

<u>No:</u>	BH2017/00636	<u>Ward:</u>	Regency Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Sussex Heights 14 St Margarets Place Brighton BN1 2FQ		
<u>Proposal:</u>	Installation of render to all elevations, and associated works.		
<u>Officer:</u>	Wayne Nee, tel: 292132	<u>Valid Date:</u>	27.02.2017
<u>Con Area:</u>	Regency Square	<u>Expiry Date:</u>	24.04.2017
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	ABIR Architects Ltd Mr M Richardson Unit 1 Beta House St Johns Road Hove BN3 2FX		
<u>Applicant:</u>	Sussex Heights (Brighton) Limited Sussex Heights St Margarets Place Brighton BN1 2FQ		

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
Sections Proposed	0435.DD.004		23 February 2017
Detail	0435.DD.012		23 February 2017
Sections Proposed	0435.DD.003		23 February 2017
Sections Proposed	0435.DD.002		23 February 2017
Detail	0435.DD.011		23 February 2017
Location Plan	0435.DD.001		23 February 2017
Elevations Proposed	0435.DD.005		23 February 2017
Elevations Proposed	0435.DD.006		23 February 2017
Detail	0435.DD.010		23 February 2017

- 2 The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

- 3 No works shall take place until full details of the proposed window/render interface for each window type (including 1:20 scale elevations and sections) have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

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

- 4 No works shall take place until full details of a maintenance scheme, have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details and retained as such thereafter.

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

- 5 No development shall take place until a method statement for the protection of breeding peregrines has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:

- a) Purpose and objectives of the proposed works;
- b) Detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
- c) Extent and location of proposed works shown on appropriate scale maps and plans;
- d) Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- e) Persons responsible for implementing the works;
- f) Initial aftercare and long-term maintenance (where relevant);
- g) Disposal of any waste arising from works.

The works shall be carried out in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To safeguard these protected species from the impact of the in accordance with policy QD18 of the Brighton & Hove Local Plan and policy CP10 of the Brighton and Hove City Plan Part One.

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 The application relates to Sussex Heights which is a 24 storey residential tower block built c1966-68. The building is located within the Regency Square Conservation Area and is situated adjacent listed buildings.
- 2.2 Sussex Heights is an extremely prominent modernist landmark building visible from various places in the surrounding area. The original design by Richard

Seifert has been partly compromised by the enclosure of some of the balconies and many of the original steel windows have regrettably been replaced in uPVC.

- 2.3 Planning permission is sought for the installation of render to all elevations, and associated works.
- 2.4 Since submission of the application, further detail of the background of the feasibility study has been submitted, as well as sample of the render.

3. RELEVANT HISTORY

BH2015/00888 Installation of insulated render to all elevations and replacement of metal window cills with UPVC cills and associated alterations - Refused 05/06/2015

(The application was refused as there was insufficient information relating to the choice of render, absence of large scale details, and concerns of the potential for discolouring and deterioration. Furthermore, the proposed window cills were deemed inappropriate in terms of their design.)

There have also been numerous approved planning applications for individual flats to replace existing crittal windows with aluminium or uPVC, and to create balcony enclosures.

4. REPRESENTATIONS

- 4.1 Councillor Tom Druitt has objected to the application, a copy of the letter is attached.
- 4.2 Nine (9) letters have been received objecting to the proposed development for the following reasons:
 - Application will continue to diminish the appearance of the building;
 - Render will become unsightly after a short time by attracting dirt;
 - The cleaning will be difficult and will use biocides which cause red streaks;
 - No accurate visual representation of the proposal;
 - Lack of detail on the davit arms;
 - Will cause condensation problems;
 - Application identical to the one rejected last year;
 - Noise and disturbance from construction works.
- 4.3 Sixteen (16) letters have been received supporting the proposed development for the following reasons:
 - Enhance the appearance of the building ;
 - Most effective way without changing the appearance of the block;
 - Existing façade is dirty and has rainwater ingress;
 - Most practical, effective and affordable solution ;
 - Leaseholder voted in support of the Board's recommendation.

4.4 One (2) letters have been received commenting on the application as follows:

- Deterioration to this building will have a severe impact on the skyline
- Conditions should be attached to restrict the hours of construction, provide an acoustic management plan to minimise noise, and a traffic management plan to minimise delivery disruption.

5. CONSULTATIONS

5.1 **Heritage:** Initial comment

The prominent application building is situated within a conservation area and within the setting of listed buildings; therefore the proposed installation of render to the building should seek to preserve, enhance and/or better reveal the character and appearance of the conservation area and preserve the setting of the listed buildings.

5.2 It is set out at paragraph 128 of the Framework that an applicant should "describe the significance of any heritage assets affected, including any contribution made by their setting (and) ...the level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance."

5.3 Unfortunately, and contrary to the Framework, the application does not include an appropriate level of supporting information which would allow one to have an informed understanding regarding the potential impact of the proposed render system on the aforementioned heritage assets.

5.4 For the above reason, additional drawings and information setting out the detailed design and finish (including joint/junction details, type, texture, finish and colour) of the proposed render is required.

