

Planning Committee

Date: **2 November 2022**

Time: **2.00pm**

Venue **Council Chamber, Hove Town Hall**

Members: **Councillors:** Littman (Chair), Ebel (Deputy Chair), Childs, Barnett, Hills, Janio, Moonan (Opposition Spokesperson), Shanks, C Theobald and Yates

Conservation Advisory Group Representative

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AGENDA

51 PROCEDURAL BUSINESS

(a) Declaration of Substitutes: Where Councillors are unable to attend a meeting, a substitute Member from the same Political Group may attend, speak and vote in their place for that meeting.

(b) Declarations of Interest or Lobbying

- (a) Disclosable pecuniary interests;
- (b) Any other interests required to be registered under the local code;
- (c) Any other general interest as a result of which a decision on the matter might reasonably be regarded as affecting you or a partner more than a majority of other people or businesses in the ward/s affected by the decision.

In each case, you need to declare

- (i) the item on the agenda the interest relates to;
- (ii) the nature of the interest; and
- (iii) whether it is a disclosable pecuniary interest or some other interest.

If unsure, Members should seek advice from the committee lawyer or administrator preferably before the meeting.

- (d) All Members present to declare any instances of lobbying they have encountered regarding items on the agenda.

(c) Exclusion of Press and Public: To consider whether, in view of the nature of the business to be transacted, or the nature of the proceedings, the press and public should be excluded from the meeting when any of the following items are under consideration.

NOTE: Any item appearing in Part 2 of the Agenda states in its heading the category under which the information disclosed in the report is exempt from disclosure and therefore not available to the public.

A list and description of the exempt categories is available for public inspection at Brighton and Hove Town Halls.

52 MINUTES OF THE PREVIOUS MEETING

1 - 16

Minutes of the meeting held on 5 October 2022 attached.

53 CHAIR'S COMMUNICATIONS

54 PUBLIC QUESTIONS

Written Questions: To receive any questions submitted by the due date of 12 noon on 27 October 2022.

55 TO AGREE THOSE APPLICATIONS TO BE THE SUBJECT OF SITE VISITS

56 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

Please note that the published order of the agenda may be changed; major applications will always be heard first; however, the order of the minor applications may be amended to allow those applications with registered speakers to be heard first.

Speakers Note: A person wishing to speak at a meeting of the Committee shall give written notice of their intention to do so to the Democratic Services Officer four clear days before the meeting (Normally, the Committee meets on Wednesdays which means the notice has to be received by 5.30pm the preceding Friday). Please email Democratic Services at: democratic.services@brighton-hove.gov.uk

MAJOR APPLICATIONS

A	BH2022/01855 - 62-63 Old Steine and 3 Palace Place, Brighton - Full Planning	17 - 36
B	BH2020/03583 - Kings House, Grand Avenue, Hove - Deed of Variation	37 - 44
C	BH2017/01665 & BH2020/03619 - Whitehawk Clinic, Whitehawk Road, Brighton - Deed of Variation	45 - 52

MINOR APPLICATIONS

D	BH2022/02577 - Madeira Terrace, Madeira Drive, Brighton - Full Planning	53 - 100
E	BH2022/02578 - Madeira Terrace, Madeira Drive, Brighton - Listed Building Consent	101 - 130
F	BH2022/02324 - 13 Hailsham Avenue, Saltdean - Householder Planning Consent	131 - 146
G	BH2022/01505 - Brighton and Hove High School, Montpelier Road, Brighton - Listed Building Consent	147 - 156

H BH2022/02872 - Brighton Dome, Brighton Museum and Art Gallery , **157 - 168**
Church Street and New Road, Brighton - Listed Building Consent

**57 TO CONSIDER ANY FURTHER APPLICATIONS IT HAS BEEN
DECIDED SHOULD BE THE SUBJECT OF SITE VISITS FOLLOWING
CONSIDERATION AND DISCUSSION OF PLANNING APPLICATIONS**

INFORMATION ITEMS

**58 LIST OF NEW APPEALS LODGED WITH THE PLANNING
INSPECTORATE **169 - 172****

(copy attached).

59 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

None for this committee meeting.

60 APPEAL DECISIONS **173 - 174**

(copy attached).

Members are asked to note that plans for any planning application listed on the agenda are now available on the website at: <http://www.brighton-hove.gov.uk>

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The closing date for receipt of public questions and deputations for the next meeting is 12 noon on the fourth working day before the meeting.

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FURTHER INFORMATION

For further details and general enquiries about this meeting contact Penny Jennings, (01273 290569, email shaun.hughes@brighton-hove.gov.uk) or email democratic.services@brighton-hove.gov.uk

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BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

12.30pm 5 OCTOBER 2022

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors Littman (Chair), Ebel (Deputy Chair), Barnett, Hills, Moonan (Group Spokesperson), Shanks and C Theobald

Apologies: Councillors Yates and Appich

Co-opted Members: None were in attendance

Officers in attendance: Nicola Hurley (Planning Manager), Katie Kam (Senior Lawyer), Mike Anson (Principal Planning Officer), Russell Brown (Principal Planning Officer), Paul Davey (Arboriculturist), Joanne Doyle (Senior Planning Officer), Kirsten Firth (Sustainability Officer), Sonia Gillam (Senior Planning Officer), Tim Jefferies (Heritage Team Leader), Wayne Nee (Principal Planning Officer), Robert Davidson, Principal Planning Officer, Jack Summers (Planning Officer) and Shaun Hughes (Democratic Services Officer)

PART ONE

41 PROCEDURAL BUSINESS

a) Declarations of substitutes

41.1 There were none for this meeting.

b) Declarations of interests

41.2 Councillor Ebel stated they had objected to item A in a previous application, however, they remained of an open mind. Councillor Ebel stated they would be speaking against item F and would withdraw from the meeting and not take part in the discussion or decision making process. All Councillors has been lobbied regarding item L – 9 Dyke Road Avenue.

c) Exclusion of the press and public

41.3 In accordance with Section 100A of the Local Government Act 1972 (“the Act”), the Planning Committee considered whether the public should be excluded from the meeting during consideration of any item of business on the grounds that it is likely in view of the business to be transacted or the nature of the proceedings, that if members of the public were present during it, there would

be disclosure to them of confidential information as defined in Section 100A (3) of the Act.

- 41.4 **RESOLVED:** That the public are not excluded from any item of business on the agenda.

42 MINUTES OF THE PREVIOUS MEETING

- 42.1 **RESOLVED:** That the minutes of the meeting held on 10 August 2022 were agreed as a correct record of the meeting. (The 07 September 2022 meeting was abandoned due to technical issues, there are therefore no minutes of that meeting).

43 CHAIR'S COMMUNICATIONS

- 43.1 The Chair: When the last meeting of this Committee had to be abandoned, I hadn't quite got as far as my Chair's Comms. So, this time I'm going to have to cover a lot of ground.

Firstly, I'm happy to report that the Planning Department has a newly appointed officer who is tasked with discovering why certain development sites in the city seem to be blocked and work out ways of unblocking them. The work appears to be going very well and I hope that applications for some of these sites will be coming our way in the not-too-distant future.

We also received the Quarter 1 planning performance update. Among the most significant headlines are the fact that the average time taken to determine applications is continuing to reduce as are the number of appeals against decisions and the percentage of those appeals which are granted. Many thanks to all the planning officers whose hard work has helped lead to these significant service improvements.

Perhaps most significantly, we are getting close to the final signoff of City Plan Part II. I was at TECC Committee on 15th September where we passed the recommendation to Full Council by eight votes for to a single abstention. CPP2 is not perfect. However, it will give those of us on this Committee and the Planning Department in general, a great deal more ability to control what development does and does not occur in our city. It will allow us to give full weight to our local policies, allowing greater protection for our local shopping areas, and our heritage assets, and ensure that developments help us counter the existential threats represented by the ongoing climate and biodiversity crises. In exchange for this increase in our local powers, we have had to provide the Government appointed inspectors with plans for 7% of our urban fringe sites for development. This is far from ideal, but what it means in effect is that 93% of our urban fringe is protected in the long term, whereas if we did not adopt the plan, there would be no protection for 100% of our urban fringe. I am very much looking forward to Full Council on the 20th of this month, where we

will, I hope, finally back this massive step in the direction of successful sustainable planning for our city.

44 PUBLIC QUESTIONS

44.1 There were none for this meeting.

45 TO AGREE THOSE APPLICATIONS TO BE THE SUBJECT OF SITE VISITS

45.1 **RESOLVED:** There were none for this meeting.

46 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

A BH2021/02014 - Palmer and Harvey House, 106-112 Davigdor Road, Hove - Full Planning

1. The Planning Manager introduced the application to the committee. The Principal Planning officer also updated the committee.

Answers to Committee Member Questions

2. Councillor Moonan was informed by the Planning policy officer that there was not a masterplan for the entire site which includes a number of different owners. It was noted that Policy criteria covers the whole site and has been used across all the developments. The case officer stated that other areas of the site are still being developed and each is considered on its own merits under policies. It was confirmed that the site under consideration at this meeting was a car park with prior approval as the car park was not in use.
3. Councillor Theobald was informed by the case officer that the disabled car parking spaces were to be retained on the north side of the larger site. The scheme has been amended following concerns raised regarding the outlook from the proposed units, which was carefully considered. The Highway Agreements Officer stated the guiding principles for parking were in the parking policy.
4. Councillor Shanks was informed by the Planning manager that the whole site could not be considered at one time with regards to affordable housing and there was no affordable housing in the prior approval. The Housing Enabling Officer noted there was a large amount of affordable housing across the larger site, with some 150 shared ownership properties.
5. Councillor Shanks was informed that if the application was successful the applicant could choose either the one approved here or the one under appeal.

Debate

6. Councillor Theobald considered that 8 storeys was too high as this would have a detrimental effect on the area. Some more car parking would be preferred, and it was considered there was a lack of three bed units in the development and not enough

affordable housing. The councillor preferred a previous scheme, considered 6 storeys to be better and did not support the application.

7. Councillor Moonan considered the officers responses regarding the consideration of the larger site in the context of this application to be disappointing and felt challenged as to which way to vote.
8. Councillor Littman considered the bio diversity net gain and the parking were good reasons to support the application.

Vote

9. A vote was taken, and by 3 to 2, with 1 abstention the committee agreed to grant planning permission. (Councillor Hills was not present to take part in the discussion or the decision making process).

10. **RESOVLED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to be **MINDED TO GRANT** planning permission subject to a s106 agreement and the Conditions and Informatives as set out in the report, **SAVE THAT** should the s106 Planning Obligation not be completed on or before the 30 November 2022 the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in Section 14 of the report.

B BH2022/00552 - 113 - 119 Davigdor Road, Hove - Removal or Variation of Condition

1. The Planning Manager introduced the application to the committee.

Answers to Committee Member Questions

2. Councillor Ebel was informed by the Sustainability Officer that the condition 18 of the 2018 planning permission stated the BREEAM rating, which will reviewed at the end of the build. It was noted that the excellent category was difficult to achieve.
3. Councillor Shanks was informed by the case officer that the application would not change anything, only the rating would change.
4. Councillor Moonan was informed by the Planning Manager that the applicant had the right to appeal if the committee did not agree the application.
5. Councillor Littman was informed by the Planning Manager that the condition was an error. The Sustainability Officer noted that the developer had a list of credits to achieve in order to reach the rating and the council would not accept less than a Very Good rating.

Debate

6. Councillor Moonan stated they were concerned at lowering standards, and they always wanted 'excellent' and a strong signal should be sent to state this is an exception.

7. Councillor Ebel considered the application would be won should it go to appeal as the condition was a mistake. The councillor supported the application.
8. Councillor Littman agreed that the council must stick to policy.

Vote

9. A vote was taken, and the committee agreed unanimously to grant permission.
10. **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives in the report.

C BH2022/00456 - Former Dairy, 35-39 The Droveaway, Hove - Removal or Variation of Condition

1. This application was withdrawn from the agenda before the meeting.

D BH2021/04508 - Saltdean United Football Club and Playing Fields, Saltdean Vale, Saltdean - Full Planning

1. The Planning Manager introduced the application to the committee. The case officer informed the committee of updates including the removal of condition 25, the amendment to condition 27 and the additional representation received.

Answers to Committee Member Questions

2. Councillor Shanks was informed by the case officer that the floodlighting was already in place and had been since 1980s. An ecology assessment has been carried out and noted that a grass pitch was of low ecological value and the wildlife site impact assessment was acceptable. It was noted that the plastic pitch would allow more uses and thereby alleviate over use of other grass pitches.
3. Councillor Ebel was informed by the case officer that artificial pitches allow more intensive usage relieving other grass pitches. It was noted that the club had volunteer workers and the plastic pitch would require less maintenance. It was also considered unlikely that particles from the pitch would spread to surrounding area.
4. Councillor Theobald was informed by the case officer that the club may need a new alcohol licence, the closest residents were 150 metres away, the floodlights were already in place and any sprinklers would need to comply with fire regulations.
5. Councillor Moonan was informed by the case officer that the opening hours condition was to be amended to allow the use of the club house balcony to continue till the end of a match should that exceed 9.30pm, the usual time for the balcony to be closed. Six beech trees are to be removed and two saved, and the hedge row north of the club is to be retained. 26 new trees are to be planted in the north west of the site.

Debate

6. Councillor Theobald considered the facility to be excellent and a great improvement with disabled access. The councillor supported the application.
7. Councillor Ebel considered good quality sports facilities were much needed and supported the application.

Vote

8. A vote was taken, and the committee agreed unanimously to grant planning permission.
9. **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives as set out in the report.
1. hereunder.

E **BH2022/01281 - 22 The Cliff Brighton - Full Planning**

1. The Planning Manager introduced the application to the committee. The case officer updated the committee stating that condition 17 had been removed.

Speakers

2. Luke Carter addressed the committee as an objector's representative and stated that the development was considered to be over development, out of character and to have overlooking issues. Over development: the four storey would be next to two storey homes, the taller buildings in the road are not nearby. Overlooking: the development will be next to adjacent gardens, with second floors overlooking. It is considered that the planting between the two proposed dwellings is better than that to the existing neighbours, the development will be seen from far reaching views of the site and there will be a loss of light to the side windows at 24a. It is considered that the boundary is not correct on the application. The committee were requested to refuse the application.
3. Luke Torres, the agent acting on behalf of the applicant addressed the committee and stated that the existing dwelling was poor and awkward. The proposal is for two 5 bed dwellings with the top storey set back reflecting the change of levels to the rear. The set back is considered to lessen the impact on the street scene. The scheme has been amended following consultation with the case officer with developments stepping away from side boundaries to mitigate the impact on the neighbouring properties and privacy screens on rear terraces. The Cliff has various styles, and the Art Deco style is considered to be in keeping. Parking and Ecology standards have been met, as well as the planting to environmental bio-diversity standards. Heat pump sources are to be included in the development. The committee were requested to support the application and grant planning permission.

Answers to Committee Member Questions

4. Councillor Theobald was informed by the agent that each plot would be 6 meters wide, which the councillor considered narrow.

5. Councillor Moonan was informed by the case officer that the first floor side windows would have obscured glazing, with the second floor terraces having obscured privacy screens. The officer confirmed there was a condition covering the boundary treatments and the rear patio would be the same as the existing.
6. Councillor Hills was informed by the case officer that all the existing boundaries were correct on the application and there was a boundary condition which would allow the boundaries to be looked at a later stage.

Debate

7. Councillor Theobald stated they did not like the design as it appeared out of character, the development was overbearing and out of keeping with the area, dwarfing other houses. The councillor considered the development to be a 'blot on the landscape'.
8. Councillor Ebel liked the Art Deco design and supported the application.
9. Councillor Moonan liked the design and considered that two homes were better than one and they were proportionate to the street, with long gardens. The councillor supported the application.

Vote

10. A vote was taken, and by 5 to 2 the committee agreed to grant planning permission.
11. **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives in the report.

F BH2022/01629 - 64, 66, 68 & 68A Old Shoreham Road, Hove - Full Planning

1. The Planning Manager introduced the application to the committee.

Speakers

2. Councillor Ebel addressed the committee and stated that this was the third application for 68 Old Shoreham Road within a relatively short period of time and ward councillors are objecting. The first was rejected in 2021 and then appealed and subsequently withdrawn. The second was withdrawn. The owners of 64, 66 and 68a objected to the previous applications but now include themselves as part of this application. In the first application the owner of 66 commented that the extra storeys would impact on the local amenity, privacy and be highly controversial and hugely damaging to the area. However, this application has magnified the impact by four. The proposal is similar to previous applications which were refused. The remodelling will result in complete alteration in appearance, changing their character to box shaped dull structures. If the committee is minded to grant planning permission can an additional condition be included to state that the remodelled buildings shall not be occupied by any new occupants until the works on all four buildings have been completed.

3. Phillipa Payne addressed the committee as an objector stating that 5 local councillors and the Hove MP have strongly opposed the application, along with 18 objectors. The plans for 66 clearly show second floor rear balconies to each of the properties, which will allow residents to look directly into family homes and the care home at 108 The Drive. The raised roof heights, plus additional windows will result in four overbearing structures, dominating the street scene and lead to overlooking and an invasion of privacy. The proposals are not sympathetic to the surroundings. Site visits have not been made to neighbouring properties by the case officer. If approved the properties have a strong possibility of not being executed in full, with the HMO developer at 68 reverting back to original four storey modification. Duncan Hedges also shared the time as an objector and stated that they were speaking on behalf of neighbours. The loss of amenity to the neighbours will be lost forever if the proposal is granted. The proposal is incongruous, overbearing and not suitable for the location, and does not fit into the streetscene or local plan. The proposals add another storey to the existing buildings that will affect all the neighbouring homes. The proposals adds a second floor balconies that overlook bedrooms, homes and gardens, taking away privacy. Overlooking the care home was missed in the report. None of the neighbours spoken to have liked or approve the application. The neighbours rely upon and trust their elected representatives to safeguard their views.
4. Colm McKee addressed the committee as agent acting on behalf of the applicant and showed a scheme that could be constructed under permitted development the planning permission would not be required, however the proposals are better. There is only a 42cm increase in the ridge heights. The scheme has evolved and is policy compliant. The committee were requested to keep this in mind when considering any overlooking. There is no intensification of impact on amenities. The scheme is a good design in line with others in the street. The front build line has been increased by 65cms. Overshadowing will be the same as existing and numerous properties in the street have accommodation in the roof space.

Answers to Committee Member Questions

5. Councillor Hills was informed that the supporting letters were not from the immediate vicinity.

Debate

6. Councillor Theobald considered that the three red brick houses need remodelling, however, they were not keen on the design. The councillor considered the proposals to be too close to the boundaries and out of keeping with the area. The councillor requested that the applicant come back to committee with a better design.
7. Councillor Moonan considered that all four buildings were coherent and however, they wanted assurance that the proposals would be built out. The councillor supported the application.
8. Councillor Shanks considered the proposals reasonable and supported the application.
9. Councillor Littman was informed that the condition requested by ward councillor Ebel was unreasonable.

Vote

10. A vote was taken, and by 3 to 2, with 2 abstentions, and the Chair having a casting vote, the committee agreed to grant planning permission. (Councillor Ebel took no part in the discussions or vote).
11. **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives in the report.

G BH2022/01630 - 55 Auckland Drive, Brighton - Full Planning

1. This application was not called for discussion and the officer recommendation was therefore taken as having been agreed unanimously.
2. **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in the report.

H BH2021/03357 - Cinch Self-Storage, South Road, Brighton - Full Planning

1. The Planning Manager introduced the application to the committee.

Speakers

2. Ward Councillor Nield addressed the committee and stated that application was in a conservation area defined by small low properties with some barns, farm buildings and cottages. The extensions proposed would increase the impact on these buildings. The extra storey will dominate the small buildings and the area. There will be a small loss of light to the neighbouring cottages, it is considered that any loss is not good. The proposals will increase the height and thereby increase business where access to the car park is already too small. The development is ignoring the dignity of the small cottages. There is a responsibility to protect these properties from this over development.
3. Don Dingle addressed the committee as the agent acting on behalf of the applicant and stated that the existing building was considered unattractive, and the application would improve the appearance. The proposals would be 2 feet taller than the neighbour to the rear and 72 feet from the nearest residential property. It was noted that the daylight survey found the proposals to be policy compliant. Around 120 business support the business, which is 24 hours, 7 days a week. The proposals reduce the opening hours to 8am to 8pm and reduced at the weekends. The mature planting will be retained, and the development will improve the area. The committee were requested to support the application.

Answers to Committee Member Questions

4. Councillor Moonan was informed by the Principal Planning officer that the materials facing the listed building had been changed to brick. The case officer stated that under

policy the materials did not need to match the surrounding buildings and the heritage officer has raised no objections.

Debate

5. Councillor Shanks considered the existing cottages to be an important asset to the area and the site receives a lot of traffic already. The councillor was against the application.
6. Councillor Theobald considered the levelling up to the bowling green ground level makes the development very high. Three storeys are too much, however, the materials are better than the existing. The councillor was against the application.
7. Councillor Hills supported the application as there were no strong reasons for refusal.

Vote

8. A vote was taken, and by 4 to 3, the committee agreed to grant planning permission.
9. **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to GRANT planning permission subject to the Conditions and Informatives as set out in the report.

I **BH2022/00287 - Land Adjacent Hillside, Ovingdean Road, Brighton - Reserved Matters**

1. The Planning Manager introduced the application to the committee.

Speakers

2. Ward Councillor Fishleigh addressed the committee and stated that they considered that trees with Tree Preservation Orders (TPO) would be removed as a result of this application, and some have already been damaged. The proposed roofline would be visible from the nearby National Park. The councillor requested that the trees were saved, and the committee reject the application. It was noted that the TPOs were old, however, mature trees are valuable, and some 40 trees were to go. A plan for protecting the trees is needed. The committee were requested to condition a tree management and planting schedule and to refuse the current application.
3. Martin Blake addressed the committee as an objector and stated they were a neighbour to the site, and they wanted the concerns of some 40 residents to be addressed. The loss of trees and the position of the proposal are not right. The South Downs National Park has not been consulted and the roof will be visible from the park is built. The single storey neighbour's garden will be dominated by the new high roof. The proposed new driveway will be on a dangerous corner, which is difficult for traffic. The driveway would be better located at the top of the hill. It was considered that there had not been enough time to consider the drawings submitted in August 2022.
4. Umut Gedik Kilic addressed the committee as the agent acting on the behalf of the applicant and stated that the outline application had been approved and it was agreed that the old trees with low life expectancy could be removed. The Arboricultural survey

suggests new trees. The neighbour advised that tree works required a licence when tree works started and work was stopped. The application is far from the neighbour's house. The landscaping was agreed in the outline application. It was noted that some 100 metres below the site there is a development of 45 houses. The committee were requested to be fair and grant planning permission.

5. The Planning Manager noted that 7 trees had been felled unlawfully.

Answers to Committee Member Questions

6. Councillor Shanks was informed by the Planning Manager that this application was for reserved matters: layout, scale and appearance. Outline permission has already been granted.
7. Councillor Moonan was informed by the case officer that the South Downs National Park was not a statutory consultee. The total number of trees to be removed was not known at this stage, the figures would need to be provided later under the landscaping condition. It was noted that it is not possible to cut down trees with TPOs without consent. The proposed landscaping will need to be agreed. The Arboricultural officer noted that 8 sycamore trees were to go and possibly some others. The TPO covers a large area and no ash or elm have been found on the site.
8. Councillor Ebel was informed by the Planning Manager that the landscaping details could be refused, when they are submitted.
9. Councillor Theobald was informed by the Planning Manager that the application could be deferred to get more details and understand which trees have been removed and which are to be retained.
10. Councillor Shanks was informed by the Planning Manager that the applicant can decide the scheme to be submitted and not all information needs to be submitted as they have submitted an outline application. It was noted the application could be deferred to gain more tree information.
11. Councillor Hills was informed by the Planning Manager that it was not possible to say at this stage what would be considered satisfactory reasons to remove the trees.
12. Councillor Littman was informed by the Arboricultural officer that some trees with TPOs have been damaged. It was noted by the case officer that trees needed to be removed to build the proposal.
13. A motion to defer the application was presented by Councillor Theobald and seconded by Councillor Littman to gain more tree information.

Vote

14. A vote was taken, and by 6 to 1, the committee agreed to defer the application to gain more tree information.

J BH2022/01765 - The Pines, Furze Hill, Hove - Removal or Variation of Condition

3. This application was not called for discussion and the officer recommendation was therefore taken as having been agreed unanimously.
4. **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in the report.

K BH2022/01136 - Land to Rear of 40 Holmes Avenue, Hove - Full Planning

1. The Planning Manager introduced the application to the committee.

Answers to Committee Member Questions

2. Councillor Theobald was informed by the case officer that three trees would be impacted by the works, two holly and one Swedish white beam tree. It was noted there have been two recent refusals for two houses, which were considered too cramped on the small site which would impact on the amenities of future owners. This application has reduced the height and mass of the development to reduce the impact on the neighbours.
3. Councillor Littman was informed that the design officer has left the council but had confirmed verbally that all the previous issues have been addressed.

Debate

4. Councillor Theobald stated they visited the site and considered there was enough room for one house.

Vote

5. A vote was taken, and the committee agreed unanimously to grant planning permission.
6. **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives in the report.

L BH2022/01786 - 9 Dyke Road Avenue, Hove - Householder Planning Consent

1. The Planning Manager introduced the application to the committee.

Answers to Committee Member Questions

2. Councillor Theobald was informed by the case officer that the rear of the proposals extended by 4.3 metres for the two storey element and by 7.3 metres for the single storey. The councillor stated that neighbours wanted to address the committee but had not registered in time. The councillor requested that the application be deferred to allow the neighbours to speak to the committee.

3. The Planning Manager stated that neighbours had been sent the consultation letter from the planning department which states that if neighbours wish to speak, they need to advise of this in their representation. The agenda has been online from Tuesday, a week prior to the meeting, where residents can see which applications are to be discussed.
4. A vote was taken to defer the application, and by 6 to 1 the committee voted against the motion to defer.

Debate

5. Councillor Theobald stated they had visited the site and noted that the papers did not show the measurements for the rear extension. It was considered that there would be a loss of privacy and overshadowing for neighbours. The councillor felt sorry for the neighbours and was unable to support the application.

Vote

6. A vote was taken, and by 5 to 2, the committee agreed to grant planning permission.
7. **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives in the report.

M BH2022/01927 - 3 Sunnydale Avenue, Brighton - Full Planning

2. This application was withdrawn from the agenda before the meeting.

N BH2022/00026 - Parkside Mansions, 34 Preston Park Avenue, Brighton - Removal or Variation of Condition

1. The Planning Manager introduced the application to the committee. It was noted that applications N and O would be discussed at the same time. The case officer updated the committee stating that a late representation stating that the red boundary line is incorrect. The Planning Manager stated that this was not the case.

Answers to Committee Member Questions

2. Councillor Theobald was informed by the case officer that the car spaces were the same as before, and the impact on the parking would therefore be the same.
3. Councillor Littman was informed that the condition for car parking stated three spaces and the committee were being asked to amend the condition.
4. Councillor Shanks was informed the objectors were from the immediate vicinity.
5. Councillor Moonan was informed by the case officer that the initial plans did not include cycle parking, these have now been amended to include cycle parking. The Planning Manager noted that condition 8 covered storage of cycles.

6. Councillor Shanks was informed by the Planning Manager that a breach of conditions notice has been issued. If the committee refuses the application to rectify the position, officers would need to consider the options.

Debate

7. Councillor Shanks considered the applicant should have full filled the conditions as set out in the planning permission. The councillor was against the application.
8. Councillor Moonan considered the parking to be difficult and considered this may be the result of the developer selling off spaces for profit. The councillor was against the application.
9. Councillor Littman agreed and they were against the application.

Vote on Item N

10. A vote was taken, and by 2 to 5 the committee voted against the officer recommendation.

Vote on item O

11. A vote was taken, and by 2 to 5 the committee voted against the officer recommendation.
12. Councillor Littman proposed an alternative recommendation, which was seconded by Councillor Shanks that the applications be refused for reasons of 'the impact on the amenity of residents of the flatted development'.

Vote for item N

13. A recorded vote was taken, and Councillors Barnett, Moonan, Shanks, Theobald and Littman voted for the new recommendation, and Councillors Ebel and Hills against.
14. **RESOLVED:** That the application be refused on the grounds that: *The car parking would have a negative impact on the amenity of residents of the flatted development and would therefore be contrary to policies QD27 of the Brighton and Hove Local Plan and DM20 of Brighton and Hove City Plan Part Two.*

Vote for item O

15. A recorded vote was taken, and Councillors Barnett, Moonan, Shanks, Theobald and Littman voted for the new recommendation, and Councillors Ebel and Hills against.
16. **RESOLVED:** That the application be refused on the grounds that: *The car parking would have a negative impact on the amenity of residents of the flatted development and would therefore be contrary to policies QD27 of the Brighton and Hove Local Plan and DM20 of Brighton and Hove City Plan Part Two.*

O BH2022/00027 - 34 Preston Park Avenue, Brighton - Removal or Variation of Condition

1. Applications N and O were discussed at the same time. For minutes, please see item N.

47 TO CONSIDER ANY FURTHER APPLICATIONS IT HAS BEEN DECIDED SHOULD BE THE SUBJECT OF SITE VISITS FOLLOWING CONSIDERATION AND DISCUSSION OF PLANNING APPLICATIONS

- 47.1 There were none from this meeting.

48 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

- 48.1 The Committee noted the new appeals that had been lodged as set out in the planning agenda.

49 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

- 49.1 The Committee noted the information regarding informal hearings and public inquiries as set out in the planning agenda.

50 APPEAL DECISIONS

- 50.1 The Committee noted the content of the letters received from the Planning Inspectorate advising of the results of planning appeals which had been lodged as set out in the agenda.

The meeting concluded at 4.34pm

Signed

Chair

Dated this

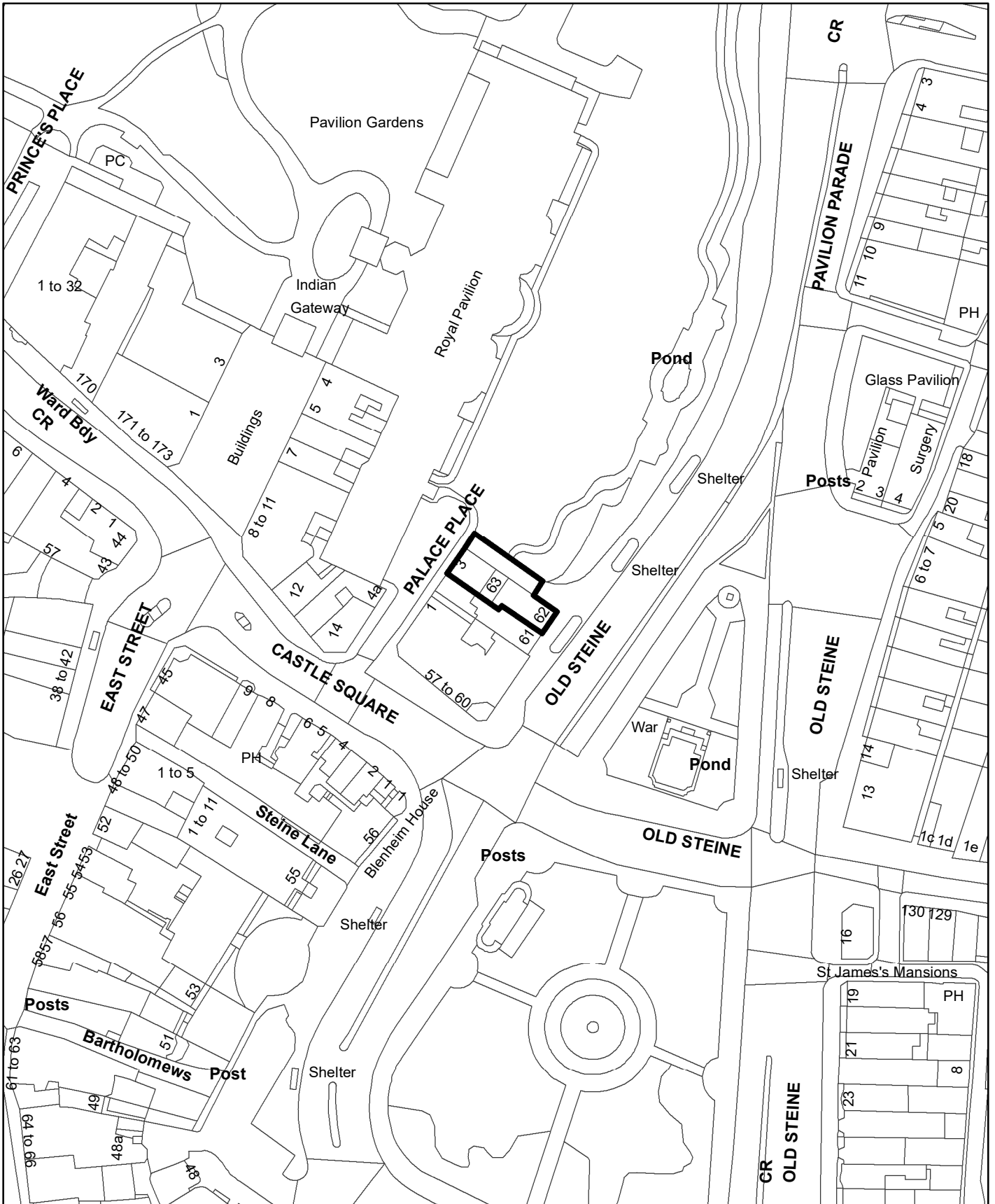
day of

ITEM A

**62-63 Old Steine and 3 Palace Place
BH2022/01855
Full Planning**

DATE OF COMMITTEE: 2nd November 2022

BH2022 01855 - 62-63 Old Steine And 3 Palace Place



N



Scale: 1:1,250

<u>No:</u>	BH2022/01855	<u>Ward:</u>	St. Peter's And North Laine Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	62-63 Old Steine And 3 Palace Place Brighton BN1 1EF		
<u>Proposal:</u>	Conversion from office (Class E) to residential (Class C3) incorporating amendments to internal layout to create 11no. flats, with associated alterations.		
<u>Officer:</u>	Sonia Gillam, tel: 292265	<u>Valid Date:</u>	04.07.2022
<u>Con Area:</u>	Valley Gardens	<u>Expiry Date:</u>	03.10.2022
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	09.11.2022
<u>Agent:</u>	ABIR Architects Ltd Unit 1, Beta House St Johns Road Hove BN3 2FX		
<u>Applicant:</u>	Brighton & Hove City Council Property & Investment Team Unit 1, Fairway Trading Estate Eastergate Road Moulsecoomb Brighton BN2 4QL		

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 a s106 agreement and the following Conditions and Informatives as set out below:

Heads of Terms:

Affordable Housing

On-site provision of 3 Affordable Units (30%).

Employment Strategy

A contribution of £3,300 and an Employment and Training Strategy.

