

<u>No:</u>	BH2019/01089	<u>Ward:</u>	Central Hove Ward
<u>App Type:</u>	Removal or Variation of Condition		
<u>Address:</u>	Medina House 9 Kings Esplanade Hove BN3 2WA		
<u>Proposal:</u>	Application for variation of condition 1 of BH2016/05893 (Demolition of existing building and erection of a single residential dwelling (C3) with associated hard and soft landscaping) to permit alterations to approved drawings to allow changes to elevation finishes, windows and internal layout.		
<u>Officer:</u>	Rebecca Smith, 291075	tel: <u>Valid Date:</u>	10.04.2019
<u>Con Area:</u>		<u>Expiry Date:</u>	05.06.2019
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	Montagu Evans 5 Bolton Street London W1J 8BA		
<u>Applicant:</u>	Ms Polly Samson C/o Montagu Evans 5 Bolton Street London W1J 8BA		

1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **GRANT** planning permission subject to the following Conditions and Informatives:

Conditions:

1. The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

Reason: For the avoidance of doubt and in the interests of proper planning.

Plan Type	Reference	Version	Date Received
Location Plan	A.001	Rev P1	10 April 2019
Proposed Drawing	D2100		10 April 2019
Proposed Drawing	D2102		10 April 2019
Proposed Drawing	D2103		10 April 2019
Proposed Drawing	D2104	Rev 01	10 April 2019
Proposed Drawing	D2700		10 April 2019
Proposed Drawing	D2701	Rev 01	16 May 2019
Proposed Drawing	D2703		10 April 2019

2. No extension, enlargement, alteration or provision within the curtilage of the of the dwellinghouse as provided for within Schedule 2, Part 1, Classes A - C of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development to comply with policies HE6 and QD27 of the Brighton & Hove Local Plan and CP12 and CP15 of the Brighton & Hove City Plan Part One.

3. The hard surface hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.

Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policies CP8 and CP11 of the Brighton & Hove City Plan Part One.

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

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

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

Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.

6. Prior to the rendering of the Eastern elevation and the cladding of the dormer windows, details of the render for the Eastern elevation and the metal cladding for the dormer windows shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented. All other external materials shall be implemented in accordance with the samples approved by the Local Planning Authority under application BH2017/03390.

Reason: To ensure a satisfactory appearance to the development and to comply with policies QD14/HE6 of the Brighton & Hove Local Plan and CP12/CP15 of the Brighton & Hove City Plan Part One.

7. Prior to the installation of any windows on the development hereby approved, 1:5 section details of:
 - a) all window types and their reveals and cills,
 - b) doors,

c) window shutters

shall be submitted to and approved in writing by the Local Planning Authority. The 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 and policies CP12 and CP15 of the Brighton & Hove City Plan Part One.

8. The development shall be implemented fully in accordance with the scheme for the retention of the tiles on site as approved by the Local Planning Authority under application BH2018/03018.

Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan and policies CP12 and CP15 of the Brighton & Hove City Plan Part One..

9. The development shall be implemented in fully accordance with the Construction Environmental Management Plan (CEMP) as approved under application BH2017/03160.

Reason: As this matter is fundamental to the protection of amenity, highway safety and managing waste throughout development works and to comply with policies QD27, SU9, SU10 and TR7 of the Brighton & Hove Local Plan, policy CP8 of the Brighton & Hove City Plan Part One and WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 and Supplementary Planning Document 03 Construction and Demolition Waste.

10. The development shall be implemented in accordance with the level details approved by the Local Planning Authority under application BH2018/03160.

Reason: As this matter is fundamental to the acceptable delivery of the permission to safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, in addition to comply with policy QD27 of the Brighton and Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

11. The development shall be implemented in accordance with the parking permit details approved by the Local Planning Authority under application BH2018/03658.

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

12. 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.

13. The residential unit hereby approved shall not be occupied until the residential unit built has achieved an energy efficiency standard of a minimum of 19% CO₂ improvement over Building Regulations requirements Part L 2013 (TER Baseline).

Reason: To ensure that the development is sustainable and makes efficient use of energy to comply with policy CP8 of the Brighton & Hove City Plan Part One.

14. The residential unit hereby approved shall not be occupied until the residential unit built has achieved a water efficiency standard using not more than 110 litres per person per day maximum indoor water consumption.

Reason: To ensure that the development is sustainable and makes efficient use of water to comply with policy CP8 of the Brighton & Hove City Plan Part One.

15. The residential unit hereby approved shall not be occupied until the bi-folding shutters, serving the balcony and southern facing windows of the first floor lounge and southern facing windows of the second floor bedroom, as shown on drawings A-101 P1 and A-102 P2, have been installed, and thereafter permanently retained as such.

Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

16. Prior to first occupation of the development hereby permitted, a scheme for landscaping shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:

- a. details of all hard and soft surfacing;
- b. details of all boundary treatments;
- c. details of all proposed planting, including numbers and species of plant, and details of size and planting method of any trees.

All hard landscaping and means of enclosure shall be completed in accordance with the approved scheme prior to first occupation of the development. All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD15 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

17. Prior to first occupation of the development hereby permitted a scheme to enhance the nature conservation interest of the site shall have been submitted to and agreed in writing by the Local Planning Authority. The scheme shall accord with the standards described in Annex 6 of SPD 11 and shall be implemented in full prior to the first occupation of the development hereby approved.

Reason: To increase the biodiversity of the site, to mitigate any impact from the development hereby approved and to comply with Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

18. The development hereby permitted shall not be occupied until a written verification report submitted to and approved in writing by the Local Planning Authority confirming that the sound mitigation measures detailed in the Acoustic Report TB/EC1695-005 dated 8 April 2019 have been fully implemented. The mitigation measures shall thereafter be retained.

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

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. Medina House is located on the seafront promenade of Kings Esplanade between the junction of Sussex Road to the east and the Victoria Cottages to the east. The site is located within the Cliftonville Conservation Area.
- 2.2. The principle of developing this site for a new residential dwelling has already been examined and approved under application BH2016/05893. This application is seeking approval for alterations to the previously approved plans to allow changes to elevation finishes, windows and internal layout. The application also includes new external air-conditioning units.

3. RELEVANT HISTORY

- 3.1. BH2016/05893 - Demolition of existing building and erection of a single residential dwelling (C3) with associated hard and soft landscaping. Approved 29.06.2017.
- 3.2. BH2017/03160 - Application for Approval of Details Reserved by Conditions 11 & 12 of application BH2016/05893. Approved 05.03.2018.

- 3.3. BH2017/03390 - Application for Approval of Details Reserved by Condition 7 of application BH2016/05893. Approved 19.12.2017.
- 3.4. BH2018/03018 - Approval of details removed by conditions 8, 9 and 10 of application BH2016/05893. Approved 02.11.2018.
- 3.5. BH2018/03658 - Application for Approval of Details reserved by condition 13 of application BH2016/05893. Approved 02.02.2019.

4. REPRESENTATIONS

- 4.1. Eleven (11) representations have been received, objecting to the proposed development for the following reasons:
- Noise
 - Design
 - Changes to roofing material
 - Metal roofing material in conservation area not appropriate.
 - Adverse impact on residential amenity for neighbouring flats
 - Air conditioning units on roof, could be noisy and unsightly.
 - Extra windows to the rear elevation
- 4.2. **Councillor Wealls** has objected to the scheme and has referred the matter to Committee for a decision. A copy of the comment is attached to the report.

5. CONSULTATIONS

- 5.1. **Environmental Health:** No Objection
Recommend approval subject to a condition requiring implementation of mitigation measures set out in the submitted acoustic report, dated 8th April 2019.
- 5.2. **First Heritage Comment:** No Objection
This application proposes amendments that are considered to make very limited change to the impact of the development on the Cliftonville Conservation Area and the Heritage Team does not wish to raise an objection to the revisions. It is however noted that the Eastern elevation appears to show a change of alignment of the new structure in relation to the southern flank of 3 Victoria Cottages.
- 5.3. **Second Heritage Comment:** No Objection
An amended plan has been submitted that shows the alignment of the proposal and Victoria Cottages as approved previously. There has therefore been no change in the alignment.

6. MATERIAL CONSIDERATIONS

- 6.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan,

and all other material planning considerations identified in the "Considerations and Assessment" section of the report

- 6.2. The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016)
 - Brighton & Hove Local Plan 2005 (retained policies March 2016);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
- 6.3. Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

7. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP12	Urban design
CP15	Heritage

Brighton and Hove Local Plan (retained policies March 2016):

QD27	Protection of amenity
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Documents:

SPD12	Design Guide for Extensions and Alterations
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8. CONSIDERATIONS & ASSESSMENT

- 8.1. The principle of developing this site for a new residential dwelling has already been established. The main considerations in the determination of this application relate to the proposed alterations to the scheme approved under application BH2016/05893.

Design and Appearance:

- 8.2. The changes to the property will change the external appearance of the property. However, the changes are not considered to cause harm to the character and appearance of the building or wider conservation area. Changes are proposed to the East, West and North Elevations, but no changes are proposed to the South elevation.
- 8.3. On the East elevation at first floor level the high level windows have been removed and replaced with brick insets, this will have an effect on light into

the room served, however given that below each of these is a large window the effect on natural light entering the room is not considered to be harmful.

