

<u>No:</u>	BH2024/03067	<u>Ward:</u>	Westbourne & Poets' Corner Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Western Esplanade Pond, Fountain and Public Toilets Western Esplanade Hove		
<u>Proposal:</u>	Change of use of existing public toilets (Sui Generis) to mixed use with cafe (Use Class E), staff reception and sports office, kitchen, storage and accessible WC (Use Class F2) with alterations to fenestration and installation of photovoltaic panels. Demolition of existing detached accessible WC, erection of single storey detached community facility with additional WCs and sand sports storage (Use Class F2) and single storey detached refuse and plant store. Associated perimeter fencing and new landscape surface around water fountain.		
<u>Officer:</u>	Wayne Nee, tel: 292132	<u>Valid Date:</u>	06.01.2025
<u>Con Area:</u>		<u>Expiry Date:</u>	03.03.2025
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	LRA Retinue Limited 24 Windlesham Road Brighton BN1 3AG		
<u>Applicant:</u>	Yellowave Brighton 299 Madeira Drive Brighton BN2 1EN		

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 and block plan	2269-PA-011	B	14-Feb-25
Proposed Drawing	2269-PA-010	B	14-Feb-25
Proposed Drawing	2269-PA-012		17-Dec-24
Proposed Drawing	2269-PA-013	A	15-Jan-25
Proposed Drawing	2269-PA-014	A	15-Jan-25
Proposed Drawing	2269-PA-015		15-Jan-25
Proposed Drawing	2269-PA-016		14-Feb-25

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. Other than works to the Bowls Pavilion building, no works of any part of the development hereby permitted shall take place until an ecological design strategy (EDS) addressing compensation and enhancement measures and including a green roof and ground level landscape planting of recognised wildlife value, 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 contribute to a net gain for biodiversity as required by Section 40 of the Natural Environment and Rural Communities Act 2006, paragraphs 187 and 193 of the National Planning Policy Framework 2024 and Policy DM37 of the City Plan Part 2.

4. Other than works to the Bowls Pavilion building, no works of any part of the development hereby permitted 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 approved drainage system shall be implemented in accordance with the approved detailed design
Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to comply with policies DM42 and DM43 of City Plan Part Two and CP11 of the Brighton & Hove City Plan Part One and SPD16: Sustainable Drainage.

5. Other than works to the Bowls Pavilion building, no works of any part of the development hereby permitted shall take place until a drainage strategy detailing the proposed means of foul water disposal and an implementation timetable, has been submitted to and approved in writing by, the Local Planning Authority in

consultation with the sewerage undertaker. The development shall be carried out in accordance with the approved scheme and timetable.

Reason: To ensure adequate foul sewage drainage/treatment is available prior to development commencing and to comply with policy DM42 of Brighton & Hove City Plan Part 2.

6. Notwithstanding any details shown on the approved plans, no works to any external surfaces of any part of the development hereby permitted shall take place until details 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 cladding to be used, including details of their treatment to protect against weathering
 - b) samples/details of all hard surfacing materials
 - c) samples/details of all other materials to be used externally

Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development and to comply with policies DM18/DM21/DM26 of Brighton & Hove City Plan Part 2 and CP12 and CP15 of the Brighton & Hove City Plan Part One.

7. The works to the exterior of the Bowls Pavilion building hereby permitted shall not be commenced until full details of all new doors and windows, including 1:5 sections of their glazing bars and sills, 1:20 scale elevational drawings and sections, 1:1 scale joinery sections, and details of their method of opening, have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details and shall be retained as such thereafter.

Reason: As this matter is fundamental to the acceptable delivery of the permission to ensure a satisfactory appearance to the development and to comply with policies DM26 of Brighton & Hove City Plan Part 2, and CP15 of the Brighton & Hove City Plan Part One.

8. No works to the Bowls Pavilion building clocks shall take place until full details of the restoration works to the clocks have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details and shall be retained as such thereafter.

Reason: To ensure a satisfactory appearance to the development and to comply with policies DM26 of Brighton & Hove City Plan Part 2, and CP15 of the Brighton & Hove City Plan Part One.