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
Proposed Drawing	0570.PL.001	B	18 October 2022
Proposed Drawing	0570.PL.002		7 June 2022
Location and block plan	0570.EXG.001		7 June 2022

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 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 CP15 of the Brighton & Hove City Plan Part One.
4. The railings and gates shown on the approved plans shall be painted black within one month of installation and shall be retained as such thereafter.
Reason: In the interests of the character and appearance of the development and the visual amenities of the area and to comply with policies HE6 of the Brighton & Hove Local Plan, CP15 of the Brighton & Hove City Plan Part One and DM26 of the Submission City Plan Part 2.
5. No external works to the building as hereby approved shall be carried out until full details of the new railings, plinth and gate, including 1:1 scale section details of each element, have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details and shall be retained as such thereafter.
Reason: As this matter is fundamental to the acceptable delivery of the permission to ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.
6. No external works to the building as hereby approved shall be carried out until details of the new or replaced external entrance doors to the ground floor, in the form of 1:20 scale elevations and sections, have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details and shall be retained as such thereafter.
Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan. CP15 of the Brighton & Hove City Plan Part One and DM26 of the Submission City Plan Part 2.
7. The development hereby approved shall not be commenced until a drainage strategy detailing the proposed means of foul water disposal and an implementation timetable, has been submitted to and approved in writing by, the Local Planning Authority in consultation with the sewerage undertaker. The development shall be carried out in accordance with the approved scheme and timetable.
Reason: To ensure adequate foul sewage drainage/treatment is available prior to development commencing and to comply with policy SU5 of the Brighton & Hove Local Plan and DM42 of the Submission City Plan Part Two.
8. 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 policies TR14 of the Brighton & Hove Local Plan, DM36 of the Brighton & Hove Submission City Plan Part Two, and SPD14 Parking Standards.

9. The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policy QD27 of the Brighton & Hove Local Plan, Policy DM21 of the Submission City Plan Part 2, policy CP8 of the Brighton & Hove City Plan Part One and Policy WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.

10. The wheelchair accessible dwelling(s) hereby permitted as detailed on drawing no. 0570.PL.001 received on 7 June 2022 shall be completed in compliance with Building Regulations Optional Requirement M4(3)(2b) (wheelchair user dwellings) prior to first occupation and shall be retained as such thereafter. All other dwelling(s) hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) prior to first occupation and shall be retained as such thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

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.

11. The development hereby permitted shall not be first occupied until a scheme for soundproofing of the units has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in strict accordance with the approved details prior to the first use of the development hereby approved, and shall thereafter be retained as such.

Reason: To safeguard the amenities of the occupiers and adjoining uses and to comply with policies SU9, SU10, and QD27 of the Brighton & Hove Local Plan, and Policies DM20 and DM40 of the Submission City Plan Part 2.

12. None of the residential units hereby approved shall be occupied until each residential unit has achieved as a minimum, a water efficiency standard of 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.

13. Prior to first occupation of the development hereby approved, an Energy and Sustainability Statement demonstrating how carbon emissions will be reduced, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in strict accordance with the approved details prior to the first use of the development hereby approved, and shall thereafter be retained as such.

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

14. Prior to first occupation of the development or prior to installation of the proposed PV panels and air source heat pumps (whichever is sooner) hereby approved, full details of positioning and specifications shall be submitted to and agreed in writing. The PV panels and air source heat pumps shall be installed in accordance with the agreed details prior to occupation and shall be maintained as such thereafter.

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.

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. Southern Water requires a formal application to be made for any new connection to the public sewer.
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.

2. SITE LOCATION

- 2.1. Numbers 62-63 Old Steine together with 3 Palace Place are two interlinked buildings forming one end of a period block within the Valley Gardens Conservation Area. The buildings are four storeys in height above a basement level and contribute positively to the appearance and character of the conservation area.
- 2.2. Palace Place to the rear is a small street laid out following the demolition of service areas and offices of the Royal Pavilion after 1850. A pedestrian passageway runs from Old Steine to Palace Place between the site and Pavilion Gardens. The bus shelter immediately outside the site on Old Steine is grade II listed, a former tram shelter dating from 1926.
- 2.3. The property is described as having been vacant since 2017 and was last used predominantly as offices (Use Class E).

3. RELEVANT HISTORY

- 3.1. **PRE2021/00163** Pre-application Advice
The redevelopment involves converting the building to full residential use and creating 11 no. self-contained units for BHCC Property and Investment Team.
- 3.2. **PRE2020/00097** Pre-application Advice
Proposed change of use; Conversion of existing to mixed use development of 11 residential units (C3) to the ground and upper floors. Basement retained for B1, D1 or D2.
- 3.3. **BH2019/01843** Prior approval for change of use from office (B1) to residential (C3) to form 10 no self-contained flats. Withdrawn.
As despite the lawful B1 use, it was not possible to demonstrate that the entire premises were and had been in B1 use since April 2011
- 3.4. **BH2017/02433**
Installation of ramp and external steps with balustrading. Approved 19/10/2017.
- 3.5. **BH2010/02204**
Application for Approval of Details Reserved by Conditions 4, 5 and 6 of application BH2010/00678. Approved 01/09/10
- 3.6. **BH2010/00678**
Change of use of basement, ground and first floors of 62-63 Old Steine from offices (B1) to a life skills centre (D1). External alterations including removal of vents, reinstatement of entrance door in existing window opening, removal of existing door and insertion of window, installation of pavement lights and creation of new flat roof over proposed lift. Approved 25/05/10
- 3.7. **BH2001/00252/FP**
Renewal of temporary planning permission BH1997/01771/FP granted on 12 January 1998 for change of use to "The Old Steine Centre" to help homeless people with an alcohol problem. Approved 28/03/2001.
- 3.8. **BH2001/00241/FP**
Renewal of temporary planning permission BH1999/02392/FP granted on 17 November 1999 for installation of externally vented ventilation fans to one ground floor and one first floor window. Approved 05.04.2001.
- 3.9. **BH1999/02392/FP**
Installation of externally vented ventilation fans to one ground floor and one first floor window. Approved 17.11.1999.
- 3.10. **BH1998/00528/FP**
Modification of condition No.7 (to permit opening hours between 08:00 and 18:00) and removal of condition No.10 (requiring the installation of an access

ramp prior to commencement of use) of planning permission BH1997/01771/FP granted on 12/01/98. Approved 22/04/1998.

3.11. **BH1997/01771/FP**

Change of use to 'The Old Steine Centre' to help homeless people with an alcohol problem; disabled access provision also proposed. Approved 12/01/1998.

4. APPLICATION DESCRIPTION

4.1. The application seeks permission for the conversion from the existing office use (Class E) to residential (Class C3) use, incorporating amendments to the internal layout to create 11no. flats, with associated alterations. The proposed dwellings would provide medium term housing for local people on the Council's housing register.

4.2. The scheme would provide 11 one bedroom units. As originally submitted, the scheme included a 2 bedroom unit, however, this was subsequently amended to be a 1 bedroom unit following concerns raised regarding the standard of accommodation.

5. REPRESENTATIONS

5.1. **Two (2)** letters received objecting to the proposal for the following reasons:

- Impact on conservation area
- Not appropriate location for council housing

6. CONSULTATIONS

External:

6.1. **Brighton and Hove Archaeological Society:** No objection
The development is unlikely to affect any archaeological deposits.

6.2. **County Archaeologist:** No objection
No significant archaeological remains are likely to be affected by the proposals.

6.3. **Southern Water:** No objection subject to a formal application for a connection to the public foul sewer to be made by developer.

6.4. **Sussex Police:** No objection

Internal:

6.5. **City Clean:** No objection
On-street refuse and recycling containers can be used by occupants.

6.6. **Economic Development:** No objection

Requires a developer contribution of £3,300 and an Employment and Training Strategy.

- 6.7. **Heritage:** No objection
Requires a condition relating to the submission of large scale details of entrance doors.
- 6.8. **Planning Policy:** Comment
The proposed 11 affordable housing units would contribute towards the City Plan housing target and five-year housing land supply and would also help address the city's substantial affordable housing needs. The application is not supported by any evidence of active commercial marketing for employment uses. In absence of this, it is considered that the redundancy of the premises for employment uses has not been clearly demonstrated and the application, as it stands, fails to comply with Policy CP3.
- 6.9. **Private Sector Housing:** No objection
Scheme considered and no comments offered.
- 6.10. **Sustainability:** No objection subject to conditions relating to Biodiversity Net Gain, Energy and Sustainability Statement, Water Use.
- 6.11. **Sustainable Drainage:** No objection subject to conditions relating to foul water disposal.
- 6.12. **Sustainable Transport:** No objection subject to a condition relating to cycle parking provision.

7. MATERIAL CONSIDERATIONS

- 7.1. 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.
- 7.2. The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016)
 - Brighton & Hove Local Plan 2005 (retained policies March 2016);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
 - Shoreham Harbour JAAP (adopted October 2019).
- 7.3. 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.

8. **POLICIES**

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development

SA2 Central Brighton

SA3 Valley Gardens

CP1 Housing delivery

CP3 Employment Land

CP8 Sustainable buildings

CP9 Sustainable transport

CP11 Flood risk

CP12 Urban design

CP14 Housing density

CP15 Heritage

CP19 Housing mix

CP20 Affordable Housing

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

TR7 Safe Development

TR14 Cycle access and parking

SU9 Pollution and nuisance control

SU10 Noise Nuisance

QD5 Design - street frontages

QD27 Protection of amenity

HO5 Provision of private amenity space in residential development

HO13 Accessible housing and lifetime homes

HE6 Development within or affecting the setting of conservation areas

Brighton & Hove City Plan Part Two

The Inspector published her Final Report into the Examination of the City Plan Part Two 19 July 2022. The Report is a material consideration. The Inspector has concluded that with her recommended changes (the schedule of changes as appended to the Report) that the Plan is sound and can be adopted. The Inspector's report concludes the examination of City Plan Part Two. City Plan Part Two policies, as amended by the Inspector's schedule of Main Modifications, can be afforded significant weight but they will not have full weight until the City Plan Part Two is formally adopted.

DM1 Housing Quality, Choice and Mix

DM18 High quality design and places

DM20 Protection of Amenity

DM26 Conservation Areas

DM29 The Setting of Heritage Assets

DM31 Archaeological Interest

DM33 Safe, Sustainable and Active Travel

DM36 Parking and Servicing

DM40 Protection of the Environment and Health - Pollution and Nuisance

DM42 Protecting the Water Environment

DM43 Sustainable Urban Drainage

Supplementary Planning Documents:
SPD03 Construction & Demolition Waste
SPD09 Architectural Features
SPD12 Design Guide for Extensions and Alterations
SPD14 Parking Standards
SPD16 Sustainable Drainage
SPD17 Urban Design Framework

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations relating to the determination of this application are the principle of the proposed development, design and the impact upon the character and appearance of the surrounding conservation area, impact on neighbouring residential amenity, the standard of accommodation and highways and sustainability implications.

Principle of the Development

- 9.2. Policy CP1 in City Plan Part One sets a minimum housing provision target of 13,200 new homes for the city up to 2030. However, on 24 March 2021 the City Plan Part One reached five years since adoption. National planning policy states that where strategic policies are more than five years old, local housing need calculated using the Government's standard method should be used in place of the local plan housing requirement.
- 9.3. The local housing need figure for Brighton & Hove using the standard method is 2,311 homes per year. This includes a 35% uplift applied as one of the top 20 urban centres nationally. The council's most recent housing land supply position is published in the SHLAA Update 2021 which shows a five-year housing supply shortfall of 6,915 (equivalent to 2.1 years of housing supply). As the council is currently unable to demonstrate a five-year housing land supply, increased weight should be given to housing delivery when considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).
- 9.4. The addition of 11 units would make a contribution to meeting the housing target.

Loss of Employment Space

- 9.5. Policy CP3.5 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). The policy also states that, where loss is permitted, the priority for re-use will be for alternative employment generating uses or housing. It should be noted that under the changes to the Use Classes Order introduced on 1 Sept 2020, employment uses previously classed as B1a now fall under Class E

(Commercial, Business and Service Uses). However, the CPP1 marketing requirements for office uses still apply.

- 9.6. The application states that the property has been vacant since 2017 and the proposal to convert the building to residential is based on increased demand for good quality affordable accessible housing in this area of the city. Current private sector rented temporary accommodation units in the St. Peter's and North Laine Ward contracts are coming to an end and there are challenges with securing appropriate good quality privately rented temporary accommodation in this area which provides value for money for the Council.
- 9.7. The application is supported by an Office Demand and Viability Assessment prepared by a commercial agent. The report comments that Old Steine is an established office location, however demand for such accommodation has decreased in recent years, with a number of buildings having been converted to residential use. In addition, there are more major office and employment areas within walking distance around Queens Road and Brighton railway station.
- 9.8. The assessment states there is likely to be limited commercial demand for the building in its current configuration, due to the building's size, design and layout. It would require extensive refurbishment to bring it back into occupiable condition and would still lack the extra amenities, such as an open-plan layout, increasingly expected in a modern office. The cost of such refurbishment would be considerable and high risk. The report concludes that the property has significant limitations as an office use and would only be sellable in the market as a residential conversion opportunity.
- 9.9. Notwithstanding the poor quality and layout of the existing building, to satisfy Policy CP3.5, there is a general expectation that commercial marketing is undertaken for at least one year, which has not been the case in this instance. For this reason, it is considered that the redundancy of the premises for employment uses has not been clearly demonstrated and the application, as it stands, fails to fully comply with Policy CP3.
- 9.10. However, the overall justification for the loss of the office space is considered reasonable with regard to the constraints of the building, refurbishment costs and alternative modern office facilities nearby, which are all considerations of policy CP3. Given this, together with the fact the scheme proposes 100% affordable accommodation, does weigh in the applications favour. Whilst it is acknowledged the scheme does not fully comply with the requirements of policy CP3, on balance the scheme is considered acceptable.
- 9.11. The principle of converting the building to residential accommodation, providing 100% local authority affordable housing for people in need on the housing register, weighs heavily in favour of the proposal, somewhat mitigating the lack of marketing and failure to comply fully with Policy CP3. It is considered that, given the above, an exception could be made in this instance, pending other planning considerations as outlined below.

Housing Provision

- 9.12. It is recognised that the creation of 11 additional residential units would make a positive contribution towards the city's housing target as set out in City Plan Policy CP1.
- 9.13. Policy CP19 criterion c. states that sites coming forward as 'windfall' development will be required to demonstrate that proposals have had regard to housing mix considerations and have been informed by local assessments of housing demand and need. Also, criterion d. requires that all new residential development will have regard to the characteristics of existing neighbourhoods and communities to ensure that development makes a positive contribution to the achievement of mixed and sustainable communities. The supporting text to Policy CP19 (paragraph 4.213) sets out the broad mix of housing sizes that should be aimed for across the city as a whole, though the text also makes reference to site suitability (paragraph 4.215) as one of the factors that will determine the range and variety of housing.
- 9.14. The conversion would provide 11 one-bedroom flats (a mix of single and double occupancy). In this case, the proposed mix is responding to the identified need for accommodation for people on the Housing Register. The location of the city centre site and the constraints of the building which has no outdoor space is considered more conducive to the single occupancy units and would not likely be as suitable for family accommodation. In this instance a conversion solely containing single bed units is considered acceptable in respect of housing mix. The units would be a welcome addition to the City's housing stock.
- 9.15. Policy CP20 sets out that up to 30% of the proposed units should be affordable. The policy sets out that this should be an onsite provision or as an equivalent financial contribution. The applicants have confirmed that the site will provide 100% affordable housing. Whilst this provision is welcomed, the s106 Legal Agreement can only secure the number of units that would ensure policy compliance.
- 9.16. Given the above, the principle of the conversion to residential is considered acceptable as it would deliver additional housing of a type which is in demand. However other planning issues, as set out below, also need to be considered.

Design and Appearance:

- 9.17. Chapters 12 (Urban Design), 14 (Housing density) and 19 (Housing mix) of the City Plan set out aims to secure a high standard of design and development which pays respects to site constraints and the character of the area surrounding the site. The property is unlisted; however, it is located within the Valley Gardens Conservation Area.
- 9.18. When considering whether to grant planning permission for development in a conservation area the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. Case law has held that the desirability of preserving or enhancing the character or appearance of a conservation area should be given "considerable importance and weight".

- 9.19. The conversion of this property to eleven self-contained flats would bring the historic buildings back into use, which is a clear heritage benefit. The original use of the buildings would have been residential, and the proposal is also appropriate to the mixed-use character of the conservation area.
- 9.20. No harmful alterations are proposed to the public elevations. There would be new CCTV cameras at each entrance however these entrances are not prominent in the street scene so any harmful impact on the conservation area would be very minor. The roof level photovoltaic panels and air source heat pumps plus associated guard railing would not be visible from ground level in the locations shown, so there would be no significant impact on the conservation area arising from these.
- 9.21. The plans indicate new gates and railings in the public footway between the building and the Royal Pavilion Gardens. The drawings show these to exactly match the existing railings at the southern end of the gardens. There is no objection to this provided that the new railings, plinth and gate are carefully detailed to match the existing. The Council's Heritage Officer has advised that they should be painted black to distinguish this space from the gardens, and to match the first-floor balcony above. This can be secured by condition.
- 9.22. The Planning Statement states that the proposed design incorporates a steel front door however there is no indication of this on the plans, which refer only to a new single leaf door to the Palace Place elevation to match the existing double leaf door. Therefore, details of both external entrance doors should be sought by condition.
- 9.23. Given the above, the proposal would be a suitable form of development on this site, which would not harm the character and appearance of the conservation area, in accordance with policy HE6 of the Brighton & Hove Local Plan, CP15 of the Brighton & Hove City Plan Part One, and policy DM26 of City Plan Part 2 (which can be given significant weight). Subject to the above conditions, the Council's Heritage Officer has no objections to the scheme.

Standard of Accommodation:

- 9.24. Policies DM20 and QD27 seek to ensure a good standard of amenity for future occupiers of the proposed development and this requirement is one of the core planning principles of the NPPF. Indeed, the updated NPPF requires that all developments provide a 'high' standard of amenity for future occupiers, which is a high bar that goes beyond amenity being merely 'adequate' or 'acceptable'. Although not yet adopted, the Proposed Submission City Plan Part 2 policies indicates direction of travel and now carries significant weight as a material planning consideration. Policy DM1 sets out Nationally Described Space Standards (NDSS) for dwellings.
- 9.25. The 11 units would each have one bedroom, and are a mix of single and double occupancy. The proposed units would comply with minimum space standards above. The overall design and layouts would provide good circulation space and

rooms are well proportioned and all benefit from good levels of outlook, natural light and natural ventilation.

- 9.26. It is noted that all the rooms of the rear ground floor unit and the bedrooms of the front ground floor unit face onto a pedestrian passageway; however narrow residential passageways and 'twittens' are not unusual within the city centre, although it is acknowledged that the close proximity to the windows raises the potential for noise and lack of privacy. However, given that access to the passage would be restricted to the public by a 'gate order' between certain times (6pm-8am), the layout of the ground floor flats is considered to be acceptable. To the front of the property the accommodation would front a busy pedestrian street.
- 9.27. Local Plan Policy HO5 requires the provision of private useable amenity space in new residential development where it is appropriate to the scale and character of the development. No amenity space is proposed; however, it is recognised that this would be a conversion of a historic building and that the site is constrained. Furthermore, the building is close to many public recreation areas, such as Pavilion Gardens and the Seafront. Therefore, the lack of private outside space would not warrant refusal in this instance.
- 9.28. It is acknowledged that the front of the building is located on a busy city centre road with a bus stop sited adjacent in Old Steine. Licensed events also regularly take place in the area. Therefore, it is recognised that noise from existing surrounding uses could be a potential issue for residents. In terms of proposed layouts, living rooms would be sited to the front of the property facing Old Steine, rather than the bedrooms which are proposed further to the rear of the building. This is considered appropriate in terms of limiting noise nuisance. Notwithstanding this, it is recommended that a soundproofing scheme is sought by condition to mitigate the noise from the city centre location. This could include appropriate glazing; the Council's Heritage Officer has confirmed that appropriate slimline or secondary double glazing is likely to be acceptable in heritage terms.
- 9.29. Furthermore, it is noted that the upcoming implementation of the Valley Gardens Phase 3 scheme will ensure that the area in front of the building is pedestrianised, with the traffic and bus stops located much further away on the other side of Old Steine. Once this phase is implemented, the site is expected to see an improvement in respect of both noise and air quality.
- 9.30. A store for refuse and recycling is proposed at basement level. The City Clean Team has confirmed that existing on-street refuse and recycling containers would be available for use by occupants.
- 9.31. Overall, given the above, it is considered that a good standard of accommodation would be provided and that the scheme is acceptable in this respect.

Sustainable Transport:

- 9.32. The additional dwellings are not considered to lead to a significant increase in person and vehicle trips and therefore the development is unlikely to have a severe impact on the highway and surrounding transport network. Pedestrian access to the site will remain unchanged from both Old Steine and Palace Place; this is acceptable.
- 9.33. The site is proposing no car parking and a store for 13 cycles which is in line with SPD14 parking policy. The cycle store would be provided in the basement and would be accessed by a set of stairs. It is acknowledged that this is not ideal, however given the constraints of the site it is considered acceptable in this instance.
- 9.34. It is noted that, to help reduce antisocial behaviour in the area by defining public and private space, a gate order is proposed to restrict access to the public between certain times (6pm-8am) to the pavement areas linking Palace place with the Old Steine adjacent to the Pavilion gardens. The gates would be on a timer and residents can come and go with a key. Signage would direct the public to an alternative route during the restricted hours. There is no objection to these proposals. Although this would be agreed by a separate department within the council.

Sustainability:

- 9.35. Proposed sustainability measures including air source heat pumps, photovoltaic panels, thermal insulation, the refurbished windows. The Council's Sustainability Officer has recommended submission of an Energy and Sustainability Statement demonstrating how carbon emissions will be reduced, plus the Building Regulations optional standard for water consumption. These measures can be secured by condition.

10. CONCLUSION

- 10.1. It is acknowledged that to satisfy Policy CP3.5, there is a general expectation that commercial marketing is undertaken for at least one year, which has not been the case in this instance. For this reason, it is considered that the redundancy of the premises for employment uses has not been clearly demonstrated and the application, as it stands, fails to fully comply with Policy CP3. However, the constraints of the building, refurbishment costs and policy support for lost office space to be used for housing, particularly affordable housing, are noted. It is also recognised that there are modern office sites nearby.
- 10.2. The development would bring the historic buildings back into use and provide 11 new dwellings for the City, of a good size and standard. The units would contribute towards the City Plan housing target and five-year housing land supply and would also help address the city's substantial affordable housing needs, by providing 100% local authority affordable housing for people on the housing register. There are no significant amenity or highways issues.

- 10.3. Given the above, it is considered that, in this instance, an exception can be made to policy and the scheme can be recommended for approval.

11. COMMUNITY INFRASTRUCTURE LEVY

- 11.1. Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23 July 2020 and began charging on all CIL liable planning applications on and from the 5 October 2020. It is estimated that the amount of CIL liability for this application is £142,640. The exact amount will be confirmed in the CIL liability notice which will be issued as soon as it practicable after the issuing of planning permission.

12. DEVELOPER CONTRIBUTIONS

- 12.1. Affordable housing Not less than 3 Affordable Housing Units to be provided on site as per policy CP20 of the City Plan Part One which seeks 30% Affordable Housing provision on a net gain of between 10-14 units.
- 12.2. Local Employment scheme: Based upon the current adopted Developer Contributions Technical Guidance, £3,300 plus the submission of an employment and training strategy in respect of the construction phases of the development.
- 12.3. In the event that the draft S106 agreement has not been signed by all parties within 12 weeks of the date of the permission, the Head of Planning is authorised to refuse the application for the following reasons:
1. The proposed development fails provide to provide the provision of affordable housing with regard to the requirements of Policies CP1, CP19 and CP20 of the Brighton and Hove City Plan Part 1.
 2. The proposed development fails to provide a financial contribution towards the City Council's Local Employment Scheme to support local people in employment within the construction industry, contrary to policy CP7 of the City Plan Part 1 and the City Council's Developer Contributions Technical Guidance.
 3. The proposed development fails to provide an Employment and Training Strategy specifying how the developer or their main contractors will provide opportunities for local people to gain employment or training on the construction phases of the proposed development, contrary to policy CP7 of the City Plan Part 1 and the City Council's Developer Contributions Technical Guidance.

13. EQUALITIES

- 13.1. Policy DM1 of the CPP2 states that a proportion (5%) of all new dwellings on larger sites should be built to a wheelchair accessible standard. One ground floor wheelchair accessible unit is proposed which can be secured by condition. The

existing access to the west would be level to serve the wheelchair accessible unit.

- 13.2. All units (other than wheelchair accessible unit) would be M4(1) Visitable, rather than M4(2) Accessible and Adaptable as required to be policy compliant. The application states that conversion of the existing historic building into fully compliant M4(2) new dwellings is challenging for several reasons. Access to the property to the north is via an existing stepped entrance that is part of the character of the building. A ramped approach is not possible as it would need to be on the public footpath and the underground BT services under the path restrict the construction.
- 13.3. Furthermore, installation of a new lift and provision of associated fire/smoke lobbies would impact on project viability. It would restrict the layout plan, reduce the number of residential units by up to 4 and potentially impact on the space standards that could be achieved. It is confirmed that the capital cost and ongoing maintenance of a lift would prove uneconomic in the proposed scheme.
- 13.4. Policy DM1 recognises that there may be some instances when an exception to an element of the requirements might be justified, such as the viability of providing a lift or a conversion of a historic building. Given the nature of the scheme and the justification provided above, the access proposals in this instance are considered acceptable.

14. CLIMATE CHANGE/BIODIVERSITY

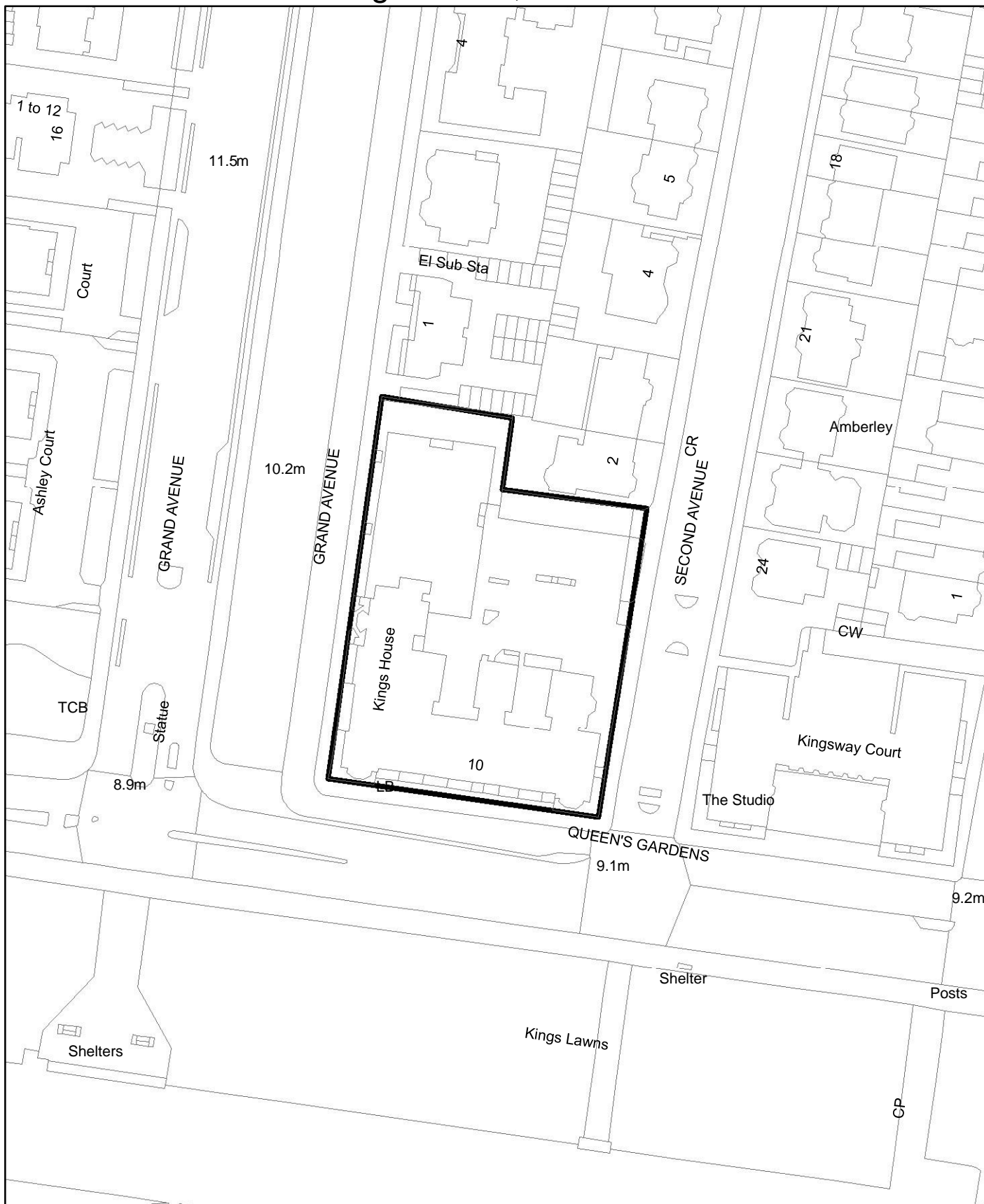
- 14.1. The application site is brownfield land within a sustainable location with excellent access to public transport links and local facilities. The works would modernise and refurbish the existing building. Cycle parking is proposed, reducing reliance on cars.

ITEM B

**Kings House, Grand Avenue
BH2020/03583
Deed of variation**

DATE OF COMMITTEE: 2nd November 2022

BH2020/03583 Kings House, Grand Avenue Hove



Scale: 1:1,250

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Subject:	Kings House, Grand Avenue, Hove Request to vary the Heads of Terms of Section 106 Agreement in connection with planning permission BH2020/03583.		
Date of Meeting:	2 November 2022		
Report of:	Liz Hobden, Head of Planning		
Contact Officer:	Name:	Chris Swain	Tel: 01273 292178
	Email:	chris.swain@brighton-hove.gov.uk	
Ward(s) affected:	Central Hove		

1. PURPOSE OF THE REPORT

- 1.1 To consider a request to vary the Heads of Terms of the Section 106 Agreement dated 5 April 2019 in connection with planning permission BH2020/03583 to allow amendments to the affordable housing provision. The development will ultimately provide for 60% affordable housing and as such it is considered reasonable to allow the following amended terms:
- The removal of the requirement to undertake a review of viability;
 - The removal of the requirement to pay a commuted sum of £265,492 towards affordable housing.

2. RECOMMENDATION

- 2.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **GRANT** a Deed of Variation to the following Head of Term for the S106 Agreement in respect of Affordable Housing in order to remove the requirement for a commuted sum and remove the requirement for a review mechanism.

3. BACKGROUND INFORMATION

- 3.1 Members were Minded to Grant full planning permission at Planning Committee on 07 November 2018 for the following application:

BH2018/00868 (*Kings House, Grand Avenue, Hove*) - Demolition of existing office building (B1) fronting Grand Avenue. Conversion of existing (B1) building fronting Queens Gardens to 69no dwellings (C3) with associated alterations and extensions. Erection of a 10 storey building over basement carpark comprising of 72 flats on Grand Avenue and erection of a 6 storey building comprising of 28 flats on second avenue. Associated underground parking, landscaping, cycle storage, bins and recycling points. The decision was issued on 10 April 2019.

- 3.2 This application was then varied under application BH2021/00850 and then BH2020/03583 which approved various minor alterations to the design and the layout.
- 3.3 The granting of permission was subject to the completion of a S106 agreement containing the following Heads of Term (amongst others) as set out in the original committee report:
- Affordable Housing: Provision of 28 units on site comprising 15 rent units and 13 shared ownership, and a contribution of £265,492 towards off-site provision. On-site affordable housing to be ready for occupation prior to 50% occupation of private residential accommodation,
 - Review of viability,
- 3.3 Planning Permission on the original application was granted on 10 April 2019 following completion of the S106 agreement. The Legal agreement was carried through with the grant of the most recent approved application (BH2020/03583) on 15 October 2021.
- 3.4 The s106 agreement secured 28 affordable units (16% of the total), comprising 15 Affordable Rent units and 13 Shared Ownership units, to be located within the Second Avenue block, in addition to a commuted sum of £265,492 to provide affordable housing off-site.
- 3.5 The developer wrote to the Council on 3 December 2020 confirming that the majority of the units in the two new-build blocks, had been sold to the Southern Housing Group which are one of the Council's partners in the Affordable Housing Development Partnership. It is therefore intended that the affordable provision would be increased to provide a total of 92 units (54%) including 28 Affordable Rent units within the Second Avenue block, and 64 Shared Ownership units within the Grand Avenue block.
- 3.6 A proposal for a deed of variation to increase the affordable housing element from 28 to 92 units (54% overall) and a request for the affordable housing commuted sum and review mechanism be removed was agreed by planning committee on 10 March 2021.

4. PROPOSAL

- 4.1 The developer has now written to the Council again to request that the affordable housing commuted sum and review mechanism be removed but the original total of 28 affordable units in the s106 agreement is to be retained.

5. COMMENT

- 5.1 The s106 agreement linked to the planning permission at Kings House (BH2018/00868) provides for delivery of 28 affordable units (15 affordable rent and 13 shared ownership) together with a contribution of £265,492 towards off-site provision. This level of provision was agreed based on a viability assessment submitted by the applicant which was reviewed independently by the DVS. Since the agreed level of affordable housing fell short of the of Policy CP20 requirement for 40% affordable housing, the s106 included provision for a Review Mechanism requiring that an updated viability appraisal was to be undertaken at a specified point following commencement of the development.
- 5.2 Southern Housing Group have now acquired both new build blocks which totals 100 residential units. Of these 72 are to be shared ownership and 28 for affordable rent. Overall, 100 out of the 169 residential units within the entire development would be affordable homes, with a percentage of 60% overall.
- 5.3 The overall percentage of affordable homes would be greater than the 54% affordable housing which was proposed in a deed of variation agreed by committee in March 2021.
- 5.4 Of the 100 units acquired by Southern Housing Group the 28 units secured in the original s106 legal agreement (13 affordable rent and 15 shared ownership) have been bought outright by the registered provider with their own funds.
- 5.5 The remaining 72 units have been acquired solely with funding from Homes England. Details of the funding and land registry details have been provided to the council.
- 5.6 Homes England is a non-departmental public body that funds new affordable housing in England. Homes England does not provide funding for affordable housing secured within a legal agreement. They only provide funding for any additionality. As such the s106 is not to be varied in respect of the level of affordable housing secured. The 28 affordable homes to be secured will not be altered.
- 5.7 Whilst the 72 additional affordable homes acquired with Homes England funding are not to be secured within the s106 legal agreement, under the terms of the funding agreement between Homes England and Southern Homes they will be required to be occupied and retained as affordable housing. Overall, the scheme would provide for 100 affordable units which would be 60% of the entire scheme. The LPA is satisfied that all 100 homes purchased by Southern Housing would be affordable housing. As such, the development overall would provide significantly more than the 40% affordable housing required in CP20 of City Plan Part One. In the circumstances, it is not deemed reasonable to seek a review mechanism to re-test the viability of the scheme as more than 40% of the scheme would be affordable housing. Furthermore, it would not be reasonable to seek the additional commuted sum of £265,492 towards

affordable housing in the agreement as the percentage of affordable housing on site would be greater than 40%.

