

<u>No:</u>	BH2016/05893	<u>Ward:</u>	Central Hove Ward
<u>App Type:</u>	Full Planning and Demolition in CA		
<u>Address:</u>	Medina House 9 Kings Esplanade Hove BN3 2WA		
<u>Proposal:</u>	Demolition of existing building and erection of a single residential dwelling (C3) with associated hard and soft landscaping.		
<u>Officer:</u>	Liz Arnold, tel: 291709	<u>Valid Date:</u>	31.10.2016
<u>Con Area:</u>	Cliftonville Conservation Area	<u>Expiry Date:</u>	26.12.2016
<u>Listed Building Grade:</u>	Locally Listed	<u>EOT:</u>	13.03.2017
<u>Agent:</u>	Montagu Evans, Mr Tim Chilvers, 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 be **MINDED TO GRANT** planning permission subject to the receipt of no representations raising additional material considerations within the re-consultation period, a s106 agreement and the following Conditions and Informatives:

S106 Head of Terms

- £4,000 towards off-site footway improvements at the junction of Medina Terrace and Kings Esplanade.

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	P1	31 October 2016
Block Plan	A-002	P1	31 October 2016
Floor Plans Proposed	BASEMENT - A-099	P1	31 October 2016
Floor Plans Proposed	LEVEL 00 - A-100	P1	31 October 2016
Floor Plans Proposed	LEVEL 00M - A-100M	P2	9 February 2017
Floor Plans Proposed	LEVEL 01 - A-101	P1	31 October 2016
Floor Plans Proposed	LEVEL 02 - A-	P2	9 February 2017

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Floor plans/elevations/sect proposed	ROOF - A-103	P2	9 February 2017
Elevations Proposed	KINGS ESPLANADE - A-300	P2	9 February 2017
Elevations Proposed	VICTORIA COTTAGES - A-301	P2	9 February 2017
Elevations Proposed	SUSSEX ROAD - A-302	P2	9 February 2017
Elevations Proposed	NORTH ELEVATION - A-303	P2	9 February 2017
Sections Proposed	SECTION A-A - A-200	P2	9 February 2017
Sections Proposed	SECTION B-B - A-201	P2	9 February 2017
Sections Proposed	SECTION C-C - A-202	P2	9 February 2017
Sections Proposed	SECTION D-D - A-203	P2	9 February 2017
Sections Proposed	SECTION F-F - A-205	P2	9 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 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.

- 4 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 & CP11 of the Brighton & Hove City Plan Part One.

- 5 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.

- 6 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.

- 7 The works of demolition hereby permitted shall not be begun until documentary evidence has been submitted to and approved in writing by the Local Planning Authority to show that contracts have been entered into by the developer to ensure that building work on the site the subject of this consent is commenced within a period of 6 months following commencement of demolition in accordance with a scheme for which planning permission has been granted.

Reason: As this matter is fundamental to the acceptable delivery of the permission to prevent premature demolition in the interests of the character and appearance of the Conservation Area and to comply with policy HE8 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

- 8 No development above ground floor slab level of any part of the development hereby permitted shall take place until samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):

- a) Samples of all brick, render and tiling (including details of the colour of render/paintwork to be used)
- b) Samples of all cladding to be used, including details of their treatment to protect against weathering
- c) Samples of all hard surfacing materials
- d) Samples of the proposed window, door and balcony treatments
- e) Samples of all other materials to be used externally

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.

9 No development above ground floor slab level of any part of the development hereby permitted shall take place until 1:5 section details of:

- a) All window types and their reveals and cills,
- b) Doors,
- c) Window shutters

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.

10 No development above ground floor slab level of any part of the development hereby permitted shall take place until a scheme for the retention and restoration of the existing tiles, to be retained within the northern boundary of the covered garden area hereby approved, has been submitted to and approved in writing by the Local Planning Authority.

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.

11 No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:

- I. The phases of the Proposed Development including the forecasted completion date(s)
- II. A commitment to apply to the Council for prior consent under the Control of Pollution Act 1974 and not to Commence Development until such consent has been obtained
- III. A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme)
- IV. A scheme of how the contractors will minimise complaints from neighbours regarding issues such as noise and dust management vibration site traffic and deliveries to and from the site
- V. Details of hours of construction including all associated vehicular movements
- VI. Details of the construction compound
- VII. A plan showing construction traffic routes
- VIII. An audit of all waste generated during construction works

The construction shall be carried out in accordance with the approved CEMP.

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.

- 12 No development shall commence until full details of existing and proposed ground levels (referenced as Ordnance Datum) within the site and on land and buildings adjoining the site by means of spot heights and cross-sections, proposed siting and finished floor levels of all buildings and structures, have been submitted to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved level details.
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.
- 13 No development above ground floor slab level of any part of the development hereby permitted shall take place until such time as a scheme has been submitted to and approved in writing by the Local Planning Authority to provide that the residents of the development, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit.
Reason: This pre-commencement condition is imposed in order 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.
- 14 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.
- 15 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..
- 16 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.

- 17 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.

- 18 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.

- 19 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.

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. The applicant is advised that advice regarding permeable and porous hardsurfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens' which can be accessed on the DCLG website (www.communities.gov.uk).
3. The water efficiency standard required by condition is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.
4. The applicant is advised that accredited energy assessors are those licensed under accreditation schemes approved by the Secretary of State (see Gov.uk website); two bodies currently operate in England: National Energy Services Ltd; and Northgate Public Services. The production of this information is a requirement under Part L1A 2013, paragraph 2.13.
5. The applicant is advised that the scheme required to be submitted by Condition 13 should include the registered address of the completed development; an invitation to the Council as Highway Authority (copied to the Council's Parking Team) to amend the Traffic Regulation Order; and details of arrangements to notify potential purchasers, purchasers and occupiers that the development is car-free.

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 twitten to the east.
- 2.2 The western half of the site comprises the vacant Medina House, an architecturally-unusual three storey building, with gable end, dating from 1894 that originally housed a laundry and women's slipper baths. It was part of the wider Medina Baths complex which also included a swimming pool and slipper baths for men (on the western corner of Sussex Road) and separate saltwater swimming pool and slipper baths for women. The building housing the women's pool was demolished in 2000, leaving a cleared area within the site to the eastern side of Medina House. Around the periphery of the cleared site remain remnants of the demolished building, most notably the now exposed interior of its northern perimeter wall, revealing the original ceramic tiles in a bold pseudo-Arabic style. These are in varying stages of degradation resulting from their exposure to the elements.
- 2.3 This building illustrates part of the historic development of the City as a spa town and it is the only surviving feature of Hove's original historic bath complex on the seafront. The existing building is a positive contribution to this section of

the seafront and Conservation Area. The significance of the building is made all the more important by the loss of the structures of the associated site (the men's baths) to the west.

