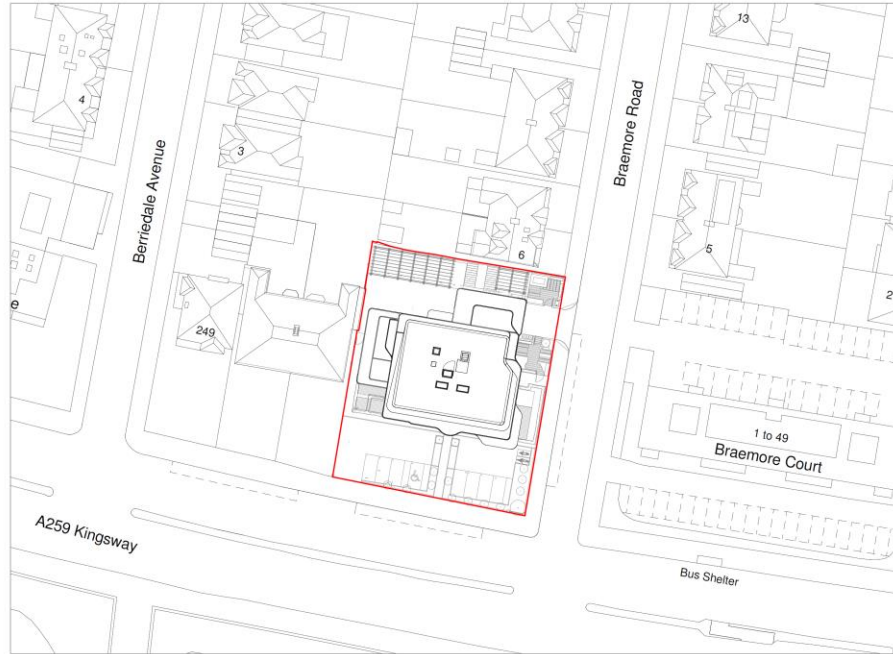


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3D Aerial photo of site



Proposed Block Plan



1 Proposed Site Plan



Proposed Visual



Proposed Visual

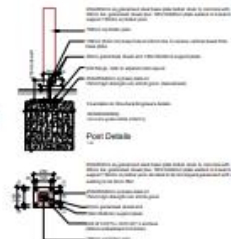
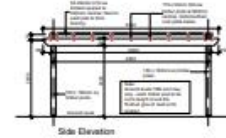
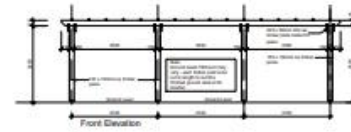
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Proposed Planning Statement Panel

Site/Internal layout (Cycle Storage, EV Points, and Ground Floor Units)

electric vehicle charging points



TRINITY HOMES LTD
 Kingway, Hove
 Proposed Levels
 1:50 @ A1 | 1:200 @ A3
 SM SM 15.02.22
 7:027 L(01)-003 C
TENDER

Policy DM1 Housing Quality, Choice and Mix

Planning applications for new residential development (including residential extensions and residential accommodation falling outside Use Class C3) will be expected to comply with the following requirements:

⇒ d) all residential units should as a minimum be accessible and adaptable in accordance with Building Regulation M4(2);

e) for proposals providing 10 or more dwellings, 10% of the affordable residential units and 5% of all the residential units should be suitable for occupation by a wheelchair user in accordance with Building Regulation M4(3). Where the Council is responsible for allocating or nominating the occupier, these homes should be 'wheelchair accessible' at the point of completion, whilst in other cases they may be 'wheelchair adaptable'. Where this is not practicable on-site an equivalent financial contribution should be provided

Building Regulations

The Building Regulations 2010

Access to and use of
buildings

M

APPROVED DOCUMENT

Volume 1: Dwellings

M4(1) Category 1: Visitable dwellings

M4(2) Category 2: Accessible and adaptable dwellings

M4(3) Category 3: Wheelchair user dwellings

Optional requirement M4(3): category 3 – Wheelchair user dwellings

This section of the approved document deals with the following optional requirement from Part M of Schedule 1 to the Building Regulations 2010