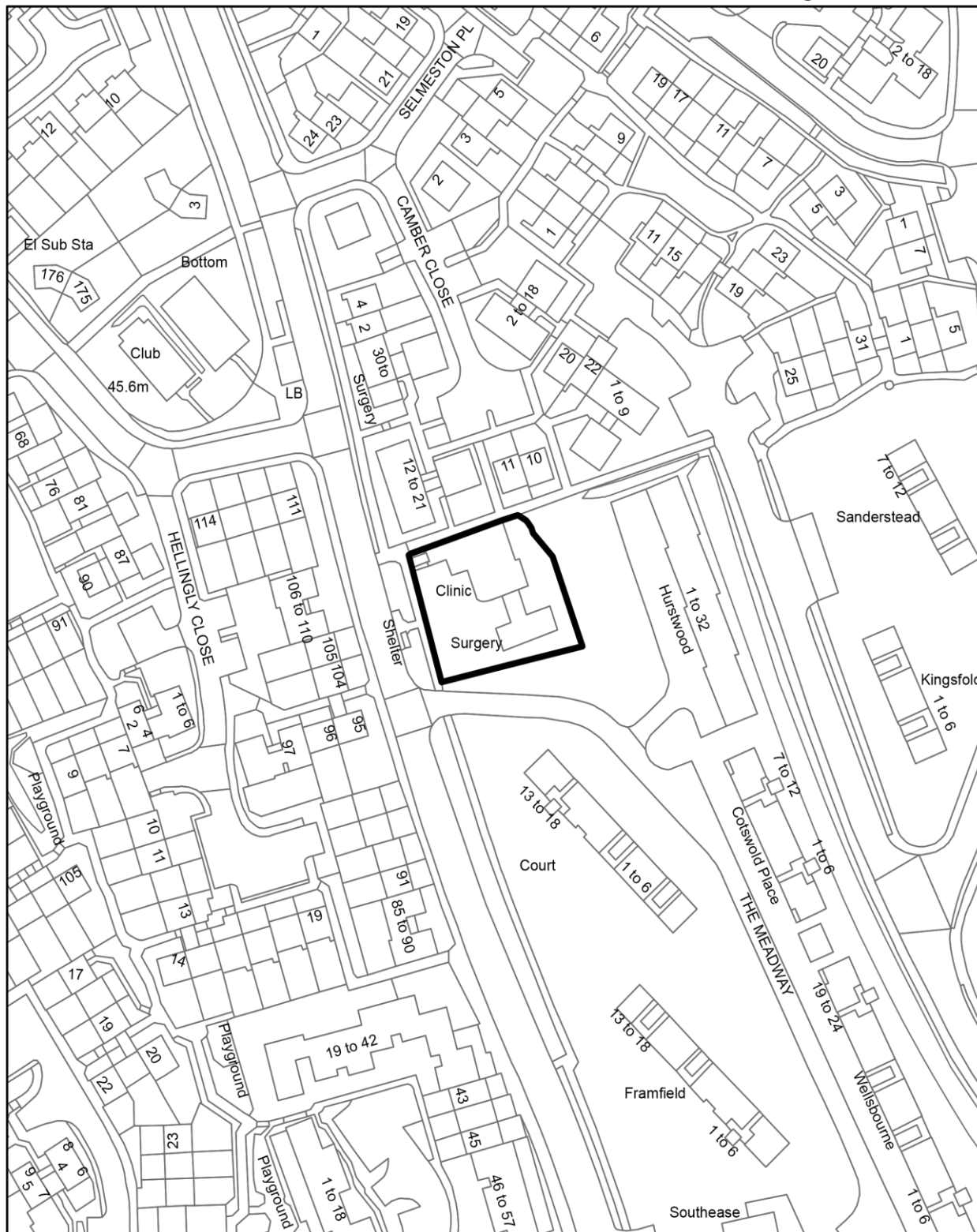
- 5.8 Overall, whilst only 28 affordable homes are secured in the legal agreement the proposal would ultimately provide for 100 affordable homes (60% affordable housing) with 72 additional homes secured through Homes England funding. As such request to remove the viability review mechanism and the additional commuted sum for affordable housing are considered acceptable. These changes and are therefore recommended for approval.

ITEM C

**Whitehawk Clinic
BH2017/01665/BH2022/03619
Deed of variation**

DATE OF COMMITTEE: 2nd November 2022

BH2017/01665 - Clinic, Whitehawk Road, Brighton



**Brighton & Hove
City Council**



Scale: 1:1,250

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Subject:	Whitehawk Clinic Whitehawk Road Brighton BN2 5FR		
Date of Meeting:	3 November 2022		
Report of:	Liz Hobden, Head of Planning		
Contact Officer:	Name:	Jane Moseley	Tel: 01273 292192
	Email:	jane.moseley@brighton-hove.gov.uk	
Ward affected:	East Brighton		

1. PURPOSE OF THE REPORT

- 1.1 The purpose of this report is to consider a request to vary one of the Heads of Terms of Section 106 Agreement dated 19 July 2018 in connection with planning permission BH2017/01665, as amended by BH2020/03619. This required the following:

“40% affordable housing (8 units for affordable rent and 7 properties for shared ownership sale, comprising 5x one-bedroom units, 7x two bedroom units and 3x three-bedroom units.)”

- 1.2 The applicant is seeking to vary this to provide ten affordable housing units on site, with the size and tenure to remain flexible to appeal to Registered Providers, along with a commuted sum of £56,664. As with other sites, they are seeking a clause that should they be unable to secure the interest of a Registered Provider, a commuted sum would be provided instead of affordable housing on site.

2. RECOMMENDATION

- 2.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **GRANT** the Deed of Variation to the S106 Agreement Section 106 Agreement dated 19 July 2018 in connection with planning permission BH2017/01665 subject to a review mechanism.

3. BACKGROUND INFORMATION

- 3.1 Planning permission was granted in August 2018, following a decision by Planning Committee in November 2017, for the following:

BH2017/01665 - Demolition of Clinic building (D1) and erection of a 5 storey building over basement containing 38no. dwellings (C3), 18no parking spaces, cycle parking and associated landscaping.

- 3.2 The permission allowed the replacement of a vacant NHS clinic with a five-storey building containing 38 flats.

- 3.3 The application secured, via the s106 legal agreement, 15 affordable units (39.4%), of which 8 would be affordable rent and 7 shared ownership.
- 3.4 A s73 application to amend the approved drawings was submitted and approved in March 2021:
- 3.5 **BH2020/03619** - Application for variation of condition 1 of BH2017/01665 (Demolition of Clinic building (D1) & erection of a 5 storey building over basement containing 38no dwellings (C3), 18no parking spaces, cycle parking & associated landscaping) allowing amendments to approved drawings to remove the solar array from the roof of the proposed building & provide air source heat pumps for each dwelling.

4. PROPOSAL

- 4.1 The s106 Legal Agreement requires that 15 affordable housing units are provided.
- 4.2 The applicant subsequently undertook a revised Viability Appraisal of the scheme and is now seeking to vary the legal agreement to instead provide ten affordable housing units on site, along with a surplus of £56,664 to be provided as a commuted sum towards off-site affordable housing.

5. CONSULTATIONS

- 5.1 **Housing Strategy:** No objection.
- 5.2 Informal comments made throughout negotiation process, with comments to be presented verbally at Committee.
- 5.3 **District Valuation Service [independent review of Viability Appraisal]:** No objection.
- 5.4 Confirmed that based on the amended appraisal inputs adopted by DVS, the scheme can support the provision of 10 Affordable Housing units and a surplus contribution of £56,664. Given that the scheme does not meet the policy compliant levels of Affordable Housing, recommend that a review mechanism is agreed.

6. COMMENT

- 6.1 The main consideration in the determination of this application relates to the acceptability of varying the legal agreement to reduce the amount of affordable housing to be provided on site.

- 6.2 As noted above, the scheme as approved secured the provision of 15 affordable units out of the 38 dwellings to be provided, so 39.4% affordable housing overall. It is proposed to reduce this to 10 affordable housing units, meaning that this would be reduced to 21% of the units being affordable.
- 6.3 Policy CP20 of City Plan Part 1 aims to secure 40% affordable housing on sites of 15 dwellings or more.
- 6.4 The policy notes that:
“The targets set out above may be applied more flexibly where the council considers this to be justified. In assessing the appropriate level and type of affordable housing provision, consideration will be given to:
- i. local need in respect of the mix of dwelling types and sizes including the city’s need to provide more family-sized affordable housing;*
 - ii. the accessibility of the site to local services and facilities and public transport;*
 - iii. the costs relating to the development; in particular the financial viability of developing the site (using an approved viability model);*
 - iv. the extent to which the provision of affordable housing would prejudice the realisation of other planning objectives; and*
 - v. the need to achieve a successful housing development.”*
- 6.5 In this case, the applicant has provided a revised Viability Assessment taking into account updated costs. This confirmed that eight affordable units could be provided on site rather than the 15 set out in the approved scheme.
- 6.6 As noted above, the Viability Appraisal has been reviewed by the DVS who advised that based on the updated inputs, albeit with some discrepancies, they confirm that ten affordable units can viably be provided on site, along with a surplus contribution of £56,664. The applicant has agreed to this provision.
- 6.7 The applicant has asked for flexibility in the size and tenure of the affordable housing to be provided, to ensure that the units appeal to the widest number of Registered Providers, which is considered an acceptable approach.
- 6.8 They have also sought a clause enabling the provision of a commuted sum in lieu of affordable housing on site, in the event that a Registered Provider cannot be found to take the units. Again, this is considered acceptable, with the clause requiring that written evidence be provided to the Council confirming that reasonable endeavours have been used to dispose of the affordable housing to a Registered Provider for a period of at least six months.
- 6.9 The legal agreement would include a Review Mechanism requiring that an updated viability appraisal is undertaken at a specified point since the scheme would no longer achieve 40% affordable housing.

- 6.10 Such an approach would accord with Policy CP20 which allows for the provision of affordable housing on site, or 'as an equivalent financial contribution'.
- 6.11 In conclusion, it is considered that the applicant's proposal to vary the legal agreement to provide ten affordable housing units on site, plus a sum of £56,664, rather than the 15 originally approved is acceptable and accords with Policy CP20 of City Plan Part 1.
- 6.12 It is therefore recommended that the Deed of Variation is permitted.

7. **BACKGROUND DOCUMENTS:**

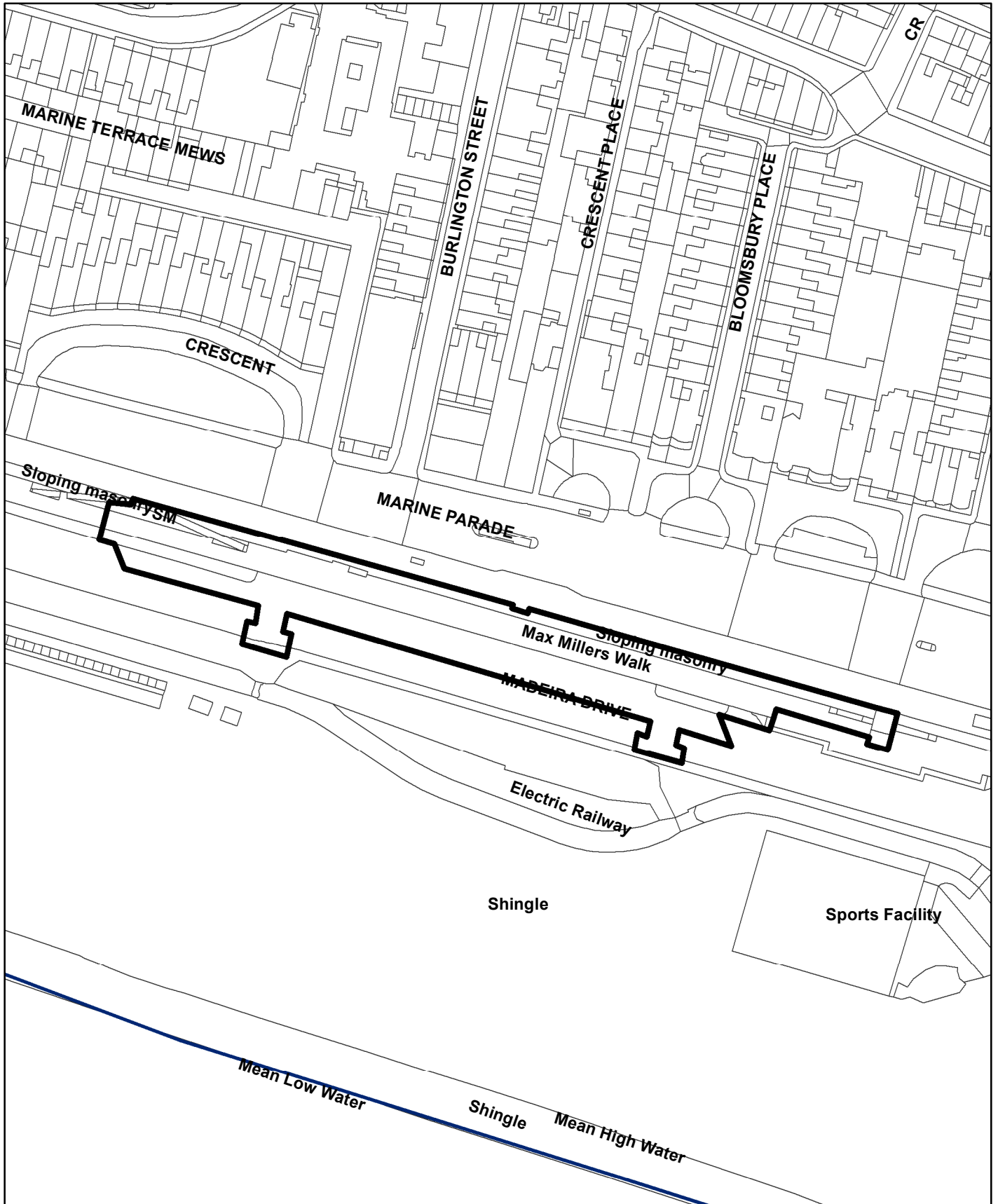
Planning Applications BH2017/01665, BH2020/03619.

ITEM D

**Madeira Terrace, Madeira Drive
BH2022/02577
Full Planning**

DATE OF COMMITTEE: 2nd November 2022

BH2022 02577 - Madeira Terrace



N



Scale: 1:1,500

<u>No:</u>	BH2022/02577	<u>Ward:</u>	East Brighton Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Madeira Terrace Madeira Drive Brighton BN2 1TN		
<u>Proposal:</u>	Part Restoration of the Grade II* listed Madeira Terrace (Phase 1 - consisting of the 40 arches between the Royal Crescent Steps in the west to Shelter Hall in the east), erection of a new full height single car lift, general repairs to existing Shelter Hall Lift structure and operational upgrade to Shelter hall Lift car carriage and doors together with temporary means of access at deck level, new staircase from deck level linking with Madeira Drive, permanent planting, landscaping and seating at deck level, fixings for temporary seasonal canopies at deck level, cliff wall interventions and general repair (including physical works of protection for the Green Wall), works to laundry arch, and improvements to public realm and heritage setting upon Madeira Drive including removal of 22 existing parking spaces, provision of new planted verges, wayfinding signage, pedestrian crossings, cycle parking and associated drainage.		
<u>Officer:</u>	Wayne Nee, tel: 292132	<u>Valid Date:</u>	25.08.2022
<u>Con Area:</u>	East Cliff Conservation Area	<u>Expiry Date:</u>	20.10.2022
<u>Listed Building Grade:</u>	II*	<u>EOT:</u>	
<u>Agent:</u>	NTR Planning 118 Pall Mall London SW1Y 5EA		
<u>Applicant:</u>	Brighton & Hove City Council Hove Town Hall Norton Road Hove BN3 3BQ		

1. RECOMMENDATION

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

Conditions:

1. The development hereby permitted shall be carried out in accordance with the approved drawings listed below.
Reason: For the avoidance of doubt and in the interests of proper planning.

Plan Type	Reference	Version	Date Received
Proposed Drawing	503-LPL-XX-01-DR-L-0002	P3	30 August 2022
Proposed Drawing	240462-PUR-01-01-DR-A-2022	P05	30 August 2022
Proposed Drawing	240462-PUR-01-GR-DR-A-2021	P05	30 August 2022

Proposed Drawing	240462-PUR-01-ZZ-DR-A-2028_P05	P05	30 August 2022
Proposed Drawing	240462-PUR-01-01-DR-A-5000	P03	12 August 2022
Proposed Drawing	503-LPL-XX-00-DR-L-0001	P3	30 August 2022
Proposed Drawing	503-LPL-XX-00-DR-L-0021	P3	30 August 2022
Proposed Drawing	503-LPL-XX-00-DR-L-0022	P3	30 August 2022
Proposed Drawing	503-LPL-XX-00-DR-L-0031	P3	30 August 2022
Proposed Drawing	503-LPL-XX-00-DR-L-0032	P3	30 August 2022
Proposed Drawing	503-LPL-XX-00-DR-L-0051	P4	30 August 2022
Proposed Drawing	503-LPL-XX-00-DR-L-0054	P3	30 August 2022
Proposed Drawing	503-LPL-XX-00-DR-L-0055	P2	30 August 2022
Proposed Drawing	503-LPL-XX-00-DR-L-0100	P3	30 August 2022
Proposed Drawing	503-LPL-XX-00-DR-L-0102	P2	12 August 2022
Proposed Drawing	503-LPL-XX-00-DR-L-0103	P2	12 August 2022
Proposed Drawing	503-LPL-XX-00-DR-L-0105	P2	30 August 2022
Proposed Drawing	503-LPL-XX-01-DR-L-0200	P2	12 August 2022
Proposed Drawing	503-LPL-XX-01-DR-L-0201	P2	12 August 2022
Proposed Drawing	503-LPL-XX-01-DR-L-0202	P1	12 August 2022
Proposed Drawing	503-LPL-XX-01-DR-L-0203	P2	12 August 2022
Proposed Drawing	503-LPL-XX-00-DR-L-0101	P3	30 August 2022
Proposed Drawing	MTR-HOP-01-ZZ-DR-C-0501 S0	P3	12 August 2022
Proposed Drawing	MTR-HOP-01-ZZ-DR-S-0301	P3	12 August 2022
Proposed Drawing	MTR-HOP-01-ZZ-DR-S-0211	P3	12 August 2022
Proposed Drawing	MTR-HOP-01-ZZ-DR-S-0212	P3	12 August 2022
Proposed Drawing	MTR-HOP-01-ZZ-DR-S-0213	P3	12 August 2022
Proposed Drawing	MTR-HOP-01-ZZ-DR-S-0214	P3	12 August 2022

Proposed Drawing	MTR-PUR-01-ZZ-DR-A-1036	P04	30 August 2022
Proposed Drawing	MTR-PUR-01-ZZ-DR-A-2024	P05	30 August 2022
Proposed Drawing	MTR-PUR-01-ZZ-DR-A-2026	P04	12 August 2022
Proposed Drawing	MTR-PUR-01-ZZ-DR-A-2031	P04	12 August 2022
Proposed Drawing	MTR-PUR-01-ZZ-DR-A-2032	P04	12 August 2022
Proposed Drawing	MTR-PUR-01-ZZ-DR-A-2040	P04	12 August 2022
Proposed Drawing	MTR-PUR-01-ZZ-DR-A-2041	P04	12 August 2022
Proposed Drawing	MTR-PUR-01-ZZ-DR-A-2042	P04	12 August 2022
Proposed Drawing	MTR-PUR-01-ZZ-DR-A-2045	P03	12 August 2022
Block Plan	503-LPL-XX-00-DR-L-0000	P3	30 August 2022
Proposed Drawing	MTR-HOP-01-ZZ-DR-S-0601	P2	12 August 2022
Location Plan	240462-PUR-00-XX-DR-A-0005	P02	25 August 2022
Proposed Drawing	240462-PUR-00-ZZ-DR-A-1000	P03	25 August 2022

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. A formal recording of the parts of the historic structure under the scope of the Phase 1 works hereby permitted, including the parts already replaced and removed, shall be logged as a gazetteer of surviving historical features. The formal recording shall be submitted to the Local Planning Authority as a complete public record prior to first public re-use of the Madeira Terrace deck level.
Reason: The gazetteer is to form a consolidated public record of the proposed Phase 1 works. To ensure the satisfactory preservation of this listed structure and to comply with Policy DM27 of City Plan Part 2 and policies HE1 and HE4 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

4. Prior to the dismantling of any part of the listed Madeira Terrace structure an Iron Reuse Strategy report shall be prepared referencing pre-existing investigations shall be submitted to and agreed in writing by the Local Planning Authority.
Reason: To ensure the satisfactory preservation of this listed structure and to comply with Policy DM27 of City Plan Part 2 and policies HE1 and HE4 of the

Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

5. The proposed area of the application site marking the extent of the initial works (Section 1) of the proposed Phase 1 works hereby permitted shall extend to no less than 4 arch bays in width. Details of the chosen location of the section 1 of phase 1 shall subsequently be submitted alongside applicable condition details referencing the section 1 works.

Reason: To ensure the satisfactory preservation of this listed structure and to comply with Policy DM27 of City Plan Part 2 and policies HE1 and HE4 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

6. Prior to the dismantling of any part of the listed Madeira Terrace structure, an outline method statement for the removal of the existing concrete deck shall be submitted to and agreed in writing by the Local Planning Authority, and works shall be carried in full accordance with the approved details, and any deviation in the remainder of the phase 1 works from the approved shall require to be submitted in full and agreed in writing with the Local Planning Authority prior to implementation of those works.

Reason: To ensure the satisfactory preservation of this listed structure and to comply with Policy DM27 of City Plan Part 2 and policies HE1 and HE4 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

7.

- (a) Prior to any restoration works to the dismantled Madeira Terrace structure, a condition survey submitted in respect of section 1 of Phase 1 of the structure (following dismantling and workshop inspection) shall be submitted to and approved in writing by the Local Planning Authority. The condition survey shall include details of dismantling of the ironwork and the condition of all elements.

- (b) Prior to reconstruction of section 1 of Phase 1 of the dismantled Madeira Terrace structure, a full methodology for repair and replacement detailing all interventions to be carried out, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a photographic condition record of each component at the point of assessment in the workshop and post-repair, and interventions carried out including the elements of new fabric. The scheme shall be developed with the input of an ironwork specialist/conservator and carried out in full in accordance with the approved details, and any agreed material deviation in the remainder of the phase 1 works from the approved shall require to be submitted in full and agreed in writing with the Local Planning Authority prior to implementation of those reconstruction works.

Reason: To ensure the satisfactory preservation of this listed structure and to comply with Policy DM27 of City Plan Part 2 and policies HE1 and HE4 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

8. Prior to incorporation and installation of newly cast, cast iron elements, including (lattice) trusses, columns and balustrades, a minimum of one sample of each shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full in accordance with the approved details and retained as such thereafter.
Reason: To ensure the satisfactory preservation of this listed structure and to comply with Policy DM27 of City Plan Part 2 and policies HE1 and HE4 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

9. Prior to first public re-use of the restored Madeira Terrace deck level hereby permitted, full details of the proposed canopies, including height, coverage, method of attachment/fixing, means of storage, and visuals to indicate their visibility, shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details and maintained and retained as such thereafter. The deck level canopies shall be used seasonally between the 1st April and the 30th September (inclusive) in any calendar year and shall be removed and stored outside of these dates.
Reason: To ensure the satisfactory preservation of this listed structure and to comply with Policy DM27 of City Plan Part 2 and policies HE1 and HE4 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

10. Prior to first public re-use of the restored Madeira Terrace deck level hereby permitted, full details of the wayfinding and historic building signage shall be submitted to and approved in writing by the Local Planning Authority. The signage shall be erected and completed fully in accordance with the approved details and maintained and retained as such thereafter
Reason: To ensure the satisfactory preservation of this listed structure and to comply with Policy DM27 of City Plan Part 2 and policies HE1 and HE4 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

11. No works to the Laundry Arch shall take place until full details of the external alterations of the Laundry Arch, including windows, doors and balustrade, have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details and maintained and retained as such thereafter
Reason: To ensure the satisfactory preservation of this listed structure and to comply with Policy DM27 of City Plan Part 2 and policies HE1 and HE4 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

12. 12. Prior to first public re-use of the restored Madeira Terrace deck level hereby permitted:
 - i) details of lighting to public realm, which shall include details of; location and design, levels of luminance, hours of use, predictions of both horizontal illuminance across the site and vertical illuminance affecting immediately adjacent receptors, hours of operation, details of fittings and

fixings and details of maintenance shall be submitted to and approved in writing by the Local Planning Authority.

- ii) the predicted illuminance levels shall have been tested by a competent person to ensure that the illuminance levels agreed in part 1 are achieved. Where these levels have not been met, a report shall demonstrate what measures have been taken to reduce the levels to those agreed in part i). The lighting shall be installed, operated and maintained in accordance with the approved details and thereafter retained.

Reason: To ensure a satisfactory appearance to the development and to safeguard the amenities of the occupiers of adjoining properties, to comply with policies DM26 and DM27 of City Plan Part Two, and HE1, HE6, QD25 and QD27 of the Brighton & Hove Local Plan.

- 13. No restoration/repair works to Shelter Hall lift shall take place until a general conditions survey relating to the shelter hall lift has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details and maintained and retained as such thereafter.

Reason: To ensure the satisfactory preservation of this listed structure and to comply with Policy DM27 of City Plan Part 2 and policies HE1 and HE4 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

- 14. No restoration/repair works to Shelter Hall lift shall take place until full details of the new lift car interior have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details and maintained and retained as such thereafter

Reason: To ensure the satisfactory preservation of this listed structure and to comply with Policy DM27 of City Plan Part 2 and policies HE1 and HE4 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

- 15. No restoration/repair works to Shelter Hall lift shall take place until full details of the new Shelter Hall lift hydraulic system have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details and maintained and retained as such thereafter

Reason: To ensure the satisfactory preservation of this listed structure and to comply with Policy DM27 of City Plan Part 2 and policies HE1 and HE4 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

- 16. Prior to first public re-use of the Shelter Hall lift, full details of the proposed new door treatment at the Marine Parade, terrace deck entrances, and restoration of the terrace deck canopy of the existing Shelter Hall lift shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details and maintained and retained as such thereafter

Reason: To ensure the satisfactory preservation of this listed structure and to comply with Policy DM27 of City Plan Part 2 and policies HE1 and HE4 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

17. Within 3 months of first public re-use of the Madeira Terrace deck level, a Management and Maintenance Plan for the new full height lift and Shelter Hall lift shall be submitted to and approved in writing by the Local Planning Authority. The use of the lifts thereafter shall be in full accordance with the approved details.

Reason: To ensure the satisfactory preservation of this listed structure and to safeguard the amenities of the locality, and to comply with Policy DM27 of City Plan Part 2 and policies QD27, HE1 and HE4 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

18. Prior to first public re-use of the Shelter Hall lift (following these works of restoration and repair) to exit at deck level, full details of the temporary deck access walkway from the Shelter Hall lift to restored deck surface as part of Phase 1 shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out prior to first public re-use of the Shelter Hall lift and completed fully in accordance with the approved details. The temporary deck access walkway shall be removed at the time of construction of a future phase of works within this part of the terrace deck.

Reason: To ensure the satisfactory preservation of this listed structure and to comply with Policy DM27 of City Plan Part 2 and policies HE1 and HE4 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

19. The exposed metalwork of the core structure and associated balustrading and keystone mask detailing shall be painted with 'Brighton & Hove turquoise and cream paint colour' scheme and retained as such thereafter. Any material deviation from this shall require full details to be submitted and approved in writing by the Local Planning Authority prior to implementation of those repainting works.

Reason: To ensure the satisfactory preservation of this listed structure and to comply with Policy DM27 of City Plan Part 2 and policies HE1 and HE4 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

20. Prior to first public re-use of the restored Madeira Terrace deck level hereby permitted, sample details of the finishing treatment of the Madeira Terrace pre-cast concrete deck, including colour, aggregate wearing course for the deck, and method of application for the finishing treatment shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details and maintained and retained as such thereafter

Reason: To ensure the satisfactory preservation of this listed structure and to comply with Policy DM27 of City Plan Part 2 and policies HE1 and HE4 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

21. No works to the East Cliff Wall within Section 1 of the Phase 1 shall take place until full details of treatment to the repaired cliff face in terms of method of exposed surface repair, materials used, method of application of exposed surface finish and colour have been submitted and approved in writing by the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details and maintained and retained as such thereafter
Reason: To ensure the satisfactory preservation of this listed structure and to comply with Policy DM27 of City Plan Part 2 and policies HE1 and HE4 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.
22. Prior to public re-use of the restored Madeira Terrace deck hereby permitted, full details (including siting, height and materials) of the temporary boundary treatment at either end of the restored terrace deck, to include a degree of permeability of wider deck beyond, shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details and maintained and retained as such thereafter, and subject to removal via any adjacent phases of restoration to the remainder of the terrace deck.
Reason: To ensure the satisfactory preservation of this listed structure and to comply with Policy DM27 of City Plan Part 2 and policies HE1 and HE4 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.
23. Full details of any temporary pedestrian access during construction (where deemed necessary), including, where necessary, any details of minor temporary works to the western arm of the Royal Crescent Steps to facilitate safe temporary pedestrian access, shall be submitted to and approved in writing by the Local Planning Authority. In the event of temporary works to the western steps being undertaken these works shall be carried out and completed fully in accordance with the approved details.
Reason: To ensure the satisfactory preservation of this listed structure and to comply with Policy DM27 of City Plan Part 2 and policies HE1 and HE4 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.
24. Prior to public re-use of the restored Madeira Terrace deck hereby permitted, full sample details of the ground level hardstanding within Madeira Drive and lower terrace promenade walkway, shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details and maintained as such thereafter.
Reason: To ensure the satisfactory preservation of this listed structure and to comply with Policy DM27 of City Plan Part 2 and policies HE1 and HE4 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.
25. No above ground works to the proposed new full height lift hereby permitted shall commence until samples of all materials to be used in the construction of

the external surfaces of the new lift have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and maintained as such thereafter.

Reason: To ensure a satisfactory appearance to the development and to comply with Policy DM27 of City Plan Part 2 and policies HE1 and HE4 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

26. No above ground works to the proposed new full height lift hereby permitted shall commence until full design details of the exterior of new lift, including final design of the hit and miss brickwork pattern and associated lighting behind, have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and maintained as such thereafter.

Reason: To ensure a satisfactory appearance to the development and to comply with Policy DM27 of City Plan Part 2 and policies HE1 and HE4 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

27. Prior to restoration works to the eastern arm of Royal Crescent Steps hereby permitted, full details of the restoration works, including details of the handrails, lighting, and contrasting nosing's to be added to the step treads (if applicable), shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details prior to restoration works to the eastern arm of Royal Crescent Steps.

Reason: To ensure the satisfactory preservation of this listed structure and to comply with Policy DM27 of City Plan Part 2 and policies HE1 and HE4 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

28. No works to the proposed new single flight staircase from deck level linking with Madeira Drive hereby approved shall commence until full sample details of the new staircase, including sample details of balustrade panels and brickwork, have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and maintained as such thereafter.

Reason: To ensure a satisfactory appearance to the development and to comply with Policy DM27 of City Plan Part 2 and policies HE1 and HE4 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

29. No works to the lower promenade walkway shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the exact location of the soakaway and relevant calculations demonstrating the performance of the soakaway. The approved drainage system shall be implemented in accordance with the approved details.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to comply with policies SU4 of the Brighton & Hove Local Plan and CP11 of the Brighton & Hove City Plan Part One.

30. Prior to first public re-use of the restored Madeira Terrace at ground level hereby permitted, details of the secure cycle parking facilities shall have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to first public re-use of the scheme of works at Madeira Drive ground level and shall thereafter be retained for use 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.
31. If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority), shall be carried out until a method statement identifying and assessing the risk and proposing remediation measures, together with a programme for such works, shall be submitted to the Local Planning Authority for approval in writing. The remediation measures shall be carried out as approved and in accordance with the approved programme.
Reason: To safeguard the health of future residents or occupiers of the site and to comply with policy DM41 of City Plan Part 2, and SU11 of the Brighton & Hove Local Plan.
32. Prior to first public re-use of the restored Madeira Terrace ground level hereby permitted, full details (including samples) of the proposed public realm improvement scheme shall be submitted to and approved in writing by the Local Planning Authority. The submission shall include details with regards layout, materials, colour palate, signage, street furniture, and infrastructure for future pop-up events. The maintenance details and future management plan are also required. The development shall be carried out in accordance with the approved details and maintained thereafter.
Reason: In order to ensure a satisfactory appearance and to accord with the requirements of SA1 the Seafront, Policy CP13 and CP15 of the City Plan Part 1.
33. No development, other than works to the Green Wall, 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 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)
 - (iii) A scheme of how the contractors will minimise disturbance to neighbours regarding issues such as noise and dust management vibration site traffic and deliveries to and from the site
 - (iv) Details of hours of construction including all associated vehicular movements
 - (v) Details of the construction compound
 - (vi) A plan showing construction traffic routes

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.

34. No works to the lower promenade walkway shall take place until a scheme setting out highway works to implement the pedestrian crossings, footway/kerb work and any other highway improvements required has been submitted to and approved in writing by the local planning authority. The approved highway works shall have been completed in full within 12 months of the first public re-use of the restored Madeira Terrace at deck or ground level, hereby permitted, whichever is the latter, and in accordance with the approved scheme.

Reason: To ensure safe pedestrian, cyclist and vehicular access into, out of and passed the site and road safety for all road users and to comply with policies TR7, TR11, TR12, TR15, SU3 and SU5 of the Brighton & Hove Local Plan and CP7, CP9, CP11 and CP18 of the City Plan Part One.

35. The proposed new full height lift to the east of the Royal Crescent Steps and the new stairs from deck level to Madeira Drive shall be completed and available for operational use prior to first public re-use of the restored Madeira Terrace deck hereby permitted.

Reason: To ensure satisfactory provision of access and connectivity throughout the site and to comply with CPP2 Policy SSA5: Madeira Terrace and Madeira Drive. City Plan Part 1 Policy CP13 Public Streets and Spaces

36. The proposed scheme of public art within the new Madeira Terrace Phase 1 shall be submitted to and approved in writing by the Local Planning Authority in advance of first use of the Madeira Terrace at deck or ground level, hereby permitted, whichever is the latter, and implemented within 6 months of that first use.

Reason: In order to ensure a satisfactory appearance and to accord with the requirements of SA1 the Seafront, Policy CP13 and CP15 of the City Plan Part 1.

37. Prior to commencement of works to the Green Wall, a Construction and Environmental Management Plan pertaining to the Green Wall shall be submitted to the local planning authority for approval prior to undertaking early enabling and preparatory works to the Green Wall. These early works to the green wall will precede the commencement of general works for the phase 1 project and the consideration of the general CEMP subject to separate condition. The CEMP (Biodiversity) shall include the following:

- a) risk assessment of potentially damaging construction activities;
- b) identification of "biodiversity protection zones";
- c) practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);

- d) the location and timing of sensitive works to avoid harm to biodiversity features;
- e) the times during construction when specialist ecologists need to be present on site to oversee works;
- f) responsible persons and lines of communication;
- g) the role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- h) use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details.

Reason: To ensure that any adverse environmental impacts of development activities are mitigated.

38. A landscape and ecological management plan (LEMP) shall be submitted to, and approved in writing by, the local planning authority prior to the first public re-use of the Madeira Terrace deck level. The content of the LEMP shall include the following:

- a) description and evaluation of features to be managed;
- b) ecological trends and constraints on site that might influence management;
- c) aims and objectives of management;
- d) appropriate management options for achieving aims and objectives;
- e) prescriptions for management actions, together with a plan of management compartments;
- f) preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- g) details of the body or organisation responsible for implementation of the plan;
- h) ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plans shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: Biological communities are constantly changing and require positive management to maintain their conservation value. Biodiversity net gain should be secured and managed for 30 years. The implementation of a LEMP will ensure the long term management of habitats, species and other biodiversity features.

39. No development shall take place until an ecological design strategy (EDS) addressing mitigation and compensation for impacts on Madeira Terrace Green Wall and biodiversity enhancement of the site, maximising opportunities on-site, has been submitted to and approved in writing by the local planning authority. The EDS shall include the following:

- a) purpose and conservation objectives for the proposed works;
- b) review of site potential and constraints;
- c) detailed design(s) and/or working method(s) to achieve stated objectives;

- d) extent and location /area of proposed works on appropriate scale maps and plans;
- e) type and source of materials to be used where appropriate, e.g. native species of local provenance;
- f) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- g) persons responsible for implementing the works;
- h) details of initial aftercare and long-term maintenance;
- i) details for monitoring and remedial measures;
- j) details for disposal of any wastes arising from works.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To ensure that any adverse environmental impacts of development activities can be mitigated, compensated and restored and that the proposed design, specification and implementation can demonstrate this, and to provide a net gain for biodiversity as required by Section 40 of the Natural Environment and Rural Communities Act 2006, paragraphs 174 and 180 of the National Planning Policy Framework, and Policy CP10 of the Brighton & Hove City Council City Plan Part One.