- 2.4 The property is a locally listed building and marks the south west corner of the Cliftonville Conservation Area, the boundary of which runs northwards up Sussex Road, encompassing the 2-storey terraced houses fronting the western elevation of Sussex Road but excluding the Bath Court development.
- 2.5 Medina House is set at the southern end of Sussex Road and Victoria Cottages, which form small terraced houses leading down to Hove seafront. The site fronts directly onto Kings Esplanade which in this section comprises a mixture of traditional and more modern buildings of varying scale and design. To the west Bath Court forms a bulky 7 and 3 storey purpose built block of flats with the more ornate St Aubyns Mansions and the King Alfred Sports Centre beyond. To the east sits a 3 storey restaurant building with a narrow street fronts (Marrocco's) with nine storey Benham Court and Spa Court forming bulky 7 purpose built blocks of flats beyond. Further afield to the east lie the listed buildings of Medina and Courtenay Terraces.
- 2.6 Planning permission is sought for the demolition of the existing building (known as Medina House) and the erection of a large single residential dwelling (C3) with associated hard and soft landscaping. The proposed dwelling would comprise the following accommodation;
- Basement level - plant room, laundry room, stores,
 - Ground Floor - storage, an open plan living, kitchen dining room and hall, lower hall, WC, study and sunken covered garden (northern part of the site);
 - Ground Floor Mezzanine - Void over open plan living, kitchen dining room, library, study and void over northern covered garden;
 - First Floor - bedroom with en-suite bathroom, snug, dressing room, gym, WC and lounge; and
 - Second Floor - 4 bedrooms (2 with en-suites), shower-room and a void over the first floor gym, and
 - Courtyard garden with 2.2m high glass canopy located around perimeter.

Since submission of the application the following amendments have been made,

- Northern facing dormer within eastern wing removed,
- Eastern parapet lowered by 0.32m,
- Chimney lowered by 0.22m,
- Eastern wing roof height lowered by 0.42m,
- Eastern wing PV panels repositioned,
- Main ridge height lowered by 0.5m, and
- Southern facing gable height lowered by 0.3m.

3. RELEVANT HISTORY

BH2014/03898 - Demolition of existing building and erection of a part 3 part 4 storey block of 8no two bedroom flats with basement car parking and cycle storage and relocation of on-street parking bays. Refused 04/03/2015 on grounds of loss of the locally listed heritage asset and the development design, including the scale of the front bays, projection over the footway and palette of materials, representing an excessively dominant form of development out of keeping with its surrounds.

BH2013/03410 - Demolition of existing building and erection of an 8 storey block containing 8no. two, three and four bedroom self-contained flats with basement car port. Refused 03/01/2014

BH2009/03120 - Demolition of existing building. Refused 29/12/2010
Dismissed at Appeal

BH2009/03105 - New build 9 storey development including 9 residential units, ground and first floor restaurant and basement parking. Refused 29/12/2010
Dismissed at Appeal

BH2008/03983 - Demolition of existing building. Withdrawn by Applicant

BH2008/03963 - New build 16 storey development including 11 residential units, ground and first floor restaurant, second floor office and basement parking. conversion of no. 3 Victoria Cottages from 1 no. dwelling house to 2 no. affordable maisonettes. Withdrawn by Applicant

BH2002/03115/Conservation Area - Demolition of former public baths building. Withdrawn by Applicant

BH2002/03108/FP - New build 18 storey seafront development comprising 23 apartments with ground floor restaurant and basement parking. Withdrawn by Applicant

BH2002/00157 - Conversion of existing building to form 6 no. flats, alterations to approved 2 no. new houses (Amendment to planning approval BH1999/01456/FP). Withdrawn by Applicant

BH2000/03208/Conservation Area - Demolition of existing buildings and erection of 4/5 storey block of 9 flats (6x2 bedroom and 3x1 bedroom) and 9 no. basement car parking spaces. Refused 08/03/2001

BH2000/03196/FP - Demolition of existing buildings and erection of 4/5 storey block of 9 flats (6x2 bedroom and 3x1 bedroom) and 9 no. basement car parking spaces. Refused 08/03/2001

BH2000/00192/CA - Conservation area application for demolition of existing buildings and redevelopment of site with twelve self-contained flats. Withdrawn by Applicant

BH2000/00191/FP - Demolition of existing buildings, redevelopment of site with twelve self-contained flats. Withdrawn by Applicant

BH1999/01482/CA - Conservation Area Consent for demolition of existing single storey structure, conversion of Medina House to form 3 no. self-contained flats and erection of 2 no. new houses. Approved 10/11/1999

BH1999/01456/FP - Demolition of existing single storey structure, conversion of Medina House to form 3 no. self-contained flats and erection of 2 no. new houses. Approved 10/11/1999

BH1998/02151/FP - Demolition of existing single storey structure, conversion of Medina House to form 3 no. self-contained flats and erection of 2 no. new houses. Approved 10/11/1999.

Pre-Application

The scheme has been subject to a pre-application discussion with officers in June 2016 and was presented to Planning Committee Members in August 2016, prior to submission.

A Statement of Community Involvement has been submitted in which it is stated that since July 2016 a public exhibition was held, exhibition invites were sent to neighbours, stakeholder one-to-one meetings held, briefings given to local media and responses to e-mail enquiries have been provided.

4. REPRESENTATIONS

4.1 **Forty One (41)** letters has been received objecting to the proposed development for the following reasons:

- Previous refusals have stated that, as Medina House is of local historical interest, the architectural look of the current property and height of the building should be retained and not increased. This new application significantly increases the height of the roof line and is therefore in breach of the previous rulings as well as being out of character. Would support an application which retained the existing height of the building,
- Increased pollution,
- Overshadowing and loss of light/sunlight to neighbouring properties and gardens. Will affect neighbours 'right to light',
- Noise disturbance,
- Loss of outlook and sea views,
- De-valuation of neighbouring properties,
- Proposal will make the twitten (alleyway) darker and potentially hazardous,
- Disparities in documents regarding the proposed increase in height. Calls into question which height measurement is used in calculating its overshadowing information (2.7m or 3.4m) and reliability of material available for public consultation analysis,
- Validation of the figures in the light survey not possible as the computer software is not named, without this transparency no discussion on the "bugs" that may potentially exist within a specific piece of software can take place,