5.5 There are also concerns regarding the long term performance of the proposed STO render system. Due to the exposed nature of the building in the marine environment, the proposed finish will be vulnerable to heavy weathering and the application does not confirm that the product has been tested in such an environment. Thus, there are concerns with regards to the performance of the product in the proposed location and the required long term maintenance.

5.6 In addition to the above, the proposed use of uPVC cills to replace the existing metal cill detail is resisted. Metal cills and windows were part of the original building design and the appearance and finish of uPVC would conflict with the character and appearance of the building. Details have not been provided to show how the render would be detailed around metal windows, only uPVC windows.

5.7 By virtue of the lack of detailed information regarding the proposed rendering system, it is considered that the current proposal would not serve to preserve, enhance or better reveal the character and appearance of the conservation area, or preserve the setting of the surrounding listed buildings.

5.8 Further comments following submission of further information:

- Proposed render system (StoSilco) has been used in locations classed as 'very severe exposure'.
- It is noted that the sample is quite textured and there is some concern regarding the accumulation of dirt on such a textured surface. However, a finer texture product is not provided by Sto. Therefore, if possible a maintenance program for regular cleaning should ideally be included in the consent.
- It is acknowledged that the window framing material used throughout the building varies, however a detail for UPVC cills has only been supplied. A condition of consent should be to provide appropriately scaled details of the window/render interface for each window type on the building.
- The installation of the Davit arms to the roof will allow regular maintenance. A recommended maintenance and repair method statement has been provided for the Sto system. However, a regular program should be implemented to ensure the building does not deteriorate into a similar condition as existing.
- Internal handrails and fixtures present as considerable issues to the application of the render to the private side of the open terraces/balconies.
- Proposed render joints will be maximum 25m joints and likelihood of dirt accumulation intervals and be approximately 10mm wide. The Agent has also confirmed the joints will mirror the existing joints where possible.
- A self-cleaning system would not be appropriate in a marine environment as salt is likely to accumulate on the surface and affect the render finish.
- The works are weather dependent and a timeframe cannot be provided for the completion of the works. The works will also need to be mindful of the nesting Peregrine Falcons living on the roof.
- The building survey provides evidence as to the current poor state of the building and adequately justifies the need for a new render application.
- The application of the render will be undertaken using the Davit suspended cradle system instead of scaffolding. This will reduce the visual impacts of the installation process. Once the render has been applied, the visual differences will be negligible to the current building. However, with an appropriate cyclical maintenance program, the building will hopefully not become dull and dirty as is the present state of the render.

5.9 **Conservation Advisory Group:** No objection

The original building was clad in small mosaic tiles. Over time these started to fail and the building was then painted with roncrete joltec.

5.10 There has now been a thorough review and the application is for a particular white cladding material to be used to reinstate the appearance of the original building. Temporary steels will be put in at roof level for cradles to go up and down to do the work.

5.11 Members expressed some doubts as to how long the render would last but agreed that all finishes in a marine environment require regular maintenance. Members were reassured that the falcons will not be affected by the work.

- 5.12 The Group has no objection on conservation grounds.
- 5.13 **Ecology:** No objection
The peregrine is protected under Schedule 1 of the Wildlife and Countryside Act 1981, as amended. It is an offence to intentionally take, injure or kill a peregrine or to take, damage or destroy its nest, eggs or young, or to intentionally or recklessly disturb the birds close to their nest during the breeding season.
- 5.14 The approach summarised in the Design and Access Statement is broadly acceptable. Phases of work should be carefully timed to avoid disturbance during the breeding season. Young birds were known to still be present at the nest in mid July and were expected to remain for at least two more weeks.
- 5.15 It is therefore recommended that the season should be taken to run from March to early August.
- 5.16 It is recommended that a method statement for the protection of peregrines should be required by condition. Given their involvement in the instalment and maintenance of the nest box, it is recommended that the Sussex Ornithological Society are consulted on the method statement. In line with BS42020:2013 Biodiversity - code of practice for planning and development, a condition is recommended.

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

CP8 Sustainable buildings

CP10 Biodiversity
CP12 Urban design
CP15 Heritage

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

SU9 Pollution and nuisance control
SU10 Noise Nuisance
QD5 Design - street frontages
QD14 Extensions and alterations
QD18 Species protection
QD27 Protection of amenity
HE3 Development affecting the setting of a listed building
HE6 Development within or affecting the setting of conservation areas

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste
SPD09 Architectural Features
SPD11 Nature Conservation & Development

8. CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the impact that the proposed development would have on the character and appearance of the host building, the wider Regency Square Conservation Area, and the setting of the nearby listed buildings.
- 8.2 **Design and Appearance:**
Sussex Heights is a 24 storey, residential block which is highly visible within the surrounding townscape and within the Regency Square Conservation Area. The surrounding area is a mix of modern commercial developments such as Churchill Square shopping centre to the east and historic squares such as Russell Square to the north.
- 8.3 Policy QD14 relates to extensions and alterations and confirms that they will only be granted if the proposals are well sited, designed and detailed in relation to the host property. Policy HE6 of the Brighton & Hove Local Plan states that development within or affecting the setting of conservation areas should preserve or enhance the character or appearance of the area. Policy HE3 states that development will not be permitted where it would have an adverse impact on the setting of a listed building.
- 8.4 The proposal is for the installation of render to all elevations of the building and with associated alterations including the replacement of the metal window cills with uPVC cills, and new metal coping to balcony walls. Given the significant elevated position of the proposed works, the visual impact of the Regency Square Conservation Area, the longer views from adjacent conservation areas, and the context of the seafront are all important factors in the determination of the application.