40. 40. Prior to public re-use of the restored Madeira Terrace deck hereby permitted, a scheme for landscaping shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be implemented in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. The scheme shall include the following:

- a. details of all hard and soft surfacing to include the type, position, design, dimensions and materials;
- b. a schedule detailing sizes and numbers/densities of all proposed planting, raised planters at deck level, Madeira Drive verge treatment, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period;
- c. details of any boundary treatments (other than the temporary boundary treatments required under separate condition) to include type, position, design, dimensions and materials;

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.

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 and CP13 of the Brighton & Hove City Plan Part One.

41. Prior to installation of lighting, a "lighting design strategy for biodiversity" shall be submitted to and approved in writing by the local planning authority, for the relevant phase. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and

- b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the planning authority.

Reason: Many species active at night (e.g. bats and badgers) are sensitive to light pollution. The introduction of artificial light might mean such species are disturbed and/or discouraged from using their breeding and resting places, established flyways or foraging areas. Such disturbance can constitute an offence under relevant wildlife legislation.

42. All ecological measures and/or works for the protection of Madeira Terrace Green Wall Local Wildlife Site, bats, breeding birds, reptiles and invertebrates shall be carried out in accordance with the details contained in the Ecological Impact Assessment (Phlorum, August 2022) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

Reason: To ensure that the measures considered necessary as part of the ecological impact assessment are carried out as specified, and to provide a net gain for biodiversity as required by paragraphs 174 and 180 of the National Planning Policy Framework, Section 40 of the Natural Environment and Rural Communities Act 2006, and Policy CP10 of the City Plan Part One.

Informatives:

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

2. SITE LOCATION

- 2.1. The application relates to 40 arches (arches 78-117a) of Madeira Terrace between the Royal Crescent Steps to the west and including Shelter Hall/Concorde 2 to the east. The site area is 0.42 hectares in area and also includes part of Madeira Drive highway in front of this section of Madeira Terrace.
- 2.2. Madeira Terrace is a Grade II* listed building in the East Cliff Conservation Area. It is a cast iron arcade at beach level with walkway over, connected to Marine Parade above by sets of steps at intervals along its length, and by the Madeira Lift towards its eastern end, the tower for which rises above the level of the sea wall and connects to a shelter hall at beach level.

- 2.3. The wider Madeira Terrace structure is 865 metres in length stretching from Palace Pier/Old Steine to the west and Black Rock to the east. The terrace was built in the late 1880's (including extending westwards towards the old aquarium), connecting the open expanse of beach to the town above, and facilitating promenading, recreation and social gathering during the late Victorian era. The structure has a high aesthetic value from strong linearity accented by the repetitive bays and architectural detailing, as well of its three- tiered form (beach level promenade, intermediate deck and Marine Parade).
- 2.4. Through the 20th century the Terrace has provided the grandstand for early speed trials, and the finish of the London to Brighton car rallies and bike rides, Brighton marathon, concerts and other open-air events. The structure has since degraded and was closed to the public circa 2015 due to safety concerns. The building was included on Historic England's list of buildings at risk from October 2020 following the upgrade of the structure to Grade II* listing, and is described in the Register as being in a very poor and deteriorating condition.
- 2.5. The Shelter Hall (in use as Concorde 2 events venue) remains open, as is the eastern arm of Royal Crescent Steps. The Shelter Hall lift tower (not in use) is prominent within the conservation area and on the approach along the seafront and along Marine Parade. There is visual connection of the Terrace with sea views which it enables and also when viewed across the water as a backdrop to seashore views. The terrace also has group value with other seaside structures and buildings including the adjacent Palace Pier and the Royal Crescent, both listed at Grade II*.
- 2.6. The eastern half of the Palace Pier to Brighton Marina Seafront, including Madeira Drive, is an urban stretch of seafront that provides opportunity for new uses, as well as public realm and connectivity improvements. This includes seafront uses to the south including Yellowwave beach sports venue, and the Sea Lanes swimming pool currently under construction at the former Peter Pan site.
- 2.7. To the south of Madeira Drive is Volks Railway Site of Nature Conservation (SNCI) which runs to the south alongside Madeira Drive. Volks Railway is also a Local Wildlife Site (LWS), as is Madeira Drive Green Wall which is partly located within the site and the planted Japanese Spindle covers a significant part of the cliff face on this stretch of the Terrace. To the north of the site is the A259 Marine Parade public highway.

3. RELEVANT HISTORY

- 3.1. **BH2022/02577** (Full Planning) Part Restoration of the Grade II* listed Madeira Terrace (Phase 1 - consisting of the 40 arches between the Royal Crescent Steps in the west to Shelter Hall in the east), erection of a new full height single car lift, general repairs to existing Shelter Hall Lift structure and operational upgrade to Shelter hall Lift car carriage and doors together with temporary means of access at deck level, new staircase from deck level linking with Madeira Drive, permanent planting, landscaping and seating at deck level, fixings for temporary seasonal canopies at deck level, cliff wall interventions and

general repair (including physical works of protection for the Green Wall), works to laundry arch, and improvements to public realm and heritage setting upon Madeira Drive including removal of 22 existing parking spaces, provision of new planted verges, wayfinding signage, pedestrian crossings, cycle parking and associated drainage - Under Consideration.

- 3.2. **BH2021/03592** Installation of temporary propping of structural elements to bays 51 and 73 - Approved 01/12/2021
- 3.3. **BH2020/00619** Removal of existing rainwater goods and interim replacement with UPVC (retrospective). Long-term replacement with cast iron rainwater goods - Approved 21/04/2020
- 3.4. **BH2019/00098** (Lift) Installation of temporary concrete & steel propping supports to lattice beams nos. 19, 45, 58, 63, 67, 75 and 141 on Madeira Terraces - Approved 03/07/2019
- 3.5. **BH2017/02472** (Shelter Hall) Installation of internal platform within ceiling void to facilitate access to two original steel beams for inspection and maintenance purposes - Approved 18/09/2017
- 3.6. **BH2016/00563** Installation of supporting steelwork to three locations on Madeira Terraces - Approved 15/08/2016
- 3.7. **BH2015/03130** Installation of steel mesh fencing with vehicular and pedestrian gates to enclose Madeira Terrace, 3m high along Madeira Drive and 2.4m high to steps from Marine Parade - Approved 26/10/2015
- 3.8. **BH2015/03129** Installation of steel mesh fencing with vehicular and pedestrian gates to enclose Madeira Terrace, 3m high along Madeira Drive and 2.4m high to steps from Marine Parade - Approved 26/10/2015
- 3.9. **BH2012/02654** (Lift) Installation of light fittings to roof canopy and ground floor soffit with associated wiring to provide illumination around lift entrance (Part-Retrospective) - Approved 19/12/2012
- 3.10. **BH2009/02129** Structural repair works to cast iron beams, railings, post and panel along walkway - Approved 26/11/2009
- 3.11. **BH2000/00340/LB** Installation of floodlights on alternate pillars - Approved 22/03/2000

Black Rock and Surroundings Madeira Drive

- 3.12. **BH2020/00442** Replacement of existing sea wall with a realigned free-standing structure; the formation of an access route from Black Rock extending to Brighton Marina; enhancement of highways infrastructure for Duke's Mound at its junctions with Marine Parade and Madeira Drive; restoration of The Old Reading Room and The Temple and change of use for flexible A1, A3, D1 or D2 Use; widespread enhancement of public realm for pedestrians and cyclists via

new amenities, facilities and landscaping, with associated ecological enhancement - Approved 24/12/2020

- 3.13. **BH2020/00443** Internal and external works to The Temple and The Old Reading Room incorporating: fenestration alterations; repairs and restoration of the structure and flooring; change of use for flexible A1, A3, D1 or D2 Use; and associated works - Approved 31/03/2021

Former Peter Pan's Playground Site Madeira Drive

- 3.14. **BH2020/01018** Application for variation of conditions 1, 3 and 23 of BH2019/00293 (as amended by BH2019/03686) to allow amendments to approved drawings to include reduced number of modular building units (from 107 to 74), increased overall floorspace (from 1372sqm to 1421sqm), enlarged swimming pool (from 25m x 12m to 50m x 12m) and to allow permanent consent for swimming pool and 10 year temporary consent for modular buildings (from previous 5 year temporary consent for whole scheme) - Approved 17/03/2021
- 3.15. **BH2019/00293** Erection of outdoor swimming pool (25m x 12.5m) and changing/plant rooms (D2 use), flexible events space (D2 use) and 1-2 storey relocatable modular buildings with first floor deck to provide mixed leisure/retail/food/drink/office uses (D2/A1/A3/A4/A5/B1 uses) with associated cycle parking, refuse storage, landscaping, boundary treatment and retractable beach mat. Temporary (meanwhile use) for 5 years - Approved 16/08/2019
- 3.16. **BH2018/02281** Erection of temporary buildings including first floor terrace to provide swimming training facility, sauna and changing facilities (D2 use), marketing suite/office (B1 use) and associated storage, plant and fencing, and use of land for general leisure/therapy use and pop-up events (D2/D1 uses) for temporary period of 12 months (Part retrospective) - Approved 31/01/2019

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for repair and restoration to 40 arches of the Madeira Terrace between Royal Crescent Steps in the west and Shelter Hall in the east, and to enable the re-opening of the structure for public realm and grandstand for events.
- 4.2. The full proposals are summarised as follows:
- Repair and restoration of 40 arches of Madeira terrace, including the cast iron metalwork, repair of Royal Crescent Steps, replacement deck structure with engineered concrete, and alter/restore balustrading with a raised height to 1100mm;
 - New full height single car lift to western end near to Royal Crescent Steps;
 - New staircase from deck level linking with Madeira Drive ground level at the eastern end of site;
 - Upgrade and repair of existing Shelter Hall Lift structure including general repairs, operation of lift from marine Parade to deck level, including new lift car, new doors, reinstatement of hydraulic drive system and reinstatement of deck level entrance canopy roof;

- Provision of temporary pedestrian access route from Shelter Hall lift to reinstated deck;
 - New seating, planting and other landscaping at deck level, including fixings for temporary seasonal canopies;
 - Reinforce cliff wall to support Madeira Terrace structure, including general repair of cliff face;
 - Protection of green wall during construction phases and enhancement including cliff wall mounted planting cassettes to encourage planting growth;
 - New lighting scheme;
 - Removal of 22 no. existing parking spaces, provision of new planted verges, wayfinding signage, pedestrian crossings across Madeira Drive, cycle parking stations, and associated drainage works.
 - Alterations and repairs to Laundry Arch to enable future operational use with replacement windows and door and a new balustrade.
- 4.3. An associated Listed Building Consent (application ref. BH2022/02578) is also under consideration for physical works to the Grade II* Listed Structure and relating to works directly affecting the setting of the Listed Building.
- 4.4. Pre-application advice: The development has been influenced by pre-application feedback from officers in relation to amongst other issues, the impact on green wall, biodiversity and nature conservation, heritage impact, and highways. The pre-application process included engagement with the Design South East Review Panel. The proposals have developed further since pre-application and includes further detail on the restoration of the terrace, removal of car parking, and repurposing and rationalising of the public spaces.
- 4.5. The applicant has undertaken pre-application consultation, including involvement with local businesses, community groups, local access groups and local heritage groups. Community engagement sessions took place in December 2021 and January 2022.
- 4.6. Finances for the project were raised through a crowdfunding campaign in 2017, and allocation of funding in 2019 by the Brighton & Hove City Council Tourism, Development and Culture Committee. The funding, as well as the requirement to deliver a completed section of regenerated structure has informed the scope of the proposals for this proposed development as Phase 1 of the Madeira terrace project.

5. REPRESENTATIONS

- 5.1. **Two (2)** letters have been received objecting to the proposed development for the following reasons:
- Lift design is intrusive;
 - Flat roof in the new lift is completely out of keeping with all the other Victorian structures on the sea front;
 - The proposed temporary toilets behind the 23 beach chalets should be located near Volks Railway sites;

- Volks Railway crossings proposals should be added to the application;
 - There should be more parking bays.
- 5.2. **Seven (7)** letters of representation have been received in support of the proposed development for the following reasons:
- Good to see part of cast iron architectural heritage being looked after and hopefully improved;
 - New lift and additional access points desperately needed;
 - Waymarking and seating could and should be developed through an art commissioning programme;
 - Reopening the Terrace and making it more accessible for local residents will create new connections for East Brighton;
 - Look forward to the new cultural events proposed for Madeira Terrace;
 - Opportunities for landscaping and seating to create a park space.
- 5.3. **Four (4)** letters have been received commenting on the application as follows:
- Drinking water fountains should be added;
 - Lift and seating design should be reconsidered;
 - The plans are not ambitious enough.
- 5.4. **The Madeira Terrace Advisory Panel** support the application for the following reasons:
- Support the applications but have reservations on the design of the new lift tower;
 - The benefits of the major interventions in the historic fabric more than justify any adverse effects on the significance of the Terrace;
 - secures stepped and step-free access between Marine Parade and Madeira Drive at the mid-point of the whole terrace' adding to and improving access to the concentration of leisure attractions in the vicinity;
 - The interface between the restoration of the terrace and the protection and regeneration of the Green Wall is carefully considered;
 - The proposed simple reinstatement of the surface of the covered walk is in keeping and the return of seating here is welcomed;
 - The proposed reduction in parking is a step in the right direction and the enhancement to the pedestrian crossings greatly improves them as a key element in the connectivity between Marine Parade and the beach.

6. CONSULTATIONS

External

6.1. **Conservation Advisory Group: Objection**

The principal objection was the inclusion of the new lift the design of which is not attractive and will harm the longer views of the Terraces. Could the restoration be completed without the new lift as the style and design is not acceptable? Views from within CA are harmed and the setting of the listed Royal Crescent. Perhaps a void could be left in the deck for a future installation?

- 6.2. Connection between, and access to, the different terrace layers are important, as highlighted. Could the necessary lift structures adopt the materials and colour palette of the existing ironwork, e.g. Brighton Blue? Night-time lighting should also be conservation-led i.e. consistent, not colour changes.
- 6.3. A very comprehensive and impressive application and the Group welcomes the intent to restore and retain. The many commercial challenges and the clear national heritage importance was recognised and acknowledged. The Group supports the approach of a benchmark containable first phase: But can measures be put in place to ensure this pilot is protected in the future from commercially-led changes and that lessons learned in the pilot are replicated in subsequent phases?
- 6.4. **County Archaeologist: No objection**
Although this application is situated within an Archaeological Notification Area, based on the information supplied, it is not believed that any significant archaeological remains are likely to be affected by these proposals. For this reason there are no further recommendations to make in this instance.
- 6.5. **County Ecologist: Comment**
In summary, whilst it is recognised that considerable effort has been put into minimising and mitigating impacts on the green wall LWS, it is recommended that the planting plans are revisited to include the recommendations made in the Ecological Impact Assessment and that it is made clear how the mitigation hierarchy has been addressed and how Biodiversity Net Gain will be provided, preferably on-site, but if not, off-site. Conditions requiring a Construction and Environmental Management Plan, compliance with the recommendations in the Ecological Impact Assessment, an Ecological Design Strategy and a Landscape and Environmental Management Plan should be applied.
- 6.6. **Historic England: Comment**
Historic England supports the applications on heritage grounds. We consider that the applications meet the requirements of the NPPF, in particular paragraph numbers 195,199, 200 and 202.
- 6.7. Madeira terrace is today in a very poor and deteriorating condition, with its structural instability a serious concern that has caused the 170 bays to be closed to the public since 2015. It is listed at Grade II* and is on Historic England's Heritage at Risk Register. Historic England therefore welcome these proposals to start a process to repair, restore and re-use Madeira Terrace primarily for the purpose for which it was designed i.e. as a grandstand for spectators and as an outdoor events venue. We are also supportive in principle of the proposed approach to the conservation and repairs of the cast iron structure. Overall, Historic England consider this to be a positive conservation-led scheme that once implemented would deliver significant heritage benefits, as well as starting the process to remove this important heritage asset from our Heritage at Risk Register.
- 6.8. It is appreciated that for the scheme to be successful and help with the regeneration of the Eastern Seafront, there would need to be additional lifts, and

that the proposed lifts are of a size that is required to meet modern standards. The addition of these vertical interventions would cause some harm to the appearance of Madeira Terrace, which is essentially a horizontal structure, but it is understandable they are necessary to bring the structure back into full active use. Some of the harm may be reduced with a lift design that is more lightweight and transparent in appearance and with an upper element that is more in keeping with the exuberant and playful character of the existing kiosks and pavilions along Brighton's seafront. However, the relatively low level of harm caused by this aspect of the proposal within the context of the structure as a whole is, in our view, considerably outweighed by the significant heritage benefits associated with the restoration and re-use of this section of Madeira Terrace.

- 6.9. **National Highways:** No objection
The development will not materially affect the safety, reliability and/or operation of the strategic road network in this location and its vicinity.
- 6.10. **Scottish Gas Networks:** Comment
In the event that gas pipes are present within the site, considerations should be made on the work being undertaken to ensure the safety of the site and the protection of the gas pipes.
- 6.11. **Southern Water:** No objection
The exact position of the public assets must be determined on site by the applicant in consultation with Southern Water, before the layout of the proposed development is finalised.
- 6.12. It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.
- 6.13. **Sport England:** Comment
The proposed development does not fall within either the statutory remit or non-statutory remit for detailed comment. In line with the Government's NPPF and PPG, consideration should also be given to how any new development, especially for new housing, will provide opportunities for people to lead healthy lifestyles and create healthy communities.
- 6.14. **Sussex Police:** No objection
No objection to the proposed application as submitted from a crime prevention perspective. The implementation of the proposed crime prevention measures would ensure a window of observation throughout the area which will enable capable guardians to report incidents to the authorities should they occur.
- 6.15. **UK Power Networks:** Comment
Safe digging practices must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is the applicant's responsibility to ensure that this information is provided to all relevant people.

Internal

- 6.16. **Heritage:** No Objection
As the first phase of a long-term project to restore and regenerate the full length of the Terrace, this proposal is considered to represent an appropriate approach to repair and regeneration of the structure, the material palette and the approach to public realm and event space that could also be applied to future phases.
- 6.17. The proposed use for an outdoor events space and recreation space for the adjacent community, is in line with the original vision for this structure and is considered fully appropriate.
- 6.18. The Heritage Team supports the proposed approach to the restoration of the ironwork by careful dismantling and recording to allow repairs and redecoration under controlled conditions for greater longevity. The overarching approach of retention rather than renewal is welcomed, and the proposed gas welding system would reduce the need for re-casting thereby aligning with this methodology.
- 6.19. Welcome enhancement works are included such as reinstatement works to the Madeira lift tower to rectify disfiguring elements of past poor repairs, likewise the effect of piecemeal patching of the cliff wall will be improved with a mineral paint finish. Increased seating and landscaping works will also benefit the setting.
- 6.20. Architectural interventions to enhance essential functions such as improved pedestrian access and events support involve change, most notably a new lift structure. These have impacts on the heritage values of the structure, other nearby heritage assets and the East Cliff Conservation Area, and should be balanced against the public gains that will result from the scheme.
- 6.21. **Planning Policy:** Comment
The regeneration of the Eastern Seafront is a key priority for the council and a number of projects are underway in this section of the seafront including the Black Rock enabling and public realm works and the Sea Lanes project. It is welcome to see this first phase in the restoration of Madeira Terrace which will help support the continuing regeneration of the eastern seafront; support major events on Madeira Drive, bring the public space back into use for residents and for residents and for visitors.
- 6.22. To accord with SSA5, proposals should respect the significance of the designated and undesignated heritage assets, prioritising their repair and restoration. The stated approach is to retain and repair as much of the existing listed iron structure as possible and replacement with a recast component if necessary. Subject to the comments of the Conservation Team the proposals for repair and restoration accord in principle with policies SA1 and SSA5.
- 6.23. In principle the proposed approach to the use of this section of Madeira Terrace would accord with its original intent and purpose as an outdoor public amenity space, promenade and events grandstand whilst integrating provision for flexible

event uses in accordance with policies SA1 The Seafront and SSA5 Madeira Terrace and Drive.

- 6.24. It is acknowledged that currently the public realm is poor and in need of improvement. The Madeira Drive Regeneration Framework highlighted the sense of severance to and along the seafront and the need for high-quality design, better lighting and wayfinding.
- 6.25. **Sustainability** : No objection
The whole-life carbon emissions assessment has been very useful in informing the options for materials and processes during construction.
- 6.26. **Sustainable Drainage**: No objection
The information submitted includes the surface water and foul water drainage strategy including drainage plans. Management and maintenance plans and any relevant drainage calculations to demonstrate the effectiveness of the proposed strategy have not been provided. The team recommend this application for approval subject to conditions as further information will be required.
- 6.27. **Sustainable Transport**: No Objection
Subject to conditions, the Highway Authority has no objection to the proposed development.
- 6.28. The proposals involve the removal of 22 pay and display parking spaces on Madeira Drive. These parking spaces generate revenue for the Brighton and Hove City Council and the removal of these bays is to be agreed with Parking Services.
- 6.29. The proposals include two zebra crossings on Madeira Drive which are acceptable in principle, however the precise location and layout is to be subject to a detailed design review via a S278 application
- 6.30. **Urban Design Officer**: Comment
The lift is critical to achieving truly permeable and accessible links between Kemp Town and Madeira Drive and the waterfront. The integration of a lift into the Madeira Terraces project, is therefore strongly supported. The design must ensure that more people have direct access to the seafront, to improve health and wellbeing, and to engage with heritage.

7. MATERIAL CONSIDERATIONS

- 7.1. 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
- 7.2. The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016)

- Brighton & Hove Local Plan 2005 (retained policies March 2016);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
- Shoreham Harbour JAAP (adopted October 2019).

7.3. 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.

8. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development

SA1 The Seafront

SA6 Sustainable Neighbourhoods

CP5 Tourism and Culture

CP7 Developer Contributions

CP8 Sustainable Buildings

CP9 Sustainable Transport

CP10 Biodiversity

CP11 Flood Risk

CP12 Urban Design

CP13 Public Streets and Spaces

CP15 Heritage

CP16 Open Spaces

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

TR4 Travel Plans

TR7 Safe Development

TR14 Cycle Access and Parking

TR15 Cycle Network

QD15 Landscape Design

QD16 Trees and Hedgerows

QD25 External Lighting

QD27 Protection of Amenity

SR11 Markets and car boot sales

SR18 Seafront Recreation

SU3 Water resources and their quality

SU5 Surface Water and Foul Sewage Disposal Infrastructure

SU9 Pollution and Nuisance Control

SU11 Polluted land and buildings

NC4 Sites of Nature Conservation Importance (SNCIs) and (RIGS)

HE1 Listed Buildings

HE3 Development Affecting the Setting of a Listed Building

HE4 Reinstatement of original features on listed buildings

HE6 Development within or Affecting the Setting of Conservation Areas

Brighton & Hove City Plan Part Two

The Inspector published her Final Report into the Examination of the City Plan Part Two 19 July 2022. The Report is a material consideration. The Inspector has concluded that with her recommended changes (the schedule of changes as appended to the Report) that the Plan is sound and can be adopted. The Inspector's report concludes the examination of City Plan Part Two. City Plan Part Two policies, as amended by the Inspector's schedule of Main Modifications, can be afforded significant weight but they will not have full weight until the City Plan Part Two is formally adopted.

SSA5 Madeira Terrace and Madeira Drive
DM9 Community facilities
DM15 Commercial and Leisure Uses on the Seafront
DM16 Markets
DM18 High Quality Design and Places
DM20 Protection of Amenity
DM22 Landscape Design and Trees
DM26 Conservation Areas
DM27 Listed Buildings
DM29 The Setting of Heritage Assets
DM33 Safe, Sustainable and Active Transport
DM35 Travel Plans and Transport Assessments
DM37 Green infrastructure and Nature conservation
DM39 Development on the Seafront
DM40 Protection of the Environment and Health - Pollution and Nuisance
DM43 Sustainable Drainage
DM44 Energy Efficiency and Renewables

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste
SPD09 Architectural Features
SPD11 Biodiversity and Nature Conservation
SPD14 Parking Standards
SPD16 - Sustainable Drainage
SPD17 Urban Design Framework

Background Documents:

Brighton & Hove Local Wildlife Sites Review 2018 updated 2020
Madeira Drive Regeneration Framework

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the principle of development, and the impact on the visual amenities of the listed structure, the street scene and the wider conservation area, as well as the setting of heritage assets within the locality of the site. Other main considerations include public realm/landscaping, the impact on highways, access, ecology, neighbouring amenity, and sustainable drainage.

Policy Context:

- 9.2. A strategic objective (SO17) of the council set out in the adopted City Plan Part 1 is to enhance the seafront as a year round place for sustainable tourism, leisure, recreation and culture whilst protecting and enhancing the quality of the coastal and marine environment.
- 9.3. Policy SA1 (The Seafront) of CPP1 seeks proposals which provide a year-round, sport, leisure and cultural role which complement its outstanding heritage and landscape value. The site lies within that part of the seafront defined as 'East of the Palace Pier to the Marina' which is identified as a centre for sports and family-based activities. The policy seeks to safeguard Madeira Drive as an important event space for which it is a unique location. Policy SA1 (The Seafront) states that the council will work in partnership to ensure the on-going regeneration and maintenance of the seafront in an integrated and co-ordinated manner.
- 9.4. CPP1 Policy SA1 The Seafront - includes the following relevant seafront wide priorities:
- Enhance and improve the public realm and create a seafront for all;
 - Promote high quality architecture, urban design and public art which complements the natural heritage of the seafront and preserves and enhances the character and appearance of the Conservation Areas, and the historic squares and lawns that adjoin the seafront;
 - ...improve pedestrian and cycle routes and crossing opportunities in order to achieve a modal shift and thereby reduce the impact of traffic;
 - Monitor, conserve and expand designated coastal habitats and secure nature conservation enhancements to the marine and coastal environment;
 - Development will be encouraged to consider low and zero carbon decentralised energy...
- 9.5. Emerging policy SSA5 (Madeira Terrace and Madeira Drive) states that the refurbishment, restoration and revitalisation of Madeira Terrace is a key priority for the Council. It indicates that planning permission will be granted where proposals seek the wider restoration and repair of the remainder of the Terraces and access points, provide improved sustainable transport to address severance along the seafront and to improve access to and along Madeira Drive, to support and contribute towards a coordinated approach to public realm and event space improvements (including the potential for shared spaces; improved lighting, signage and wayfinding), conserve and enhance biodiversity in the area (in particular the vegetated seafront wall of Madeira Drive Green Wall Local Wildlife Site) and through landscaping provide opportunities for biodiversity net gains, shelter and shade, and encourage a variety of temporary/ pop up uses consistent with the area's role as a centre for cultural, sports and family based activities.
- 9.6. The terraces are designated as public open space under CPP1 policy CP16 which states that the council will work collaboratively to safeguard, improve, expand and promote access to the city's open spaces. Policy CP5 (Culture and Tourism) indicates that the Council will support the upgrading and enhancement

of existing visitor facilities and investment in spaces suitable for outdoor events and cultural activities that take place in the public realm.

- 9.7. The site is allocated as a Local Wildlife Site under submission City Plan Part 2 policy DM37. Local Wildlife Sites should be considered as designated and afforded weight as a material planning consideration as they have undergone a separate identification, assessment and designation process.
- 9.8. A masterplan is under preparation to support the implementation of Policy SA1 and SSA5 with a clear vision and coordinated approach as schemes come forward in the Eastern Seafront area. The Eastern Seafront Masterplan SPD is currently at issues and options stage, with stakeholder consultation having taken place.

Principle of the Development:

- 9.9. The proposal is for the intended first phase of the restoration, repair and regeneration of the Madeira Terraces. This encompasses arches to the west of Shelter Hall (Concorde 2) up to the Royal Crescent Steps. It has been identified that these 40 arches have high heritage value as one half off the original terrace structure and has a lower capacity for change in the eastern end of the Terrace. The eastern end is deemed to be more appropriate for priority for repair, given the structure's classification of being on the 'At Risk Register', to ensure optimum restoration of the original structure. There is also a wider cluster of activity and businesses within this section, and there is the opportunity to support footfall to the existing business at Shelter Hall (Concorde 2) and elsewhere in the vicinity. It is therefore supported that this section of the Terraces comes forward as the first phase of the wider development.
- 9.10. Policy SA1 sets out as specific priorities for the east of Palace Pier to Brighton Marina section of the seafront; the need for an improved public realm and the conservation and enhancement of the historic and nature conservation features present in this location; and the need to improve beach and seafront access for pedestrians and cycle users, linking with access improvements at the Marina/Black Rock. In principle, the proposed development would accord with the identified priorities for this section of the Seafront. The proposed restoration and regeneration of this site, which is a key strategic objective of the city council, with its original intent and purpose is welcomed. It would also compliment the other developments underway in this section of the seafront, including the Black Rock enabling project and public realm works, as well as the Sea Lanes development to the south.
- 9.11. The following Policy SA1 priorities are relevant to the proposals for the public realm and transport proposals:
- Deliver the regeneration of Madeira Drive as a centre for sports and family-based activities supported by a landscaping and public art strategy which also provides for an improved public realm and the conservation and enhancement of the historic and nature conservation features present in this location;

- Safeguard the vibrant and important event space at Madeira Drive as this presents a unique location for a mix of cultural, sport and leisure activity to take place; and
 - Improve beach and seafront access for pedestrians and cycle users, linking with access improvements at the Marina/Black Rock.
- 9.12. City Plan Part 2 Policy DM15 Commercial and Leisure Uses on the Seafront indicates that the council will encourage temporary uses which help animate and activate vacant buildings or sites before regeneration/ construction commences and CPP2 Policy SSA5 at part h) encourages a variety of temporary/ pop up uses consistent with the area's role as a centre for cultural, sports and family based activities.
- 9.13. As the proposals are for a restoration project to bring the terraces back into use as a linear public space/ grandstand for events, there is no proposed material change of use. The proposals to improve accessibility to the terraces as Open Space is welcomed and would be in conformity with Part 2 of Policy CP16. Policy SSA5 of CPP2 sets out that a Council priority is the successful regeneration of Madeira Drive to create a 'seafront for all' that features diverse and engaging attractions for residents and visitors. The proposed retained use is for open recreation and outdoor events space (the submission includes plans for accommodating long-standing events on Madeira Drive), including opportunity for pop-up events and activities (such as cultural/street performances, classes, private hire, and mobile food/retail traders). This would accord with the wider policy priorities for this section of the seafront set out within Policy SA1, Policy CP13 and City Plan Part 2 Policy DM15. Future activity involved with the use of the terrace may evolve overtime, and separate planning applications may be required thereafter.
- 9.14. The restoration of Madeira Terrace would help support the continuing regeneration of the eastern seafront, help support major events on Madeira Drive, and would bring the public space back into use for residents and visitors. Improving the quality, accessibility and legibility of the public urban realm in this location would also meet the aims of CPP1 Policy CP13 Public Streets and Spaces. In principle the proposed improved pedestrian links are welcomed and would generally accord with the identified priorities for the Seafront and for this section of the Seafront (SA1 The Seafront).
- 9.15. Policy SSA5 states that the Council is committed to the retaining, restoring and reactivating the Grade II* listed structure, and that the renovation of Madeira Terrace will need to be sensitive to the structure's unique heritage and will need to be commercially viable in order to pay for its long-term maintenance. The proposals for dismantling, repairing and reinstating the cast iron structure (including replacing the terrace deck) are considered in detail later in this report.
- 9.16. This application has been submitted in advance of the adoption of a overarching Eastern Seafront masterplan SPD, and therefore it is important the proposals align with the key issues and aims of this SPD, including improved accessibility and north-south connectivity from Marine Parade to beach level, public

realm/event space improvements and the approach to lighting and way-finding. The considerations of these are detailed in this report.

Visual Appearance & Heritage Impact:

- 9.17. Emerging CPP2 Policy DM18 states that development proposals must demonstrate a high standard of design and make a positive contribution to a sense of place and the visual quality of the environment. CPP1 Policy CP12 is also relevant here.
- 9.18. There are heritage sensitivities of the site as Madeira Terrace (including Shelter Hall and lift tower) is Grade II* listed and set within the East Cliff Conservation Area, which is characterised by Regency terraces (including Grade II* Royal Crescent) to the north of Marine Parade overlooking the lower esplanade, the shingle beach and sea. There are also a number of listed buildings/structures within the wider seafront and within the Conservation Area, including Banjo Groyne (Grade II), Palace Pier to the west (Grade II*), the Grade II listed Seafront Railings running the length of Marine Parade, and various seafront elements including Grade II listed lampposts and the Grade II listed seafront shelter adjacent to the Shelter Hall lift tower. The size and linear form of the structure can be viewed well from Palace Pier to the west and the Banjo Groyne to the east.
- 9.19. CPP2 Policy SSA5 Madeira Terrace and Drive states that proposals will be required to respect the significance of the Grade II* Madeira Terrace and other associated designated and undesignated heritage assets, prioritising their repair and restoration and meet the site-specific requirements set out in the Policy. Policy DM27 (Listed Buildings) aims to protect the special architectural or historic interests of listed buildings, having particular regard to historical associations that the building has and the use of materials which are appropriate historically, functionally and aesthetically. CPP2 policies DM26 & DM29, CPP1 Policy CP15 and Saved local policies HE1, HE3 and HE6 also apply here. A Heritage Impact Assessment has been submitted as part of the application, which has been informed by a Draft Conservation Management Plan for Madeira Terrace.
- 9.20. In considering whether to grant planning permission for development which affects a listed building or its setting, the Council has a statutory duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Moreover, when considering whether to grant planning permission for development in a conservation area the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.
- 9.21. Case law has held that the desirability of preserving a listed building or its setting or any features of special architectural or historic interest it possesses, and the desirability of preserving or enhancing the character or appearance of a conservation area should be given "considerable importance and weight".

- 9.22. Overall, the Council Heritage Team and Historic England are in support of and welcome the proposed development, with any identified adverse harm outweighed by the benefits of the proposal. This is subject to submission of detailed design to be assessed further by condition as outlined in each element of the development below.

Cast Iron Structure:

- 9.23. The dismantling, repairing and reinstating the cast iron structure is the fundamental development within the proposals in terms of cost and also in enabling the site to be brought back to public use. The proposed restoration work would also enable greater understanding of the works required in the wider Madeira Terrace restoration project. The submitted Design and Access Statement sets out the background to the causes of the decay of the structure, and that the recommendation is to dismantle for repair offsite using a defects recording exercise to assess and analyse the level of repair in each component. The approach would involve retaining and repairing as much of the existing listed iron structure as possible (which is welcomed), but where required elements would be replaced with a recast component. The potential for reuse will be dependent on the corrosion of individual cast iron components, and the exact condition of the cast iron structure overall will not be fully known until each section is dismantled, inspected and surveyed off-site.
- 9.24. The repair works will overcome a number issues with the structure, including the replacement of the deck not having embedded cast ironwork that will erode, adding bearing pads for the beams into the cliff wall, new fitted bolts, and well as repairing and re-applying paint finishes in a controlled off-site workshop environment. The Heritage Team have identified the risk of damage in dismantling and then transporting the structure offsite. However, it is considered that the methodology submitted has been fully justified and the benefits to the long-term retention of as much of the structure as possible would outweigh the identified harm.
- 9.25. Overall, the restoration of the structure to its original appearance and condition, but with adaptations, is considered a positive approach. The Heritage Team supports the proposed cast iron repair methodology and techniques. Historic England state that the proposals for restoration would have a hugely positive impact on this part of the seafront. The proposals for repair and restoration are considered to accord in principle with policies SA1 and SSA5. Given that the exact retention condition of the listed structure is currently unknown, a first section of works within the Phase 1 development will be required for dismantling, survey and repair. This will then provide a template for the repair/re-cast approach required for the remainder of the Phase 1 structure, and details of this will be required by condition. Conditions are also required to ensure the existing colour scheme is retained (having been historically associated with the structure) and for details of the colour scheme for the keystone masks that feature of the face of the ironwork arches.