- Damage to neighbouring properties from construction works,
- Proposal contrary to Brighton & Hove Local Plan and Brighton & Hove City Plan Part One and Medina House Planning Brief,
- The plan for the building includes a library, a gymnasium and a snug as well as five bedrooms and a secluded high-walled courtyard that adds nothing to the community,
- Use of Medina Terrace/Sussex Road for construction/demolition vehicles will disrupt traffic flows in the area and would be dangerous to the public using Sussex Road,
- Building previously deemed to be in a reasonable condition and not beyond repair. Only an application to re-use the existing building should be supported. An independent survey should be mandatory to check that it is only fit for demolition as stated by developer. Building is last surviving example of its type, protected by Conservation Area status which could be lost forever, there is much that is salvable,
- Inadequate neighbour consultation of application,
- Daylight/sunlight assessment does not assess all neighbouring properties affected by proposal. Inaccuracies in original and revised daylight/sunlight assessment regarding use of rooms in neighbouring properties assessed,
- Unacceptable to knock down a historical building in order to build one building, when accommodation is in such short supply,
- Proposal too large. Unacceptable raised building height, proposed plinth will make it even higher, additional annexe/accommodation too high,
- Visibility of the building to the north within Conservation Area,
- Proposal models and descriptions at public exhibition misleading,
- Would give impression of living in a tunnel for neighbours,
- Appears poorly conceived, with little or no thought towards many families who have lived around this area for many years,
- No off-road parking proposed, parking is at a premium in area,
- Too many unanswered questions in application i.e. could the size and facade be kept the same and everything else rebuilt?
- Proposed building does not appear to be in the same style as the surrounding area,
- Once permission is granted an application for change of use or internal design may be granted, concerned it will be changed to a HMO, and
- All new buildings popping up all over Brighton feature flats from £400k upwards and there seems little evidence of homes being built for those who really need them, rather than homes for people to use at the weekend only.

4.2 **Twenty Three (23)** letters has been received supporting the proposed development for the following reasons:

- Have no objections to the proposal,
- Would like building to be the same height as the existing building and indeed smaller but after years of hideous, unsuitable building proposals, feel this is the best proposal seen and possibly the best can hope for,
- Consider proposal to be a great improvement to existing eyesore and a sympathetic solution both in its design awareness of its neighbours and will enhance the appearance of the area which has been required for a long

time. Developer trying to preserve the original features and making sure that as much attention to detail on the building is in keeping with its history and surroundings, whilst incorporating some modern design principles,

- Will stop a constant battle with squatters, rubbish, graffiti and seeing boarded up windows,
- Is a development that is not simply trying to maximise the number of properties on a site,
- Modern architecture can uplift and enhance its surroundings; this design proves it. It complements existing buildings and the seafront skyline whilst creating a fresh update to the architectural story. The architectural character of the city can be enhanced at the same time as providing much needed housing. It would be a visual asset to walkers along the promenade and a trophy to Hove,
- Has been a long controversial site which has, for various reasons, suffered great decay. It has become apparent, alas, that Medina House is in worse condition than previously feared. This means that it makes sense to re-build it in a manner which more than echoes the original building and provides the opportunity to design a system which prevents the growing risk of flood damage,
- Note from the daylight assessment that with regards to Bath Court the rooms potentially affected are bedrooms (and of course when Bath Court was built it had an effect upon buildings to its east). With regards to Victoria Cottages it is evident that the daylight effect will remain within the BRE guidelines, especially with regard to urban setting. Similarly the upper floors of the restaurant to the east are bedrooms,
- No untoward effect upon bats, and
- Brighton planners have a history of supporting non-family accommodation and shared dwellings, is about time some efforts were made to build houses/family houses. One family should not be penalised because of historical errors but would like a covenant placed on development to that the house cannot be rented or sold for a period of years.

4.3 **Four (4)** letters has been received commenting on the proposed development for the following reasons:

- Concerns about lack of neighbour consultations undertaken,
- An entire extra storey is added to the height impact, and harm is admitted in submitted documentation. Have some concerns regarding loss of light to properties north of the site, so it would be right to ensure that their situation is no worse than if the current building was retained and restored to original state,
- In general it is good to see an application that shows some sympathy for the existing building and is not just another block of flats. Attempts to retain some existing features are pleasing,
- No mention in application about parking. At the public exhibition in September it was claimed that because the applicant had adequate parking nearby no parking was required. This is a massive exaggeration of the truth (nearby parking is minimal). The application should include a provision for

parking, probably in the basement, as street parking is already oversubscribed,

- Need to carefully determine building condition. An Independent Survey is needed (not just the ones provided by applicants). Is Medina House beyond reasonable saving for a reasonable re-use?
- Retention of its architecture along with the back wall containing bespoke Royal Doulton tilework to be incorporated into an enhanced new build design means that its presence would not be forgotten,
- Use of white brick is possibly an issue,
- Concerned quality of life of neighbouring properties would be affected by height increase on both the courtyard side and the replacement main building in terms of loss light/sunlight and overshadowing. Here the planning brief and formal planning protection must dictate,
- Need to consider new planning consent for a Co-op food store and 58 flats on former Texaco Petrol station and Alibi pub site. This development will heap a seriously increased density of use onto the Esplanade over and above the fact this exact part of the Esplanade is a magnet for visitors coming to the seafront for a walk. Conversion to a single family dwelling is therefore in keeping with the uses of Sussex Road and Victoria Cottages directly to the north of it,
- No increase in parking need will come from this house as the owners have 4 spaces in Spa Court carpark attached to the studio there (formerly part of the rear garden of listed 2 Victoria Terrace), and
- The back wall of Medina House on its eastern edge is supposed to have a streetlamp attached, this will need to be part of any back wall replacement building should the development be allowed.

4.4 Any comments received with respect of the amendments received on the 9th and 13th February will be reported in the committee late list.

4.5 **Hove Civic Society:** Supports the application as the site has had a long and sorry history of decline and neglect, and previous attempts to redevelop have not found favour. In different circumstances, a site that has become so derelict might be a good candidate for comprehensive redevelopment to provide new housing units. But given the background to this site, as the last trace of the old public baths complex, there has been long-running local interest in finding an imaginative solution - one which would be "appropriate to its seafront context or historical use", to use the words of the Council's Planning Brief of 2013.

4.6 Believe that the proposed scheme is indeed a positive and an imaginative solution. The design for the new house has elegance and merit. It would re-establish something of quality on the site which evokes the form of the old bath-house (whose structure can no longer feasibly be salvaged). Additionally - and this is an important benefit - the scheme is able to preserve the remaining fabric of the pool area (an outcome that otherwise has seemed very unlikely).

4.7 The proposed materials are high-quality and should create a practical and attractive finish. Note there has been some debate about the colour choice of brick finish. Would like to see a finish which "lifts" the appearance of the main

building, so that its quality stands out among the taller buildings which flank it - so on balance believe a white finish is preferable.

- 4.8 Note there have been comments and objections in relation to 'daylight' implications for some of the nearby buildings. Are not in a position to form a technical judgement on this matter, but obviously would like it to receive due and proper planning consideration.
- 4.9 **Councillor Wealls:** Objects Comments attached.
- 4.10 **Peter Kyle MP:** Supports the proposal on the grounds that the current state of the property has been a concern for a while and is pleased that someone is willing to renovate and develop the site. Believe that this key area of the seafront deserves a decent building on this historic site. Have listened to local residents, who are also widely supportive.

