



**Brighton & Hove
City Council**

**City Planning &
Development**
Hove Town Hall
Norton Road
Hove BN3 3BQ

Application No: BH2015/02443

Ian Coomber
Stiles Harold Williams
69 Park Lane
Croydon
CR0 1BY

BRIGHTON AND HOVE CITY COUNCIL
Town and Country Planning Act 1990
PERMISSION TO DEVELOP LAND

IN PURSUANCE of their power under the above-mentioned Act, the Council hereby notify you that they PERMIT the following development:

Situation: Units 2-8 The Terraces Madeira Drive Brighton

Description: Demolition and replacement of existing oval glass pavilion on lower tier level to form new café (A3). Demolition of existing circular building on upper tier level. Change of use of units 6-8 on lower tier level from restaurants (A3) to Members Club (SG) together with construction of two new pavilions above at upper tier level consisting of restaurant and bar (A3/A4) with indoor and outdoor seating, open air plunge pool with changing facilities and terraced area with sunbeds solely for the use of the Members Club (SG). Alterations and refurbishment of existing public restaurants (A3) at lower tier units 2-5 including revised fenestration. Other associated works including the external and internal refurbishment of the existing 1920s pavilion.

In accordance with the application and plans (as modified by any under mentioned conditions) submitted to the Council on 03 July 2015 and SUBJECT to compliance with any condition(s) specified hereunder:

- 1 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.
- 2 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
Site plan	12076/MBA/001	P	09/07/2015
Existing and proposed block plan	12076/MBA/002	P	09/07/2015
Lower Tier Plan (Units 2 to 5)	12076/MBA/010	P	09/07/2015
Existing Upper Tier Plan (units 6-8)	12076/MBA/011	P	09/07/2015
Existing roof plan (units 6-8)	12076/MBA/012	P	09/07/2015
Existing sections AA and BB (units 6-8)	12076/MBA/013	P	09/07/2015
Existing south elevations (units 6-8)	12076/MBA/014	P	09/07/2015
Existing North and West elevations 1 and 2 (Unit 6-8)	12076/MBA/015	P	09/07/2015
Existing lower tier plan (Units 2 to 5)	12076/SHG/010	P	09/07/2015
Existing sections 1 and south elevation (units 2-5)	12076/SHG/011	P	09/07/2015
Existing south elevations	12076/SHG/012	P	09/07/2015
Proposed lower Tier Plan (Unit 2 to 5)	12076/SHG/100	Rev P1	10/11/15
Proposed Upper Tier Plan (units 6-8)	12076/MBA/101	Rev P1	10/11/15
Proposed roof plan (units 6 to 8)	12076/MBA/102	P	31/03/16
Proposed Lower Tier Plan (Units 2 to 5)	12076/SHG/101	Rev P1	10/11/15
Proposed Lower Tier Plan (Units 6 to 8)	12076/MBA/100	P	09/07/15
Proposed Advertisement on Awning (Units 2 to 5)	12076/SHG/201	Rev P	10/11/15
Proposed South elevation (units 2 to 5)	12076/SHG/201	P	09/07/15
Proposed North and West Elevations 1 and 2 (Unit 6 to 8)	12076/MBA/301	Rev P1	10/11/15
Existing and Proposed East elevations (Units 6 to 8)	12076/MBA/304	Rev P1	10/11/15
Proposed South elevations (Units 6 to 8)	12076/MBA/300	P	09/07/15
Proposed South elevations (Units 2 to 8)	12076/MBA/302	P	09/07/15
Proposed North elevations(Units 2-8)	12076/MBA/303	P	01/09/15
Detailed Elevation and Section (Unit 6 to 8)	12076/MBA/400	Rev P1	10/11/15
Proposed section 1 façade and awning (Units 2 to 5)	12076/SHG/103	P	09/07/15
Proposed sections AA and BB (Units 6 to 8)	12076/MBA/200	P	09/07/15
Façade and awning proposed	12076/SHG/200	P	09/07/15
Existing and Proposed Railing plan (units 6 to 8)	12076/MBA/401		09/07/15
Existing and Proposed Railing plan at new entrance (units 6 to 8)	12076/MBA/402	P	09/07/15
Existing and Proposed Railing Elevation at Existing Entrance	12076/MBA/403	Rev P1	10/11/15
Existing and Proposed Railings (Unit 6 to 8)	12076/MBA/404	Rev P1	10/11/15
Existing and Proposed Railing Elevation at Existing Entrance(Unit 6 to 8)	12076/MBA/405	P	09/07/15
Existing and Proposed Railing Elevation at new Entrance(Unit 6 to 8)	12076/MBA/405	P	09/07/15

