

<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.