M4(3) optional requirement

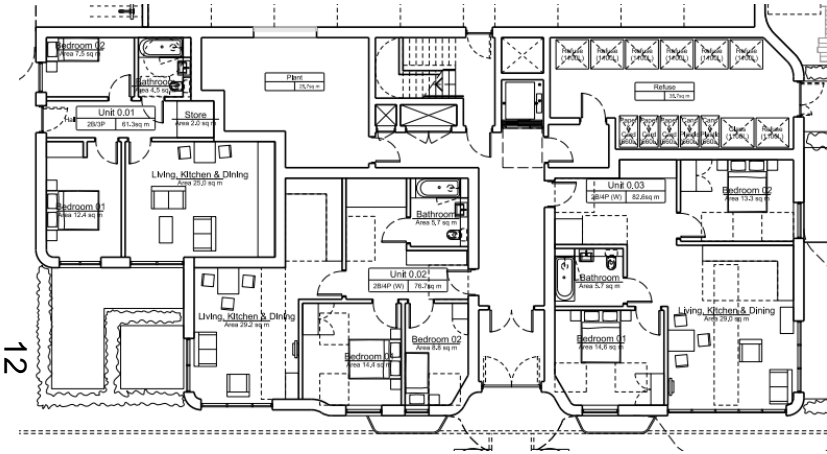
The difference between 2a and 2b is shown in extract below:

- (1) Reasonable provision must be made for people to – (a) gain access to and (b) use the dwelling and its facilities

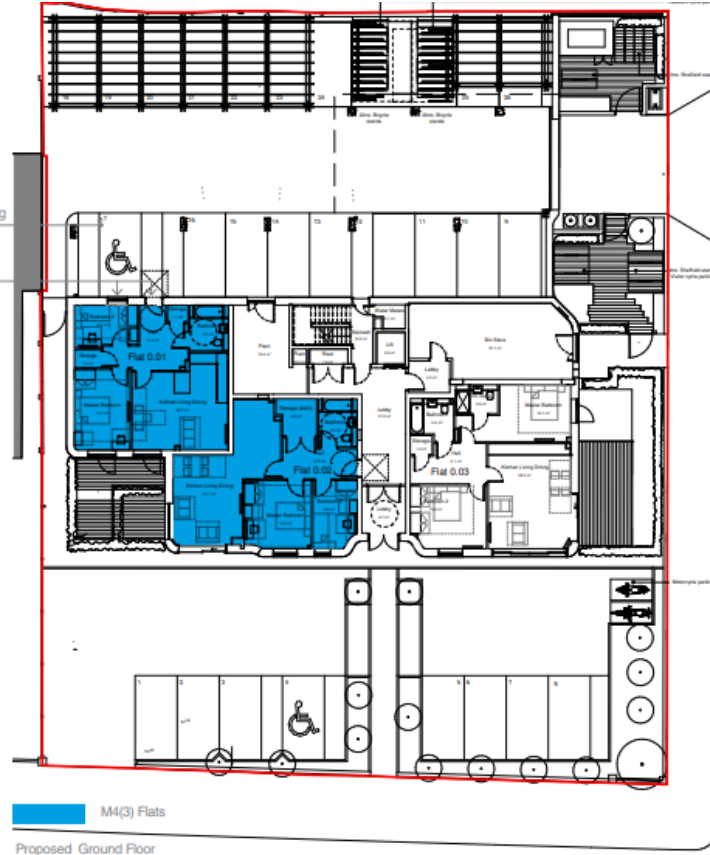
- (2) The provision made must be sufficient to – (a) allow simple adaptation of the dwelling to meet the needs of occupants who use wheelchairs or (b) meet the needs of occupants who use wheelchairs



Revised layout for the Wheelchair GF flats 0.01 and 0.02 (3 units overall)



As Approved BH2018/00937



As Proposed

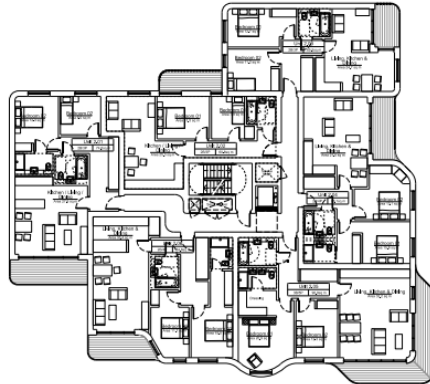
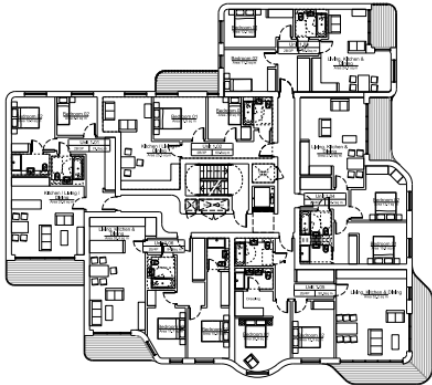
1st and 2nd Floor (Proposed 5 units per floor from 6 as approved)