9. The proposed development hereby permitted shall not be brought into use until a management plan, setting out noise management and safety measures has been submitted to and approved by the Local Planning Authority. The plan shall include consideration of measures to control noise from people using the site and from customers leaving the site including signage. The development shall be operated in accordance with the approved management plans and thereafter maintained.

Reason: To safeguard the amenities of the locality and to comply with policy CP15 of the City Plan Part One and DM20 and DM40 of Brighton & Hove City Plan Part Two.

10. Prior to occupation of the development 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 and any sustainable drainage system used;
- b. a schedule detailing sizes and numbers/densities of all proposed trees/plants including food-bearing plants, and details of tree pit design, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period;
- c. details of all boundary treatments 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 provide ecological and sustainability benefits, to comply with policies DM22 and DM37 of Brighton & Hove City Plan Part 2, and CP8, CP10, CP12 and CP13 of the Brighton & Hove City Plan Part One.

11. The development hereby permitted shall not be occupied until a plan detailing the positions, height, design, materials and type of all existing and proposed boundary treatments shall has been submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be provided in accordance with the approved details prior to occupation of the development and shall thereafter be retained at all times.

Reason: To enhance the appearance of the development in the interest of the visual and residential amenities of the area and to comply with policies DM18, DM21 and DM26 of Brighton & Hove City Plan Part 2, and CP12, CP13, and CP15 of the Brighton & Hove City Plan Part One.

12. The development hereby permitted shall not be brought into use until a Delivery & Service Management Plan, which includes details of the types of vehicles, how deliveries servicing and refuse collection will take place and the frequency of those vehicle movements has been submitted to and approved in writing by the Local Planning Authority. All deliveries servicing and refuse collection 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 polices DM20, DM33, and DM40 of Brighton & Hove City Plan Part 2.

13. Prior to first occupation of the development hereby approved, details of the proposed photovoltaic array hereby approved as shown on drawing no.2269-PA-010/A, including details of the position, size, protrusion from the roof (when

measured perpendicular with the external surface of the roof), fixing, colour and finish, associated equipment, and any minor strengthening works to the roof, shall be submitted to and approved in writing by the Local Planning Authority. The photovoltaic array shall then be installed in accordance with the approved details. Once installed, the solar panels equipment shall be maintained/kept in good order and it/they shall be removed as soon as reasonably practicable when no longer operational or in use.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and has an acceptable appearance and to comply with policies CP8 and CP12 of the Brighton & Hove City Plan Part One and DM44 of the Brighton & Hove City Plan Part Two.

14. The development hereby permitted shall not be brought into use until full details of level access around the site, including details of any ramps, shall be 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 the development provides for the needs of disabled staff and visitors to the site and to comply with policy DM33 of Brighton & Hove City Plan Part 2.

15. The development hereby permitted shall not be occupied until details of secure cycle parking facilities for the occupants of, and visitors to, the development 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 DM33 of Brighton & Hove City Plan Part 2, and SPD14: Parking Standards.

16. The development hereby permitted shall not be first occupied until:
- i) details of external lighting, which shall include details of; levels of luminance, hours of use, predictions of both horizontal illuminance across the site and vertical illuminance affecting immediately adjacent receptors, hours of operation and details of maintenance have been submitted to and approved in writing by the Local Planning Authority.
 - ii) the predicted illuminance levels have been tested by a competent person to ensure that the illuminance levels agreed in part1 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).

No external lighting other than that approved through these details shall be installed on the site. The external lighting shall be installed, operated and maintained in accordance with the approved details and thereafter retained.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies DM20 and DM40 of Brighton & Hove City Plan Part 2.

17. Within 6 months of first occupation of the non-residential development hereby permitted a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the non-residential development built (detached outbuilding) has achieved a minimum BREEAM New Construction rating of 'Very Good' shall be 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 & Hove City Plan Part One.
18. 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 policies DM41 and DM20 of the Brighton & Hove City Plan Part 2.
19. The mixed-use café/staff reception/sports office premises and the detached community facility hereby permitted shall not be in use by customers except between the hours of 08:00 and 22:00 on Mondays to Sundays, including Bank or Public Holidays.
Reason: To safeguard the amenities of the locality and to comply with policies DM20 and DM40 of Brighton & Hove City Plan Part 2.
20. The north and south access gates to the fountain and pond area hereby approved shall remain open for all to access during operational hours of the development, between 08:00 and 22:00 on Mondays to Sundays, including Bank or Public Holidays.
Reason: In order to ensure public access to the site and to accord with the requirements of SA1 the Seafront, Policy CP13 and CP16 of the City Plan Part 1.
21. The existing Bowls Pavilion building shall be used as mixed-use café/staff reception/sports office premises (Use Class E(b) and Class F.2) only, and the detached outbuilding hereby permitted shall used as a community facility (Use Class F.2) only, and for no other purposes (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification), no change of use shall occur without planning permission obtained from the Local Planning Authority.
Reason: The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of safeguarding the