5. CONSULTATIONS

- 5.1 **External:**
- 5.2 **CAG:** Recommends approval but requests that the historic street signs should be included. Also suggest that it would be more appropriate if the material used were red brick rather than white.
- 5.3 **County Ecologist:** Comment The proposed development is unlikely to have any significant impacts on biodiversity and can be supported from an ecological perspective. The site offers opportunities for enhancement that will help the Council address its duties and responsibilities under the NPPF and NERC Act.
- 5.4 **Internal:**
- 5.5 **Environmental Health:**
(Comments 9/11/2016) Insufficient Information. The proposed ground source heat pump details are required so that an assessment can be made about whether a BS4142 acoustic report will be needed.
- 5.6 A construction environment management plan should be considered. At the very least a Control of Pollution Act 1974 section 61 application is advised. Dust control measures must also be made available prior to demolition.
- 5.7 (Comments 5/12/2016 following receipt of further information) Would generally be concerned about anything above 45dB (A) at 1m, but as this is to be sited in the basement and there are no external pipes/fans it does not warrant a BS4142 assessment.
- 5.8 **Flood Risk Manager:** Recommends approval as have no objection to the proposed development.
- 5.9 **Heritage:**
- 5.10 (Comments 1/12/2016)
Demolition - Archival material and published records, whilst valuable resources, are poor substitutes for the physical presence of the building, and the demolition

of the existing building would mean that the historic significance of Medina House would be lost to anyone other than researchers.

- 5.11 Policy presumption is in favour of retaining the existing building.
- 5.12 The application includes a report which sets out the extent of the structural problems present, which are significant. There is no claim that these issues are without solutions, however the case is put that these repairs would be economically unviable, either for residential or other possible uses of the building.
- 5.13 In addition the application includes a flood risk assessment identifying the possibility of inundation from 'wave overtopping' and this is the main justification given for not retaining the existing facades, due to the desirability of raising thresholds and cills to protect the property. The property has remained vacant for many years under its previous ownership and possibly due to the aspirations of the previous owner other uses were not sought. As a result its dilapidation is a factor that cannot be ignored in considering the future for this building, and the likelihood of it being restored to its former condition is now considered remote. Further deterioration will reduce the positive contribution it makes to the conservation area and regrettably redevelopment is now becoming the more realistic outcome.
- 5.14 Proposed new building - Planning Brief aims to retain the existing building and addresses re-development only in relation to the currently open Eastern part of the site.
- 5.15 The building proposed as a replacement has been influenced by its overall form, footprint and roof shape, also architectural details such as window openings and in particular the Dutch gable, make reference to the original architecture.
- 5.16 The overall height of the new building is however substantially increased due to the raising of ground floor level.
- 5.17 The resulting building is impressive and well detailed and it is considered that the references to the original building provide a link to the history of the site.
- 5.18 The use of brick is appropriate, as it was the original material for Medina House. White brick is not a material used in this conservation area and there is concern that this will diminish the historic context. The preference would be for a red brick and tile pallet to more strongly reflect the significance of the site.
- 5.19 The proposals for the Eastern part of the site involve a new boundary with architectural treatment based on the former baths structure, and a three storey development at the rear of the site. The scheme also includes retention of the historic tiling that survives from parts of the pool enclosure which is welcome.
- 5.20 This retains the open feel at the front of the site, and is generally in keeping with the original low scale of the bath block, however the height of the front wall and proportions of the arched openings are more prominent in proposed views of the

site provided in the application, and it is considered that slight amendments would be beneficial.

- 5.21 The scale of the proposed building at the rear of the site contrasts more dramatically with Victoria Cottages.
- 5.22 The Planning brief states: a development similar in height to Medina House and the adjoining Marrocco's building on the site of the former swimming baths fronting Kings Esplanade would be acceptable in principle. The proximity to the rear boundary does not allow for the stepping down required in the Brief.
- 5.23 It is therefore considered that amendments should be sought on these elements.
- 5.24 (Comments 11/01/2017 following submission of proposed brick sample)
The proposed brick sample submitted in support of the application confirms that the colour and shape of the bricks has not been influenced by the historic context of the site. The surviving historic buildings are rendered and the historic bath complex was originally red brick. The 20th century developments around the site are mostly pale buff brick. It is not considered that in this respect the development can be considered to either preserve or enhance the character of the conservation area - as required by the Planning (Listed Building and Conservation Areas) Act 1990, or sustain or enhance the significance of the heritage asset - as set out in the National Planning Policy Framework.
- 5.25 (Final comments 13/02/2017 following submission of amendments) Following receipt of the information and revisions received, it is noted that the taller element of the eastern part of the development is set back from the Victoria Cottages street frontage, therefore although the new development will be visible beyond the roofs of the existing houses in Victoria Cottages, the gap between the boundary wall and the taller structure within the site mean that the impact of the new building on the low scale of this narrow passageway will be relieved by the widening of the gap between the buildings at this point. It remains that the proposal is considered to have a negative impact on the low scale character of Victoria Cottages, however this will be less than substantial harm.
- 5.26 It is considered by the Heritage Team that the choice of brick and the height of the easternmost part of the development remain elements of the scheme that do not meet the tests contained in the National Planning Policy Framework and Planning (Listed Building and Conservation Areas) Act 1990 outlined above. However, there are significant benefits to the Conservation Area from the development of this site with a building that has been influenced by the architecture of Medina House, which itself is in such a poor condition that its architectural value is and continues to be reduced. It is further considered that the general design of the new building, and the conservation of the surviving historic fabric in the eastern part of the site are to be welcomed, and it is not considered that misgivings regarding the scale and materials should outweigh the acknowledged benefits of the scheme.

- 5.27 **Planning Policy:** Comment An exception to policy CP3.5 is considered acceptable in view of the planning history of the site. Whilst residential use is considered acceptable on the site, the proposal for one family unit is considered to represent an underutilisation of the site at a density of 25dph and is considered not to comply with Policy CP14 of the City Plan Part One. The applicant should demonstrate clearly why an exception to policy CP14 should be considered in this instance.
- 5.28 **Sustainable Transport:**
(Comments 16/11/2016) No objection Recommend approval as the Highway Authority has no objections to the application subject to necessary conditions regarding pedestrian crossing improvements and cycle parking and an informative regarding highway works.
- 5.29 (Final comments 10/02/2017 following receipt of amendments/further information) Pleased that the Highway Authority's request for a contribution towards off-site footway improvements has been agreed by the applicant, that further evidence has been supplied regarding cycle parking which puts this application in line with policy TR14 and confirm that this development would need to be to be car free, bearing in mind the applicant is requesting zero parking on-site for a five bedroom development and the pressure for parking in this area and zone. The applicant and visitors can still parking in neighbouring non-permit spaces) the disabled and motorcycle spaces being free and the others to be paid for) and stop where safe and legal to do so (for example by taxis, delivery vehicles and to load and unload vehicles).