2 Proposed Second Floor Plan

As Proposed

As Approved BH2018/00937



PROPOSED SECOND FLOOR PLAN

PROPOSED FIRST FLOOR PLAN

3rd and 4th Floor (Proposed 5 units per floor from 6 as approved)

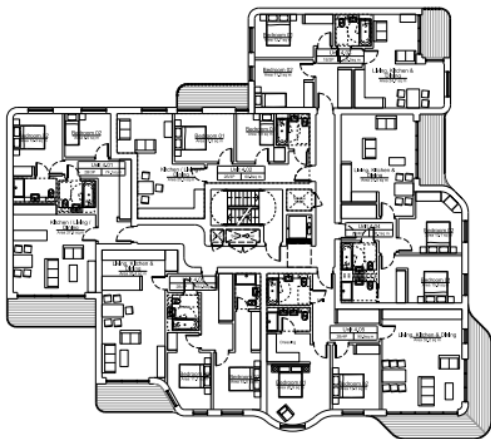
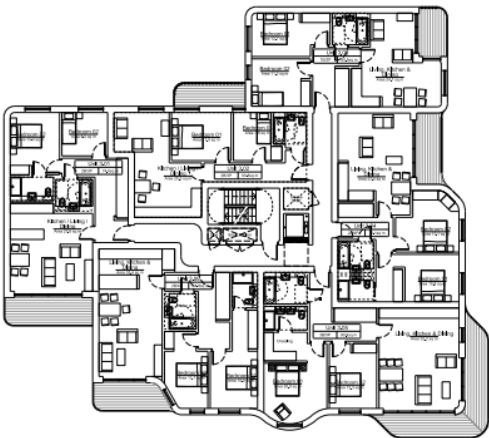
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As Approved BH2018/00937



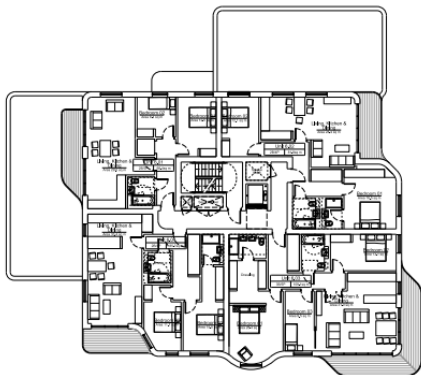
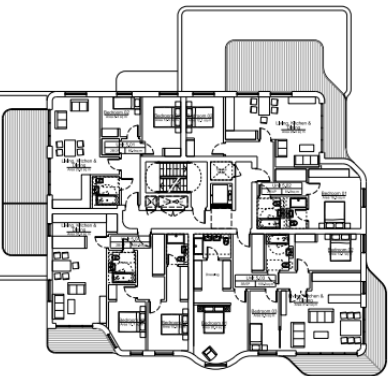
Proposed Fourth Floor Plan

As Proposed



5th and 6th Floor (4 units per floor)