amenities of the area and to comply with Policy DM18/DM21 of Brighton & Hove City Plan Part 2.

22. Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed the existing LA90 background noise level. The Rating Level and existing background noise levels are to be determined as per the guidance provided in BS4142:2014-A1:2019 (or the relevant updated Standard). In addition, there should be no significant low frequency tones present.

Reason: To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies DM20 and DM40 of Brighton & Hove City Plan Part 2.

23. All new and replacement rainwater goods, soil and other waste pipes on the Bowls Pavilion building shall match the material and colour of the existing and retained as such thereafter.

Reason: To ensure a satisfactory appearance to the development and to comply with policy DM26 of Brighton & Hove City Plan Part 2 and CP15 of the Brighton & Hove City Plan Part One.

24. All existing architectural detailing and historic features on the exterior of the Bowls Pavilion building shall be retained except where otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policies DM26 and DM28 of Brighton & Hove City Plan Part 2, and CP15 of the Brighton & Hove City Plan Part One.

25. The development hereby approved should achieve a minimum Energy Performance Certificate (EPC) rating 'B' for new build residential and non-residential development or rating 'C' for conversions and changes of use of existing buildings to residential and non-residential use.

Reason: To improve the energy cost efficiency of existing and new development and help reduce energy costs and enhance sustainability, to comply with policies DM44 of the Brighton & Hove City Plan Part Two and CP8 of the Brighton & Hove City Plan Part One.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant is advised that a formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Southern House, Sparrowgrove,

Otterbourne, Hampshire, SO21 2SW (tel 0330 303 0119), or www.southernwater.co.uk

3. The applicant should be aware that whilst the requisite planning permission may be granted, this does not preclude the department from carrying out an investigation under the Environmental Protection Act 1990, should any complaints be received.
4. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this Act.
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).

2. BIODIVERSITY GAIN PLAN

- 2.1. Based on the information available, this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements are considered to apply. These can be found in the legislation.
- 2.2. The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that, unless an exception or a transitional arrangement applies, the planning permission granted for the development of land in England is deemed to have been granted subject to the condition ("the biodiversity gain condition") that development may not begin unless:
 - (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
 - (b) the planning authority has approved the plan.
- 2.3. The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan in respect of this permission would be Brighton & Hove City Council.

3. SITE LOCATION

- 3.1. The application relates to the existing Western Esplanade public toilet building (former bowls pavilion) and part of a sequence of open public green spaces within Hove Western Lawns, which contains a lawned/paved area with 1930's central pond and fountain.
- 3.2. The spaces within the wider Hove Western Lawns, between Basin Road South/Shoreham Port to the west and Hove Street/King Alfred site to the east, are separated by a series of north-south public access pedestrian routes between Kingsway and the Esplanade (which also provide restricted vehicle access). The existing spaces from the east to up to the existing public toilet

building are generally level with the surrounding access points to the site, however westwards they are sunken below the footpath levels, and generally increase in level up to Hove Lagoon. Along this section of the esplanade is a line of low-level single storey buildings which include public conveniences and sports pavilions associated with the use of the Greens, with rows of beach huts. To the west is the sunken garden green space and 'Rockwater' restaurant/café. To the east lies the Hove Beach Croquet Club pitch.

