

# Medina House – Draft Planning Brief

## Consultation Report

September 2013

The Medina House Site, Hove



(c) Crown Copyright. All rights reserved. Licence: 100020999, Brighton & Hove City Council. 2013.

# **Contents**

- 1. Summary**
- 2. Background**
- 3. Consultation methodology**
- 4. Response and respondent profile**
- 5. Results and findings**
- 6. Council's responses to issues raised**

## **1. Summary**

The Medina House Planning Brief has been prepared to guide the redevelopment of the Medina House site, Kings Esplanade, Hove. The Draft Medina House Planning Brief was approved for a public consultation exercise by a meeting of the Economic Development and Culture Committee in March 2013.

## **2. Background**

The Brief was prepared in response to a petition to the council to set out its planning requirements for the site, following a number of earlier refusals of planning permission and related appeals that were dismissed by the Planning Inspectorate. Planning briefs are recognised as useful tools for improving the quality and the consistency of advice provided to developers, as well as enhancing the efficiency of the planning process and the quality of the built environment.

## **3. Consultation methodology**

Public consultation was undertaken during the period 18 March 2013 to 30 April 2013 using the council's online consultation portal. The consultation portal displayed the draft Medina House Planning Brief as well as images of the public exhibition panels.

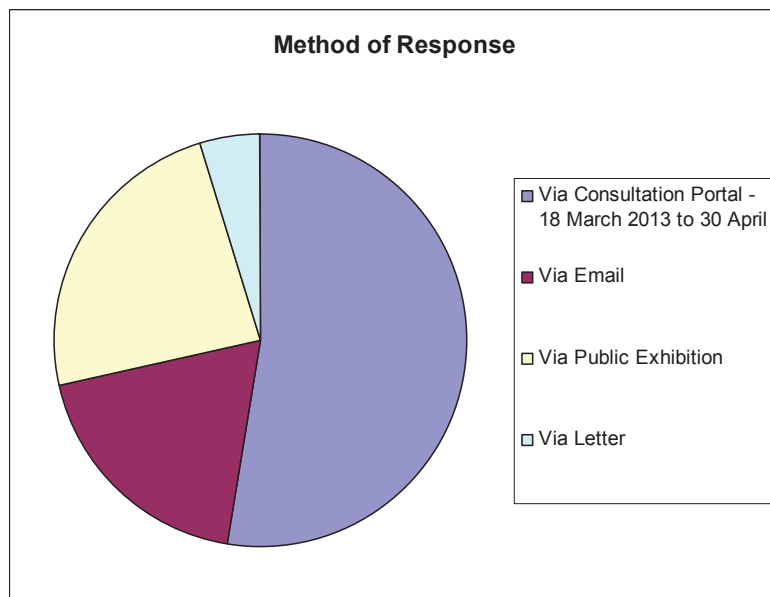
A public exhibition was held at Hove Town Hall between the days of 17 – 24 April 2013 (inclusive) and was staffed on 22 April 2013.

Public notices to advertise both the Exhibition and the consultation portal details were displayed around the site prior to the exhibition. Letters were sent to local residents, and other interested parties and stakeholders were e-mailed, with details of the consultation portal address, drop-in public exhibition, and the planning projects e-mail address.

The consultation was publicised via the Council's twitter feed on 17 April 2013 and following a council press release there was a short article in the Argus on 19 April 2013 publicising the consultation and public exhibition.

## 4. Response and respondent profile

A total of 42 responses to the planning brief consultation were received (see Fig 1). 22 (52%) of responses were submitted online through the council's consultation portal, and 9 (21%) were submitted via the comments box on forms provided at the public exhibition.



**Figure 1** Method of Response to Public Consultation Exercise

70% of the responses were from individuals in the local area (excluding consultation portal as this question was not specifically asked). 5 of 20 responses were received from stakeholder groups or their representative individuals, including the statutory organisation English Heritage and campaign groups saveHOVE and the Brighton Society as well as the chairman of the Benham Court residents (which has been included in the local area percentage figure) and the landowner.

The respondent profiles are contained within Appendix 1 of this Consultation Report.