- 3 The Private members club(units 6-8) hereby permitted shall not be open to customers between the hours of 02.00 and 07.00. Reason: To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

- 4 The A3 restaurants (units 2-5) shall not be open to customers between the hours of 00.00 (midnight) and 07.00.
Reason: To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 5 No development of any part of the development hereby permitted shall take place until samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):
 - a) samples of all brick, render and tiling (including details of the colour of render/paintwork to be used)
 - b) samples of all cladding to be used, including details of their treatment to protect against weathering
 - c) samples of all hard surfacing materials
 - d) samples of the proposed window, door and balcony treatments
 - e) samples of all other materials to be used externallyDevelopment shall be carried out in accordance with the approved details.
Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.
- 6 No development of any part of the development hereby permitted shall take place until details of the construction of the green roofs have been submitted to and approved in writing by the Local Planning Authority. The details shall include a cross section, construction method statement, the seed mix, and a maintenance and irrigation programme. The roofs shall then be constructed in accordance with the approved details and shall be retained as such thereafter.
Reason: To ensure that the development contributes to ecological enhancement on the site and in accordance with policy CP13 of the Brighton & Hove City Plan Part One.
- 7 No development or other operations shall commence on site in connection with the development hereby approved (including any demolition works, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery) until a detailed Arboricultural Method Statement for the protection of the adjacent on-street Cordylines trees in Madeira Drive has been submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in complete accordance with the approved Method Statement. Reason: As this matter is fundamental to protecting the Cordylines on-street trees during construction works in the interest of the visual amenities of the area and to comply with policy CP12 and QD16 of the Brighton & Hove City Plan Part One.
- 8 Prior to the installation of plant into the development, an acoustic report shall be submitted for approval to the Local Planning Authority. This must show that the cumulative 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators), that will be incorporated

into the development, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of the nearest residential or other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90,15mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqT, and shall be representative of the plant operating at its maximum. Reason: To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

- 9 Prior to first occupation of the development hereby permitted, details of secure cycle parking facilities for the staff of, and visitors to, the development 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 the first occupation of the development 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.

- 10 Prior to the first occupation of the development hereby approved a Delivery & Service Management Plan, which includes details of the types of vehicles, how deliveries will take place and the frequency of deliveries shall be submitted to and approved in writing by the Local Planning Authority. All deliveries shall thereafter be carried out in accordance with the approved plan.

Reason: In order to ensure that the safe operation of the development and to protection of the amenities of nearby residents, in accordance with policies SU10, QD27 and TR7 of the Brighton & Hove Local Plan.

- 11 Prior to first occupation of the development hereby permitted, details of how both the proposed lifts as detailed on the Proposed Upper Tier Plan units 6-8 (drawing number 12076/MBA 101 revision P1) will operate 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 the first occupation of the development and shall thereafter be retained for use at all times.

Reason: To ensure that satisfactory access to and from the development is provided for all and to comply with policies CP9, CP18, SA6 and SA1 of the Brighton & Hove City Plan Part One.

- 12 The reinstatement of the listed railings fronting Marine Parade shall be completed and Units 2 to 5 shall be refurbished and fitted out in accordance with the plans hereby approved and ready for occupation before the private members club is brought into use. Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.

- 13 Unless otherwise agreed in writing by the Local Planning Authority, the non-residential development hereby approved shall not be occupied until a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the non-residential development built has achieved a minimum BREEAM rating of 'Very Good' has been submitted to, and approved in writing by, the Local Planning Authority.
Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy CP8 of the Brighton and Hove City Plan Part One.
- 14 i) No development shall take place until a programme of archaeological work has been secured in accordance with a Written Scheme of Archaeological Investigation which has been submitted to and approved in writing by the Local Planning Authority.
ii) The development hereby permitted shall not be brought into use until the archaeological site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition [1] and that provision for analysis, publication and dissemination of results and archive deposition has been secured.
Reason: This pre-commencement condition is imposed because it is necessary to ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with policy HE12 of the Brighton & Hove Local Plan
- 15 Prior to first occupation of the development hereby permitted, a scheme for landscaping shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:
a. details of all hard surfacing;
b. details of all boundary treatments;
c. details of all proposed planting, including numbers and species of plant, and details of size and planting method of any trees.
All hard landscaping and means of enclosure shall be completed in accordance with the approved scheme prior to first occupation of the development. All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policy CP12 of the Brighton and Hove City Plan Part One and QD15 of the Brighton & Hove Local Plan.
- 16 A visual gap of 10 metres shall be permanently maintained between the two permitted built structures on the upper tier level (units 6 to 8) as shown on drawing no.12076/MBA/101 Rev P1 dated 10/11/15. The gap to remain permanently free

of any visual obstruction.