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 and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only - site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.
- 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
SA1 The Seafront
CP1 Housing delivery
CP3 Employment land
CP7 Infrastructure and developer contributions
CP8 Sustainable buildings
CP9 Sustainable transport
CP10 Biodiversity
CP11 Flood risk
CP12 Urban design
CP13 Public streets and spaces
CP14 Housing density
CP15 Heritage
CP18 Healthy city
CP19 Housing mix

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

TR7 Safe Development
TR11 Safe routes to school and school safety zones
TR12 Helping the independent movement of children
TR14 Cycle access and parking
SU9 Pollution and nuisance control
SU10 Noise Nuisance
QD5 Design - street frontages
QD15 Landscape design
QD27 Protection of amenity
HO5 Provision of private amenity space in residential development
HO13 Accessible housing and lifetime homes
HE3 Development affecting the setting of a listed building
HE6 Development within or affecting the setting of conservation areas
HE8 Demolition in Conservation Areas
HE10 Buildings of local interest

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste
SPD09 Architectural Features
SPD11 Nature Conservation & Development
SPD14 Parking Standards

Planning Advisory Note

PAN 07 Local List of Heritage Assets June 2015

Medina House Planning Brief September 2013

8. CONSIDERATIONS & ASSESSMENT

8.1 The main considerations in the determination of this application relate to the principle of demolition of the existing building, the impacts of the proposal on the

character and appearance of the site and surrounding area, including the Cliftonville Conservation Area; the impacts on the amenities of adjacent occupiers, the standard of accommodation to be provided, and issues relating to transport and sustainability.

8.2 **Background**

The full planning history for the site is set out above. The last proposal approved at the site was in 1999. Since 1999 a number of planning applications, comprising the demolition of the existing building and the construction of higher density residential developments have been submitted, all of which have either been refused by the Council or withdrawn.

8.3 The most recent application (**BH2014/03898**) which sought permission to demolish the existing building and construct a part 3 and part 4 story block of 8 flats, was refused in 2015 on the grounds that;

- It had not been demonstrated that the building was beyond economic repair, that there are no viable alternative uses for the building, or that the proposed redevelopment would preserve the area's character and produce substantial benefits to outweigh its loss, and
- The proposed development, by virtue of its design, would represent an excessively dominant form of development out of keeping with its surrounds.

8.4 No appeal was submitted with regards to this most recent refusal however it is noted that in previous appeal decisions, relating to other previously refused proposals (which have included demolition of the existing building) the appeal Inspector has dismissed the appeal, amongst other reasons, based on it being considered that the contribution of the Medina House site and the visual openness its gap creates within the Cliftonville Conservation Area is a continuingly positive one and that to demolish the building would be contrary to Policy HE8 of the Brighton & Hove Local Plan 2005.

8.5 Some repair work was undertaken at Medina House subsequent to a Planning Enforcement Notice served in September 2011 to remedy the previous condition of the land, which was adversely affecting the amenity of the area.

8.6 It is noted that the applicant of this application purchased the site in November 2015.

8.7 **Planning Brief**

As a result of a number of development proposals over the last few years not receiving the support of the Local Planning Authority, a Planning Brief for the site was prepared in 2013, to guide the future of the site. Planning Briefs do not form part of the Local Development Framework and so cannot be given full statutory weight however the guidance within the brief has been subject to public consultation and was approved by the Council's Economic Development and Culture Committee, as a material consideration in the assessment of subsequent planning applications relating to the site, on the 19th September 2013.

- 8.8 The brief sets out that the primary development opportunity at the site is as a residential scheme with the reuse and retention of Medina House as a core feature.
- 8.9 Part 7 of the Brief sets out the Development Principles which include;
- The preservation or enhancement of the character/appearance of the Clintonville Conservation Area,
 - The retention of the essential detailing elements of the front and western facades of the building including its distinctive Dutch-style gable,
 - Respect of the 'openness' of this south west corner of the Clintonville Conservation Area as well as the small and intimate scale of the adjoining residential development immediately to the north, and
 - A development that does not adversely affect the positive contribution of the site to the Conservation Area , nor serve to visually discord with the existing roof line of Medina House or be detrimental to the amenities of the occupiers of Victoria Cottages including through the detrimental loss of light,
- 8.10 **Principle of Loss Employment Use**
Medina House has been largely vacant since approximately 1993 with the last known formal use of the premises for light-industrial processes within Use Class B1. However in more recent years the building has been intermittently occupied for informal residential use.
- 8.11 Policy CP3 relates to employment land. Part 5 of this policy states that the loss of unallocated sites or premises in, or whose last use was employment use (Use Classes B1-B8) will only be permitted where the site or premises can be demonstrated to be redundant and incapable of meeting the needs of alternative employment uses (Use Classes B1-B8). Where loss is permitted the priority for re-use will be for alternative employment generating uses or housing (in accordance with CP20 Affordable Housing).
- 8.12 The previous applications identified that there have been no serious attempts to market the building for either B1 use or alternative uses contrary to policy. No marketing information for the employment use has been provided as part of the current application and the proposal would result in the loss of 422sqm of B1c floorspace. However, a material consideration in the consideration of this application is the length of time that the site has been vacant (over 20 years) and the fact that an appeal Inspector, for an appeal determined in 2011, stated that the site was unsuitable for employment use given its physical constraints and accepted the principal change of use to residential as an exception to employment policies.
- 8.13 There are no material considerations that would warrant a departure from the 2011 Inspector's view and as such the loss of the existing employment use of the site is considered to remain acceptable as an exception to City Plan Part One policy CP3.
- 8.14 **Principle of Residential Development**

The City Plan Part 1 Inspector's Report was received February 2016. This supports a housing provision target of 13,200 new homes for the city to 2030. It is against this housing requirement that the five year housing land supply position is assessed following the adoption of the Plan on the 24th March 2016. The City Plan Inspector indicates support for the Council's approach to assessing the 5 year housing land supply and has found the Plan sound in this respect. The five year housing land supply position will be updated on an annual basis.