Shelter Hall Lift Tower:

- 9.26. The three-stage Madeira Lift is considered to be an early and rare example of a hydraulic, water-powered lift (later converted to electric power) in a seaside location. The structure was designed to allow the retention of the pre-existing green wall (planted between 1830 and 1833), and the attachment of the structure to the sea wall was itself considered innovative for the technology at the time. Over time the structure has been disfigured somewhat by poor repair/weatherproofing work carried.
- 9.27. Sensitive repairs are now proposed to the brickwork and deck level canopy, as well as reinstating the copper roof, with wood roll details to match that of the upper lift roof, and to renew the flashing between the new roof and the brick lift tower. Repair and restoration are also proposed to the underside of the canopy, timber door and moulded surround, original railings, and skylight. The proposed works to the Shelter Hall lift also include provision of a new lift car, lift mechanism and doors to enable it to become operational year-round without the need to be staffed.
- 9.28. The general restoration of the Shelter Hall structure is welcomed, as is the proposed reinstatement of the hydraulic operating system for the lift with new timber clad interior lift car to replace non-original existing car (to increase capacity). The lift would operate between and link Marine Parade and the terrace deck level, which would provide improvements to access and public realm (see considerations below). The re-use of the lift would require the need for a temporary walkway across the sun deck area (that would not be replaced as part of this Phase 1 application) to provide a pedestrian link between the upper deck lift entrance and the restored section of terrace. Given the circumstances, this is considered to be an acceptable temporary arrangement until the rest of the terrace is repaired. Further details of the lift, shaft and entrances restoration are to be submitted by condition.

Cliff Wall:

- 9.29. Repair works to the facing of the East Cliff Wall are proposed to enable the installation of padstones to support the restored Terrace lattice beam bearings, as well as the new deck. Methodologies for repair are set out within the application submission. The existing weak lime-concrete coated wall would be refaced with a cement-based concrete with mineral paint finish, which would provide a more uniform appearance. These works are considered necessary for the restoration project and the Heritage Team have no objection. The works would require the Japanese Spindles to be carefully pruned, protected and propped. The ephemeral planting would be removed and returned to a 'Living Wall' system once structural works are complete. The ecological considerations are set out further in this report below.

New lift:

- 9.30. A new lift is proposed for the western end of the site, to the east of the Royal Crescent Steps. The lift would provide improved access and connectivity through the site (see 'Access' below). The application submission provides an extensive background of the historical significance of lifts in the context of Madeira terrace, including the original design intent of the Borough Surveyor

Philip Lockwood for Madeira terrace to incorporate additional lift access in the original structure.

- 9.31. The proposed lift proposals have progressed through a rigorous process of analysis and includes significant pre-application assessment of various designs that included constructive engagement with Planning Officers and independent Design Review Panel. This has resulted in the final design which appears as a contemporary version of the existing Shelter Hall lift whilst still establishing a subservient appearance to that of the historical lift.
- 9.32. The strong linear character of Madeira Terrace is only currently interrupted by the existing Shelter Hall lift and the existing staircases. The lantern top to the new lift would result in a break in the Marine Parade railings and would be clearly and prominently visible from the Marine Parade street-scene and from various nearby points within the East Cliff Conservation Area to the north of the site. The Heritage Team highlight a low adverse heritage impact in these interventions that would need to be balanced against the benefits of the scheme.
- 9.33. The Heritage Team support the contemporary approach to the design which would be deliberately lower than the historic lift and less prominent in appearance when viewed collectively but would still reference the proportions and materials of the existing historic lift. It is appreciated that the proposed lift would be a significant intervention impacting on the historic terrace structure itself, however it is considered that the location of the new lift is legible, the mid-level railings and round level arched arcade would cut across the set-back tower to retain repetitive horizontal detailing, and that the length and scale of the wider terrace structure could successfully accommodate such an intervention visually from longer distance views.
- 9.34. Historic England have highlighted a level of harm towards the lower end of less than substantial harm caused by the introduction of the new lift. However, they have regard to the extensive design process the proposal has undertaken, the historical materiality in the design as well as the need to ensure a robust and long-lasting structure. The use of brick for the lift shaft and the copper would relate back to the original Lockwood lift design. Historic England have stated that the identified harm would be considerably outweighed by the public benefits of the scheme in terms of meaningful repairs, improvements to accessibility, and regenerating this part of the eastern seafront.

Terrace Deck:

- 9.35. The existing Terrace structure has a concrete deck covered by an asphalt layer that has worsened in condition overtime with movement joints added that have corroded. Given the reduced significance and its condition, it is not considered appropriate to repair and is instead proposed to be replaced with the lattice beams underneath retained. This would also allow improved weatherproofing and removal of ironwork for assessment to be retained. The proposed concrete deck would have a natural stone aggregate finish. Concrete has been chosen given the longevity and robustness it would provide. The Heritage Team highlight a neutral impact in this part of the scheme, with the change in construction with pre-cast units balanced with the removal of disfiguring patchy

asphalt enabling an enhancement of the greater heritage value within the restoration of the ironwork.

- 9.36. Historic England have stated that the replacement of the concrete deck would not cause any significant harm to the listed structure as it is in a very poor condition, unable to perform its structural function and holds limited significance because it is a typical of this form of construction.
- 9.37. The original continuous timber seating fixed to the cliff face would be restored and incorporated into the wider public realm proposals for the upper deck which include island planting beds, seasonal canopies, low level LED lighting, and further seating. Overall these are considered to be modest additions to the historic elements, and further details of the public realm and landscaping on the terrace deck are required by condition. The proposed seasonal canopies are considered acceptable in principle, however further details are required by condition to ensure they have limited visual impact on the appearance of the terrace when they are in place during the summer months.
- 9.38. The cast iron balustrade is currently under 1m in height and is therefore required to be raised in height by 135mm to ensure it complies with building regulation standards of above 1.1m in height. This will be carried out by retaining the existing balustrades and attaching on top of new concrete upstands. This is considered to be a discrete alteration that would not significantly harm the historic value of the structure. The proposal is to retain the current colour scheme, and this is conditioned.

Existing/New stairs:

- 9.39. As the Shelter Hall lift would only provide access between Marine Parade and deck level, the proposal includes new stairs adjacent to Shelter Hall lift in order to provide access on the eastern side of the site between deck level and lower-level walkway/Madeira Drive. It is considered that this would have only a minor impact in terms of loss of ironwork of the existing structure and interruption of the linear character. The proposed balustrade and detailing would have regard to historic locality, with panels to be solid to meet safety regulations. Overall the new steps are considered an appropriate addition and further details of the stairs and brick underside would be required by condition.
- 9.40. The proposed alterations to existing eastern flight of the Royal Crescent Steps (to the western end of the site) are required in order to improve safety, with new handrails with lighting incorporated, refurbishment of existing cast iron balustrade (with steel plate and concrete upstand to be added), timber handrail and concrete treads (with new contrasting nosing's added). The existing steps are steep and narrow, and therefore upgrades to improve safety are welcomed with no heritage harm as a result, subject to further details required by condition.

Lower-Level Walkway:

- 9.41. Existing concrete/terrazzo paving has historical elements however they have been unmaintained, and retention of the surviving paving is not considered possible.

- 9.42. The proposals would reflect the original role of the lower-level promenade as a space for shelter under the terrace structure, as a continuous walkway, and as an area of public realm with low level shrubs, LED lighting to the underside of the lattice beams, new seating with uplighters, and hardstanding. The proposals would reintroduce planted zone landscaping that would delineate the edge of the lower walkway and would assist with surface water drainage. Further details of the public realm enhancements, including lighting fixings and fittings (to ensure no adverse impact to the heritage value of the structure) would be required by condition.
- 9.43. Parking spaces would be removed to accommodate the new crossing points and improve connectivity to Madeira Drive and beach beyond, which would also provide an improved setting for the listed asset. Contemporary Brighton branded totems are proposed in the locality, and wall mounted signs within the site, which are also welcomed subject to condition to confirm details including design and siting.

Impact on Other Nearby Heritage Assets:

- 9.44. The proposed lift would result in a loss of section of the seafront railings on Marine Parade to enable access and the tower structure would break the uninterrupted stretch of railings in this section. However, there are other breaks in the railings at entrances to existing steps and lift, and therefore no significant harm would be caused here. Taking into consideration contextual views and separation distances, it is considered the proposals would not have any significant impact on the nearby listed terrace properties, the setting of the listed lamp columns or the nearby seafront shelter.
- 9.45. The proposals would result in repair and restoration of historic elements within the site that are important to the character of the wider East Cliff Conservation Area and are therefore considered to have a significant beneficial impact in this regard.

Landscaping/Public Realm:

- 9.46. Policy SA1 of CPP1 acknowledges the need to enhance and improve the public realm along the seafront. Supporting text to Policy SSA5 of CPP2 states that there is a need to improve connections between Marine Parade and Madeira Terrace, in order to help both to tackle severance and also to improve accessibility to Madeira Drive, the seafront and its attractions. CPP1 Policy CP13 (Public Realm) aims to improve the city's public urban realm by positively contributing to public spaces, enhancing local distinctiveness, reducing the impact of car parking, incorporating biodiversity and creating safe and inclusive public spaces.
- 9.47. The proposed deck level would have areas of 50m spacing without planters and seating to enable its use for activities and pop-up events, and the proposed upgrades includes infrastructure to support this such as electric power and water points. Due to the constraints of the maximum 7.4m width of the terrace, the maximum occupancy would be approximately 100-150 people.

- 9.48. It is recognised that currently the public realm at the site acts as a barrier to the area and is in need of improvement (which is highlighted in the Madeira Drive Regeneration Framework). The proposed public realm enhancement to the site would provide immediate and long term, visual, environmental and public/community benefit. It would reactivate a public space, reduce visual barriers and enhance public safety. Improving connectivity has been an important part of the proposals, and this is considered further in this report below. Overall, the proposed works would provide a number of improvements to pedestrian routes. The recommendations of the Local Highway Authority are also considered within this report below.
- 9.49. Existing benches and planter beds on the upper deck would be repaired for re-use. The existing balustrades would be required to be raised in height to meet current safety standards. The proposed upgrades for the new pre-cast concrete deck would also include new raised planters, seating, and seasonal canopies. The siting of these has been fully considered to allow for maximum capacity of the upper deck, to ensure good accessibility and emergency escape routes, and to accommodate future placement of pop-up events and uses. Further details of landscaping, including street furniture, are required by condition. The County Ecologist has commented fully on the proposal in relation to ecology/biodiversity proposals, and these are considered further below.
- 9.50. Landscaping is also proposed on the lower promenade level with the removal of 22 parking spaces to enable the reinstatement of historic verges and a 3.2m wide planting area with access. New seating, lighting to underside of the lattice beams, and hardstanding for future pop-up uses are also proposed. Details of proposed public realm layout, materials, colour palate, signage and lighting strategy (as outlined in the detailed design plans and Design and Access Statement), including maintenance details and management plan, are required by condition. This is in order to ensure a satisfactory appearance and to accord with the requirements of SA1 the Seafront, Policy CP13 and CP15 of the City Plan Part 1.
- 9.51. Saved Policy QD25 requires external lighting to form part of an overall design strategy and that planning permission will not be granted for lighting units which emit over-intense light that could cause a detriment impact to amenity, the environment, and highway safety. It is considered that the signs and lighting proposed to improve safety and the legibility of the area would be welcomed. A contemporary scheme for lighting is proposed (rather than restore historic lighting that would not provide adequate illumination levels). It is considered that the proposed lighting scheme in principle would enhance the setting of this part of the historic structure, improve access, minimise energy use (by using LED fittings), and would be adaptable as appropriate. Further details, including to ensure full regard to the listed nature of the structure and to ensure appropriate light levels for neighbouring amenity and local wildlife, would be required by condition.
- 9.52. The applicant proposes public art works/allowance as part of the proposals. This would accord with a key priority for SA1 The Seafront, Madeira Drive and Policy CP5 Culture and Tourism. These policies seek investment in spaces suitable for

outdoor events and cultural activities that take place in the public realm and the enhancement and retention of existing public art works. Policy CP13 Public Streets and Spaces recognises the role of public art to create and enhance local distinctiveness in the public realm and help develop a desirable sense of place as well as improving legibility. Wayfinding and heritage focussed information boards are also proposed and it is stated that these could be co-ordinated with the public art strategy. Limited details have been submitted, and therefore full proposals for the public art are required by condition.

- 9.53. Further landscaping consideration are made in the report below (see 'Ecology'). Overall, the proposed improvements to the public realm in this section of the seafront are welcomed and would accord with priorities for the seafront in general within Policy SA1 and emerging City Plan Part 2 Policy SSA5.

Access:

- 9.54. The proposed improvement to access to the terrace and improving connectivity from Marine Parade to the beach are key policy requirements, in particular in relation to emerging CPP2 Policy SSA5: Madeira Terrace and Madeira Drive. City Plan Part 1 Policy CP13 Public Streets and Spaces is relevant and requires improvements to meet the needs of all users, utilise high quality, robust and sustainable materials and create safe and inclusive public spaces.
- 9.55. The proposals provide a new full height lift on the western end of the site near to the existing Royal Crescent Steps, restored lift provision (from Marine Parade to terrace deck) at the eastern end of the site at Shelter Hall lift, and new single storey stairs (terrace deck to Madeira Drive) to the east. The new lift would provide step free access for mobility impaired users.
- 9.56. Temporary means of access at terrace deck level between Shelter Hall lift and the refurbished deck is proposed until such time as the surrounding sun deck is upgraded in a future phase of works. The application submission also includes indicative details of future new lifts across the wider Madeira Terrace and this shows how the accessibility of the terrace would be improved with an even spread of vertical access.
- 9.57. Two crossing points are proposed to link the lower terrace promenade with the beach/Sealanes development across Madeira Drive, which would further improve connectivity between Marine Parade with the beach. Technical details are required by condition/s.278, and the highway implications are considered within this report below. Informal crossing points over the proposed landscaped verges are proposed in the form of stepping stones. It is indicated that there is the opportunity to increase proportion of disabled parking spaces and proposed cycle parking for standard and adapted cycles (details required by condition).
- 9.58. Overall, it is considered that the proposals would improve general access for pedestrians in and around the site, as well as improving accessibility with inclusive design for the mobility impaired.

Ecology:

- 9.59. Policy NC4 Sites of Nature Conservation Importance (SNCI) sets out that planning permission will not be granted for a proposal within, or in the setting of, an existing or proposed Site of Nature Conservation Importance (SNCI) where it is likely to have an adverse impact, on the nature conservation features of the site. The proposals should seek to protect and enhance existing open space and nature conservation interests where the site lies within designated areas. Policy CP10 requires development to conserve existing biodiversity which may be affected, protect it from development such as from noise and light pollution, and provide gains for biodiversity wherever possible particularly through the restoration and enhancement of the existing green wall.
- 9.60. As set out in CPP2 Policy DM37 Green Infrastructure and Nature Conservation, as a locally protected site, development proposals should justify development of the site and ensure impacts can be mitigated through on or off-site habitat creation with achievements in net gains in biodiversity/geodiversity.
- 9.61. Restoration and enhancement of the Madeira Drive Green Wall LWS is proposed as part of the wider restoration works. Madeira Green Wall LWS is believed to be the longest and oldest green wall in Britain with a mix of native and non-native species with its value lying in the range of organisms that have established and formed a unique ecosystem. The Green Wall consists of 58 veteran Japanese spindle plants (*Euonymus Japonicus*) which lean against the cliff wall and are planted at the lower base of the wall and stretch up to the upper deck level. There is also herbaceous annual and perennial planting at lower promenade level of the cliff wall. This planting area has grown and evolved over time with the lack of disturbance and maintenance in an area that is sheltered somewhat by the structure above and benefiting of rainwater runoff with the cliff wall.
- 9.62. The investigation of the East Cliff Wall has shown deterioration of the lime cement and the requirement to install padstones to support the restored lattice beam bearings and new deck. Deterioration of the painted surface with flaking paint and surface corrosion of the cast iron is also visible on site. Extensive structural repair works to the wall are therefore required to allow the Madeira Terrace restoration works to take place, which means that direct impact on the Green Wall (including removal of perennial planting on the cliff wall) is unavoidable. A mitigation and enhancement approach during construction is set out within the application, which would protect the green wall whilst repair works take place with the use of purpose-built temporary scaffolding during works to retain the spindle plants in their rooted position. The upper stems and branches will be pruned and then supported and moved away from the cliff face on the scaffold for the duration of the cliff wall works. The long-term proposals are also to ensure that the Japanese Spindle and lower-level planting can flourish in an improved environment. The assessment work carried out of the existing vegetation and ecological assets in order to minimise and mitigate impacts to the green wall are welcomed in compliance with CPP1 policies CP10, CP16 and emerging CPP2 Policy DM37.
- 9.63. An Ecological Impact Assessment (EclA by Phlorum) has been undertaken and outlines the proposed habitat mitigation works, including replacement of habitat

lost through the provision of bespoke cassette planting at the lower promenade level, native and ornamental wall shrubs and climbers supplementing the green wall, and use of cuttings from the existing plants of the green wall with the intention of replanting. There is no proposal to infill arches in order to maintain the current open but sheltered and irrigated conditions on-site, including maintained light levels.

- 9.64. Also proposed are new habitat (biodiverse herbaceous and wildflower planting) in new raised planters on the terrace deck and historic verge planters on Madeira Drive. In principle the proposal to restore and enhance the soft and hard landscaping of the upper deck and lower level of Madeira Terrace would accord with BHP policy QD16 and CPP2 Policy DM22. The County Ecologist has recommended that species should be locally appropriate, taking into consideration the existing vegetation of the green wall and reflecting nearby coastal habitats such as coastal vegetated shingle within the Volks Railway LWS. Details would be required by condition.
- 9.65. The risk of roosting bats on site is considered low, however precautionary works are set out within the submission. The potential indirect impact of light on bats (and other habitats) would require full details of sensitive lighting by condition. The Green Wall and existing structures offer opportunity for breeding birds to be present, and precautionary methods have been set out within the submission. Bird and bat boxes are recommended as additional measures at condition stage to enhance habitat and biodiversity on the site. The site is known to support a range of common insect species including butterflies, bumblebees and with honeybees in the summer. The vegetation removal and mitigation planting will be phased to enable some habitat being maintained on site during construction works.
- 9.66. The proposed Biodiversity Net Gain letter report (by Phlorum) has been assessed by the County Ecologist who has queried the classification of the existing green wall as 'poor' condition when it is more likely to classify as 'fairly poor', which would result in a net biodiversity loss within the proposal of at least 2.16%. It is acknowledged that this is a constrained site area, and that the applicant has made a justified balance of mitigation impact within the planting plans whilst also enabling the site to have improved access and connectivity. The County Ecologist has stated that improving the planting plans as recommended, and provision of bat & bird boxes would potentially provide a small net gain overall. Further details of the proposed provision within the bespoke cassette planting and exploration of further opportunities (without impacting on the useability of the public realm) are required to maximise opportunities for biodiversity net gain on site. An Ecological Design Strategy is required by condition to set out the measures that are required for mitigation and/or compensate for impacts to the LWS, and to provide Biodiversity Net Gain.
- 9.67. It is noted in the application that noise, dust and lighting could potentially impact on the LWS and the species within. The Construction Environmental Management Plan (CEMP) to minimise the effects of noise and dust, and Landscape and Ecology Management Plan should be secured by condition with

adequate provision made for ongoing management and monitoring of habitats retained or created

Impact on Amenity:

- 9.68. Policy QD27 of the Brighton & Hove Local Plan and emerging Policy DM20 of City Plan Part 2 (which is considered to have more weight than QD27) state 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.

Overlooking/Loss of Privacy/Outlook/Daylight & Sunlight:

- 9.69. The proposed development is largely situated a sufficient distance away from neighbouring residential properties so as not to cause significant harm to residential amenity.

Noise and Disturbance:

- 9.70. The nearest residential properties are on the north side of the A259 coast road. The proposed lighting could have the potential to cause light pollution affecting nearby residents. The lighting installation will be required to comply with appropriate lighting guidance levels, and full details of the lighting scheme are required by condition.
- 9.71. There are already several leisure uses along this section of the seafront which generate activity. This proposal also does not result in a change of use. Therefore, there are no significant issues envisaged with the proposed footfall of pedestrian activity and any noise or disturbance that generally may occur on this site.
- 9.72. A condition for a Construction Environmental management Plan (CEMP) is required to mitigate construction impacts.

Sustainable Transport:

- 9.73. National and local planning policies seek to promote sustainable modes of transport and to ensure highway safety. In accordance with paragraph 109 of the National Planning Policy Framework, development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. The NPPF states that the use of sustainable modes of transport should be pursued (paragraph 102). Policy CP9 c) of the Brighton and Hove City Plan Part One is relevant as are Local Plan policies TR4 (Travel Plans), TR7 (Safe Development), TR14 (Cycle Access and Parking) and TR18 (Parking for people with a mobility related disability).
- 9.74. City Plan Policy CP9 seeks to encourage use of sustainable modes of transport. Local plan policy TR7 seeks to ensure developments do not compromise highway safety. Draft City Plan Part 2 Policy DM33 Safe, Sustainable and Active Transport is also relevant as the new access route should be designed to provide safe, comfortable and convenient access for pedestrians and contribute towards, the city's network of high quality, convenient and safe cycle routes. The

Highway Authority has commented on the application, and their recommendations are summarised below.

- 9.75. The site is currently mostly closed off to the public. The main vehicular and cycle access to the site is along Madeira Drive, and the site can also be access for pedestrians via Marine Parade to the north. The nearest bus stops are located on Marine Parade close by which can be accessed by Royal Crescent Steps. The main transport issues in the proposed development are the proposed removal of 22 parking spaces on Madeira Drive, highway works including the introduction of two controlled crossing points on Madeira Drive, and the vehicle, cycle and pedestrian movements associated with the development.
- 9.76. Cycle docking stations associated with the development for 40 spaces would be provided along Madeira Drive, however further details of the proposals for this would be required by condition. A s278/condition would be required for the proposed installation of 2 no. pedestrian crossing points and associated footway works.
- 9.77. An indicative parking layout has been submitted and it has been set out that there would be a loss of 22 parking spaces on Madeira Drive to accommodate the landscape and access improvements as set out in the report above. Although the loss of parking spaces would reduce the parking supply in this location, a supply of parking spaces on Madeira Drive and the locality would remain, the Local Highway Authority have no objection, and it is considered that any detrimental impact on the loss of parking supply is outweighed by the proposed pedestrian access and landscape improvements of heritage importance that would be enabled as a result. The removal of parking spaces in this locality would also improve public safety by creating more natural surveillance opportunities under the arches.
- 9.78. The proposals may create more trips to Madeira Terrace and the seafront in general, however no change of use is proposed, and the proposal is not deemed to create additional travel or parking demand in its own right. It is considered there is no trip generation that needs to be assessed.
- 9.79. A CEMP (Construction Environment Management Plan) would be required by condition to manage construction trips and parking.

Sustainability:

- 9.80. City Plan policy CP8 requires that all developments incorporate sustainable design features to avoid expansion of the City's ecological footprint, radical reductions in greenhouse gas emissions and mitigate against and adapt to climate change. Emerging CPP2 Policy DM44 (Energy Efficiency and Renewables) states that all development should improve energy efficiency and achieve greater reductions in CO2 emissions in order to contribute to the Brighton & Hove target to become a carbon neutral city by 2030.
- 9.81. A Whole-Life Carbon Emissions Report has been submitted as part of the application, which sets out the carbon impact of the regeneration, maintenance and use of Madeira Terrace, and estimates carbon impacts at different stages

of the life-cycle of the location including materials, construction, repair/replacement of components, operational use and end of life. There would be impact in terms of proposed construction materials, especially concrete and cast iron. However, there would be the addition of recycled aggregates or carbon reducing GGBS (Ground Granulated Blast-furnace Slag) to the concrete, and justification has been made elsewhere on the use of higher carbon materials where structurally necessary. The proposed for cast iron railings and arches is to refurbish first wherever possible rather than recast, which would reduce carbon use. Overall it is considered that by improving the wider environment by making the best use of layout, landscaping and materials it is considered that the proposal is in accordance with Policy CP8.

Flood risk:

- 9.82. The site is considered to be at low risk of flooding from surface water and not at risk of flooding from the sea, and given the low flood risk and the size of the site (less than 1 hectare) a formal flood risk assessment is not required. Policy CP11 Flood Risk and CPP2 Policy DM43 Sustainable Drainage apply here.
- 9.83. The applicant has submitted a surface water and foul water drainage strategy including drainage plans. No management or maintenance plan has currently been submitted for sustainable drainage. The proposals include public realm enhancements with new planting and hardstanding. The proposed verges would provide a porous surface into which to drain surface water runoff from the lower walkway.
- 9.84. The Sustainable Drainage Team has no objection to the proposals. Further details of permeable surfaces (including location of soakaway) and other drainage are required by condition in the form of a drainage strategy and maintenance schedule. Foul waters are proposed to be discharged to the adjacent Southern Water sewer via a new connection, which will require a separate application to Southern Water.

10. CONCLUSION

- 10.1. These proposals have been shaped by the outcome of public consultation and would provide benefit to the wider community. Overall, given the historic presence of the site being used for communal activities and events, the proposals to increase activity levels and footfall are welcomed. The application proposal would align with the broader regeneration aspirations of the emerging Eastern Seafront Plan.
- 10.2. The proposed restoration of the Madeira terrace structure would optimise retention of the original components where possible for heritage purposes, but also reduce carbon footprint. Historic England welcome this first phase of work which would start a process to repair and restore Madeira Terrace and bring it back into use so that it can be enjoyed by the public once more.
- 10.3. The proposed new lift and restoration of the existing Shelter Hall lift would be welcomed improvements to the accessibility through the site and the

connectivity to the wider seafront public realm and residential areas to the north. The Heritage Team fully support the proposals, subject to further detail to be submitted by condition. Historic England support the significant heritage benefits associated with the restoration, which is considered to outweigh the low level of harm of the proposed lift intervention. The scheme is considered acceptable in terms of any heritage impact to the historic fabric and environment including the listed assets and the identified Conservation Areas. Any adverse impact is considered to be outweighed against the significant public gain of bringing this part of the terrace back into use, as well as the heritage gain of ensuring the future of the historic structure through its repair.

- 10.4. The green wall and the historic spindle plants (*Euonymus japonicus*) are to be protected during the works and will feature strongly in the completed scheme. The proposed development, through a robust method strategy, would ensure that the Japanese Spindle and lower-level planting can flourish in an improved environment.
- 10.5. Improvements to the public realm in this section of the seafront are welcomed. The proposal represents an opportunity to enhance the present situation in respect of the designated heritage assets and the surrounding public realm with landscaping and planting on dual levels, as well as improving on the connectivity around the site. The Highway Authority has no objection subject to recommended conditions.
- 10.6. The design details of the proposal required by condition are necessary to ensure the acceptability of the scheme., Details of management and future maintenance of the scheme are required by condition.
- 10.7. For the reasons outlined the application is recommended for approval.

11. EQUALITIES

- 11.1. The proposals have given consideration in the design to be compliant with Building Regulation performance indicators, including access solutions to provide safe and enhanced access for the current proposals and for future development of the wider site. The pedestrian routes with new lift, restoration of historic lift, and public realm improvements with Madeira Drive crossing points would provide step free access within the site, linking Marine Parade and Madeira Drive, and onwards to the beach and other eastern seafront development.

12. CLIMATE CHANGE/BIODIVERSITY

- 12.1. The applicant has submitted a Whole Life carbon Report and sustainability has been an influencing factor in the early design stage process. The justified need to use materials such as cast iron and concrete would generate some unavoidable carbon within the scheme. The prioritising of repair of the cast iron

structure, and the use of cast iron fusion process for repair would however save significant levels of carbon use.

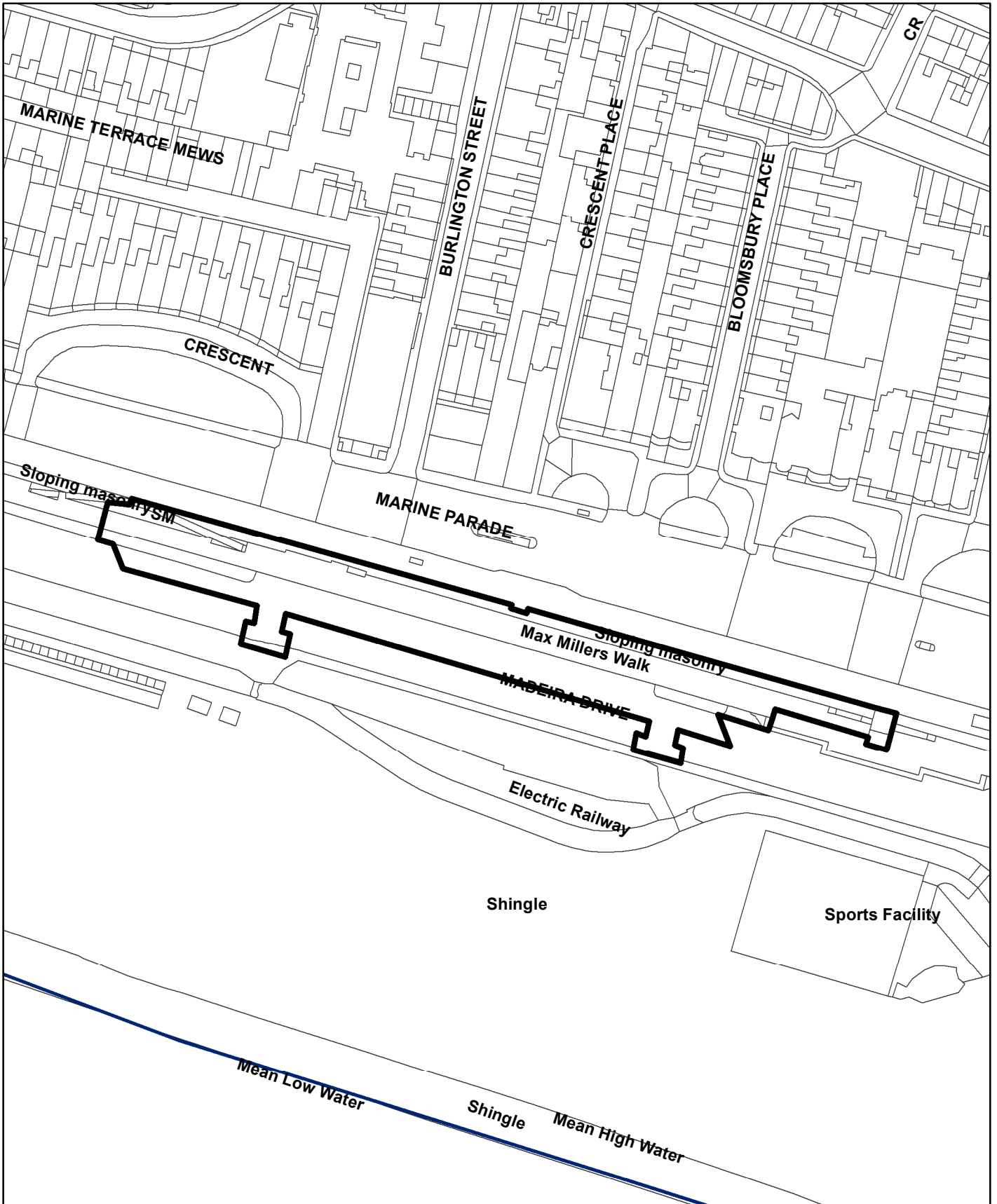
- 12.2. By improving the proposed planting plans at condition stage, provision within the bespoke cassette planting, and with the suggested provision of bat & bird boxes, it is expected that the proposed development could potentially provide a small biodiversity net gain overall. Overall, and subject to conditions, it is considered that the applicant has maximised opportunities for biodiversity net gain on site.

ITEM E

**Madeira Terrace, Madeira Drive
BH2022/02578
Listed Building Consent**

DATE OF COMMITTEE: 2nd November 2022

BH2022 02578 - Madeira Terrace



N



Scale: 1:1,500

<u>No:</u>	BH2022/02578	<u>Ward:</u>	East Brighton Ward
<u>App Type:</u>	Listed Building Consent		
<u>Address:</u>	Madeira Terrace Madeira Drive Brighton BN2 1TN		
<u>Proposal:</u>	Part restoration of the Grade II* listed Madeira Terrace (Phase 1 - consisting of the 40 arches between the Royal Crescent Steps in the west to Shelter Hall in the east), erection of a new full height single car lift, general repairs to existing Shelter Hall Lift structure and operational upgrade to Shelter hall Lift car carriage and doors together with temporary means of access at deck level, new staircase from deck level linking with Madeira Drive, permanent planting, landscaping and seating at deck level, fixings for temporary seasonal canopies at deck level, works to laundry arch, and improvements to heritage setting upon Madeira Drive including removal of 22 existing parking spaces, provision of new planted verges and associated wayfinding signage.		
<u>Officer:</u>	Wayne Nee, tel: 292132	<u>Valid Date:</u>	25.08.2022
<u>Con Area:</u>	East Cliff Conservation Area	<u>Expiry Date:</u>	20.10.2022
<u>Listed Building Grade:</u>	II*	<u>EOT:</u>	
<u>Agent:</u>	NTR Planning 118 Pall Mall London SW1Y 5EA		
<u>Applicant:</u>	Brighton & Hove City Council Hove Town Hall Norton Road Hove BN3 3BQ		

1. RECOMMENDATION

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

Conditions:

1. The works hereby permitted shall be commenced before the expiration of three years from the date of this consent.
Reason: To comply with Sections 18 (as amended) and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
2. A formal recording of the parts of the historic structure under the scope of the Phase 1 works hereby permitted, including the parts already replaced and removed, shall be logged as a gazetteer of surviving historical features. The formal recording shall be submitted to the Local Planning Authority as a complete public record prior to first public re-use of the Madeira Terrace deck level.
Reason: The gazetteer is to form a consolidated public record of the proposed Phase 1 works. To ensure the satisfactory preservation of this listed structure and to comply with Policy DM27 of City Plan Part 2 and policies HE1 and HE4

of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

3. Prior to the dismantling of any part of the listed Madeira Terrace structure an Iron Reuse Strategy report shall be prepared referencing pre-existing investigations shall be submitted to and agreed in writing by the Local Planning Authority.
Reason: To ensure the satisfactory preservation of this listed structure and to comply with Policy DM27 of City Plan Part 2 and policies HE1 and HE4 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.
4. The proposed area of the application site marking the extent of the initial works (Section 1) of the proposed Phase 1 works hereby permitted shall extend to no less than 4 arch bays in width. Details of the chosen location of the section 1 of phase 1 shall subsequently be submitted alongside applicable condition details referencing the section 1 works.
Reason: To ensure the satisfactory preservation of this listed structure and to comply with Policy DM27 of City Plan Part 2 and policies HE1 and HE4 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.
5. Prior to the dismantling of any part of the listed Madeira Terrace structure, an outline method statement for the removal of the existing concrete deck shall be submitted to and agreed in writing by the Local Planning Authority, and works shall be carried in full accordance with the approved details, and any deviation in the remainder of the phase 1 works from the approved shall require to be submitted in full and agreed in writing with the Local Planning Authority prior to implementation of those works.
Reason: To ensure the satisfactory preservation of this listed structure and to comply with Policy DM27 of City Plan Part 2 and policies HE1 and HE4 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.
6.
 - (a) Prior to any restoration works to the dismantled Madeira Terrace structure, a condition survey submitted in respect of section 1 of Phase 1 of the structure (following dismantling and workshop inspection) shall be submitted to and approved in writing by the Local Planning Authority. The condition survey shall include details of dismantling of the ironwork and the condition of all elements.
 - (b) Prior to reconstruction of section 1 of Phase 1 of the dismantled Madeira Terrace structure, a full methodology for repair and replacement detailing all interventions to be carried out, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a photographic condition record of each component at the point of assessment in the workshop and post-repair, and interventions carried out including the elements of new fabric. The scheme shall be developed with the input of an ironwork specialist/conservator and carried out in full in accordance with the approved details, and any agreed material deviation

in the remainder of the phase 1 works from the approved shall require to be submitted in full and agreed in writing with the Local Planning Authority prior to implementation of those reconstruction works.