Reason: To ensure a satisfactory appearance to the development and to comply with policy CP12 of the Brighton and Hove City Plan Part One and HE6 of the Brighton & Hove Local Plan.

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. This decision to grant Planning Permission has been taken:

(i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including Supplementary Planning Guidance and Supplementary Planning Documents:
The National Planning Policy Framework (NPPF)

Brighton & Hove Local Plan:

TR4 Travel Plans

TR7 Safe development

TR14 Cycle access and parking

TR15 Cycle network

TR18 Parking for people with a mobility related disability

SU3 Water resources and their quality

SU5 Surface water and foul sewage disposal infrastructure

SU9 Pollution and nuisance control

SU10 Noise nuisance

QD15 Landscape design

QD16 Trees and Hedgerows

QD25 External lighting

QD27 Protection of Amenity

SR12 Large Use Class A3 (food and drink) venues and Use Class A4

SR18 Seafront recreation

HE3 Development affecting setting of a listed building

HE6 Development within or affecting setting of conservation areas

NC4 Sites of Nature Conservation Importance

Supplementary Planning Guidance:

SPGBH4 Parking Standards

Supplementary Planning Documents:

SPD07 Advertisements

Brighton and Hove City Plan Part One:

- SS1 Presumption in Favour of Sustainable Development
 - SA1 The Seafront
 - SA6 Sustainable Neighbourhoods
 - CP4 Retail provision
 - CP5 Culture and Tourism
 - CP7 Infrastructure and Developer Contributions
 - CP8 Sustainable Buildings
 - CP9 Sustainable Transport
 - CP10 Biodiversity
 - CP11 Managing Flood Risk
 - CP12 Urban Design
 - CP14 Housing Density
 - CP15 Heritage
 - CP16 Open Space
 - CP18 Healthy City
- ; and

(ii) for the following reasons:-

The proposed development on the site would provide two modern buildings of an acceptable scale, mass and design and the refurbishment of existing restaurant units. The proposed use is considered to be appropriate for the location and consistent with Development Plan policies.

The proposed new structures on the site would have an impact on the current openness and this would affect the identified character of the conservation area at this point. However it is considered that the harm that would be caused to the character of the conservation area as experienced from Marine Parade is less than substantial, and that there would be no harm to the conservation area as viewed from Madeira Drive. Due to its relative scale it is not considered that the new building will have a harmful impact on the setting of the buildings on the north side of Marine Parade. Paragraph 134 of the NPPF requires that if the harm is less than substantial the public benefits of the scheme should be considered to outweigh the harm in order for a proposal to be acceptable. The heritage benefits to the public from the development of this underused and deteriorated structure are the repairs to the historic masonry balustrade, the filling of the gap in the railings and improvements to the facade treatment of units 2 - 5 and the existing lower level of units 6-8.

There is not considered to be any significant impact on residential amenity. The traffic impact of the development is acceptable. The building would meet BREEAM 'very good'.

3. The applicant is reminded that a further application for listed building consent is required for the proposed works to the listed railings.

4. The applicant is advised that if any of the proposed works affect the retaining wall on Marine Parade the applicant must contact the Highway Authority, prior to the commencement of any construction works. Please contact the Structures Team in the Council's Highway Engineering & Projects Team for further information (01273 294 570).

5. The applicant is advised that details of the BREEAM assessment tools and a list of approved assessors can be obtained from the BREEAM websites (www.breeam.org). Details about BREEAM can also be found in Supplementary Planning Document SPD08 Sustainable Building Design, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk).

6. The applicant is advised that the details required by the materials condition are to be delegated to the Planning & Building Control Applications Manager in consultation with the Chair, Deputy Chair and Opposition Spokesperson

Dated this 20 April 2016



Rob Fraser
Acting Head of City Planning and Development
For Executive Director Environment, Development & Housing

NOTICE is given that Section 35 of the East Sussex Act 1981 may apply to this development. This gives Local Authorities the power to reject applications deposited under the Building Regulations, unless after consultation with the fire authority they are satisfied that the plans show adequate means of access for the fire service.

NOTE: This decision does not give approval of plans for the purposes of the Building Regulations 1991. If an application for such approval has been made a decision has or will be given separately.