- 8.15 Residential development on the site is considered acceptable in principle, as established within previous planning applications and associated appeal decisions. However, a material consideration in this application is the minimum housing requirements for the City a set out City Plan Part One Policy CP1 (Housing Delivery).
- 8.16 Despite the site not being identified in the draft 2015 SHLAA up-date, as a site suitable for accommodating 6 or more dwellings, it is considered that the site may be suitable to accommodate more than one dwelling.
- 8.17 Whilst it is noted that the proposal would provide a low density development (25dph), contrary to policy CP14, it is a material consideration that previously proposed higher density developments have not been approved at the site for reasons including design and adverse impacts upon neighbouring amenity. As set out below an identified public benefit of the current proposal is the re-development of the existing vacant and dilapidated site, with a development that would make visual reference to the existing Medina House building. The proposal would therefore provide a link to the former history of the site (which previously refused development have not achieved) and a development that has the potential to help preserve and enhance the surrounding Conservation Area. As such it is not considered that refusal, based on the provision of only one residential unit within the site, could be sustained.
- 8.18 **Design and Appearance:**
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 polices of the Brighton & Hove Local Plan and Brighton & Hove City Plan Part One.
- 8.19 This building illustrates part of the historic development of the City as a spa town and is the only surviving feature of Hove's original historic bath complex on the seafront. The existing building contributions to the related section of the seafront and associated Conservation Area and is noted to be different in scale and style to its neighbours. The significance of the building is made all the more important by the loss of the structures of the associated site (the men's baths) to the West.
- 8.20 Whilst not a Listed Building, the existing building is identified as having special interest because of its local historic townscape value and as such is included in

the City's local list of heritage assets (non-designated heritage asset). The significance of the building as a locally listed asset is a material consideration in determination of the application.

8.21 Acceptability of Demolition

The proposal involves the entire demolition of Medina House and therefore policy HE8 is relevant. This policy states that demolition in Conservation Areas would be acceptable only where the building is beyond economic repair, no viable alternative use can be found, and the re-development would preserve the area's character such that the benefits would outweigh its loss.

8.22 Archival material and published records, whilst valuable resources, are considered to be poor substitutes for the physical presence of the building, and the demolition of the existing building would mean that the historic significance of Medina House would be lost to anyone other than researchers.

8.23 Policy HE10 directly concerns the status of the building as a locally listed historic asset, seeking the retention and restoration of all such buildings.

8.24 The policy presumption is therefore in favour of retaining the existing building, a presumption that has been supported in previous appeal decisions by appeal Inspectors.

8.25 Documents assessing the condition of the existing building have been submitted in which it is stated that the property, which has been vacant for many years, has suffered two fires, water penetration and a period of squatter occupation. It is stated that a scheme of refurbishment and adaption of the existing building was investigated however significant defects were identified with the existing building, defects and internal damage that are said to have escalated from the events referred to and which have resulted in a fragile structure requiring extensive repair and replacement elements. These defects have resulted in the reports concluding that whilst technically possible, it is not practicable to retain the existing structure.

8.26 The submission also includes a flood risk assessment identifying the possibility of flooding from 'wave overtopping'. The façade retention solution considered in the submitted documents is also considered impractical by engineers when coupled with the need to raise the ground floor level to prevent flood risk and due to the condition of the original brickwork further intervention (waterproofing and insulation) would be required, and it is likely that very little of the surviving original fabric/historic detail would remain as a result.

8.27 As such the documents confirm the conclusions are "not simply based on the economic costs of the work associated with re-use, but fundamentally on the broad cultural and historic value of the end result of re-use, since the interventions required would be so extensive".

8.28 The dilapidation of Medina House is a factor that cannot be ignored in considering the future for this building. From the documents submitted it is evident that the likelihood of the existing building being restored to its former

condition or a development comprising the retention the existing façade, is now considered remote by the Councils' Heritage Officer. Further deterioration would reduce the positive contribution the building makes to the Conservation Area and, whilst the earlier refusals and associated appeal decisions based on the demolition of the existing building are noted, regrettably the complete redevelopment is now becoming the more realistic outcome.

8.29 **New Build**

As set out above the heritage polices and Planning Brief aims to retain the existing building and the associated Brief addresses re-development of the site only in relation to the currently open eastern part of the site. However as set out above complete redevelopment of the entire site is now becoming the more realistic outcome.

- 8.30 The proposed development would have an L-shape built form comprising a three storey (plus basement) building replacing the existing Medina House building on the western side of the site, with an east to west orientated wing on the eastern side of the site. A landscaped courtyard area would be located to the east of the replacement building and to the south of the proposed wing.
- 8.31 The part of the proposed development that would replace the existing Medina House has been influenced by the existing buildings overall form, footprint and roof shape. Furthermore architectural details such as window openings and in particular the Dutch gable would make reference to the original architecture. The resulting building would be well detailed and would provide references to the current Medina House building on the site and therefore a link to the former history of the site.
- 8.32 The main part of the proposed dwelling, with a north to south orientation, would have a ridge height that is approximately 2.2m higher than the ridge of the existing building (measuring a proposed height of 21.53m AOD) and a south facing gable feature with a height approximately 3.4m higher than that of the existing building (measuring a proposed height of 23.44m AOD).
- 8.33 Part of the increase in height of the replacement building is as a result of a portion of the proposed ground floor level being approximately 0.9m higher than the existing, in order to mitigate against the ingress of water into the building, the issue of flooding is discussed in more detail later.
- 8.34 The proposed wing to the dwelling would be constructed to the east of the main part of the dwelling and to the north of the proposed courtyard area, with a west to east orientation. This wing element of the proposal would be set down from the main roof ridge and would have a ridge height of 19.63m AOD (approximately 13.5m measured from ground level of the adjacent alleyway).
- 8.35 The upper floors of the proposed wing of the dwelling would be set in from the new eastern boundary of the site and therefore set back from the eastern facing building line of the properties on the western side of Victoria Cottages. A glazed roof would wrap around the north-eastern corner of the proposed wing, to enclose the proposed sunken covered garden in this area of the proposal.

Whilst the proposal would be visible beyond the roofs of the existing houses in Victoria Cottages, the proposed gap resulting from the proposed set back would mean that the impacts of the proposal on the low scale of the narrow passageway of Victoria Cottages would be relieved by the widening of the gap between the buildings at this point. Whilst the Council's Heritage Officer remains of the opinion that the proposal would have a negative impact on the low scale character of Victoria Cottages it is also considered that this resulting harm would be less than substantial. Where a development would lead to less than substantial harm, paragraph 134 of the NPPF allows the public benefits of the proposal to be weighed against the harm identified. Policy HE4 of the Local Plan is complementary to such an approach.