- 3.3. To the north beyond the dual carriageway of the A259 are predominantly residential properties, which benefit from a largely unobstructed southerly aspect with high levels of natural light. The A259 coast road (Kingsway) runs adjacent to the northern boundary of the site, with the National Cycle Network National Route 2 (NCN2) in between.
- 3.4. The wider Western Esplanade, Western Lawns and Hove Lagoon form part of the historic character of this area as part of the Hove seafront promenade and are a locally listed heritage asset. This site is located at the southern edge of the Sackville Gardens Conservation Area. Western Esplanade and Western Lawns are Locally Listed. There is a Locally Listed wall along the south side behind the Esplanade. Due to the sunken levels of the gardens, the decorative wall is prominently visible from the north on Kingsway acting (along with the beach huts behind) as a backdrop to the garden spaces.
- 3.5. The Art Deco Western Bowls Pavilion (in use as public WCs), built circa 1920's/1930's when the 'Kingsway Bowls Club' was founded, is separately locally listed as a historical clubhouse. The local listing description states that it is a single-storey symmetrical Art Deco building with a central short colonnade and a hexagonal clock over. The original design composition is still clearly evident and viewed in relation to the associated formal garden.
- 3.6. The site is within the area that formed part of the 'Kingsway-to-the-Sea' (KTTS)/Hove Beach Park redevelopment allowed under Planning permission BH2022/02830 (as amended by Non-material Amendment application BH2024/01619). This approved the redevelopment of Hove Western Lawns as a linear park, incorporating the refurbishment of existing and new public leisure and recreation amenities including Sand Sports, and new and replacement hard and soft landscaping and planting, including continuous new accessible and connected route throughout linking all spaces, and associated public realm improvements.

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for the change of use of the existing public toilets (sui generis – outside of any planning Use Class) to a mixed use with cafe (Use Class E), staff reception and sports office, kitchen, storage and accessible WC (Use Class F2) with alterations to the fenestration and the installation of photovoltaic panels. Also proposed is the demolition of the existing detached accessible WC, erection of a single storey detached community facility with additional WCs and sand sports storage (Use Class F2) and single storey

detached refuse and plant store. The application includes associated perimeter fencing and a new landscaped surface around the water fountain.

- 4.2. The application seeks to redevelop the public toilets to provide a cafe with WC's, and other facilities to operate alongside the sand sports facility previously approved as part of the Hove Beach Park. It is also proposed to erect a single storey detached building in the north-eastern corner of the site to provide a covered space to be used alongside the sand sports facility, with a smaller building alongside to be used for storage. Landscaping and access arrangements around the fountain will also be altered.
- 4.3. During the application process, the applicant submitted amended/additional plans to increase the site area to include the fountain area and boundary treatment, which resulted in re-consultation of the application. The plans were subsequently updated to include confirmation of the proposed surface material, children's sandpit and outdoor seating. An additional plan was also submitted to provide details of the proposed southern entrance sliding gate.
- 4.4. A corresponding non-material amendment application (ref. BH2024/03053) for changes to application BH2022/02830 is currently under consideration.

5. RELEVANT HISTORY

- 5.1. **BH2024/03053** Non-material amendment to BH2022/02830 to alter and extend the perimeter fencing to the sand sports area, omit wild meadow areas, add planting strip along Eastern boundary and new landscape surface around water fountain - Under Consideration
- 5.2. **BH2024/01619** Non-Material Amendment to application BH2022/02830 to amend Padel Tennis area with addition of 2no lobby areas to perimeter fencing including access gates and raising levels across zone 5 by approximately 500mm with commensurate increase in top of fence level. Sand Sports area levels raised across west end of zone 7 by approximately 350mm with commensurate increase in top of fence level. Reduction of 137no multi-stem trees across scheme. Alterations to materials/finishes incorporating paths changed to asphalt, edgings changed to steel and pc concrete, racquet court changed to lawn surface, alterations to steps and seating, and reduced access to pump track and Hove Lagoon - Approved 28/06/2024
- 5.3. **BH2023/01476** Erection of a single storey Croquet Club hut - Approved 31/07/2023
- 5.4. **BH2022/02830** Redevelopment of Hove Western Lawns as a Linear Park, incorporating refurbishment of existing and new public leisure and recreation amenities including (east to west): Temporary Events Space; Garden; Bowls; Demolition of existing buildings and Erection of Two-storey Outdoor Sports Hub building (including Bowls Club (Class Use F2), Public Cafe (E) and Public WCs); Garden; Croquet; Sand Sports (F2); Sunken Garden; Padel Tennis (F2); Tennis including new Single-storey Tennis and Padel Tennis Pavilion (E); Garden;