## 5. Results and findings

**Table 1**

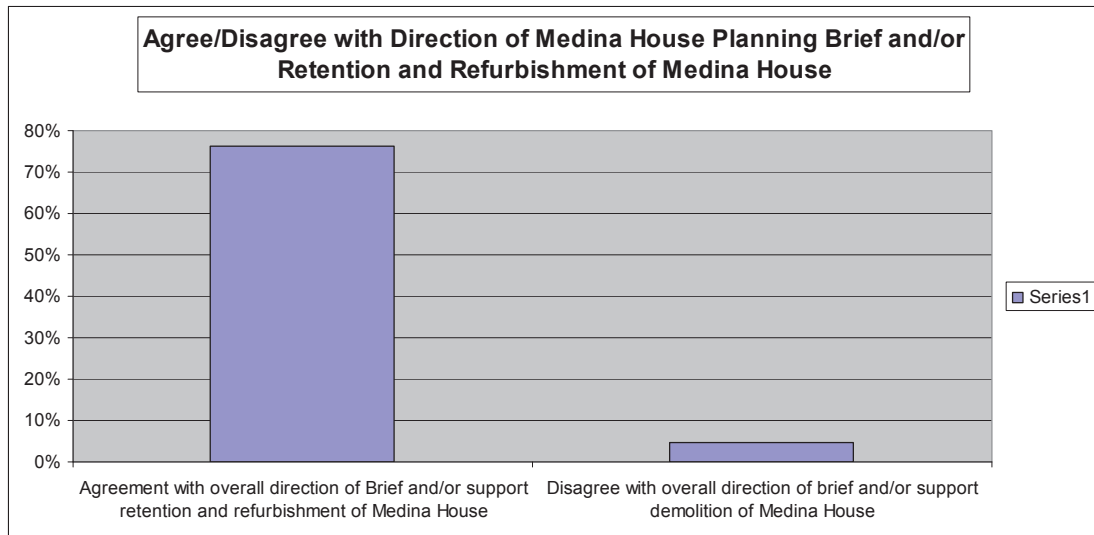


Table 1 demonstrates the overall levels of support or opposition for the draft Medina House Planning Brief and/or the retention and refurbishment of Medina House.

**Table 2** (below) shows general themes arising from the Public Consultation Exercise.

<b>Themes from Consultation Responses Medina House Draft Planning Brief 18 March - 30 April 2013</b>	<b>Percentage of responses</b>
<b>Agreement with overall direction of Brief and/or support retention and refurbishment of Medina House</b>	<b>76%</b>
<b>Disagree with overall direction of brief and/or support demolition of Medina House</b>	<b>5%</b>
<b>Resist high rise development here</b>	<b>36%</b>
<b>Comments concerning ongoing poor condition of site</b>	<b>26%</b>
<b>Support for protection of adjacent residential amenities (loss of light/ privacy/ overlooking/ safety) in connection with any redevelopment</b>	<b>24%</b>
<b>Suggestions for other uses (hotel/ café/ gardens/ wellness centre/ arts centre/ live-work units )</b>	<b>24%</b>
<b>Support for preservation of tiles</b>	<b>14%</b>
<b>Comments around the positive contribution of Medina House to Cliftonville Conservation Area</b>	<b>12%</b>
<b>Comments on approach to windows at Medina House</b>	<b>7%</b>
<b>Comments on transport and access</b>	<b>7%</b>

<b>Comments concerning local listing narrative</b>	<b>7%</b>
<b>Include an analysis/appraisal of character and physical constraints</b>	<b>5%</b>

**Table 3** (below) shows all other issues submitted through the Public Consultation Exercise by one respondent.

<b>Other Issues arising from Consultation on Medina House Draft Planning Brief 18 March - 30 April 2013</b>	<b>Percentage of responses</b>
<b>Development should be wheelchair accessible</b>	<b>2%</b>
<b>Development should be low density</b>	<b>2%</b>
<b>Element of affordable housing required if the site use changes to residential</b>	<b>2%</b>
<b>Competition for best design - winner given planning permission</b>	<b>2%</b>
<b>Council will take no notice of responses</b>	<b>2%</b>
<b>Include information on other known buildings of the Victorian era in the vicinity</b>	<b>2%</b>
<b>The planning brief should require the retention and re-use of Medina House and state that the demolition of the building will be refused</b>	<b>2%</b>
<b>Include reference to Submission City Plan</b>	<b>2%</b>
<b>Clarify wording in final Sentence on page 5 of the Draft Brief</b>	<b>2%</b>
<b>Clarify text in the main paragraph on page 6 of the Draft Brief</b>	<b>2%</b>
<b>Issue regarding NPPF and 'positively prepared plans'</b>	<b>2%</b>

<b>Clarify phrase “respect existing building lines” on page 9.</b>	2%
<b>The background Viability Assessment is flawed</b>	2%
<b>Cluttons Viability Report should be publically available</b>	2%

## **6. Council’s responses to issues raised during the public consultation exercise of March / April 2013**

The council’s responses to the issues raised as a result of the public consultation exercise are detailed in table 4 (below). The table outlines the issues and themes raised through the consultation process and where either an amendment will be made as a result of consultation responses or no change is proposed.