- 8.4. On the West elevation similar changes to the East Elevation are proposed at first floor level, with brick inserts replacing high level windows, again this is not considered to have a harmful impact on the rooms affected.
- 8.5. On the North elevation the key changes are to the window arrangement at first floor level which include changes to the placement and size of the eastern and middle window, this is not of concern. There is however a new window proposed to the west, this is stated on the drawing as not being in a habitable room and having a frosted finished. The finish of the window will be secured by condition. There are further changes to ground floor window/door arrangements; one of the windows is to be removed and size of remaining window altered, the impact of this is negligible and unlikely to affect surrounding properties. The door to the bin store is changed to acoustic louvres.
- 8.6. The approved roof design includes a central flat roof section that is hidden from public view and which was to house Photovoltaic (PV) panels. This central section of roof is to remain but will now accommodate two condenser units and a satellite dish. These will similarly be hidden from public view and not protrude above the ridge line. It is acknowledged that the equipment can be seen from upper floor flats in Bath Court to the west of the site and Benham Court to the east. However, this is not too dissimilar a situation from these residents having views of the previously approved PV panels.

Heritage:

- 8.7. The site is located within the Cliftonville Conservation Area. The Local Planning Authority has a statutory duty to preserve and enhance the character or appearance of Conservation Areas, as required by Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which is reflected in the heritage policies of the Brighton & Hove Local Plan and Brighton & Hove City Plan Part One.
- 8.8. The changes to the scheme are relatively minor and they do not alter the overall bulk, height or scale of the development and therefore do not have an adverse impact on the appearance of the building or the conservation area.
- 8.9. In terms of the materials to be used in the proposal the following materials were previously approved:
 - Brick for the walls and chimneys
 - Stone for the copings, external cills, chimney caps, arched lintel and perimeter beam
 - Stone for the courtyard paving
 - Stained timber for the timber framed windows, doors & panels, timber cladding and balcony balusters.
 - Painted timber for the timber shutters
 - Patinated brass for the fascia
 - Handmade clay tile for the pitched roof

- Polymer single ply roofing membrane for the flat roof
- Glass for glass guarding, windows, glazed panels & glazed canopy
- Coated glass for the windows and glazed panels.

8.10. This application is seeking approval to change the roofing material for the dormer roof from handmade clay tile to metal cladding and to change some of the eastern elevation at ground floor level would be changed from brick to render. The colour of the render would match that of the Peterson brick. These changes are not considered to be harmful to the Cliftonville conservation area.

Impact on Amenity:

8.11. Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.

8.12. The proposal includes alterations to the window arrangement in the rear (north) elevation which are not considered to cause any additional impact to what was approved previously. The windows have changed shape slightly being wider but shorter. In addition a new window is proposed on the north elevation. This window serves a hallway within the property and will have a frosted finish. The application submission sets out clearly that the new window would have a frosted finish; therefore there would not be any additional overlooking as a result of this new opening. The exact finishing of the window will be assessed when Condition 9 is discharged. Although this alteration will be seen by neighbours it is not considered to have a detrimental impact on the gardens of those properties in Sussex Road, Victoria Cottages or Victoria Terrace.

8.13. Other changes to the windows such as the alterations to the high level windows would be unlikely to impact on amenity. Similarly the alterations to the northern elevation in terms of windows are unlikely to have an impact on neighbours owing to the height of the window from the floor level.

8.14. In terms of the proposed condenser units which are to facilitate climate control within the property there will be ; 1 at ground floor level and two on the roof of the dwelling. The ground floor unit will be located in the bin store and noise mitigation includes acoustic louvered doors and acoustic wall lining on its northern edge. This unit will be in operation in the daytime and evenings. The units on the roof will be located towards the southern end of the roof and will include an acoustic wall lining to prevent sound reflecting and travelling across to neighbouring properties. These units will similarly be in operation all the time. The noise report on the proposed condenser units has been fully assessed by the Council's Environmental Health Team. The scheme of sound mitigation measures the report proposes is considered acceptable and compliant with policy SU10 when the condensers are in operation. To ensure the appropriate measures are implemented a suitably worded condition is proposed.

Sustainability:

- 8.15. The photovoltaic (PV) panels that were shown on the approved plan have been removed entirely from the proposal and replaced by condenser units. Although this is disappointing, the PV panels were in excess of what is required by planning policy.
- 8.16. There are conditions which are still to be discharged which will seek to ensure that the development contributes positively to sustainability. These are condition 15 for energy efficiency, condition 16 for water efficiency and condition 19 which seeks a scheme to enhance the nature conservation interests of the site.

Other Considerations:

- 8.17. The internal layout has been modified and dividing walls have shifted. These changes have not had a detrimental effect on the standard of accommodation provided.

9. EQUALITIES

None identified.