- 8.36 The proposal for the eastern part of the development includes a new boundary with architectural treatment based on the former baths structure. The historic tiling that survives from parts of the pool enclosure would be retained within the northern boundary of the proposed covered garden area, which would be sited below the three storey eastern wing to the dwelling which would be sited to the north of the courtyard area. The proposed courtyard would retain the open feel to the front of the site.
- 8.37 The proposal would be finished with a palette of materials including white handmade bricks, natural grey timber, double glazed natural grey timber framed windows, glass balustrading, natural grey timber bi-folding shutters, dark clay roof tiles, retained and restored tiles and granite paving to the proposed courtyard.
- 8.38 The proposed use of brick as an external finish material is considered appropriate, as brick was the original material for Medina House. However the Council's Heritage Officer has raised concerns with regards to the use of a white brick. Since submission of the application a white brick sample has been submitted following the Heritage Officer's initial concerns regarding the use of such coloured brick. The sample confirms that the colour and shape of the proposed brick finish has not been influenced by the historic context of the site and as such does not meet the tests of the NPPF or the Planning (Listed Building and Conservation Area) Act 1990 with regards to preserving or enhancing the character of the Conservation Area or sustain or enhance the significance of the heritage asset.
- 8.39 Whilst the proposed white brick finish to the development and the height the eastern most part of the proposal remain elements of concern in terms of not preserving or enhancing the character of the Conservation Area, or sustaining or enhance the significance of the heritage asset, it is considered there are significant public benefits to the Conservation Area resulting from the development of this site. These public benefits include the construction of a building that has been influenced by the architecture of the current Medina House building, which itself is in such a poor condition that its architectural value is and continues to be reduced and the redevelopment of a site which has been vacant for a long period of time. It is further considered that the general design of the replacement building, and the conservation of the surviving historic fabric in the eastern part of the site are to be welcomed, and it is not considered that

misgivings regarding the scale and materials as discussed in heritage terms, as set out above should outweigh the identified benefits of the proposal.

- 8.40 Whilst it is noted that a sample of the proposed white brick has been submitted it is recommended that a condition is attached requiring samples of all finish materials, to allow other bricks to be investigated should approval be granted in addition to conditions regarding further details of the proposed windows, window shutters, doors and a scheme for the retention and restoration of the existing tiles.
- 8.41 **Landscaping:**
The proposed external courtyard area would comprise a glazed canopy around the perimeter, the purpose of this proposed canopy is stated to be to help mitigate against the effects of air movement around the development and to shelter users of this space and the proposed planting.
- 8.42 Three arched openings, containing opaque glazing for privacy, would provide relief to the new southern boundary of the open element of the site in addition to providing light to the proposed external garden area.
- 8.43 Further details of the proposed landscaping of the external amenity area can be secured by a condition, should the proposal overall be considered acceptable.
- 8.44 **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.
- 8.45 Accommodation Provision/Standard of Accommodation:
It is considered that the layout of the proposed dwelling would result in the provision of accommodation with adequate levels of outlook, natural light and ventilation.
- 8.46 While the Local Planning Authority does not have adopted space standards, for comparative purposes the proposal is assessed against the Government's recent Technical Housing Standards - National Described Space Standards March 2015 document, standards which the proposal far exceeds.
- 8.47 Policy HO13 requires all new build residential dwellings to be built to Lifetime Homes standards whereby they can be adapted to meet people with disabilities without major structural alterations. The requirement to meet Lifetime Homes has now been superseded by the accessibility and wheelchair housing standards M4(2) within the national Optional Technical Standards, standards which can be ensured via the attachment of a condition.
- 8.48 In accordance with policy HO5 the proposal comprises a number of amenity areas for the future occupiers of the dwelling including an external courtyard area, a sunken covered garden area located below the proposed eastern wing

of the dwelling and terraced areas within parts of the proposed wing section of the dwelling.

8.49 Neighbouring Amenity:

The built form immediately to the north of the site comprises terraced houses formed of 2 storeys on Victoria Cottages and 2 storeys with basements on Sussex Road. Whilst the built forms and small garden areas of these neighbouring properties are divided by a Twitten, which runs in a northerly direction from the rear boundary of the site to the southern boundary of properties located on Victoria Terrace, the built environment is dense. To the west of the site is Bath Court (an 8 and 3 storey development) and to the east a mixed use building comprising a café/restaurant, known as Marrocco's, with residential units above (3 storeys) with the 9 storey Benham Court beyond.

8.50 Since submission of the application amendments have been made to the proposal including a reduction in height of the main roof ridge by 0.5m and the roof height of the eastern wing by 0.42m.

8.51 The replacement Medina House element of the current proposal would have a greater height, approximately 2.2m, than the existing building. The 2014 refused application (**BH2014/0398**) comprised a building on the western side of the site, albeit of a different design, that would have been approximately 2.8m higher than the existing Medina House. Whilst this previous application was refused overall, it is a material consideration of the current application that this previously proposed increase in height did not form a reason for refusal of the earlier application, an increase in height that is greater than that currently proposed.

8.52 The existing northern boundary wall of the site, the northern elevation of Medina House and outriggers of the northern neighbouring properties, especially those of nos. 12 Sussex Road and 3 Victoria Cottages, already encloses and reduces existing outlook and sunlight/daylight to the east/south facing windows and gardens of northern neighbouring properties.

8.53 The northern most elevation/boundary of the proposed dwelling would be positioned along the existing northern boundary of the site, which abuts the southern gable of no. 3 Victoria Cottages and which is located approximately 1.2m from the southern elevation of no. 12 Sussex Road. The upper parts of the proposed wing element of the dwelling, which extend above the eaves height of the roofs of the neighbouring properties on Victoria Cottages, would step in from the northern and eastern boundaries of the site, resulting in wider gap between the built form of the proposed development and Victoria Cottages at these points.

8.54 The southern neighbouring windows of no. 12 Sussex Road are located to the west of the existing built form of Medina House. Whilst it is acknowledged that the proposal would reduce the existing open space to the area to the east of Medina House, it is considered that the outlook from the nearest southern facing windows (within nos. 13 Sussex Road and 4 Victoria Cottages) would not be significantly impacted by the proposal in terms of sense of enclosure or outlook

as a result of the existing built form of Medina House and the surrounding properties, their relationship to the site and the stepped form of the upper parts of the proposal and the hipped roof design.