Reason: To ensure the satisfactory preservation of this listed structure and to comply with Policy DM27 of City Plan Part 2 and policies HE1 and HE4 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

7. Prior to incorporation and installation of newly cast, cast iron elements, including (lattice) trusses, columns and balustrades, a minimum of one sample of each shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full in accordance with the approved details and retained as such thereafter.

Reason: To ensure the satisfactory preservation of this listed structure and to comply with Policy DM27 of City Plan Part 2 and policies HE1 and HE4 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

8. Prior to first public re-use of the restored Madeira Terrace deck level hereby permitted, full details of the proposed canopies, including height, coverage, method of attachment/fixing, means of storage, and visuals to indicate their visibility, shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details and maintained and retained as such thereafter. The deck level canopies shall be used seasonally between the 1st April and the 30th September (inclusive) in any calendar year and shall be removed and stored outside of these dates.

Reason: To ensure the satisfactory preservation of this listed structure and to comply with Policy DM27 of City Plan Part 2 and policies HE1 and HE4 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

9. Prior to first public re-use of the restored Madeira Terrace deck hereby permitted, full details of the wayfinding and historic building signage shall be submitted to and approved in writing by the Local Planning Authority. The signage shall be erected and completed fully in accordance with the approved details and maintained and retained as such thereafter

Reason: To ensure the satisfactory preservation of this listed structure and to comply with Policy DM27 of City Plan Part 2 and policies HE1 and HE4 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

10. No works to the Laundry Arch shall take place until full details of the external alterations of the Laundry Arch, including windows, doors and balustrade, have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details and maintained and retained as such thereafter

Reason: To ensure the satisfactory preservation of this listed structure and to comply with Policy DM27 of City Plan Part 2 and policies HE1 and HE4 of the

Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

11. Prior to first public re-use of the restored Madeira Terrace deck level hereby permitted:
- i) details of lighting to public realm, which shall include details of; location and design, levels of luminance, hours of use, predictions of both horizontal illuminance across the site and vertical illuminance affecting immediately adjacent receptors, hours of operation, details of fittings and fixings and details of maintenance shall be submitted to and approved in writing by the Local Planning Authority.
 - ii) the predicted illuminance levels shall have been tested by a competent person to ensure that the illuminance levels agreed in part 1 are achieved. Where these levels have not been met, a report shall demonstrate what measures have been taken to reduce the levels to those agreed in part i). The lighting shall be installed, operated and maintained in accordance with the approved details and thereafter retained.

Reason: To ensure a satisfactory appearance to the development and to safeguard the amenities of the occupiers of adjoining properties, to comply with policies DM26 and DM27 of City Plan Part Two, and HE1, HE6, QD25 and QD27 of the Brighton & Hove Local Plan.

12. No restoration/repair works to Shelter Hall lift shall take place until a general conditions survey relating to the shelter hall lift has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details and maintained and retained as such thereafter.

Reason: To ensure the satisfactory preservation of this listed structure and to comply with Policy DM27 of City Plan Part 2 and policies HE1 and HE4 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

13. No restoration/repair works to Shelter Hall lift shall take place until full details of the new lift car interior have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details and maintained and retained as such thereafter

Reason: To ensure the satisfactory preservation of this listed structure and to comply with Policy DM27 of City Plan Part 2 and policies HE1 and HE4 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

14. No restoration/repair works to Shelter Hall lift shall take place until full details of the new Shelter Hall lift hydraulic system have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details and maintained and retained as such thereafter

Reason: To ensure the satisfactory preservation of this listed structure and to comply with Policy DM27 of City Plan Part 2 and policies HE1 and HE4 of the

Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

15. Prior to first public re-use of the Shelter Hall lift, full details of the proposed new door treatment at the Marine Parade, terrace deck entrances, and restoration of the terrace deck canopy of the existing Shelter Hall lift shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details and maintained and retained as such thereafter

Reason: To ensure the satisfactory preservation of this listed structure and to comply with Policy DM27 of City Plan Part 2 and policies HE1 and HE4 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

16. Within 3 months of first public re-use of the Madeira Terrace deck level, a Management and Maintenance Plan for the new full height lift and Shelter Hall lift shall be submitted to and approved in writing by the Local Planning Authority. The use of the lifts thereafter shall be in full accordance with the approved details.

Reason: To ensure the satisfactory preservation of this listed structure and to comply with Policy DM27 of City Plan Part 2 and policies HE1 and HE4 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

17. Prior to first public re-use of the Shelter Hall lift (following these works of restoration and repair) to exit at deck level, full details of the temporary deck access walkway from the Shelter Hall lift to restored deck surface as part of Phase 1 shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out prior to first public re-use of the Shelter Hall lift and completed fully in accordance with the approved details. The temporary deck access walkway shall be removed at the time of construction of a future phase of works within this part of the terrace deck.

Reason: To ensure the satisfactory preservation of this listed structure and to comply with Policy DM27 of City Plan Part 2 and policies HE1 and HE4 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

18. The exposed metalwork of the core structure and associated balustrading and keystone mask detailing shall be painted with 'Brighton & Hove turquoise and cream paint colour' scheme and retained as such thereafter. Any material deviation from this shall require full details to be submitted and approved in writing by the Local Planning Authority prior to implementation of those repainting works.

Reason: To ensure the satisfactory preservation of this listed structure and to comply with Policy DM27 of City Plan Part 2 and policies HE1 and HE4 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

19. Prior to first public re-use of the restored Madeira Terrace deck level hereby permitted, sample details of the finishing treatment of the Madeira Terrace pre-

cast concrete deck, including colour, aggregate wearing course for the deck, and method of application for the finishing treatment shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details and maintained and retained as such thereafter

Reason: To ensure the satisfactory preservation of this listed structure and to comply with Policy DM27 of City Plan Part 2 and policies HE1 and HE4 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

20. No works to the East Cliff Wall within Section 1 of the Phase 1 shall take place until full details of treatment to the repaired cliff face in terms of method of exposed surface repair, materials used, method of application of exposed surface finish and colour have been submitted and approved in writing by the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details and maintained and retained as such thereafter

Reason: To ensure the satisfactory preservation of this listed structure and to comply with Policy DM27 of City Plan Part 2 and policies HE1 and HE4 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

21. Prior to public re-use of the restored Madeira Terrace deck hereby permitted, full details (including siting, height and materials) of the temporary boundary treatment at either end of the restored terrace deck, to include a degree of permeability of wider deck beyond, shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details and maintained and retained as such thereafter, and subject to removal via any adjacent phases of restoration to the remainder of the terrace deck.

Reason: To ensure the satisfactory preservation of this listed structure and to comply with Policy DM27 of City Plan Part 2 and policies HE1 and HE4 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

22. Full details of any temporary pedestrian access during construction (where deemed necessary), including, where necessary, any details of minor temporary works to the western arm of the Royal Crescent Steps to facilitate safe temporary pedestrian access, shall be submitted to and approved in writing by the Local Planning Authority. In the event of temporary works to the western steps being undertaken these works shall be carried out and completed fully in accordance with the approved details.

Reason: To ensure the satisfactory preservation of this listed structure and to comply with Policy DM27 of City Plan Part 2 and policies HE1 and HE4 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

23. Prior to public re-use of the restored Madeira Terrace deck hereby permitted, full sample details of the ground level hardstanding within Madeira Drive and lower terrace promenade walkway, shall be submitted to and approved in writing by

the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details and maintained as such thereafter.

Reason: To ensure the satisfactory preservation of this listed structure and to comply with Policy DM27 of City Plan Part 2 and policies HE1 and HE4 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

24. No ground works to the proposed new full height lift hereby permitted shall commence until samples of all materials to be used in the construction of the external surfaces of the new lift have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and maintained as such thereafter.

Reason: To ensure a satisfactory appearance to the development and to comply with Policy DM27 of City Plan Part 2 and policies HE1 and HE4 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

25. No ground works to the proposed new full height lift hereby permitted shall commence until full design details of the exterior of new lift, including final design of the hit and miss brickwork pattern and associated lighting behind, have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and maintained as such thereafter.

Reason: To ensure a satisfactory appearance to the development and to comply with Policy DM27 of City Plan Part 2 and policies HE1 and HE4 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

26. Prior to restoration works to the eastern arm of Royal Crescent Steps hereby permitted, full details of the restoration works, including details of the handrails, lighting, and contrasting nosing's to be added to the step treads (if applicable), shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details prior to restoration works to the eastern arm of Royal Crescent Steps.

Reason: To ensure the satisfactory preservation of this listed structure and to comply with Policy DM27 of City Plan Part 2 and policies HE1 and HE4 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

27. No works to the proposed new single flight staircase from deck level linking with Madeira Drive hereby approved shall commence until full sample details of the new staircase, including sample details of balustrade panels and brickwork, have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and maintained as such thereafter.

Reason: To ensure a satisfactory appearance to the development and to comply with Policy DM27 of City Plan Part 2 and policies HE1 and HE4 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

28. Prior to first public re-use of the restored Madeira Terrace deck level hereby permitted, full details (including samples) of the proposed public realm

improvement scheme shall be submitted to and approved in writing by the Local Planning Authority. The submission shall include details with regards layout, materials, colour palate, signage, street furniture, and infrastructure for future pop-up events. The maintenance details and future management plan are also required. The development shall be carried out in accordance with the approved details and maintained thereafter.

Reason: In order to ensure a satisfactory appearance and to accord with the requirements of SA1 the Seafront, Policy CP13 and CP15 of the City Plan Part 1.

Informatives:

1. This decision is based on the drawings listed below:

Plan Type	Reference	Version	Date Received
Proposed Drawing	503-LPL-XX-01-DR-L-0002	P3	30 August 2022
Proposed Drawing	240462-PUR-01-01-DR-A-2022	P05	30 August 2022
Proposed Drawing	240462-PUR-01-GR-DR-A-2021	P05	30 August 2022
Proposed Drawing	240462-PUR-01-ZZ-DR-A-2028_P05	P05	30 August 2022
Proposed Drawing	240462-PUR-01-01-DR-A-5000	P03	12 August 2022
Proposed Drawing	503-LPL-XX-00-DR-L-0001	P3	30 August 2022
Proposed Drawing	503-LPL-XX-00-DR-L-0021	P3	30 August 2022
Proposed Drawing	503-LPL-XX-00-DR-L-0022	P3	30 August 2022
Proposed Drawing	503-LPL-XX-00-DR-L-0031	P3	30 August 2022
Proposed Drawing	503-LPL-XX-00-DR-L-0032	P3	30 August 2022
Proposed Drawing	503-LPL-XX-00-DR-L-0051	P4	30 August 2022
Proposed Drawing	503-LPL-XX-00-DR-L-0054	P3	30 August 2022
Proposed Drawing	503-LPL-XX-00-DR-L-0055	P2	30 August 2022
Proposed Drawing	503-LPL-XX-00-DR-L-0100	P3	30 August 2022
Proposed Drawing	503-LPL-XX-00-DR-L-0102	P2	12 August 2022
Proposed Drawing	503-LPL-XX-00-DR-L-0103	P2	12 August 2022
Proposed Drawing	503-LPL-XX-00-DR-L-0105	P2	30 August 2022
Proposed Drawing	503-LPL-XX-01-DR-L-0200	P2	12 August 2022

Proposed Drawing	503-LPL-XX-01-DR-L-0201	P2	12 August 2022
Proposed Drawing	503-LPL-XX-01-DR-L-0202	P1	12 August 2022
Proposed Drawing	503-LPL-XX-01-DR-L-0203	P2	12 August 2022
Proposed Drawing	503-LPL-XX-00-DR-L-0101	P3	30 August 2022
Proposed Drawing	MTR-HOP-01-ZZ-DR-C-0501 S0	P3	12 August 2022
Proposed Drawing	MTR-HOP-01-ZZ-DR-S-0301	P3	12 August 2022
Proposed Drawing	MTR-HOP-01-ZZ-DR-S-0211	P3	12 August 2022
Proposed Drawing	MTR-HOP-01-ZZ-DR-S-0212	P3	12 August 2022
Proposed Drawing	MTR-HOP-01-ZZ-DR-S-0213	P3	12 August 2022
Proposed Drawing	MTR-HOP-01-ZZ-DR-S-0214	P3	12 August 2022
Proposed Drawing	MTR-PUR-01-ZZ-DR-A-1036	P04	30 August 2022
Proposed Drawing	MTR-PUR-01-ZZ-DR-A-2024	P05	30 August 2022
Proposed Drawing	MTR-PUR-01-ZZ-DR-A-2026	P04	12 August 2022
Proposed Drawing	MTR-PUR-01-ZZ-DR-A-2031	P04	12 August 2022
Proposed Drawing	MTR-PUR-01-ZZ-DR-A-2032	P04	12 August 2022
Proposed Drawing	MTR-PUR-01-ZZ-DR-A-2040	P04	12 August 2022
Proposed Drawing	MTR-PUR-01-ZZ-DR-A-2041	P04	12 August 2022
Proposed Drawing	MTR-PUR-01-ZZ-DR-A-2042	P04	12 August 2022
Proposed Drawing	MTR-PUR-01-ZZ-DR-A-2045	P03	12 August 2022
Block Plan	503-LPL-XX-00-DR-L-0000	P3	30 August 2022
Proposed Drawing	MTR-HOP-01-ZZ-DR-S-0601	P2	12 August 2022
Location Plan	240462-PUR-00-XX-DR-A-0005	P02	25 August 2022
Proposed Drawing	240462-PUR-00-ZZ-DR-A-1000	P03	25 August 2022

2. SITE LOCATION

- 2.1. The application relates to 40 arches (arches 78-117a) of Madeira Terrace between the Royal Crescent Steps to the west and including Shelter Hall/Concorde 2 to the east. The site area is 0.42 hectares in area and also includes part of Madeira Drive highway in front of this section of Madeira Terrace.
- 2.2. Madeira Terrace is a Grade II* listed building in the East Cliff Conservation Area. It is a cast iron arcade at beach level with walkway over, connected to Marine Parade above by sets of steps at intervals along its length, and by the Madeira Lift towards its eastern end, the tower for which rises above the level of the sea wall and connects to a shelter hall at beach level.
- 2.3. The wider Madeira Terrace structure is 865 metres in length stretching from Palace Pier/Old Steine to the west and Black Rock to the east. The terrace was built in the late 1880's (including extending westwards towards the old aquarium), connecting the open expanse of beach to the town above, and facilitating promenading, recreation and social gathering during the late Victorian era. The structure has a high aesthetic value from strong linearity accented by the repetitive bays and architectural detailing, as well of its three- tiered form (beach level promenade, intermediate deck and Marine Parade).
- 2.4. Through the 20th century the Terrace has provided the grandstand for early speed trials, and the finish of the London to Brighton car rallies and bike rides, Brighton marathon, concerts and other open-air events. The structure has since degraded and was closed to the public circa 2015 due to safety concerns. The building was included on Historic England's list of buildings at risk from October 2020 following the upgrade of the structure to Grade II* listing, and is described in the Register as being in a very poor and deteriorating condition.
- 2.5. The Shelter Hall (in use as Concorde 2 events venue) remains open, as is the eastern arm of Royal Crescent Steps. The Shelter Hall lift tower (not in use) is prominent within the conservation area and on the approach along the seafront and along Marine Parade. There is visual connection of the Terrace with sea views which it enables and also when viewed across the water as a backdrop to seashore views. The Terrace also has group value with other seaside structures and buildings including the adjacent Palace Pier and the Royal Crescent, both listed at Grade II*.
- 2.6. The eastern half of the Palace Pier to Brighton Marina Seafront, including Madeira Drive, is an urban stretch of seafront that provides opportunity for new uses, as well as public realm and connectivity improvements. This includes seafront uses to the south including Yellowwave beach sports venue, and the Sea Lanes swimming pool currently under construction at the former Peter Pan site.
- 2.7. To the south of Madeira Drive is Volks Railway Site of Nature Conservation (SNCI) which runs to the south alongside Madeira Drive. Volks Railway is also a Local Wildlife Site (LWS), as is Madeira Drive Green Wall which is partly located within the site and the planted Japanese Spindle covers a significant part of the cliff face on this stretch of the Terrace. To the north of the site is the A259 Marine Parade public highway.

3. RELEVANT HISTORY

- 3.1. **BH2022/02577** (Full Planning) Part Restoration of the Grade II* listed Madeira Terrace (Phase 1 - consisting of the 40 arches between the Royal Crescent Steps in the west to Shelter Hall in the east), erection of a new full height single car lift, general repairs to existing Shelter Hall Lift structure and operational upgrade to Shelter hall Lift car carriage and doors together with temporary means of access at deck level, new staircase from deck level linking with Madeira Drive, permanent planting, landscaping and seating at deck level, fixings for temporary seasonal canopies at deck level, cliff wall interventions and general repair (including physical works of protection for the Green Wall), works to laundry arch, and improvements to public realm and heritage setting upon Madeira Drive including removal of 22 existing parking spaces, provision of new planted verges, wayfinding signage, pedestrian crossings, cycle parking and associated drainage - Under Consideration.
- 3.2. **BH2021/03592** Installation of temporary propping of structural elements to bays 51 and 73 - Approved 01/12/2021
- 3.3. **BH2020/00619** Removal of existing rainwater goods and interim replacement with UPVC (retrospective). Long-term replacement with cast iron rainwater goods - Approved 21/04/2020
- 3.4. **BH2019/00098** (Lift) Installation of temporary concrete & steel propping supports to lattice beams nos. 19, 45, 58, 63, 67, 75 and 141 on Madeira Terraces - Approved 03/07/2019
- 3.5. **BH2017/02472** (Shelter Hall) Installation of internal platform within ceiling void to facilitate access to two original steel beams for inspection and maintenance purposes - Approved 18/09/2017
- 3.6. **BH2016/00563** Installation of supporting steelwork to three locations on Madeira Terraces - Approved 15/08/2016
- 3.7. **BH2015/03130** Installation of steel mesh fencing with vehicular and pedestrian gates to enclose Madeira Terrace, 3m high along Madeira Drive and 2.4m high to steps from Marine Parade - Approved 26/10/2015
- 3.8. **BH2015/03129** Installation of steel mesh fencing with vehicular and pedestrian gates to enclose Madeira Terrace, 3m high along Madeira Drive and 2.4m high to steps from Marine Parade - Approved 26/10/2015
- 3.9. **BH2012/02654** (Lift) Installation of light fittings to roof canopy and ground floor soffit with associated wiring to provide illumination around lift entrance (Part-Retrospective) - Approved 19/12/2012
- 3.10. **BH2009/02129** Structural repair works to cast iron beams, railings, post and panel along walkway - Approved 26/11/2009

- 3.11. **BH2000/00340/LB** Installation of floodlights on alternate pillars - Approved 22/03/2000

Black Rock and Surroundings Madeira Drive

- 3.12. **BH2020/00442** Replacement of existing sea wall with a realigned free-standing structure; the formation of an access route from Black Rock extending to Brighton Marina; enhancement of highways infrastructure for Duke's Mound at its junctions with Marine Parade and Madeira Drive; restoration of The Old Reading Room and The Temple and change of use for flexible A1, A3, D1 or D2 Use; widespread enhancement of public realm for pedestrians and cyclists via new amenities, facilities and landscaping, with associated ecological enhancement - Approved 24/12/2020

- 3.13. **BH2020/00443** Internal and external works to The Temple and The Old Reading Room incorporating: fenestration alterations; repairs and restoration of the structure and flooring; change of use for flexible A1, A3, D1 or D2 Use; and associated works - Approved 31/03/2021

Former Peter Pan's Playground Site Madeira Drive

- 3.14. **BH2020/01018** Application for variation of conditions 1, 3 and 23 of BH2019/00293 (as amended by BH2019/03686) to allow amendments to approved drawings to include reduced number of modular building units (from 107 to 74), increased overall floorspace (from 1372sqm to 1421sqm), enlarged swimming pool (from 25m x 12m to 50m x 12m) and to allow permanent consent for swimming pool and 10 year temporary consent for modular buildings (from previous 5 year temporary consent for whole scheme) - Approved 17/03/2021

- 3.15. **BH2019/00293** Erection of outdoor swimming pool (25m x 12.5m) and changing/plant rooms (D2 use), flexible events space (D2 use) and 1-2 storey relocatable modular buildings with first floor deck to provide mixed leisure/retail/food/drink/office uses (D2/A1/A3/A4/A5/B1 uses) with associated cycle parking, refuse storage, landscaping, boundary treatment and retractable beach mat. Temporary (meanwhile use) for 5 years - Approved 16/08/2019

- 3.16. **BH2018/02281** Erection of temporary buildings including first floor terrace to provide swimming training facility, sauna and changing facilities (D2 use), marketing suite/office (B1 use) and associated storage, plant and fencing, and use of land for general leisure/therapy use and pop-up events (D2/D1 uses) for temporary period of 12 months (Part retrospective) - Approved 31/01/2019

4. APPLICATION DESCRIPTION

- 4.1. Listed Building Consent is sought for repair and restoration to 40 arches of the Madeira Terrace between Royal Crescent steps in the west and Shelter Hall in the east, and to enable the re-opening of the structure for public realm and grandstand for events.

- 4.2. The full proposals are summarised as follows:

- Repair and restoration of 40 arches of Madeira terrace, including the cast iron metalwork, repair of Royal Crescent Steps, replacement deck structure with engineered concrete, and alter/restore balustrading with a raised height to 1100mm;
 - New full height single car lift to western end near to Royal Crescent Steps;
 - New staircase from deck level linking with Madeira Drive ground level at the eastern end of site;
 - Upgrade and repair of existing Shelter Hall Lift structure including general repairs, operation of lift from marine Parade to deck level, including new lift car, new doors, reinstatement of hydraulic drive system and reinstatement of deck level entrance canopy roof;
 - Provision of temporary pedestrian access route from Shelter Hall lift to reinstated deck;
 - New seating, planting and other landscaping at deck level, including fixings for temporary seasonal canopies;
 - Reinforce cliff wall to support Madeira Terrace structure, including general repair of cliff face;
 - Protection of green wall during construction phases and enhancement including cliff wall mounted planting cassettes to encourage planting growth;
 - New lighting scheme;
 - Removal of 22 no. existing parking spaces, provision of new planted verges, wayfinding signage, pedestrian crossings across Madeira Drive, cycle parking stations, and associated drainage works.
 - Alterations and repairs to Laundry Arch to enable future operational use with replacement windows and door and a new balustrade.
- 4.3. An associated Full Planning application (ref. BH2022/02577) is also under consideration.
- 4.4. Pre-application advice: The development has been influenced by pre-application feedback from officers in relation to heritage impact. The pre-application process included engagement with the Design South East Review Panel. The proposals have developed further since pre-application and includes further detail on the restoration of the terrace, removal of car parking, and repurposing and rationalising of the public spaces.
- 4.5. The applicant has undertaken pre-application consultation, including involvement with local businesses, community groups, local access groups and local heritage groups. Community engagement sessions took place in December 2021 and January 2022.
- 4.6. Finances for the project were raised through a crowdfunding campaign in 2017, and allocation of funding in 2019 by Brighton & Hove City Council's Tourism, Development and Culture Committee. The funding, as well as the requirement to deliver a completed section of regenerated structure has informed the scope of the proposals for this proposed development as Phase 1 of the Madeira terrace project.

5. REPRESENTATIONS

- 5.1. **Four (4)** letters of representation have been received in support of the proposed development for the following reasons:
- like the design of the new lift
 - Reopening the Terrace and making it more accessible for local residents will create new connections for East Brighton;
 - Look forward to the new cultural events proposed for Madeira Terrace;
 - The Madeira Terrace Advisory Panel support the application for the following reasons:
 - Support the applications but have reservations on the design of the new lift tower;
 - The benefits of the major interventions in the historic fabric more than justify any adverse effects on the significance of the Terrace;
 - secures stepped and step-free access between Marine Parade and Madeira Drive at the mid-point of the whole terrace' adding to and improving access to the concentration of leisure attractions in the vicinity;
 - The interface between the restoration of the terrace and the protection and regeneration of the Green Wall is carefully considered;
 - The proposed simple reinstatement of the surface of the covered walk is in keeping and the return of seating here is welcomed;
 - The proposed reduction in parking is a step in the right direction and the enhancement to the pedestrian crossings greatly improves them as a key element in the connectivity between Marine Parade and the beach.

6. CONSULTATIONS

External

- 6.1. **Conservation Advisory Group: Objection**
The principal objection was the inclusion of the new lift the design of which is not attractive and will harm the longer views of the Terraces. Could the restoration be completed without the new lift as the style and design is not acceptable? Views from within CA are harmed and the setting of the listed Royal Crescent. Perhaps a void could be left in the deck for a future installation?
- 6.2. Connection between, and access to, the different terrace layers are important, as highlighted. Could the necessary lift structures adopt the materials and colour palette of the existing ironwork, e.g. Brighton Blue? Night-time lighting should also be conservation-led i.e. consistent, not colour changes.
- 6.3. A very comprehensive and impressive application and the Group welcomes the intent to restore and retain. The many commercial challenges and the clear national heritage importance was recognised and acknowledged. The Group supports the approach of a benchmark containable first phase: But can measures be put in place to ensure this pilot is protected in the future from commercially-led changes and that lessons learned in the pilot are replicated in subsequent phases?

- 6.4. **Historic England: Comment**
Historic England supports the applications on heritage grounds. We consider that the applications meet the requirements of the NPPF, in particular paragraph numbers 195,199, 200 and 202.
- 6.5. Madeira Terrace is today in a very poor and deteriorating condition, with its structural instability a serious concern that has caused the 170 bays to be closed to the public since 2015. It is listed at Grade II* and is on Historic England's Heritage at Risk Register. Historic England therefore welcome these proposals to start a process to repair, restore and re-use Madeira Terrace primarily for the purpose for which it was designed i.e. as a grandstand for spectators and as an outdoor events venue. We are also supportive in principle of the proposed approach to the conservation and repairs of the cast iron structure. Overall, Historic England consider this to be a positive conservation-led scheme that once implemented would deliver significant heritage benefits, as well as starting the process to remove this important heritage asset from our Heritage at Risk Register.
- 6.6. It is appreciated that for the scheme to be successful and help with the regeneration of the Eastern Seafront, there would need to be additional lifts, and that the proposed lifts are of a size that is required to meet modern standards. The addition of these vertical interventions would cause some harm to the appearance of Madeira Terrace, which is essentially a horizontal structure, but it is understandable they are necessary to bring the structure back into full active use. Some of the harm may be reduced with a lift design that is more lightweight and transparent in appearance and with an upper element that is more in keeping with the exuberant and playful character of the existing kiosks and pavilions along Brighton's seafront. However, the relatively low level of harm caused by this aspect of the proposal within the context of the structure as a whole is, in our view, considerably outweighed by the significant heritage benefits associated with the restoration and re-use of this section of Madeira Terrace.
- 6.7. **The Victorian Society: No Objection**
The Victorian Society featured the building as one of its Top Ten Endangered Buildings in 2015 and has been concerned about its future and development for some time. The Victorian Society are extremely pleased to welcome these considered proposals for restoration and welcome the detailed analysis that has been done on the structure as requested when consulted. While some harm would arise from the loss of the original structure through the proposed replacement deck, it is recognised that like for like replacement is not reasonable in a marine environment. Likewise, the works to the existing lift, Royal Crescent stairs, laundry arch and proposed new staircase are all acceptable. In principle the proposed new lift is acceptable. However, the Committee believe the design could be improved in relation to the existing historic structures.
- 6.8. Currently, the shelter lift designed by Lockwood is the only one on the terrace and thus a defining and highly significant feature. It is essential its prominence is preserved if other lifts are created. This prominence should be preserved by an appropriate scale and design of the new lift which is subservient and reflects

the historic lift. The Committee recognised that the proposed design has distilled some of the features of Lockwood's original designs, but this could be improved.

- 6.9. The Victorian Society is pleased to support the proposed restoration of Madeira Terrace and is glad that a positive proposal has come about after so much debate about the future and use of the structure.

Internal

- 6.10. **Heritage** : No Objection

As the first phase of a long-term project to restore and regenerate the full length of the Terrace, this proposal is considered to represent an appropriate approach to repair and regeneration of the structure, the material palette and the approach to public realm and event space that could also be applied to future phases.

- 6.11. The proposed use for an outdoor events space and recreation space for the adjacent community, is in line with the original vision for this structure and is considered fully appropriate.

- 6.12. The Heritage Team supports the proposed approach to the restoration of the ironwork by careful dismantling and recording to allow repairs and redecoration under controlled conditions for greater longevity. The overarching approach of retention rather than renewal is welcomed, and the proposed gas welding system would reduce the need for re-casting thereby aligning with this methodology.

- 6.13. Welcome enhancement works are included such as reinstatement works to the Madeira lift tower to rectify disfiguring elements of past poor repairs, likewise the effect of piecemeal patching of the cliff wall will be improved with a mineral paint finish. Increased seating and landscaping works will also benefit the setting.

- 6.14. Architectural interventions to enhance essential functions such as improved pedestrian access and events support involve change, most notably a new lift structure. These have impacts on the heritage values of the structure, other nearby heritage assets and the East Cliff Conservation Area, and should be balanced against the public gains that will result from the scheme.

7. MATERIAL CONSIDERATIONS

- 7.1. 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

- 7.2. The development plan is:

- Brighton & Hove City Plan Part One (adopted March 2016)
- Brighton & Hove Local Plan 2005 (retained policies March 2016);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);

- East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
- Shoreham Harbour JAAP (adopted October 2019).

7.3. 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.

8. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development
 SA1 The Seafront
 CP12 Urban Design
 CP15 Heritage

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

HE1 Listed Buildings
 HE3 Development Affecting the Setting of a Listed Building
 HE4 Reinstatement of original features on listed buildings
 HE6 Development within or Affecting the Setting of Conservation Areas

Brighton & Hove City Plan Part Two

The Inspector published her Final Report into the Examination of the City Plan Part Two 19 July 2022. The Report is a material consideration. The Inspector has concluded that with her recommended changes (the schedule of changes as appended to the Report) that the Plan is sound and can be adopted. The Inspector's report concludes the examination of City Plan Part Two. City Plan Part Two policies, as amended by the Inspector's schedule of Main Modifications, can be afforded significant weight but they will not have full weight until the City Plan Part Two is formally adopted.

DM26 Conservation Areas
 DM27 Listed Buildings
 DM29 The Setting of Heritage Assets

Supplementary Planning Documents:

SPD09 Architectural Features

Background Documents:

Madeira Drive Regeneration Framework

9. CONSIDERATIONS & ASSESSMENT

9.1. Policy SA1 (The Seafront) of CPP1 seeks proposals which provide a year-round, sport, leisure and cultural role which complement its outstanding heritage and landscape value. The site lies within that part of the seafront defined as 'East of the Palace Pier to the Marina' which is identified as a centre for sports and family-

based activities. The policy seeks to safeguard Madeira Drive as an important event space for which it is a unique location. Policy SA1 (The Seafront) states that the council will work in partnership to ensure the on-going regeneration and maintenance of the seafront in an integrated and co-ordinated manner.

- 9.2. CPP1 Policy SA1 The Seafront - includes the following relevant seafront wide priorities:
- Enhance and improve the public realm and create a seafront for all;
 - Promote high quality architecture, urban design and public art which complements the natural heritage of the seafront and preserves and enhances the character and appearance of the Conservation Areas, and the historic squares and lawns that adjoin the seafront;
- 9.3. A masterplan is under preparation to support the implementation of Policy SA1 and SSA5 with a clear vision and coordinated approach as schemes come forward in the Eastern Seafront area. The Eastern Seafront Masterplan SPD is currently at issues and options stage, with stakeholder consultation having taken place.
- 9.4. The proposal is for the intended first phase of the restoration, repair and regeneration of the Madeira Terraces. This encompasses arches to the west of Shelter Hall (Concorde 2) up to the Royal Crescent Steps. It has been identified that these 40 arches have high heritage value as one half off the original terrace structure and has a lower capacity for change in the eastern end of the Terrace. The eastern end is deemed to be more appropriate for priority for repair, given the structure's classification of being on the 'At Risk Register', to ensure optimum restoration of the original structure. There is also a wider cluster of activity and businesses within this section, and there is the opportunity to support footfall to the existing business at Shelter Hall (Concorde 2) and elsewhere in the vicinity. It is therefore supported that this section of the Terraces comes forward as the first phase of the wider development.
- 9.5. Policy SA1 sets out as specific priorities for the east of Palace Pier to Brighton Marina section of the seafront; the need for an improved public realm and the conservation and enhancement of the historic and nature conservation features present in this location; and the need to improve beach and seafront access for pedestrians and cycle users, linking with access improvements at the Marina/Black Rock. In principle, the proposed development would accord with the identified priorities for this section of the Seafront. The proposed restoration and regeneration of this site, which is a key strategic objective of the city council, with its original intent and purpose is welcomed. It would also compliment the other developments underway in this section of the seafront, including the Black Rock enabling project and public realm works, as well as the Sea Lanes development to the south.
- 9.6. The following Policy SA1 priorities are relevant to the proposals for the public realm and transport proposals:
- Deliver the regeneration of Madeira Drive as a centre for sports and family-based activities supported by a landscaping and public art strategy which also provides for an improved public realm and the conservation and

enhancement of the historic and nature conservation features present in this location;

- Safeguard the vibrant and important event space at Madeira Drive as this presents a unique location for a mix of cultural, sport and leisure activity to take place; and
- Improve beach and seafront access for pedestrians and cycle users, linking with access improvements at the Marina/Black Rock.

- 9.7. City Plan Part 2 Policy DM15 Commercial and Leisure Uses on the Seafront indicates that the council will encourage temporary uses which help animate and activate vacant buildings or sites before regeneration/ construction commences and CPP2 Policy SSA5 at part h) encourages a variety of temporary/ pop up uses consistent with the area's role as a centre for cultural, sports and family based activities.
- 9.8. As the proposals are for a restoration project to bring the terraces back into use as a linear public space/ grandstand for events, there is no proposed material change of use. The proposals to improve accessibility to the terraces as Open Space is welcomed and would be in conformity with Part 2 of Policy CP16. Policy SSA5 of CPP2 sets out that a Council priority is the successful regeneration of Madeira Drive to create a 'seafront for all' that features diverse and engaging attractions for residents and visitors. The proposed retained use is for open recreation and outdoor events space (the submission includes plans for accommodating long-standing events on Madeira Drive), including opportunity for pop-up events and activities (such as cultural/street performances, classes, private hire, and mobile food/retail traders). This would accord with the wider policy priorities for this section of the seafront set out within Policy SA1, Policy CP13 and City Plan Part 2 Policy DM15. Future activity involved with the use of the terrace may evolve overtime, and separate planning applications may be required thereafter.
- 9.9. The restoration of Madeira Terrace would help support the continuing regeneration of the eastern seafront, help support major events on Madeira Drive, and would bring the public space back into use for residents and visitors. Improving the quality, accessibility and legibility of the public urban realm in this location would also meet the aims of CPP1 Policy CP13 Public Streets and Spaces. In principle the proposed improved pedestrian links are welcomed and would generally accord with the identified priorities for the Seafront and for this section of the Seafront (SA1 The Seafront).
- 9.10. Policy SSA5 states that the Council is committed to the retaining, restoring and reactivating the Grade II* listed structure, and that the renovation of Madeira Terrace will need to be sensitive to the structure's unique heritage and will need to be commercially viable in order to pay for its long-term maintenance. The proposals for dismantling, repairing and reinstating the cast iron structure (including replacing the terrace deck) are considered in detail later in this report.
- 9.11. This application has been submitted in advance of the adoption of an overarching Eastern Seafront masterplan SPD, and therefore it is important the proposals align with the key issues and aims of this SPD, including improved

accessibility and north-south connectivity from Marine Parade to beach level, public realm/event space improvements and the approach to lighting and way-finding. The considerations of these are detailed in this report.