**Table 4 - The council's response to issues raised during the public consultation exercise for the Medina House Draft Planning Brief 18 March - 30 April 2013**

Issue identified	Comment	Commentary/ Action	Amend/ No change/ Not Applicable
<p><b>Agreement with overall direction of Brief and/or support retention and refurbishment of Medina House</b></p>	<p>76% of the responses stated that they were in agreement with the overall brief or that they supported the retention and refurbishment of Medina House</p>	<p>This high level of support for the brief/retention and refurbishment of Medina House is welcomed.</p>	<p>No change</p>
<p><b>Disagree with overall direction of brief and/or support demolition of Medina House</b></p>	<p>5% of the responses stated that they disagreed with the overall direction of the brief or they supported demolition of Medina House</p>	<p>The council recognises the validity of all responses to consultations. However the large majority (76%) of received responses supported the overall direction of the planning brief and/or the retention and refurbishment of Medina House. No action will be taken.</p>	<p>No change</p>
<p><b>Resist high rise development here</b></p>	<p>36% of the responses sought to restrict high rise development here. 5% of responses (included in the overall 36% figure) want to limit height of new build to Medina House height</p>	<p>Within 'Development Principles' p9 the Brief states that 'a development similar in height to Medina House and the adjoining Marrocco's building on the site of the former swimming baths... would be acceptable in principle' and this will be retained.</p>	<p>No change</p>

Issue identified	Comment	Commentary/ Action	Amend/ No change/ Not Applicable
<b>Support for protection of adjacent residential amenities (loss of light/ privacy/ overlooking/ safety) in connection with any redevelopment</b>	24% of the responses stated their support for the protection of adjacent residential amenities from any future development of the site	The brief will be expanded / amended under Development Principles (p9) final paragraph to read 'Proposals should not ...be detrimental to the amenities of the occupiers of Victoria Cottages <i>including through the detrimental loss of light.</i> ' to reflect the representations received	Amend
<b>Comments concerning ongoing poor condition of site</b>	26% of the responses commented on the ongoing poor condition of the site	The purpose of the brief is to guide the development and reuse of the Medina House site and to provide clarity to developers with regard to any future development proposals. It is hoped that this will allow for a timely redevelopment of the site to resolve this issue	No Change
<b>Suggestions for other uses (hotel/ café/ gardens/ wellness centre/ arts centre/ live-work units )</b>	24% of the responses included suggestions for other uses at this site.	The brief will be expanded under 'Development Opportunities' on p8 to include '...land uses appropriate to its seafront context or <i>historical use...</i> ' as an appropriate future land use from public comments / interest relating to the possibility of reinstating spa/ bathing house uses	Amend
<b>Support for preservation of tiles</b>	14% of the responses supported the Brief's statement that the council would encourage the restoration of the remaining tiles as part of the site's	These comments are welcomed. No evidence was submitted demonstrating the maker of the tiles so the tiles cannot be attributed to a manufacturer. There is no evidence demonstrating that the degradation is resulting from anything more than their exposure to the elements.	No change

Issue identified	Comment	Commentary/ Action	Amend/ No change/ Not Applicable
<p><b>Comments around the positive contribution of Medina House to Cliftonville Conservation Area</b></p>	<p>redevelopment 12% of the responses stated that Medina House makes a positive contribution to the Cliftonville Conservation Area</p>	<p>Within the heading 'Site and Surroundings' the brief will be expanded to include observations submitted by English Heritage that 'this locally listed building makes a positive contribution to the character and appearance of Cliftonville Conservation Area and provides visual interest along King's Esplanade on the seafront' on page 5 under 'site and surroundings' and page 7 under 'Planning Policy Considerations' NPPF heading</p>	<p>Amend</p>
<p><b>Comments on approach to windows at Medina House</b></p>	<p>7% of the responses were to do with the brief's wording on the opening up of windows at Medina House</p>	<p>The brief will be amended to clarify which windows are referred to when promoting the opportunity to 'open up' certain windows on the front elevation. English Heritage supports the opening up of these windows</p>	<p>Amend</p>
<p><b>Comments on transport and access</b></p>	<p>7% of the responses sought an amendment to the wording of this section</p>	<p>The brief will be amended under 'Transport and Access' to better reflect policy wording in local plan policy HO7 – that car free housing can be considered at this site, and will clarify that a flexible approach to cycle parking is allowed by local plan policy TR14 where the need generated by the development cannot be met on site.</p>	<p>Amend</p>
<p><b>Comments concerning local listing narrative</b></p>	<p>7% of the responses were concerning the Local Listing narrative</p>	<p>Within the heading 'Site and Surroundings' the brief will be expanded to include observations submitted by English Heritage of the historical significance of the locally listed Medina House. 'It is a characterful building that embodies historical</p>	<p>Amend</p>

