

<u>No:</u>	BH2023/01955	<u>Ward:</u>	Kempton Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Former Peter Pan's Playground Site Madeira Drive Brighton BN2 1EN		
<u>Proposal:</u>	Erection of 4no beach locker blocks (retrospective).		
<u>Officer:</u>	Michael Tucker, tel: 292359	<u>Valid Date:</u>	28.07.2023
<u>Con Area:</u>	East Cliff	<u>Expiry Date:</u>	22.09.2023
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Mr Mark Uren, The Suite, 1 Cedar Chase, Findon, BN14 0US		
<u>Applicant:</u>	Sea Lanes Brighton Ltd, 1 Cedar Chase, Findon, Worthing, BN14 0US		

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
Location Plan	P-2023-11-01		18 July 2023
Block Plan	P-2023-11-03		18 July 2023
Proposed Drawing	P-2023-11-04		18 July 2023
Proposed Drawing	P-2023-11-05		18 July 2023
Proposed Drawing	P-2023-11-06		18 July 2023
Proposed Drawing	P-2023-11-07		18 July 2023
Proposed Drawing	P-2023-11-10		18 July 2023

2. The storage structures hereby permitted shall be removed at the same time as the modular building units (Sea Lanes Site A planning reference BH202/01018) or by the 1st April 2032, whichever is the sooner and the land restored to its former condition.

Reason: The buildings hereby approved are not considered suitable as a permanent form of development to safeguard the visual amenities of the area and to comply with policies SA1 of the City Plan Part One and DM26 and DM29 of City Plan Part 2.

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 a Council-owned area of shingle beach to the south of Madeira Drive and the Volks Railway Line, to the west of and partially overlapping with Sea Lanes Site B (which includes the swimming pool). The westernmost part of the one- and two-storey modular structures of Sea Lanes Site A are located to the north across the Volks Railway Line.
- 2.2. The site has historically hosted single storey storage structures on four concrete bases, however aerial imaging shows that these pre-existing structures had been removed by October 2018. The concrete bases were retained.
- 2.3. Further to the west, on either side of the vehicle access over the Volks Railway Line, are located three further single-storey structures, one of which is substantial in length.
- 2.4. This site is in the East Cliff Conservation Area and near to the grade II* listed Madeira Terraces, Lift and associated buildings, with the route of the historic Volks Electric Railway adjacent to the site.

3. RELEVANT HISTORY

- 3.1. **BH2021/04524** - Non-material amendment to application BH2020/01018 to permit alterations to courtyard area, loading bay, pool access, roof materials, doors and windows. Increased green roof areas where pitched roofs removed and pool building roof terrace replaced with solar panels. Approved
- 3.2. **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
- 3.3. **BH2019/03695** - Retention of temporary buildings and erection of new temporary buildings to provide yoga and wellness studio, saunas, endless swimming pool and studio and changing rooms (D2 use), pop up beach bar (A4 use) and associated storage, plant and fencing, and use of land for general leisure/therapy use and pop-up events (D2/D1 uses) for a temporary period. (Extension of time period until 31 October 2021) Approved

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for the erection of four single-storey beach locker blocks. The locker blocks are located on the four pre-existing concrete bases and are in blockwork, painted white with a felt roof. The northern facades of the locker blocks have been painted in vibrant street art.
- 4.2. The lockers are for use by local organisations including the Brighton Surf Life Saving Club (BSLSC), Paddle People and Swimtrek to store equipment including rescue boards and race boards.
- 4.3. The lockers have already been constructed and the application is therefore retrospective.
- 4.4. Planning permission was originally sought for the lockers as a permanent addition, however due to concerns regarding the visual impact of the lockers it is considered that a temporary permission to align with the timeframe for the modular buildings on Sea Lanes Site A is appropriate. This is to be secured by a recommended condition.
- 4.5. The application originally also sought permission for the deployment of a moveable lifeguard station. This however is considered not to constitute development requiring planning permission due to its moveable/temporary nature.