- 9.12. There are heritage sensitivities of the site as Madeira Terrace (including Shelter Hall and lift tower) is Grade II* listed and set within the East Cliff Conservation Area, which is characterised by Regency terraces (including Grade II* Royal Crescent) to the north of Marine Parade overlooking the lower esplanade, the shingle beach and sea. There are also a number of listed buildings/structures within the wider seafront and within the Conservation Area, including Banjo Groyne (Grade II), Palace Pier to the west (Grade II*), the Grade II listed Seafront Railings running the length of Marine Parade, and various seafront elements including Grade II listed lampposts and the Grade II listed seafront shelter adjacent to the Shelter Hall lift tower. The size and linear form of the structure can be viewed well from Palace Pier to the west and the Banjo Groyne to the east.
- 9.13. CPP2 Policy SSA5 Madeira Terrace and Drive states that proposals will be required to respect the significance of the Grade II* Madeira Terrace and other associated designated and undesignated heritage assets, prioritising their repair and restoration and meet the site-specific requirements set out in the Policy. Policy DM27 (Listed Buildings) aims to protect the special architectural or historic interests of listed buildings, having particular regard to historical associations that the building has and the use of materials which are appropriate historically, functionally and aesthetically. CPP2 policies DM26 & DM29, CPP1 Policy CP15 and Saved local policies HE1, HE3 and HE6 also apply here. A Heritage Impact Assessment has been submitted as part of the application, which has been informed by a Draft Conservation Management Plan for Madeira Terrace.
- 9.14. In considering whether to grant planning permission for development which affects a listed building or its setting, the Council has a statutory duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Moreover, when considering whether to grant planning permission for development in a conservation area the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.
- 9.15. Case law has held that the desirability of preserving a listed building or its setting or any features of special architectural or historic interest it possesses, and the desirability of preserving or enhancing the character or appearance of a conservation area should be given "considerable importance and weight".
- 9.16. Overall, the Council Heritage Team and Historic England are in support of and welcome the proposed development, with any identified adverse harm outweighed by the benefits of the proposal. This is subject to submission of detailed design to be assessed further by condition as outlined in each element of the development below.

Cast Iron Structure:

- 9.17. The dismantling, repairing and reinstating the cast iron structure is the fundamental development within the proposals in terms of cost and also in enabling the site to be brought back to public use. The proposed restoration work would also enable greater understanding of the works required in the wider Madeira Terrace restoration project. The submitted Design and Access Statement sets out the background to the causes of the decay of the structure, and that the recommendation is to dismantle for repair offsite using a defects recording exercise to assess and analyse the level of repair in each component. The approach would involve retaining and repairing as much of the existing listed iron structure as possible (which is welcomed), but where required elements would be replaced with a recast component. The potential for reuse will be dependent on the corrosion of individual cast iron components, and the exact condition of the cast iron structure overall will not be fully known until each section is dismantled, inspected and surveyed off-site.
- 9.18. The repair works will overcome a number issues with the structure, including the replacement of the deck not having embedded cast ironwork that will erode, adding bearing pads for the beams into the cliff wall, new fitted bolts, and well as repairing and re-applying paint finishes in a controlled off-site workshop environment. The Heritage Team have identified the risk of damage in dismantling and then transporting the structure offsite. However, it is considered that the methodology submitted has been fully justified and the benefits to the long-term retention of as much of the structure as possible would outweigh the identified harm.
- 9.19. Overall, the restoration of the structure to its original appearance and condition, but with adaptations, is considered a positive approach. The Heritage Team supports the proposed cast iron repair methodology and techniques. Historic England state that the proposals for restoration would have a hugely positive impact on this part of the seafront. The proposals for repair and restoration are considered to accord in principle with policies SA1 and SSA5. Given that the exact retention condition of the listed structure is currently unknown, a first section of works within the Phase 1 development will be required for dismantling, survey and repair. This will then provide a template for the repair/re-cast approach required for the remainder of the Phase 1 structure, and details of this will be required by condition. Conditions are also required to ensure the existing colour scheme is retained (having been historically associated with the structure) and for details of the colour scheme for the keystone masks that feature of the face of the ironwork arches.

Shelter Hall Lift Tower:

- 9.20. The three-stage Madeira Lift is considered to be an early and rare example of a hydraulic, water-powered lift (later converted to electric power) in a seaside location. The structure was designed to allow the retention of the pre-existing green wall (planted between 1830 and 1833), and the attachment of the structure to the sea wall was itself considered innovative for the technology at the time. Over time the structure has been disfigured somewhat by poor repair/weatherproofing work carried.

- 9.21. Sensitive repairs are now proposed to the brickwork and deck level canopy, as well as reinstating the copper roof, with wood roll details to match that of the upper lift roof, and to renew the flashing between the new roof and the brick lift tower. Repair and restoration are also proposed to the underside of the canopy, timber door and moulded surround, original railings, and skylight. The proposed works to the Shelter Hall lift also include provision of a new lift car, lift mechanism and doors to enable it to become operational year-round without the need to be staffed.
- 9.22. The general restoration of the Shelter Hall structure is welcomed, as is the proposed reinstatement of the hydraulic operating system for the lift with new timber clad interior lift car to replace non-original existing car (to increase capacity). The lift would operate between and link Marine Parade and the terrace deck level, which would provide improvements to access and public realm. The re-use of the lift would require the need for a temporary walkway across the sun deck area (that would not be replaced as part of this Phase 1 application) to provide a pedestrian link between the upper deck lift entrance and the restored section of terrace. Given the circumstances, this is considered to be an acceptable temporary arrangement until the rest of the terrace is repaired. Further details of the lift, shaft and entrances restoration are to be submitted by condition.

Cliff Wall:

- 9.23. Repair works to the facing of the East Cliff Wall are proposed to enable the installation of padstones to support the restored Terrace lattice beam bearings, as well as the new deck. Methodologies for repair are set out within the application submission. The existing weak lime-concrete coated wall would be refaced with a cement-based concrete with mineral paint finish, which would provide a more uniform appearance. These works are considered necessary for the restoration project and the Heritage Team have no objection. The works would require the Japanese Spindles to be carefully pruned, protected and propped. The ephemeral planting would be removed and returned to a 'Living Wall' system once structural works are complete.

New lift:

- 9.24. A new lift is proposed for the western end of the site, to the east of the Royal Crescent Steps. The lift would provide improved access and connectivity through the site. The application submission provides an extensive background of the historical significance of lifts in the context of Madeira terrace, including the original design intent of the Borough Surveyor Philip Lockwood for Madeira terrace to incorporate additional lift access in the original structure.
- 9.25. The proposed lift proposals have progressed through a rigorous process of analysis and includes significant pre-application assessment of various designs that included constructive engagement with Planning Officers and independent Design Review Panel. This has resulted in the final design which appears as a contemporary version of the existing Shelter Hall lift whilst still establishing a subservient appearance to that of the historical lift.

- 9.26. The strong linear character of Madeira Terrace is only currently interrupted by the existing Shelter Hall lift and the existing staircases. The lantern top to the new lift would result in a break in the Marine Parade railings and would be clearly and prominently visible from the Marine Parade street-scene and from various nearby points within the East Cliff Conservation Area to the north of the site. The Heritage Team highlight a low adverse heritage impact in these interventions that would need to be balanced against the benefits of the scheme.
- 9.27. The Heritage Team support the contemporary approach to the design which would be deliberately lower than the historic lift and less prominent in appearance when viewed collectively but would still reference the proportions and materials of the existing historic lift. It is appreciated that the proposed lift would be a significant intervention impacting on the historic terrace structure itself, however it is considered that the location of the new lift is legible, the mid-level railings and round level arched arcade would cut across the set-back tower to retain repetitive horizontal detailing, and that the length and scale of the wider terrace structure could successfully accommodate such an intervention visually from longer distance views.
- 9.28. Historic England have highlighted a level of harm towards the lower end of less than substantial harm caused by the introduction of the new lift. However, they have regard to the extensive design process the proposal has undertaken, the historical materiality in the design as well as the need to ensure a robust and long-lasting structure. The use of brick for the lift shaft and the copper would relate back to the original Lockwood lift design. Historic England have stated that the identified harm would be considerably outweighed by the public benefits of the scheme in terms of meaningful repairs, improvements to accessibility, and regenerating this part of the eastern seafront.

Terrace Deck:

- 9.29. The existing Terrace structure has a concrete deck covered by an asphalt layer that has worsened in condition overtime with movement joints added that have corroded. Given the reduced significance and its condition, it is not considered appropriate to repair and is instead proposed to be replaced with the lattice beams underneath retained. This would also allow improved weatherproofing and removal of ironwork for assessment to be retained. The proposed concrete deck would have a natural stone aggregate finish. Concrete has been chosen given the longevity and robustness it would provide. The Heritage Team highlight a neutral impact in this part of the scheme, with the change in construction with pre-cast units balanced with the removal of disfiguring patchy asphalt enabling an enhancement of the greater heritage value within the restoration of the ironwork.
- 9.30. Historic England have stated that the replacement of the concrete deck would not cause any significant harm to the listed structure as it is in a very poor condition, unable to perform its structural function and holds limited significance because it is a typical of this form of construction.
- 9.31. The original continuous timber seating fixed to the cliff face would be restored and incorporated into the wider public realm proposals for the upper deck which

include island planting beds, seasonal canopies, low level LED lighting, and further seating. Overall these are considered to be modest additions to the historic elements, and further details of the public realm and landscaping on the terrace deck are required by condition. The proposed seasonal canopies are considered acceptable in principle, however further details are required by condition to ensure they have limited visual impact on the appearance of the terrace when they are in place during the summer months.

- 9.32. The cast iron balustrade is currently under 1m in height and is therefore required to be raised in height by 135mm to ensure it complies with building regulation standards of above 1.1m in height. This will be carried out by retaining the existing balustrades and attaching on top of new concrete upstands. This is considered to be a discrete alteration that would not significantly harm the historic value of the structure. The proposal is to retain the current colour scheme, and this is conditioned.

Existing/New stairs:

- 9.33. As the Shelter Hall lift would only provide access between Marine Parade and deck level, the proposal includes new stairs adjacent to Shelter Hall lift in order to provide access on the eastern side of the site between deck level and lower-level walkway/Madeira Drive. It is considered that this would have only a minor impact in terms of loss of ironwork of the existing structure and interruption of the linear character. The proposed balustrade and detailing would have regard to historic locality, with panels to be solid to meet safety regulations. Overall the new steps are considered an appropriate addition and further details of the stairs and brick underside would be required by condition.

- 9.34. The proposed alterations to existing eastern flight of the Royal Crescent Steps (to the western end of the site) are required in order to improve safety, with new handrails with lighting incorporated, refurbishment of existing cast iron balustrade (with steel plate and concrete upstand to be added), timber handrail and concrete treads (with new contrasting nosing's added). The existing steps are steep and narrow, and therefore upgrades to improve safety are welcomed with no heritage harm as a result, subject to further details required by condition.

Lower-Level Walkway:

- 9.35. Existing concrete/terrazzo paving has historical elements however they have been unmaintained, and retention of the surviving paving is not considered possible.
- 9.36. The proposals would reflect the original role of the lower-level promenade as a space for shelter under the terrace structure, as a continuous walkway, and as an area of public realm with low level shrubs, LED lighting to the underside of the lattice beams, new seating with uplighters, and hardstanding. The proposals would reintroduce planted zone landscaping that would delineate the edge of the lower walkway and would assist with surface water drainage. Further details of the public realm enhancements, including lighting fixings and fittings (to ensure no adverse impact to the heritage value of the structure) would be required by condition.

- 9.37. Parking spaces would be removed to accommodate the new crossing points and improve connectivity to Madeira Drive and the beach beyond, which would also provide an improved setting for the listed asset. Contemporary Brighton branded totems are proposed in the locality, and wall mounted signs within the site, which are also welcomed subject to condition to confirm details including design and siting.

Impact on Other Nearby Heritage Assets:

- 9.38. The proposed lift would result in a loss of section of the seafront railings on Marine Parade to enable access and the tower structure would break the uninterrupted stretch of railings in this section. However, there are other breaks in the railings at entrances to existing steps and lift, and therefore no significant harm would be caused here. Taking into consideration contextual views and separation distances, it is considered the proposals would not have any significant impact on the nearby listed terrace properties, the setting of the listed lamp columns or the nearby seafront shelter.
- 9.39. The proposals would result in repair and restoration of historic elements within the site that are important to the character of the wider East Cliff Conservation Area and are therefore considered to have a significant beneficial impact in this regard.

10. CONCLUSION

- 10.1. These proposals have been shaped by the outcome of public consultation and would provide benefit to the wider community. Overall, given the historic presence of the site being used for communal activities and events, the proposals to increase activity levels and footfall are welcomed.
- 10.2. The proposed restoration of the Madeira terrace structure would optimise retention of the original components where possible for heritage purposes, but also reduce carbon footprint. Historic England welcome this first phase of work which would start a process to repair and restore Madeira Terrace and bring it back into use so that it can be enjoyed by the public once more.
- 10.3. The proposed new lift and restoration of the existing Shelter Hall lift would be welcomed improvements to the accessibility through the site and the connectivity to the wider seafront public realm and residential areas to the north. The Heritage Team fully support the proposals, subject to further detail to be submitted by condition. Historic England support the significant heritage benefits associated with the restoration, which is considered to outweigh the low level of harm of the proposed lift intervention. The scheme is considered acceptable in terms of any heritage impact to the historic fabric and environment including the listed assets and the identified Conservation Areas. Any adverse impact is considered to be outweighed against the significant public gain of bringing this part of the terrace back into use, as well as the heritage gain of ensuring the future of the historic structure through its repair.

- 10.4. Improvements to the public realm in this section of the seafront are welcomed. The proposal represents an opportunity to enhance the present situation in respect of the designated heritage assets and the surrounding public realm, as well as improving on the connectivity around the site.
- 10.5. The design details of the proposal required by condition are necessary to ensure the acceptability of the scheme., Details of management and future maintenance of the scheme are required by condition.

11. EQUALITIES

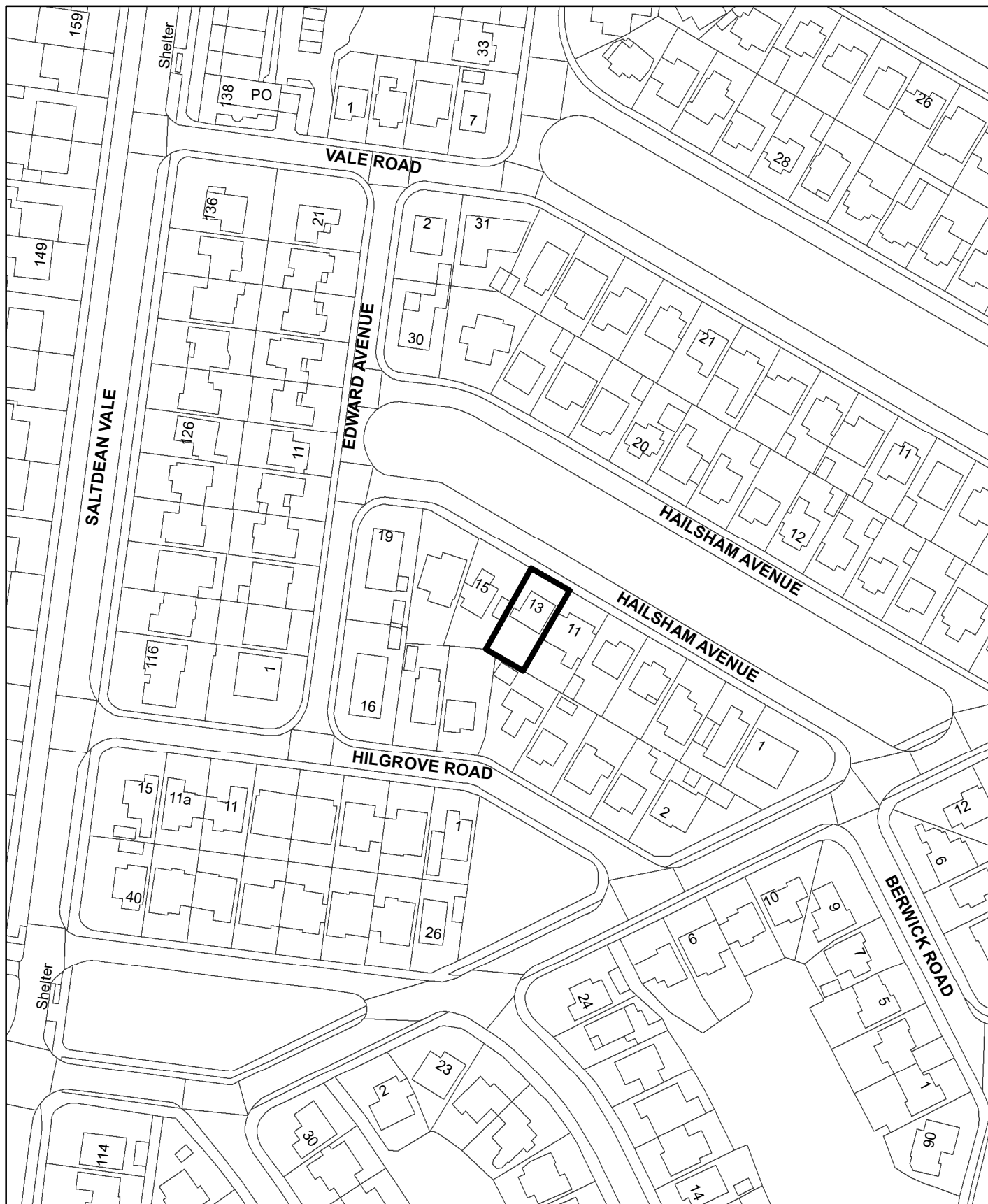
- 11.1. The proposals have given consideration in the design to be compliant with Building Regulation performance indicators, including access solutions to provide safe and enhanced access for the current proposals and for future development of the wider site. The pedestrian routes with new lift and restoration of historic lift would provide step free access within the site and beyond.

ITEM F

**13 Hailsham Avenue
BH2022/02324
Householder Planning Consent**

DATE OF COMMITTEE: 2nd November 2022

BH2022 02324 - 13 Hailsham Avenue



N



Scale: 1:1,250

<u>No:</u>	BH2022/02324	<u>Ward:</u>	Rottingdean Coastal Ward
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	13 Hailsham Avenue Saltdean Brighton BN2 8QH		
<u>Proposal:</u>	Roof alterations incorporating double hip to gable extension, front rooflights and rear dormers with Juliet balconies and new roof tiles. Alterations to fenestration and associated alterations.		
<u>Officer:</u>	Steven Dover, tel:	<u>Valid Date:</u>	01.08.2022
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	26.09.2022
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	09.11.2022
<u>Agent:</u>	Plans Prepared 8 Greenbank Avenue Saltdean Brighton BN2 8QS		
<u>Applicant:</u>	Mr Charlie Sharp 13 Hailsham Avenue Saltdean Brighton BN2 8QH		

1. RECOMMENDATION

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

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Block Plan	TQRQM2219314124 3144		19 July 2022
Proposed Drawing	HA-004		19 July 2022
Proposed Drawing	HA-005	A	20 September 2022
Proposed Drawing	HA-006		19 July 2022
Location Plan	TQRQM2219314065 2250		19 July 2022

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. The glazed balustrades on the rear dormer of the development hereby permitted shall be obscure glazed, 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 and DM20 of the Brighton & Hove Proposed Submission City Plan Part Two.

4. A bee brick shall be incorporated within the external wall of the development hereby approved and shall be retained thereafter.

Reason: To enhance the biodiversity of the site 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. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.
3. The applicant is advised that the application of translucent film to clear glazed panels does not satisfy the requirements of condition 3.

2. SITE LOCATION

- 2.1. The application relates to a detached bungalow located on the southern side of Hailsham Avenue. The property has a hipped roof and small front gable, with a small flat roof front extension creating an extended porch. Off street parking is provided with a concrete front driveway. It is finished in white render, timber beam detailing, brown/red plain roof tiles and white uPVC fenestration.
- 2.2. The road, Hailsham Avenue, is characterised by uniformity in the design, style, scale of properties and plot sizes, with predominantly hipped roof and gable fronted residential bungalows which have had limited variations and extensions that are visible in the public realm. The occasional side extension is present and some hip to gable roof alterations.
- 2.3. Land levels fall from east to west, with a reflective stepping down in the ground floor slabs and roof heights of the residential dwellings in the road. An attractive wide grassed common area runs between the parallel roads that form Hailsham Avenue, giving a very open aspect to the street.

3. RELEVANT HISTORY

- 3.1. **BH2009/01571** Single storey side/rear extension and additional single storey rear extension with infill raised decking. Refused for the following reasons:
 - 1) The proposed side extension, by reason of its size, height, siting and design is considered to be unduly visually prominent and detrimental to the appearance and character of the host building and wider streetscene. In particular, the roof over the extension would extend beyond the eaves line creating an awkward junction with the roof of the existing dwelling and

adding to its prominence, and the false pitch to the front of this flat-roofed element would be readily visible within the street scene. The proposal is thereby contrary to policies QD1, QD2 and QD14 of the Brighton and Hove Local Plan.

- 2) The size, height and siting of the proposal would, by reason of an overbearing and overly dominant impact, adversely affect the residential amenities currently enjoyed by the occupiers of No.15 Hailsham Avenue, which would be exacerbated by the fact that No.15 is set at a lower ground level than the applicant property. The proposal is thereby contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought to extensively remodel the existing house incorporating double hip to gable extensions, three front rooflights and a rear dormer with two Juliet balconies. Further alterations to fenestration are proposed and other minor works.
- 4.2. The plans have been amended during the course of the application to obscure glaze the balustrading on the proposed Juliette balconies.

5. REPRESENTATIONS

- 5.1. **Twelve** (12) letters have been received objecting to the proposed development on the following grounds:
 - Height
 - Amenity harm
 - Overshadowing
 - Overdevelopment
 - Would affect views
 - Poor design
 - Bulk and Massing
 - Overlooking
 - Proximity to boundary
 - Noise
 - Detrimental to the character of area
 - Materials
- 5.2. **Councillor Fishleigh** has commented on the application requesting the application to be determined by members at Planning Committee should officers be minded to approve. A copy of this correspondence is attached to this report.

6. CONSULTATIONS

None

7. MATERIAL CONSIDERATIONS

- 7.1. 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
- 7.2. The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016)
 - Brighton & Hove Local Plan 2005 (retained policies March 2016);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
 - Shoreham Harbour Joint Area Action Plan (adopted October 2019);
- 7.3. 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.

8. RELEVANT POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development

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

QD14 Extensions and alterations

QD27 Protection of Amenity

CP10 Biodiversity

Brighton & Hove City Plan Part Two

The Inspector published her Final Report into the Examination of the City Plan Part Two 19 July 2022. The Report is a material consideration. The Inspector has concluded that with her recommended changes (the schedule of changes as appended to the Report) that the Plan is sound and can be adopted. The Inspector's report concludes the examination of City Plan Part Two. City Plan Part Two policies, as amended by the Inspector's schedule of Main Modifications, can be afforded significant weight but they will not have full weight until the City Plan Part Two is formally adopted.

DM20 Protection of Amenity

DM21 Extensions and alterations

Supplementary Planning Documents:

SPD11 Nature Conservation & Development

SPD12 Design Guide for Extensions and Alterations

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the impact of the proposed development on the appearance and character of the building and the wider area; and the impact on the amenities of adjacent occupiers.

Design and Appearance

- 9.2. The remodelling of the existing bungalow would see a change in form, creating a larger property with dual gables to the sides and a large dormer to the rear elevation. It is recognised, and has been pointed out in various objections, that the bulk and massing would increase over the existing dwelling, with a roof design that varies from the hipped roofs on the majority of properties in the area.
- 9.3. Supplementary Planning Document 12: Extensions and Alterations states that: *"A relationship with the streetscene needs to be carefully considered. Building line, pattern, roof lines, pitch and shapes of roofs, views and orientation are all important considerations. The front elevation and other parts of the property visible from the street are normally more sensitive to change than other parts of the property that are not visible."*
- 9.4. Furthermore: *"The rhythm and continuity of the rooflines to buildings are often a key visible element within a streetscene therefore any poorly designed or excessively bulky additions can have a significantly harmful impact on both the appearance of the property and the continuity of a streetscape."*
- 9.5. The property currently comprises a slight L shaped hipped form of roof with a small gable to the front roofslope. The proposed works would remove the hipped roof completely and then create a new side gable ended design which would extend over the existing footprint of the building. This would have a roof pitch that is slightly shallower than the existing to allow for the increased width to cover the existing front flat roofed extension. The existing small front gable would remain. The ridge height of the new roof would not be any higher than the existing roof ridge height. The new front roofslope would have three rooflights inserted. Changes are also proposed to the front door and surrounding fenestration.
- 9.6. The dormer would be set back from the proposed ridge, gables and eaves. At rear ground floor level the existing fenestration would be removed and replaced with an almost full width set of folding doors to allow access to the existing decking and garden area.
- 9.7. To the side at ground floor level on the western elevation a new window would be created to serve the revised ground floor bedroom. To the eastern ground floor elevation a door would be removed.
- 9.8. In respect of materials the proposed roof works would see the existing brown tiles removed and slate grey tiles replacing all of these. The proposed side gables would be rendered and painted white to match existing. The proposed

windows and doors would be white aluminium, similar to the existing white uPVC where applicable.

- 9.9. The complete remodelling of the existing bungalow would see a change in design, creating a larger building that is extended in the roof, with a different appearance, that would not take design cues from the properties in close proximity.
- 9.10. However, the dwelling does not sit within a conservation area and no Article 4 Direction is in force which would affect external alterations to the property. The proposed works would retain the existing front gable, and although the hip to gable design is not common in the area, it does not bring any harm to the host property. The roof ridge would not be raised and the natural stepping down of roof heights in the street scene, would continue. The revised property would be a contemporary design when viewed in the public realm. The impact of the design on the wider streetscene is more significant and it would bring some harm due the contrast between roof forms on the surrounding properties and the proposed, with the general uniformity being disrupted.
- 9.11. The proposed dormer, while not considered an enhancement to the design and considered excessive in size, would be a clear insertion in the roof as it is shown to be set in from the side of the roof and from the ridge and eaves. Guidance contained in SPD12 does require roof extensions to be a clear insertion and whilst considered to be larger than ideal, it would follow the general guidance of SPD12 and on that basis is considered acceptable. Any visual harm is limited as located to the rear and not highly visible in the wider public realm. Obscure glazing is proposed to the respective Juliette balcony balustrades.
- 9.12. The proposed front rooflights are acceptable in positioning and although not a common feature in the street scene do not bring significant harm to the host property or the wider area.
- 9.13. In relation to the harm to the streetscene, it is noted that this dwellinghouse benefits from permitted development rights and the agent has submitted details stating the proposed roof works would be just over the 50m³ volume allowance under Class B, Part 1, Schedule 2 of the GPDO 2015 (as amended) and would meet the majority of criteria, but clearly fail to be permitted development, due the change in colour and materials to the roof and the moving forwards of the front roofslope. It is considered that were this proposal to be refused for the changes to the roof, the applicant could take advantage of the permitted development provided for by Class B and Class C for a very similar form of works to the roof. This is a material consideration in the determination of this application.
- 9.14. The proposed development represents a significant enlargement in the scale of the building in the public realm, but it is considered that it maintains an appropriate appearance within the streetscene and its own plot, and for this reason is not considered to represent an overdevelopment of the site.
- 9.15. The depth of the remodelled property would not increase with no changes to footprint. It would still leave an appropriate rear garden amenity area.

9.16. On this basis and considering the similar form of development that could be constructed under permitted development rights, the level of harm to the surrounding streetscene is not assessed to be so significant that refusal would be justified on design and appearance grounds.

Impact on Amenity

9.17. 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.

9.18. It is noted that a site visit has not been undertaken in this instance, however, the impacts of the proposal can be clearly assessed from the plans provided and from recently taken aerial imagery and photos of the site.

9.19. The form of the roof extension extending to the front, side and rear, with revisions to the roof, is not considered to substantially harm neighbours' amenity. The remodelled property would remain set in from the side boundaries reducing any potential overbearing and overshadowing effects. The immediate neighbour to the east is No.11 Hailsham Avenue which has a large extension to the shared boundary and is set at a higher land level than No.13. To the west, No.15 Hailsham Avenue is set significantly back from the shared boundary with No.13, therefore for both neighbouring properties the proposed works would cause no significant overbearing effects. Any overshadowing would appear to be limited from an assessment of the plans, with potential loss of direct sunlight to No.15 Hailsham Avenue likely occurring only during the early morning. The properties to the south fronting Hilgrove Road are sufficiently distant that no overshadowing or overbearing impacts would occur.

9.20. It is acknowledged by Officers that the revised form and scale of the property would increase its visibility to some neighbours. However, despite objections concerning the loss of views and outlook, it is noted that a right to a view and retention of the same is not a material consideration in the determination of planning applications. It is not considered that the neighbours' outlook would be so impacted as to warrant refusal, especially given the distances or the degree of interruption that is involved.

9.21. The new rear façade would increase the amount of glazing at first floor levels with the provision of a dormer and Juliette Balconies, therefore the potential for overlooking at elevated levels. The proposed first floor windows would be some 15m from the elevations of the closest dwellings to the rear on Hilgrove Road. There would be increased potential for the overlooking of neighbouring gardens, but the proposed Juliette balconies would be set within the new dormer form, limiting the perceived and real overlooking that could occur, and would serve only proposed bedrooms, likely limiting the degree and type of use.

9.22. The balustrade on the Juliette balconies is proposed obscure glazed and would be conditioned to remain in this form. It is also considered that a very similar form of rear dormer (together with other roof alterations) could be undertaken

and facilitated by permitted development rights, which could introduce comparative elevated fenestration. The degree of harm to amenity is not, in this context, assessed as so significant to warrant refusal.

- 9.23. The new front facing rooflights would overlook front gardens and highway, limiting any harm to private amenity, the increase in overlooking is considered acceptable. The new ground floor east side window would serve only a bedroom and be overlooking the front garden and shared driveway of No.15 Hailsham Avenue, on this basis it is not assessed to result in any significant harm to amenity.
- 9.24. Therefore, it is not considered that the proposed extensions and works would cause any significant harm to amenity, in accordance with Policy QD27 of the Brighton & Hove Local Plan and Policy DM20 of CPP2.

Other Matters

- 9.25. A condition requiring a bee brick has been attached to improve ecology outcomes on the site in accordance with the Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

10. CONCLUSION:

- 10.1. The proposed development is considered to result in an acceptable impact on the appearance and character of the property and the wider surrounding area. No significant harm to neighbouring amenity is identified. Approval is therefore recommended.

11. COMMUNITY INFRASTRUCTURE LEVY:

- 11.1. Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23 July 2020 and began charging on all CIL liable planning applications on and from the 5 October 2020. It is estimated that the amount of CIL liability for this application is £0, due to being below an increase of 100sqm GIA. The exact amount, if any, will be confirmed in the CIL liability notice which will be issued as soon as it practicable after the issuing of planning permission.

12. EQUALITIES

None identified

13. CLIMATE CHANGE/BIODIVERSITY

- 13.1. A bee brick would be secured by condition to improve biodiversity.



PLANNING COMMITTEE LIST

Brighton & Hove COUNCILLOR REPRESENTATION
City Council

Cllr. Bridget Fishleigh
BH2022/02324 - 13 Hailsham Avenue

22nd August 2022:

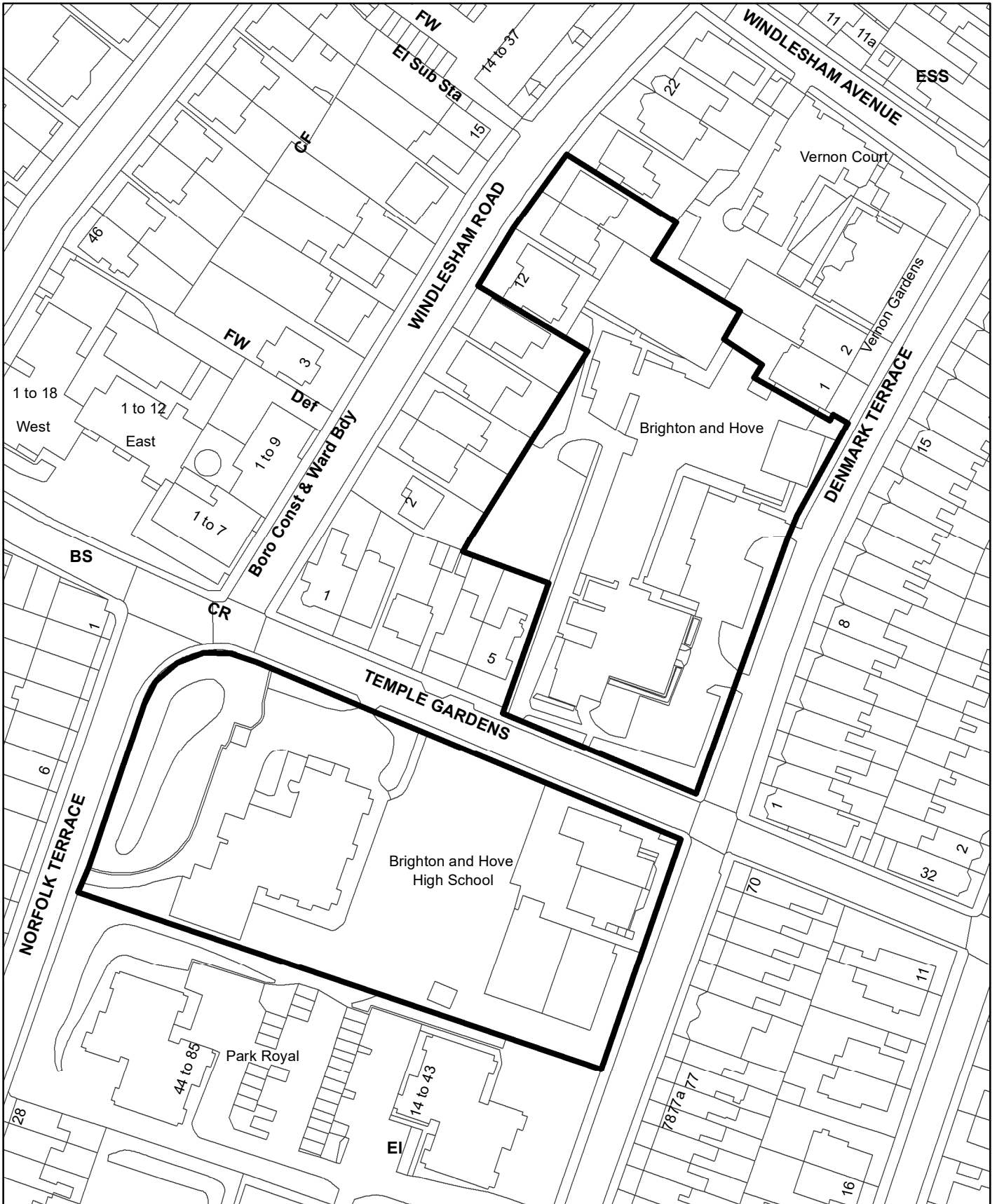
If officers recommend minded to grant/grant on this application then I would like it to come to full planning committee for a decision please.