Issue identified	Comment	Commentary/ Action	Amend/ No change/ Not Applicable
		<p>significance as a Victorian Bathhouse demonstrating the 19<sup>th</sup> Century fashion for bathing and health facilities that grew out of the Georgian development of the seaside resort'. English Heritage is a relevant statutory authority and the organisation responsible for collating and producing the national listed building register and their comments highlighting the significance of Medina House are welcomed. All comments regarding the local listing itself have been forwarded to the Heritage Team who are currently reviewing the Local List of Heritage Assets</p>	
<p><b>Include an analysis/appraisal of character and physical constraints</b></p>	<p>5% of the responses sought a further analysis and /or appraisal of the character and physical constraints in the vicinity of Medina House</p>	<p>The Brief has been prepared in response to a petition to the council to set out its planning requirements for the site, following a number of earlier refusals of planning permission and related appeals that were dismissed by the Planning Inspectorate. The planning brief is considered to be in a format that will assist developers to consider all relevant on-site planning issues to help bring about a successful scheme. Furthermore, English Heritage consider that the design principles set appropriate parameters to encourage a sensitive, well designed scheme at this site that respects the scale and character of neighbouring development in the conservation area and that the brief provides a useful</p>	<p>No change</p>

Issue identified	Comment	Commentary/ Action	Amend/ No change/ Not Applicable
<b>Development should be wheelchair accessible</b>	2% (single response)	framework for managing future development of the Medina House site. All new build residential development within the city will be subject to local plan policy HO13 'Accessible housing and Lifetime homes' where appropriate	No change
<b>Development should be Low Density</b>	2% (single response)	The Development Principles for the site are set out in the brief and guides that all proposals for development should respect the openness of the site.	No Change
<b>An Element of affordable housing should be required if the site use changes to residential</b>	2% (single response)	The council's stated key concern for this site is for the preservation and contextual setting of Medina House and it will adopt a flexible approach to proposals that support this objective. Affordable housing will be sought if it is a viable option after the council's key concerns for this site are met and if required by policy	No Change
<b>Competition for best design - winner given planning permission</b>	2% (single response)	The council does not own the site so would not be justified in carrying out a competition to this end	No Change
<b>Council will take no notice of responses</b>	2% (single response)	There have been a number of amendments to the brief which have been made in response to the public consultation responses (see adjacent column)	Not Applicable
<b>Include information on other</b>	2% (single response)	The text has been amended on p4 to show that	Amend

Issue identified	Comment	Commentary/ Action	Amend/ No change/ Not Applicable
<p><b>known buildings of the Victorian era in the vicinity</b></p>		<p>the terraced houses of Victoria Cottages are mid 19<sup>th</sup> Century, from research carried out by council's Heritage Team in response to this identified issue</p>	
<p><b>The planning brief should require the retention and re-use of Medina House and state that the demolition of the building will be refused</b></p>	<p>2% (single response)</p>	<p>Whilst the public consultation carried out in respect of the planning brief gives it some weight in the planning process, it is not a statutory policy document with the legal status as the Local Development Framework. Emphatic policy-style wording that stated that the demolition of the building will be refused would be inappropriate in a planning brief. Rather, the brief seeks to ensure that an appropriate scale of development is provided on this sensitive site, along with the retention of Medina House. Development proposals will be expected to follow this advice and the guidance brief will be duly considered at the development control stage in the assessment of any future planning application affecting the site.</p>	<p>No Change</p>
<p><b>Include reference to Submission City Plan</b></p>	<p>2% (single response)</p>	<p>Under 'Planning Policy Considerations' the Submission City Plan should be included. The Brief will be expanded to include a paragraph on the current submission city plan and submission policy CP15 Heritage</p>	<p>Amend</p>
<p><b>Clarify wording in final Sentence on page 5 of the</b></p>	<p>2% (single response)</p>	<p>In the final sentence of p5 of the draft Brief, the Brief referred to the constituent parts of the</p>	<p>Amend</p>