- 8.55 Daylight and Sunlight Assessments have been submitted as part of the application. These submitted assessments are based on the recommended levels outlined with the BRE Guide (Building Research Establishment) with regards to habitable rooms of 6 neighbouring residential properties. Two methods have been utilised, the Vertical Sky Component (VSC) and No Sky Line (NSL).
- 8.56 Within the BRE Guide it is stated that; "The advice given here is not mandatory and the guide should not be seen as an instrument of planning policy; its aim is to help rather than constrain the designer. Although it gives numerical guidelines, these should be interpreted flexibly, since natural lighting is only one of many factors in site layout design".
- 8.57 Within the submitted assessments the dense urban setting of the site and surrounding neighbouring properties is identified and is considered to currently impact upon the levels of daylight/sunlight received by neighbouring properties. Following amendments to the proposal as previously set out, the assessments concludes that the proposal would result in only a small percentage of habitable room windows in neighbouring properties not strictly adhering to the daylight/sunlight levels recommended within the BRE Guide.
- 8.58 As set out above, the site is tightly enclosed by neighbouring buildings to the north and east with an open aspect of the south. It is stated within the submission that the internal accommodation has been arranged to maximise mutual privacy to neighbouring properties and windows to ancillary spaces such as storage and bathrooms are located in the north-west of the dwelling adjacent to the nearest neighbouring properties.
- 8.59 The proposed second floor terrace would be set back from the eastern boundary and the proposed shutters to the south-facing windows would bi-fold to the east to allow southern views from the windows/terrace without such features having an adverse impact upon the amenities of the eastern side neighbouring properties, in terms of direct overlooking or loss of privacy, when the proposed shutters are closed or open.
- 8.60 The eastern facing elevation of Bath Court is not flush. A minimum distance of approximately 13.5m would be located between the western elevation of the proposed dwelling and the eastern most elevation of Bath Court. Due to this distance and the presence of existing western facing windows in Medina House it is not considered that the proposal would have a significant adverse impact upon the amenities of the western sited neighbouring properties with regards to loss of privacy or overlooking. It is also noted that this proposed separation distance, of approximately 13.5m, is significantly greater than the 8m separation distance predominant along Sussex Road, thereby ensuring the impact is proportionate to that established in the surrounding area.

- 8.61 It is not considered that the proposed glazed roof which is to wrap around the north-eastern corner of the development would have an adverse impact upon the amenities of neighbouring properties.
- 8.62 A number of window openings are proposed within the northern elevation of the dwelling. Due to the positioning of these proposed windows in relation to the positioning of neighbouring windows it is not considered that their inclusion would result in overlooking or loss of privacy to the northern sided neighbouring properties. It is considered that the proposed windows which would be positioned to face north in alignments with the alleyway which is located between Victoria Cottages and Sussex Road would actually provide some surveillance along this pedestrian route.
- 8.63 It is disappointing that the height of the wing of the dwelling has not been reduced to a height that would not result in any impact to neighbouring properties with regards to sunlight/daylight levels or overshadowing. However it is considered that the heritage benefits of the proposal identified earlier in this report, including the redevelopment of a site that has been vacant for a long time with a development that provides a link to the site's former history, outweighs the harm to the neighbouring properties that has been identified within the sunlight/daylight assessments provided as part of the application and as such refusal of the proposal, based on adverse harm to neighbouring properties in terms of loss of sunlight/daylight, is not recommended in this instance.
- 8.64 **Sustainable Transport:**
Pedestrian & Mobility & Visually Impaired Access
The proposal would have different pedestrian access arrangements to that of the existing building, with the main entrance to the dwelling located on Sussex Road (rather than Kings Esplanade) and a secondary access point from the garden onto Victoria Cottages. Such access arrangements onto the adopted (public) highway are considered acceptable.
- 8.65 As part of the proposal, improvements to the footway at the junction of Medina Terrace and Kings Esplanade are requested in order to provide suitable access, for future occupiers and visitors to the dwelling, between the development and local amenities. The Highway Authority has confirmed that such footway improvements would cost £4,000 (comprising of a standard dropped kerb, tactile paving and a recessed over), a contribution the applicant has agreed to provide.
- 8.66 Cycle Parking
SPD14 states that a minimum of 2 cycle parking spaces are required for every residential unit with 3 or more bedrooms and 1 space per 3 units for visitors after 4 units. For this proposal (with 5 bedrooms) the minimum cycle parking standard is therefore a total of 2 cycle parking spaces. In accordance with policy CP14 the proposed cycle storage provision would be secure as located behind a door (stated to be solid and lockable), convenient as would be accessible from level secondary access point into the site, would be well-lit in the courtyard area and would be sheltered under the proposed courtyard perimeter canopy.

8.67 Disabled Parking

It is noted that limited free on-street disabled parking bays are located within the vicinity of the site which could be utilised by for disabled residents/visitors to the proposal. In addition Blue Badge holders would be able to park, where it is safe to do so, on double yellow lines for up to 3 hours in the vicinity of the site. As a result, refusal based on the lack of dedicated disabled parking for the occupiers/visitors of the proposal, is not considered justified on this occasion.

8.68 Servicing & Deliveries

No significant alteration to the current servicing and delivery arrangements to this site are proposed (including goods & people pick up / drop off).

8.69 Car Parking

The site is located within Zone N of the City's Controlled Parking Zones. In this location of the City, SPD14 states that the maximum car parking standard for a dwelling of 3 or more bedrooms is 1 space per dwelling plus 1 space per 2 dwellings for visitors. No off-street parking provision is proposed as part of the proposal, which is in line with the maximum standards and is therefore deemed acceptable in this case.

8.70 As no off-street parking provision is provided as part of the redevelopment of the site for a 5 bedroom house and the pressure for parking in the vicinity of the site and parking zone N, the site can be designated as car free development by condition should permission be granted.

8.71 **Sustainability:**

As part of the application and Energy and Sustainability Statement has been submitted in which it is noted that the proposal is required to comply with policy CP8 in that a new residential development is required to;

- To achieve a 19% carbon reduction improvement against Part L 2013; and
- To meet the 'optional' standard for water efficiency.

8.72 Whilst it is noted that within the submitted information it is stated that the proposal would meet and exceed the sustainability standards set out above such standards would be ensured via conditions should overall the proposal be considered acceptable.

8.73 **Ecology**

There are no sites designated for their nature conservation interest that are likely to be impacted by the proposed development. The site comprises buildings and hard standing and is of limited ecological interest.

8.74 A bat survey was submitted as part of the submission. The County Ecologist considers that the survey has been carried out in accordance with best practice and is sufficient to inform appropriate mitigation, compensation an enhancement. No evidence of bats was found and the building to be demolished has negligible bat roost potential. As such, no specific mitigation is required.

8.75 The site is considered unlikely to support any other protected species and therefore no specific mitigation is required.

8.76 The County Ecologist considers that the site opportunities for biodiversity enhancement such as the use of species of known value to wildlife within the landscape scheme and the provision of bird boxes. Such enhancement can be ensured via a condition if overall the proposal is considered acceptable.

8.77 Other Considerations:

8.78 Flood Risk

The site is located within the Environmental Agency Flood Zone 1 where the annual probability of flooding is classified as less than 1 in 1000 in the absence of any defences however the submission refers to a residual risk of wave overtopping.

8.79 As part of the application a Flood Risk Assessment has been submitted in which the following flood resilience measures are proposed;

- Raising internal ground floor levels
- Flood Door, and
- Impact resistant glass and windows raised significantly

8.80 The Council's Flood Risk Officer has viewed the submitted Flood Risk Assessment and assessed the proposal and raises no objections.

9. EQUALITIES

9.1 If overall considered acceptable a condition would ensure compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings).