ITEM G

**Brighton and Hove High School,
Montpelier Road
BH2022/01505
Listed Building Consent**

DATE OF COMMITTEE: 2nd November 2022

BH2022 01505 - Brighton And Hove High School



N



Scale: 1:1,250

<u>No:</u>	BH2022/01505	<u>Ward:</u>	Regency Ward
<u>App Type:</u>	Listed Building Consent		
<u>Address:</u>	Brighton And Hove High School Montpelier Road Brighton BN1 3AT		
<u>Proposal:</u>	Installation of commemorative blue plaque to east boundary wall to replace existing commemorative stone plaque.		
<u>Officer:</u>	Alice Johnson, tel: 296568	<u>Valid Date:</u>	31.05.2022
<u>Con Area:</u>	Montpelier & Clifton Hill	<u>Expiry Date:</u>	26.07.2022
<u>Listed Building Grade:</u>	Grade II	<u>EOT:</u>	
<u>Agent:</u>	Bidwells Bidwell House Trumpington Road Cambridge CB2 9LD		
<u>Applicant:</u>	Brighton Girls School Brighton And Hove High School Montpelier Road Brighton BN1 3AT		

1. RECOMMENDATION

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

Conditions:

1. The works hereby permitted shall be commenced before the expiration of three years from the date of this consent.
Reason: To comply with Sections 18 (as amended) and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
2. No machine tools such as angle grinders shall be used to remove existing pointing, bricks or other masonry, and the works hereby consented shall all be carried out by hand tools.
Reason: To limit any potential for damage and ensure the satisfactory preservation of this listed building and the wider conservation area, to comply with policies HE1 and HE6 of the Brighton & Hove Local Plan, policy CP15 of the Brighton & Hove City Plan Part One and policies DM26 and DM27 of the Brighton and Hove City Plan Part Two.
3. Any works to the wall required as part of the removal of the existing plaque or fixing of the new one hereby consented shall be made good to match the existing finishes, material, colour, style, bonding and texture of the existing wall.
Reason: To ensure the satisfactory preservation of this listed building and the wider conservation area to comply with policies HE1 and HE6 of the Brighton & Hove Local Plan, policy CP15 of the Brighton & Hove City Plan Part One and policies DM26 and DM27 of the Brighton and Hove City Plan Part Two.

Informatives:

1. This decision is based on the drawings listed below:

Plan Type	Reference	Version	Date Received
Location Plan			5 May 2022
Proposed Drawing			5 May 2022
Proposed Drawing	Plaque Details		31 May 2022
Other	Fixings Information		5 October 2022

2. SITE LOCATION

- 2.1. Brighton and Hove Girls School (formerly Brighton and Hove High School) is grade II listed and its boundary wall is independently listed grade II also (since 1952). Both the school buildings and the wall are in the Montpelier and Clifton Hill Conservation Area.
- 2.2. The application site comprises of a stone plaque to the boundary wall on the eastern boundary at the entrance to Denmark Terrace. The wall is from 1819 and is made of brick, cobbles and flint. The existing stone plaque, while not being contemporary with the wall, predates the listing and is described in the list description. The plaque commemorates that Thomas Read Kemp was the founder of Kemp Town and erected the Temple building at the site.

3. RELEVANT HISTORY

- 3.1. **BH2021/00414:** External works to the Montpelier, Vicarage and Temple Buildings involving window replacements, canopies and entrance accessibility changes, together with hard and soft landscaping to include new play area, cycle parking, external lighting and boundary treatment. Approved 7/4/21.

4. APPLICATION DESCRIPTION

- 4.1. Listed Building Consent is sought for the installation of a commemorative blue plaque to the east boundary wall to replace the existing commemorative rectangular stone plaque (24.4cm x 47cm). The new plaque would be circular and of ceramic material and 45.7cm in diameter. It would commemorate Thomas Kemp.

5. REPRESENTATIONS

- 5.1. **Conservation Advisory Group:** Objection
The Group recommended refusal following an in-depth discussion and request the application be heard at Planning Committee.
- 5.2. The stone item was installed in 1959 and is not part of the original listing of 1952. The set of other stone plaques erected in the 1950's 60's and 70's because of illegibility have either been replaced, removed or remain:

- Marlborough House - removed
- Prince Metternich - replaced stone which is weathering badly
- Thomas Read Kemp Sussex Square - replaced with blue plaque
- St Pancras Priory BTH - replaced with blue plaque
- Thrales - replaced with blue plaque
- Lewis Carroll - replaced with blue plaque
- Busby - removed Cubitt replaced with blue plaque
- Dr King - illegible present owner wants blue plaque
- Duke of Devonshire - illegible
- The Temple - illegible

5.3. It was noted that there are different Listings for the main building and the wall. Although the proposed blue plaque would be 16 ins in diameter not as stated 18 ins it was felt that it would be vulnerable to vandalism. It is accepted that the Plaque Panel's remit is for a plaque to be legible from the public highway, so it could not be placed on the main building. Suggestion that if the stone panel was removed complete it could be placed inside the building. The stone panel is illegible and needs cleaning. There is no methodology statement for the fixing provided.

6. CONSULTATIONS

6.1. **Heritage: Original comments – Objection**

The existing plaque is part of the historic significance and removing it would result in harm and loss of significance. Though it is a worn piece of masonry, it is not out of place with the thoroughly weathered brick and flint wall. The attachment of a standard roundel blue plaque would not complement the historic character of the building and not contribute the same significance to its appearance. The work would cause less than substantial harm without providing significant public benefit.

6.2. The wall dates from the time of the building itself and the listing gives that as 1819. Its presence in the conservation area, its boundary to this imposing listed house and its material construction of brick and Knapped flint all contribute to its historic significance. The existing plaque has been part of the wall for more than 70 years and may date from much earlier. Though aesthetically it oddly located on the face of the wall, historically it retains its significance.

Updated comments following information provided for fixing:

6.3. Some harm is caused by the removal of the historic plaque however it is less than substantial harm, and if the works can be justified in terms of the improved visibility of the sign it maybe might be sufficiently beneficial to justify the work. Conditions should be added that ensure the works to restore the revealed area of the masonry occurs without any harm caused by the removal of the existing plaque. this Machine tools such as angle grinders are therefore not considered to be appropriate for use on the wall.

7. MATERIAL CONSIDERATIONS

- 7.1. 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
- 7.2. The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016);
 - Brighton & Hove Local Plan 2005 (retained policies March 2016);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
 - Shoreham Harbour Joint Area Action Plan (JAAP) 2019.
- 7.3. 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.

8. RELEVANT POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One (CPP1)

SS1 Presumption in Favour of Sustainable Development
CP15 Heritage

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

QD14 Extensions and alterations

HE1 Listed buildings

HE4 Reinstatement of original features on listed buildings

HE6 Development within or affecting the setting of conservation areas

Brighton and Hove City Plan Part Two

The Inspector published her Final Report into the Examination of the City Plan Part Two 19 July 2022. The Report is a material consideration. The Inspector has concluded that with her recommended changes (the schedule of changes as appended to the Report) that the Plan is sound and can be adopted. The Inspector's report concludes the examination of City Plan Part Two. City Plan Part Two policies, as amended by the Inspector's schedule of Main Modifications, can be afforded significant weight but they will not have full weight until the City Plan Part Two is formally adopted.

DM26 Conservation Areas

DM27 Listed Buildings

DM29 The Setting of Heritage Assets

Supplementary Planning Documents

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the design and appearance of the proposal, and its impact on the special character and appearance of the Grade II Listed building and conservation area.
- 9.2. A site visit has not been undertaken in this instance, however, the impacts of the proposal can be clearly assessed from the plans and photos provided and from recently taken aerial imagery of the site.
- 9.3. In considering whether to grant listed building consent the Council has a statutory duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Moreover, when considering whether to grant listed building consent for development in a conservation area the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.
- 9.4. Case law has held that the desirability of preserving a listed building or its setting or any features of special architectural or historic interest it possesses, and the desirability of preserving or enhancing the character or appearance of a conservation should be given "considerable importance and weight".

Design and Appearance

- 9.5. The removal of the existing plaque is considered to cause some harm to the listed building given its age and historic significance. Though it is a worn piece of masonry, it is not out of place with the thoroughly weathered brick and flint wall. It is considered that the proposed new blue plaque would not contribute the same significance. The Heritage Team consider, however, that the harm caused by the proposal would be 'less than substantial' and may be outweighed by public benefit.
- 9.6. Paragraph 202 of the National Planning Policy Framework states that: "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use."
- 9.7. The proposed plaque would remain close to the existing in terms of location and would not be overly large. The current plaque is not easily legible and would be replaced with a clear legible blue plaque. Whilst the replacement would be new and certainly be more prominent, such blue plaques are becoming more commonplace in the city and elsewhere and help the public identify heritage assets. Whilst the original plaque would be removed the new legible plaque would be more easily identifiable as a marker of significance whilst remaining in the same place. The proposed method of fixing is considered sympathetic. These aforementioned factors along with the increased visibility of the plaque

and the public benefit are considered to outweigh the less than substantial harm to the listed building in this instance. Planning conditions are recommended to ensure the wall is made good and not damaged during the works.

- 9.8. The proposals are therefore considered to be in accordance with policies HE1, HE4 and HE6 of the Brighton & Hove Local Plan, CP15 of the Brighton & Hove City Plan Part One and DM26 and DM27 of the Proposed Submission City Plan Part 2 (both of which can be given significant weight).

10. EQUALITIES

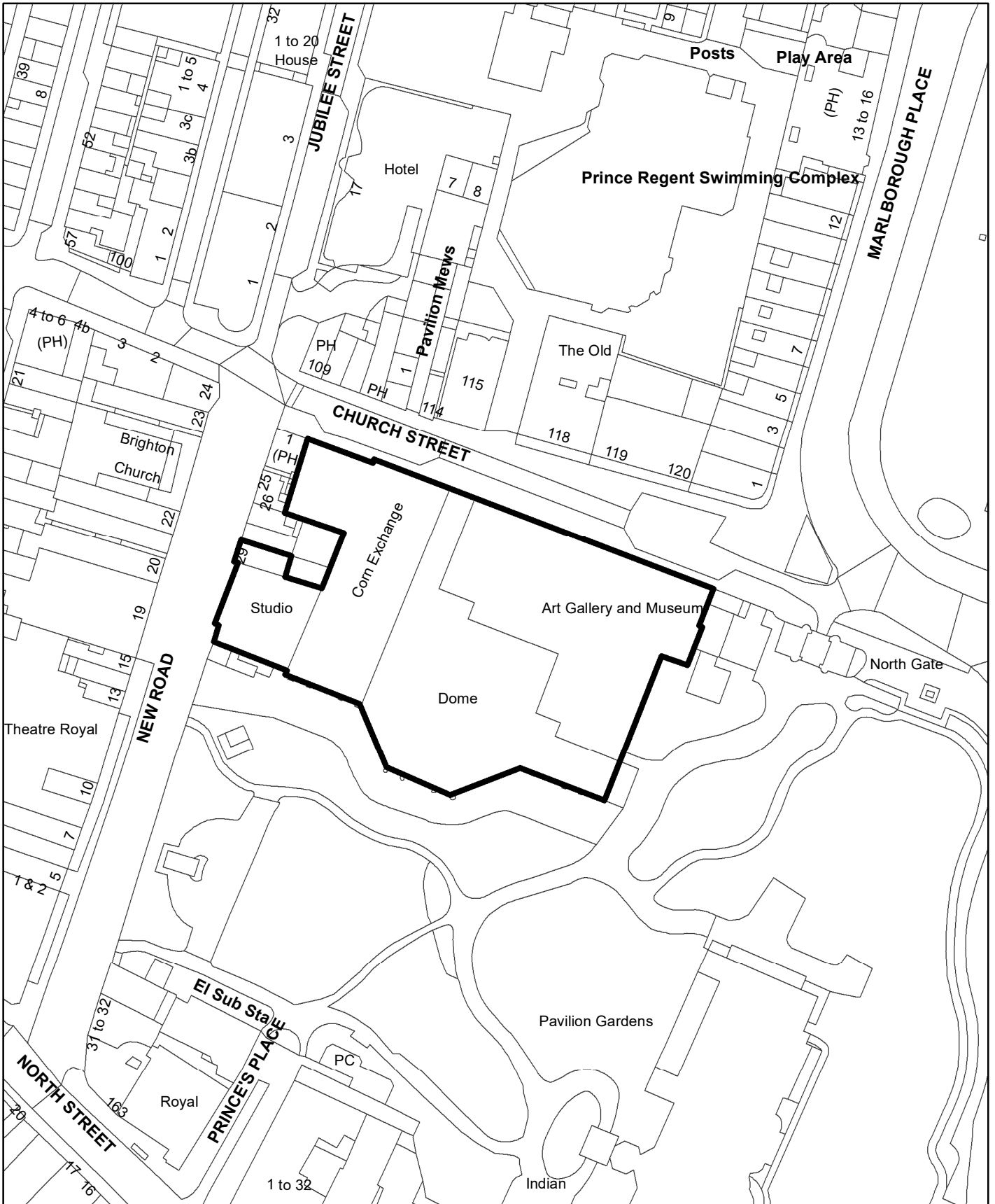
- 10.1. None identified

ITEM H

**Brighton Dome,
Brighton Museum and Art Gallery
BH2022/02872
Listed Building Consent**

DATE OF COMMITTEE: 2nd November 2022

BH2022 02872 - Brighton Dome



N



Scale: 1:1,250

<u>No:</u>	BH2022/02872	<u>Ward:</u>	St. Peter's And North Laine Ward
<u>App Type:</u>	Listed Building Consent		
<u>Address:</u>	Brighton Dome (Concert Hall, Corn Exchange And Studio Theatre), Brighton Museum And Art Gallery Church Street And New Road Brighton BN1 1UE		
<u>Proposal:</u>	Display of 7no non-illuminated banner signs, 2no externally illuminated banner signs, 2no non-illuminated hanging logo signs, 2no externally illuminated building identification fascia signs, 1no externally illuminated vinyl lettering fascia sign, 1no non-illuminated wall mounted map sign, 2no non-illuminated wall mounted panel signs, 10no externally illuminated poster frame signs, 5no non-illuminated operational signs, 2no externally illuminated brand identifier fascia signs and 2no non-illuminated information panel menu board signs.		
<u>Officer:</u>	Vinicius Pinheiro, tel: 292454	<u>Valid Date:</u>	09.09.2022
<u>Con Area:</u>	Valley Gardens	<u>Expiry Date:</u>	04.11.2022
<u>Listed Building Grade:</u>	Grade I & Grade II		
<u>Agent:</u>	Lewis And Co Planning SE Ltd 2 Port Hall Road Brighton BN1 5PD		
<u>Applicant:</u>	Brighton Dome And Festival Ltd First Floor Offices The Dance Space 2 Market Square Circus Street Brighton BN2 9AS		

1. RECOMMENDATION

1.1. That the Committee has taken into consideration and agrees with the reasons or the recommendation set out below and resolves to be **MINDED TO GRANT** Listed Building Consent subject to the receipt of no further representations raising additional material considerations within the re-consultation period ending **28th October 2022** and the following Conditions and Informatives:

1. The works hereby permitted shall be commenced before the expiration of three years from the date of this consent.

Reason: To comply with Sections 18 (as amended) and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Informatives:

1. This decision is based on the drawings listed below:

Plan Type	Reference	Version	Date Received
Location Plan	Location Plan		9 September 2022
Proposed Drawing	Signage Details	BA.01	9 September 2022
Proposed Drawing	Signage Details	BA.02- BA.04	9 September 2022
Proposed Drawing	Signage Details	BA.02	9 September 2022
Proposed Drawing	Signage Details	BA.03	9 September 2022
Proposed Drawing	Signage Details	BA.04	9 September 2022

Proposed Drawing	Signage Details	BA.05	9 September 2022
Proposed Drawing	Signage Details	SL.01	9 September 2022
Proposed Drawing	Signage Details	SL.02	9 September 2022
Proposed Drawing	Signage Details	BI.01	9 September 2022
Proposed Drawing	Signage Details	BI.02	9 September 2022
Proposed Drawing	Signage Details	VL.01	9 September 2022
Proposed Drawing	Signage Details	WM.01	9 September 2022
Proposed Drawing	Signage Details	WP.01	9 September 2022
Proposed Drawing	Signage Details	WP.02	9 September 2022
Proposed Drawing	Signage Details	PF.01- PF.03	9 September 2022
Proposed Drawing	Signage Details	PF.04	9 September 2022
Proposed Drawing	Signage Details	PF.05	9 September 2022
Proposed Drawing	Signage Details	PF.06	9 September 2022
Proposed Drawing	Signage Details	PF.07- PF.10	9 September 2022
Proposed Drawing	Signage Details	OP.01	9 September 2022
Proposed Drawing	Signage Details	OP.02	9 September 2022
Proposed Drawing	Signage Details	OP.03	9 September 2022
Proposed Drawing	Signage Details	OP.04	9 September 2022
Proposed Drawing	Signage Details	OP.05	9 September 2022
Proposed Drawing	Signage Details	BR.01	9 September 2022
Proposed Drawing	Signage Details	BR.02	9 September 2022
Proposed Drawing	Signage Details	IF.01- IF.02	9 September 2022
Block Plan			9 September 2022

2. SITE LOCATION

- 2.1. The Listed Building application relates to the Brighton Dome (Concert Hall, Corn Exchange And Studio Theatre), Brighton Museum and Art Gallery Church Street and New Road Brighton. These buildings form a complex of buildings of the highest significance. The buildings as existing are the result of a number of conversions, alterations and additions over time but in a manner which presents a coherent street frontage to Church Street. The buildings are largely unified by the use of tan brick with stone dressings and by their architectural style and motifs.
- 2.2. The Corn Exchange (with the Dome Theatre) is a grade I listed building, originally built as a riding school and stables by William Porden, between 1803-08, for the Prince of Wales, in connection with the Royal Pavilion, and extended in 1831. The Dome was converted into a theatre in 1864-67 by Philip Lockwood, with forms loosely derived from Islamic architecture, and the former riding school was converted to a corn exchange in 1868. The Dome was further extended and given two new entrances in 1901-02, including one on Church Street, and the building at this time took on an even greater Eastern character with greater reference to the Royal Pavilion. A further significant scheme of alterations took place in 1934 by Robert Atkinson, including the conversion of the Corn Exchange into an exhibition hall and the addition of the Church Street entrance

foyer. The Foyer's exterior has a central tall arch with a relief figure of Ceres in its tympanum.

- 2.3. This Studio Theatre is grade II listed and dates from c1935, when it was built as a supper room for the Corn Exchange, by Robert Atkinson in a stylised form of Islamic architecture. It was later converted to a theatre. Its significance largely resides in its external design appearance, a careful mix of 1930s with the Moorish influence of the Pavilion estate buildings. Its copper clad pyramidal roof behind, flanking towers and castellated parapet are key townscape features. The listing includes the booking office adjacent, originally an early 19th century house with segmental bay at first floor.
- 2.4. These buildings occupy a very prominent place within the Valley Gardens conservation area and provide a very significant backdrop and setting to the registered park & garden (Grade II) of the Royal Pavilion gardens and form part of the setting of the Pavilion itself. They also form part of the setting of a number of other listed buildings in Church Street and New Road, including the Grade II* Theatre Royal.

3. RELEVANT HISTORY

- 3.1. There is a lot of history for the Brighton Dome, the most recent including the following:
- 3.2. **BH2022/02873** - Display of 7no non-illuminated banner signs, 2no externally illuminated banner signs, 2no non-illuminated hanging logo signs, 2no externally illuminated building identification fascia signs, 1no externally illuminated vinyl lettering fascia sign, 1no non-illuminated wall mounted map sign, 2no non-illuminated wall mounted panel signs, 10no externally illuminated poster frame signs, 5no non-illuminated operational signs, 2no externally illuminated brand identifier fascia signs and 2no non-illuminated information panel menu board signs. Concurrent Advertisement Consent Application. Under consideration.
- 3.3. **BH2017/01107** - Installation of commemorative blue plaque to front elevation. Approved 22.05.2017.
- 3.4. **BH2013/03093** - Application for approval of details reserved by condition 5 of Application BH2012/01635. Approved 30.10.2013.
- 3.5. **BH2013/00134** - Application for approval of details reserved by conditions 2, 3 and 4 of application BH2012/01635. Approved 21.02.2013.
- 3.6. **BH2012/03201** - Display of externally illuminated letterset sign to Pavilion Theatre and non illuminated banners and letterset sign to Corn Exchange. Approved 24.12.2012.
- 3.7. **BH2012/03200** - Installation of externally illuminated letterset sign to Pavilion Theatre and non illuminated banners and letterset sign to Corn Exchange. Approved 24.12.2012.

- 3.8. **BH2012/01635** - Installation of new and replacement external banner, fascia, letterset and logo signs to Brighton Dome, Corn Exchange and Pavilion Theatre. Installation of internal signage and plasma screens. Replacement of glazing to Pavilion Theatre and removal of canopy to Corn Exchange entrance. Approved 09.10.2012.
- 3.9. **BH2012/01634** - Display of new and replacement non-illuminated banner, fascia, letterset and logo signs to Brighton Dome, Corn Exchange and Pavilion Theatre and 1no externally-illuminated letterset sign to Pavilion Theatre. Approved 09.10.2012.

4. APPLICATION DESCRIPTION

- 4.1. Listed Building Consent is sought for the display of 7no non-illuminated banner signs, 2no externally illuminated banner signs, 2no non-illuminated hanging logo signs, 2no externally illuminated building identification fascia signs, 1no externally illuminated vinyl lettering fascia sign, 1no non-illuminated wall mounted map sign, 2no non-illuminated wall mounted panel signs, 10no externally illuminated poster frame signs, 5no non-illuminated operational signs, 2no externally illuminated brand identifier fascia signs and 2no non-illuminated information panel menu board signs.

5. REPRESENTATIONS

None received

6. CONSULTATIONS

- 6.1. **Heritage: Approve**
These applications are intended to serve the restored and reopened venues and to provide an integral and coordinated approach to wayfaring and signage across the complex of heritage buildings, which is welcomed.
- 6.2. The seven non-illuminated banner signs on the Church Street frontage largely replace existing banner signs, with an additional one at the eastern end marking the Museum. The banners on the Corn Exchange are shorter, to reflect the lower height of this frontage. The two externally illuminated banners on the New Road frontage also replace two previously approved banners, but one would be relocated from the south end of the Studio Theatre to the booking office building at 15 New Road.
- 6.3. Policy HE9 and SPD07 discourage high level banner signs, particularly on listed buildings. However, an exception to policy is recommended in this case for the following reasons:

- This is a unique and complex series of historic buildings that are of major importance to the local cultural offer of the city and the character of the area; keeping these buildings in optimum use is essential.
 - Church Street and New Road are a wide roads and busy connecting routes. The elevations to Church Street are on a significant scale and the banners would not be out of scale with the buildings or with the street scene in general.
 - The design and detailing of the brick elevations do not allow for the easy incorporation of signage that can be seen from any distance.
 - The banners would mostly mark the grand entrances.
 - The vertical emphasis of the banners would complement the repeated vertical rhythm of the Church Street elevations.
 - The colour scheme of the banners is sympathetic to the brickwork.
- 6.4. There is some concern about the banner on 29 New Road as this is a separate and much smaller scale building with a segmental bay window. A shorter banner here was sought during informal pre-application discussions, but the applicant was unwilling to reduce the length. Nevertheless, in the context of the signage on this elevation overall, there is no outstanding objection.
- 6.5. The other proposed signage to both the Church Street New Road elevations is considered to be appropriately sited and sized and would be suitably restrained. The removal of the previous 'fascia' sign to the first floor brickwork of the Studio Theatre frontage is particularly welcomed, as is the integration of the commercial coffee shop ('Redroaster') signage into the overall scheme in a complementary manner.
- 6.6. There is some concern about the number of poster frame signs but again these are replacing pre-existing ones and have generally been well sited. Four panels would be on the new wall to the café seating area rather than original elevations. It is acknowledged that prior to the major restoration works the Studio Theatre had a long, visually unattractive run of poster panels at ground floor level on New Road and overall the proposals would be a significant improvement over the previous situation.
- 6.7. The signage to the shopfront at 29 New Road, including the fascia vinyls, would be sympathetic to this building and generally in accordance with policy guidance. The other signage is small scale operational signage, mainly to the south (gardens) side, where it would not be prominent and would generally replace and upgrade the current, less coherent operational signage.
- 6.8. Taken overall it is considered that the signage proposals would cause only some very minor harm to the listed buildings and conservation area and this harm would be outweighed by the benefit of a coherent and integrated approach to wayfaring and promotion for this complex of historic public venues, thus helping to ensure that they remain in viable use.
- 6.9. **CAG:** Comments to be provided verbally at committee

7. MATERIAL CONSIDERATIONS

- 7.1. 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
- 7.2. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990
- 7.3. The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016);
 - Brighton & Hove Local Plan 2005 (retained policies March 2016);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
 - Shoreham Harbour JAAP (adopted October 2019).
- 7.4. 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

8. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development
CP15 Heritage

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

HE1 Listed Building Consent

HE3 Development affecting the setting of a listed building

HE6 Development within or affecting the setting of conservation areas

HE9 Advertisements and signs within conservation areas and on, or in the vicinity of a listed building

Brighton & Hove City Plan Part Two (Proposed Submission October 2020):

The Inspector published her Final Report into the Examination of the City Plan Part Two 19 July 2022. The Report is a material consideration. The Inspector has concluded that with her recommended changes (the schedule of changes as appended to the Report) that the Plan is sound and can be adopted. The Inspector's report concludes the examination of City Plan Part Two. City Plan Part Two policies, as amended by the Inspector's schedule of Main Modifications, can be afforded significant weight but they will not have full weight until the City Plan Part Two is formally adopted.

DM24 Advertisements
DM26 Conservation Areas
DM27 Listed Buildings
DM29 The Setting of Heritage Assets

Supplementary Planning Documents:

SPD07 Advertisements
SPD12 Design Guide for Extensions and Alterations

Valley Gardens Conservation Area Study

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the impacts of the works undertaken on the historic character and appearance of the Listed Building, and the wider Conservation Area.
- 9.2. In considering whether to grant listed building consent the Council has a statutory duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Moreover, when considering whether to grant listed building consent for development in a conservation area the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.
- 9.3. Case law has held that the desirability of preserving a listed building or its setting or any features of special architectural or historic interest it possesses, and the desirability of preserving or enhancing the character or appearance of a conservation area should be given "considerable importance and weight".
- 9.4. A site visit was not undertaken, but it was considered that the proposal could be assessed adequately based on photographs provided within the submission, along with 3D satellite views.
- 9.5. As noted by the Heritage Officer, although policies HE9 and SPD07 discourage high level banners, especially on listed buildings, an exception to policy is recommended for this application on reasons including that the banners would mark the grand entrances of the buildings and the design and detailing of the brick elevations do not allow for the ease incorporation of signage. Furthermore, the colour of the proposed banners would be sympathetic.
- 9.6. With regards to the banner proposed at 29 New Road, although the size of the banner is not ideal, this can be accepted when considering the context with the building. Therefore, although some harm is expected, it is not enough to warrant a refusal on this occasion. This view is shared by the Heritage team.
- 9.7. The other proposed signage to both the Church Street New Road elevations is considered to be appropriately sited and sized and would be suitably restrained. The removal of the previous 'fascia' sign to the first floor brickwork of the Studio

Theatre frontage is particularly welcomed, as is the integration of the commercial coffee shop ('Redroaster') signage into the overall scheme in a complementary manner.

- 9.8. Whilst some concern is raised about the number of poster frame signs proposed, it is noted that they will replace pre-existing signs which have generally been well sited. Additionally, the proposal would improve the visual impact of the pre-existing ones, hence are considered to be acceptable overall.
- 9.9. The signage to the shopfront at 29 New Road, including the fascia vinyls, would be sympathetic to this building and generally in accordance with policy guidance. The other signage is small scale operational signage, mainly to the south (gardens) side, where it would not be prominent and would generally replace and upgrade the current, less coherent operational signage.
- 9.10. Although some harm is expected as a result of the advertisements, the signage proposals would cause only some very minor harm to the listed buildings and surrounding conservation area and this harm would be outweighed by the benefit of a coherent and integrated approach to wayfaring and promotion for this complex of historic public venues, thus helping to ensure that they remain in viable use.
- 9.11. The installation of the proposed signage would not cause such adverse harm to the historic character or appearance of the associated Listed Buildings or the wider conservation area to warrant refusal, in accordance with policies HE1, HE3 and HE6 and HE9 of the Brighton & Hove Local Plan, CP15 of the Brighton & Hove City Plan Part One and policies DM24, DM26, DM27 and DM29 of the Proposed Submission City Plan Part 2 (DM24 having more weight than HE9 and policies DM26, DM27 and DM29 can be given significant weight).

10. EQUALITIES
None identified

NEW APPEALS RECEIVED 08/09/2022 - 05/10/2022

WARD

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

HANGLETON AND KNOLL

BH2022/02097

7 Lynchets Crescent Hove BN3 8EL

Erection of single storey front and side extensions, front dormer extension, revised fenestration and associated works.

APPEAL IN PROGRESS

29/09/2022

Delegated

WARD

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

PATCHAM

BH2022/01894

14A Petworth Road Brighton BN1 8LQ

Erection of First Floor Side Extension with Ground Floor Front, with pitched roof, associated alterations and revised fenestration.

APPEAL IN PROGRESS

29/09/2022

Delegated

WARD

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

QUEEN'S PARK

BH2022/00717

Kempton House 72 Carlton Hill Brighton BN2 0GW

Erection of additional storey to create 2no residential units (C3).

APPEAL IN PROGRESS

28/09/2022

Delegated

WARD

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

SOUTH PORTSLADE

BH2022/01296

9 Elm Road Portslade BN41 1SA

Erection of a rear dormer onto outrigger roof slope incorporating 2no rear rooflights.

APPEAL IN PROGRESS

29/09/2022

Delegated

<u>WARD</u>	ST. PETER'S AND NORTH LAINE
<u>APPEALAPPNUMBER</u>	BH2021/02589
<u>ADDRESS</u>	37B Compton Avenue Brighton BN1 3PT
<u>DEVELOPMENT DESCRIPTION</u>	Installation of safety rail around rear flat roof. (Retrospective)
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	28/09/2022
<u>APPLICATION DECISION LEVEL</u>	Delegated

<u>WARD</u>	ST. PETER'S AND NORTH LAINE
<u>APPEALAPPNUMBER</u>	BH2022/01497
<u>ADDRESS</u>	158 Upper Lewes Road Brighton BN2 3FB
<u>DEVELOPMENT DESCRIPTION</u>	Roof alterations including front rooflight and rear dormer to facilitate the creation of 1no additional bedroom to existing (C4) property.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	28/09/2022
<u>APPLICATION DECISION LEVEL</u>	Not Assigned

<u>WARD</u>	WESTBOURNE
<u>APPEALAPPNUMBER</u>	BH2022/01355
<u>ADDRESS</u>	51 Westbourne Villas Hove BN3 4GG
<u>DEVELOPMENT DESCRIPTION</u>	Erection of extension to rear annex to create first floor with pitched roof.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	15/09/2022
<u>APPLICATION DECISION LEVEL</u>	Delegated

<u>WARD</u>	WOODINGDEAN
<u>APPEALAPPNUMBER</u>	BH2022/00903
<u>ADDRESS</u>	Land East Of 5 Nolan Road Brighton BN2 6RS
<u>DEVELOPMENT DESCRIPTION</u>	Erection of 2no two-storey semi-detached dwellinghouses with associated landscaping.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	29/09/2022
<u>APPLICATION DECISION LEVEL</u>	Delegated

<u>WARD</u>	WOODINGDEAN
<u>APPEALAPPNUMBER</u>	BH2022/01363
<u>ADDRESS</u>	566 Falmer Road Brighton BN2 6NA
<u>DEVELOPMENT DESCRIPTION</u>	Erection of double garage to the front of property (part retrospective).
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	29/09/2022

PLANNING COMMITTEE

Agenda Item 60

Brighton & Hove City
Council

APPEAL DECISIONS FOR THE PERIOD BETWEEN 21/09/2022 AND 18/10/2022

<u>WARD</u>	GOLDSMID
<u>APPEAL APPLICATION NUMBER</u>	APL2021/00024
<u>ADDRESS</u>	Palmer And Harvey House 106-112 Davigdor Road Hove BN3 1RE
<u>DEVELOPMENT DESCRIPTION</u>	Erection of a new six storey building comprising 43no flats (C3), with undercroft parking, associated access and landscaping.
<u>APPEAL TYPE</u>	Against Non-determination
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2020/00781
<u>APPLICATION DECISION LEVEL</u>	Delegated

<u>WARD</u>	GOLDSMID
<u>APPEAL APPLICATION NUMBER</u>	APL2022/00072
<u>ADDRESS</u>	58B Davigdor Road Hove BN3 1RB
<u>DEVELOPMENT DESCRIPTION</u>	Roof extension to facilitate additional living space and installation of side window.
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2022/00242
<u>APPLICATION DECISION LEVEL</u>	Delegated

<u>WARD</u>	HANOVER AND ELM GROVE
<u>APPEAL APPLICATION NUMBER</u>	APL2022/00064
<u>ADDRESS</u>	39A Shanklin Road Brighton BN2 3LP
<u>DEVELOPMENT DESCRIPTION</u>	Erection of single storey garden building to rear.
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2021/04547
<u>APPLICATION DECISION LEVEL</u>	Delegated

<u>WARD</u>	HANOVER AND ELM GROVE
<u>APPEAL APPLICATION NUMBER</u>	APL2022/00065
<u>ADDRESS</u>	141 Elm Grove Brighton BN2 3ES

<u>DEVELOPMENT DESCRIPTION</u>	Application to vary conditions 1, 2 and 3 of planning permission BH2021/03176 to permit conversion of lower ground floor living room into sixth bedroom within house of multiple occupation.
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL ALLOWED
<u>PLANNING APPLICATION NUMBER</u>	BH2021/04478
<u>APPLICATION DECISION LEVEL</u>	Planning (Applications) Committee
<u>WARD</u>	MOULSECOOMB AND BEVENDEAN
<u>APPEAL APPLICATION NUMBER</u>	APL2022/00063
<u>ADDRESS</u>	33 Hillside Brighton BN2 4TF
<u>DEVELOPMENT DESCRIPTION</u>	Change of use from six bedroom small house in multiple occupation (C4) to seven bedroom large house in multiple occupation (Sui Generis).
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2022/00051
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	QUEEN'S PARK
<u>APPEAL APPLICATION NUMBER</u>	APL2022/00071
<u>ADDRESS</u>	34 Canning Street Brighton BN2 0EF
<u>DEVELOPMENT DESCRIPTION</u>	Erection of rear dormer, with installation of 1no. conservation style rooflight to front roofslope.
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2022/00998
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	ROTTINGDEAN COASTAL
<u>APPEAL APPLICATION NUMBER</u>	APL2022/00070
<u>ADDRESS</u>	23 Rodmell Avenue Saltdean Brighton BN2 8LT
<u>DEVELOPMENT DESCRIPTION</u>	Remodelling and extensions to existing dwelling, incorporating new roof with side and rear dormers, two-storey front and rear extensions, first-floor side extension and alterations to fenestration.
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2022/00265
<u>APPLICATION DECISION LEVEL</u>	Delegated