5. REPRESENTATIONS

- 5.1. **Forty-six (46)** letters of support, raising the following points:
 - Good design
 - Enhances Sea Lanes development
 - Vital storage for charity after losing previous venue
 - Promotes safety of seafront as club members aid the public
 - Endorse statement by the BSLSC
 - Attractive murals
- 5.2. **Ten (10)** letters of objection, raising the following points:
 - Overdevelopment
 - Poor design
 - Loss of view
 - Surf Lifesaving Club is a club with a membership fee
 - Have been built without permission
 - Development creep/privatisation across the beach
 - Object to the faux-graffiti style painting of the lockers
 - Poor location blocking view of the sea
 - The pedestrian crossing over the railway and the access to the lockers should be improved
 - The land is owned by the Council
- 5.3. **Lloyd Russell-Moyle MP** has written to support the application for the following reasons:

- Replacement of pre-existing structures, to a higher standard
- Views not obstructed

6. CONSULTATIONS

External

6.1. **Conservation Advisory Group: No objection**

The Group agreed with the Heritage Team's conditions that the blockwork should be painted white or cream, and maintained as such, and that the locker structures should be removed on cessation of use by BSLSC.

6.2. **Environment Agency: No comment received**

6.3. **Sussex Police Community Safety:**

To protect the equipment stored inside the lockers, consideration should be given to the fitting of a fit for purpose alarm system.

6.4. Thought should be to a battery-operated alarm system which will act as an audible deterrent out of hours when the lockers are not being used.

6.5. Any padlocks fitted to secure the doors to the beach lockers should be of a robust construction and be bolt cutter resistant.

6.6. In relation to the deployable/movable lifeguard station again as with the beach lockers a battery-operated alarm system will act as an audible deterrent out of hours when not in use.

Internal

6.7. **Environmental Health: No comment**

6.8. **Heritage: No objection subject to conditions**

The application states that the structures will be formed of concrete blocks painted white, however as currently built these structures have been finished on their northern elevations in vibrant street art. A muted materials pallet was required for the Sea Lanes development (as approved under application BH2021/02718) and it is considered that the same principles should apply to these structures, particularly in the event of the removal of Sea Lanes structures on expiry of the temporary permission (removal required in accordance with application BH2020/01018 no later than April 2032), which would leave these locker structures prominently visible from the public realm.

6.9. Overall, the buildings cover a significant site area (locker No. 3 is particularly broad), and they are unrelieved in their built form, as such, aesthetically they are not considered to make a positive contribution to the Conservation Area. It is therefore considered that any approval for these structures should be linked to their association with the Brighton Surf Life Saving Club, and if the club were no longer to have a presence on this part of the seafront the buildings should be removed.

Update 6th September

- 6.10. At present the north elevations are largely screened by the temporary element of the Sea Lanes development. It remains that the vibrant paint finishes are considered inappropriate in this setting, however the identified harm is somewhat mitigated by being partly concealed from wider views, and therefore the alternative condition to that previously requested by the heritage team would be considered acceptable, and the structures should be required to be removed at the end of the 'site A' temporary approval period.
- 6.11. **Planning Policy:** No comment
- 6.12. **Seafront Development Manager:** No comment received
- 6.13. **Sports Facilities:** No comment received
- 6.14. **Sustainable Transport:** No objection

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 City Plan Part Two (adopted October 2022);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
 - Shoreham Harbour Joint Area Action Plan (adopted October 2019).

8. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development

SA1 The Seafront

CP12 Urban design

CP15 Heritage

CP16 Open space

Brighton & Hove City Plan Part Two

DM15 Commercial and Leisure Uses on the Seafront

DM18 High quality design and places

DM20 Protection of Amenity
DM26 Conservation Areas
DM29 The Setting of Heritage Assets
DM39 Development on the Seafront

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the principle of the development and the design, appearance and Heritage impact of the proposal.

Planning Policy:

- 9.2. The proposed storage lockers are to be utilised by local organisations such as Brighton Surf Life Saving Club (BSLSC) - a local charity, as well as Paddle People and Swimtrek, for the storage of equipment in relation to their operational activities. It is understood that the lockers would not be available to members of the general public.
- 9.3. This is considered to form a use that is appropriate to this part of the seafront. The lockers are located in an area that is currently host to similar storage structures, and are on the same footprint as pre-existing storage lockers.
- 9.4. The proposals would support the year-round sport and leisure role of the seafront in accordance with Policy SA1, and would be small-scale and would improve access to sea-based activities in accordance with Policy DM39.
- 9.5. The re-use of the existing vacant concrete bases for (as is recommended) a temporary period would accord with Policy DM15.
- 9.6. With regard to the criteria of Policy CP16, it is considered that exception (c) would be met. The proposal would be ancillary to the sport and leisure use of the Sea Lanes site and the wider beach, and would result in only a small loss of open space utilising pre-existing concrete bases which have hosted similar storage structures in the past. Any loss of Open Space would therefore be minor and would not be considered to warrant refusal of the application.
- 9.7. For reasons that will be identified subsequently, there would be some partial conflict with Policy SA1 of the City Plan Part One, which identifies a priority of preserving and enhancing the character and appearance of the Conservation Areas along the seafront. In terms of visual impact the proposals are considered not to conserve or enhance the East Cliff Conservation Area or the setting of the Grade II* listed Madeira Terraces. The harm caused is considered to be less than substantial for the purposes of NPPF paragraph 202.
- 9.8. However, the purpose of the lockers to provide storage for local charities/organisations is recognised, and the LPA would not necessarily wish to discourage this. In the case of the use by BSLSC, this is considered to constitute a public benefit that could weigh in favour of the development. Paddle People

and Swimtrek are understood to be more commercially orientated operations and would not be considered to provide public benefits in the same vein.

- 9.9. The site is located within the demise of the Sea Lanes development, and it is noted that the Site A structures to the north (which currently have the benefit of helping to screen the storage lockers in views from the north) are temporary features as per planning permission BH2020/01018. The removal of the Site A structures on the expiry of their respective planning permission would further increase the visual impact of the storage lockers.
- 9.10. In view of the benefits and negative elements of the development as identified, it is therefore considered that an acceptable basis would be to allow for the storage structures to remain for a similar temporary timeframe to coincide with that of the Site A modular structures. If their provided storage capacity remains required at the expiration of this period, this can then potentially be incorporated within the future plans for the wider site.
- 9.11. The applicant has agreed to the above timeframe, and a condition is therefore recommended to require the storage lockers to be removed on a timeframe aligning with the Sea Lanes Site A modular buildings.

Design, Appearance and Heritage:

- 9.12. 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.
- 9.13. Case law has held that the desirability of preserving a listed building or its setting or any features of special architectural or historic interest it possesses, and the desirability of preserving or enhancing the character or appearance of a conservation should be given "considerable importance and weight".
- 9.14. The proposed lockers are very similar in appearance to those in situ to the west - single storey, finished in painted blockwork and with felt roofs and timber doors. The structures are painted white, however vibrant street art has been added to the northern elevations. The Heritage team originally raised concerns regarding the material, however, this was subsequently withdrawn as the visibility of the structures are impacted by the existing structures. Lockers 1,2 and 4 would have footprints of 28sqm, 31sqm and 46sqm. Locker 3 would be larger with a footprint of 90sqm.
- 9.15. This compares to the existing lockers to the west which have footprints of approximately 25sqm, 21sqm and 230sqm.
- 9.16. The lockers are sited in proximity to the Sea Lanes development and are perceived within this context. The structures to the south of the Volks Railway Line (Site B - including the swimming pool) benefit from permanent planning

permission. The modular structures to the north of the Volks Railway Line (Site A) benefit from a ten-year temporary planning permission expiring on 1st April 2032.

- 9.17. The lockers as-built, notwithstanding their single-storey scale and the existence of similar structures to the west, are visually prominent additions to the beach that are visible in wide ranging views. The number of structures proposed together with those pre-existing to the north and west, further contributes to a sense of clutter. The white colour of the blockwork contrasts strongly with the darker felt roof and does not blend in with the shingle beach. The addition of street art to the northern elevations, notwithstanding any merits of the art itself, contributes to this contrast and draws further visual attention towards the lockers.
- 9.18. It is therefore considered that the lockers do result in some harm to the visual amenity of the seafront, and the addition of the lockers as permanent features on the seafront would therefore be contrary to Policies DM26 and DM29 of the City Plan Part Two.
- 9.19. As set out above, a temporary permission to align with the Sea Lanes Site A development is considered an appropriate balance and the Heritage consultee has confirmed agreement to this.

Impact on Amenity:

- 9.20. Policy DM20 of the City Plan Part Two states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 9.21. No significant impact upon amenity is anticipated. The structures are single storey in scale and are for use as storage facilities. There are no sensitive uses nearby that would be unduly affected.

10. EQUALITIES
None identified

11. CLIMATE CHANGE/BIODIVERSITY
None identified.