Issue identified	Comment	Commentary/ Action	Amend/ No change/ Not Applicable
<b>Draft Brief</b>		<p>Medina House site as “are considered to make a positive contribution...” It was requested that this sentence was clarified and attributed. The final brief deletes this sentence and instead includes observations submitted by English Heritage. To compensate for this deletion and in response to this identified issue, the sentence in p 6 under ‘Recent Background’ highlights the planning inspector’s comments and amends the text to include the word ‘...visual/ openness its gap creates within the Cliftonville Conservation Area’ thus attributing the original sentence.</p>	
<b>Clarify text in the main paragraph on page 6 of the Draft Brief</b>	2% (single response)	<p>It was requested that reference to the Inspector’s comments on economic viability should be amended to demonstrate that the inspector considered that not enough evidence had been submitted to demonstrate that the building was beyond economic repair. Thus wording amended to read ‘Neither did he consider that the building was shown to be beyond economic repair...’</p>	Amend
<b>Issue regarding NPPF and ‘positively prepared plans’</b>	2% (single response)	<p>The comment was made that the brief was not positively prepared under the terms of the National Planning Policy Framework. Paragraph 182 of the NPPF contains the requirement of ‘positively prepared’ plans under the heading ‘Examining Local Plans’ and states ‘the plan should be prepared based on a strategy which</p>	No Change



Issue identified	Comment	Commentary/ Action	Amend/ No change/ Not Applicable
		seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development'. Under 'Status of the Brief' it is put that planning briefs do not form part of the LDF but are material planning considerations. It is not considered that text on page 8 to do with tall buildings, or that the Brief itself, is contrary to paragraph 182 of the NPPF	
<b>Clarify phrase “respect existing building lines” on page 9</b>	2% (single response)	The comment was made that the sentence on p 9 should be reworded to avoid ambiguity, and should be backed with some form of appraisal to justify its aspirations. Thus the wording has been amended to clarify the issue of building lines and this wording has been confirmed as correct with the council's Heritage Team	Amend
<b>The background Viability Assessment is flawed</b>	2% (single response)	The issues raised by the landowner in response to the high level Viability Assessment produced by Cluttons of January 2013 and this Viability Update by Cluttons in June 2013 have been reviewed shows that there still can be an acceptable and viable scheme within the 'Development Principles' set out in p9 of the brief whereby 'a development similar in height to Medina House and the adjoining Marrocco's building on the site of the former swimming baths... would be acceptable in	No Change



Issue identified	Comment	Commentary/ Action	Amend/ No change/ Not Applicable
<b>The Viability Report should be publically available</b>	2% (single response)	principle'. The Cluttons Viability Report and update is publically available on request and lists the site assumptions and the basis for the appraisal.	No Change

## Appendix 1

### Respondent Profiles

Age band	No. of people	%
Aged under 18	0	0
18-24 years	0	0
25-34 years	2	12
35-44 years	1	6
45-54 years	3	18
55-64 years	5	29
Aged over 65	6	35
Total	17	100.0
No response/ prefer not to say	5	

Gender	No. of people	%
Male	10	53
Female	9	47
Total	19	100.0
No response/ prefer not to say	3	

Sexuality	No. of people	%
Heterosexual / Straight	16	94
Lesbian / Gay woman	0	0
Gay man	1	6
Bisexual	0	0
Other	0	0
Total	17	100.0
No response/ prefer not to say	5	

Ethnic origin	No. of people	%
English / Welsh / Scottish / Northern Irish / British	16	89
Irish	1	6
Any other White background	1	6
Other ethnicity	0	0
Total	18	100.0
No response/ prefer not to say	4	

<b>Religion or belief</b>	<b>No. of people</b>	<b>%</b>
I have no particular religion	6	35
Buddhist	1	6
Christian	4	24
Jewish	1	6
Muslim	0	0
Agnostic	0	0
Atheist	4	24
Other philosophical belief	1	6
Total	17	100.0
No response/ prefer not to say	5	

<b>Day to day activities limited by a health problem or disability</b>	<b>No. of people</b>	<b>%</b>
Yes	1	6
No	16	94
Total	17	100.0
No response/ prefer not to say	5	

<b>Carer</b>	<b>No. of people</b>	<b>%</b>
Yes	1	6
No	17	94
Total	18	100.0
No response/ prefer not to say	4	