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As Approved BH2018/00937



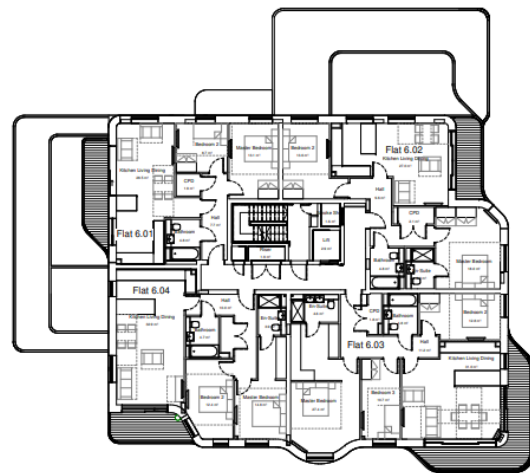
PROPOSED FIFTH FLOOR PLAN

PROPOSED FIFTH FLOOR PLAN



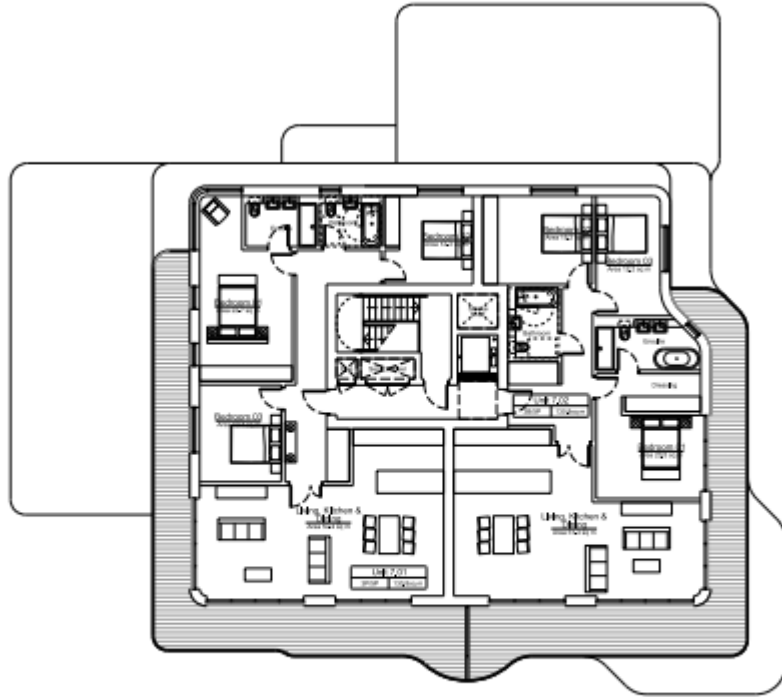
1 Plan

As Proposed



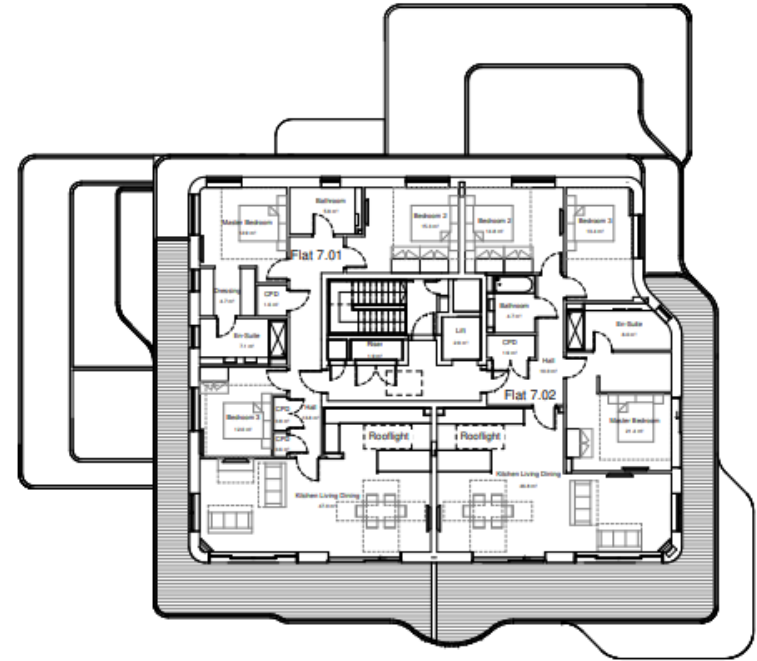
2 Proposed Sixth Floor Plan

7th Floor (2 units)



01 PROPOSED SEVENTH FLOOR PLAN

As Approved BH2018/00937



01 Proposed Seventh Floor Plan

As Proposed

Representations

None received

Key Considerations in the Application

The main considerations in the determination of this application relate to the acceptability of varying Condition 2 of planning permission BH2018/00937 (allowed on appeal), as amended by BH2022/00541, to allow amendments to approved drawings, to vary Condition 8 (Disability access) to refer to Part M4(3)(2a) of the building regulations, to vary Conditions 12 (Cycle Parking), and 13 (Electric Vehicle Charging) to refer to approved details and to vary Condition 26 (Unit numbers) to refer to 33 units.

S106 table

S106 (not proposed for varying) secured under original application BH2018/00937.

Conclusion and Planning Balance

Recommendation is to approve subject to the below amended conditions:

Condition 2 (drawings table) is updated to include the submitted drawings

Condition 8 (Disability access) – updated to align with City Plan Part 2 requirements:

The wheelchair accessible / adaptable dwelling(s) hereby permitted shall be completed in accordance with the following;

a) *all private residential units and all affordable units not covered by part b) below shall be completed in compliance with Building Regulations Optional Requirement M4(3)(2a) (wheelchair user dwellings - 'adaptable') prior to first occupation and shall be retained as such thereafter.*

b) *all residential units where the Council is responsible for allocating or nominating the occupier shall be completed in compliance with Building Regulations Optional Requirement M4(3)(2b) (wheelchair user dwellings - 'accessible') prior to first occupation and shall be retained as such thereafter.*

All other dwelling(s) hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) prior to first occupation and shall be retained as such thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

Condition 12 (Cycle Parking) and Condition 13 (Electric Vehicle Charging) are updated to secure implementation of works in accordance with details submitted.

Condition 26 (Unit numbers) updated to refer to fewer units proposed:

The development (ref. BH2018/00937) shall provide 33 no. dwellings (C3).