- 8.5 Since its construction, the building has been subject to alterations to fenestration which has led to a mix of materials, and many of the balconies have been infilled. The building has a reinforced concrete structure which is clad with a mosaic tiled finish, which has then been covered in a liquid applied carbonation coating (Ronocrete Joltec).
- 8.6 The applicant has carried out a comprehensive survey of the condition of the building, including corrosion, the perished sealant to window frames, and numerous examples where the layered membrane shows surface cracking, perforation, and discolouration. The detail of the survey sets out the significant deterioration of the external fabric of the building, and that the tiles and layers of membrane no longer protect the building from its environment. This is especially the case on the south-west of the building, where the building suffers most from the impact of the sea air. It is considered that the submitted building survey provides sufficient evidence as to the current poor state of the building, which adequately justifies that works are required.
- 8.7 To accompany this, the applicant has carried out a feasibility study and options appraisal. In the study, it makes clear that the manufacturers warranties for a further waterproofing application are limited and in this instance provide zero years guarantee.
- 8.8 Accessibility is restricted as traditional means of scaffolding would not be recommended in this instance due to imposed roof loadings which would have the potential for damage to the roof structure. The programming of works would also have to consider the impact on the nesting season of the peregrine falcons that reside on the roof of the building.
- 8.9 In terms of considering the most appropriate finish, given that the manufacturers could not give a guarantee for the existing system, the further application of the existing membrane was not considered an option. Following consultation based on health and safety, the option of removing the existing render and replacing with new render was also discounted as an option. The submitted options appraisal therefore identified potential options for over-cladding systems. The options of Rainscreen cladding, textured rendered panels, and insulated render system were not preferred as they would significantly alter the external appearance of the building that would be detrimental from a heritage perspective. These systems would have required a significant increase in the thickness of the exterior cladding which would compromise the detail and character of the building.
- 8.10 The study concludes that the uninsulated 'StoSilco' render system was the most appropriate system in this instance, given that it would be visually closest to the original appearance of the building. The submission states that the render system has previously been used in locations of very severe weather exposure.
- 8.11 A full time-scale of the completion of works and the ongoing maintenance has not been provided. The works are dependent on weather and also the nesting period of the Peregrine Falcons that could be on the roof.

- 8.12 The works would be constructed using a cantilevered cradle system. A rail and rope access system would be installed which would include a stainless steel rail and davit arms which can be dismantled when not in use and stored on site for future maintenance purposes. It has been suggested that cleaning would be required to be carried out periodically to address the building becoming dirty and/or streaked. It is indicated that a self-cleaning system would not be appropriate in a marine environment as salt is likely to accumulate on the surface and affect the render finish.
- 8.13 The applicant has submitted a sample of the white render (Silco K1.5). The sample is quite textured and so there would be concern about the accumulation of dirt. It has been stated that a finer textured render (K1.0) would show more of the imperfections of the base coat underneath it and would have more imperfections when it is applied, and so the more textured K1.5 would be more capable to cover these imperfections. It is considered that the texture would not be significantly noticeable. A maintenance programme would therefore be required by condition to ensure regular cleaning takes place.
- 8.14 Details of the proposed uPVC window cills and metal copings have been submitted. The windows framing material used throughout the building varies and so there are limited details of the non-uPVC window cills. Further details of the window/render interface for each window type on the building would be required by condition.
- 8.15 Overall, subject to further details and the ongoing maintenance programme, it is considered that this would be the most appropriate solution to the current poor state of the building, and that once the render has been applied, the visual differences to the existing exterior of the building would not be significantly visible from longer distant views.
- 8.16 It is therefore considered that the development would not detract from the character and appearance of the building or the Regency Square Conservation Area, and would preserve the setting of the nearby listed buildings. For the reasons outlined the proposal would comply with Local Plan policies QD14, HE3 and HE6.
- 8.17 **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.
- 8.18 The nature of the proposed development would not result in a harmful loss of light, outlook or privacy for occupants of adjoining properties.
- 8.19 **Sustainability:**
The thermal upgrading of the building would be considered as part of the Building Regulations.

8.20 Ecology:

The site is understood to have Peregrine Falcons nesting on the roof, and the applicant has stated that works would be co-ordinated around the breeding season (March-July). A condition is recommended by the County Ecologist for a method statement to ensure the protection of breeding peregrines during the development.

9. EQUALITIES

9.1 None identified.