Wheeled Sports including Skate Park, Pump Track and Roller Area (F2); relocation of Hove Lagoon Amusements and Public WC improvements at the Big Beach Cafe. New and replacement Hard and Soft Landscaping and Planting, including continuous new accessible and connected route throughout linking all spaces, and associated Public Realm improvements - Approved 15/12/2022

- 5.5. **BH2021/03900** (Rockwater Kingsway) Retention of six existing timber "beach huts" adjacent to the main building for a period of 3 years - Approved 03/02/2022
- 5.6. **BH2021/01999** (Rockwater Kingsway) Part-retrospective application for external alterations and extensions including a glazed first floor extension above existing flat roof, new lift to roof terrace from promenade level, glazed pergola extension to north west lower ground floor, booth seating, a fire pit with canopy/chimney and bonded gravel surround to the north east side of the lower ground floor and an area of decking with balustrade to the beach south of the site, as approved under application BH2020/02211, without compliance with conditions 1, 4 and 5 of said permission - Approved 05/08/2021
- 5.7. **BH2020/02211** (Rockwater Kingsway) External alterations and extensions including a glazed first floor extension above existing flat roof, new lift to roof terrace from promenade level, glazed pergola extension to north-west lower ground floor, booth seating, a fire pit with canopy/chimney and bonded gravel surround to the north east side of the lower ground floor and an area of decking with balustrade to the beach south of the site. (Part Retrospective) - Approved 29/01/2021

6. REPRESENTATIONS

- 6.1. Representations have been received from ninety one (91) people, objecting to the proposed development for the following reasons:
- 6.2. Principle of Development:
 - Object to any further over development
 - The beauty of Hove croquet and the symbolic toilets should not be spoilt
 - Esplanade is being completely over shadowed
 - Sackville Gardens is a conservation area
 - A stark contrast to the original design
 - The differences between Brighton and Hove on the seafront and elsewhere should be maintained.
 - Impact on Heritage assets
- 6.3. Proposed Boundary Fencing/Access:
 - Fence is high, unsightly and out of context with its surroundings
 - Fence takes away the linear aspect of Hove Beach Park
 - People won't be able to get anywhere near the fountain, unless they are a member of Yellowwave
 - Cutting off the fountain area from the public goes against the ethos of the park

- Reduction in width of the pathway running north to south from 2.7m to 2.1m would restrict movement in one of the main routes to get from Kingsway to the beach and back again.
- Narrower path would create a pinch point and force people to encroach onto croquet lawn when passing, especially wheelchair users and those with buggies or beach equipment
- Narrower path would mean people would need to step onto banks of the gully which would be a health and safety issue
- Material detrimental effect on the enjoyment of the croquet lawn from encroachment of pedestrians, and potential damage to lawn

6.4. Bowls Pavilion:

- Another café is not required in this location
- Over-commercialised use for this building
- Unsightly yellow signage to the refurbishment
- Potential for light and noise pollution

6.5. New Detached 'Beach Hut' Outbuilding:

- The additional building is not in keeping with the open space that Hove seafront offers.
- Unsympathetic to its surroundings both in design and position
- This building will create a precedent for future
- It destroys the current symmetry of the site, and the view through to the pavilion.
- The proposed room is an eyesore.
- It's northern and eastern elevations are featureless
- The use of timber cladding is incompatible with existing buildings within KTTS
- Vast expanses of decked areas will require regular upkeep
- Not needed in the community as there are multiple either existing venues or potential venues

6.6. Representations have been received from one hundred and eleven (111) people, supporting the proposed development for the following reasons:

- Good location
- Inclusive community vibe
- The old toilets are also in such a poor condition and in a very poor state
- Great provision as a beach facility
- It will further improve the wider park area
- Closer ties to all the physical activity access along Hove Beach sports activities
- The rejuvenation of this area is much needed
- Proposed design thoughtfully respects and incorporates the historic toilet block and fountain.
- Café will provide employment
- School children will be able to enjoy school beach days at the new facility
- The beach sports centre promotes public health and physical activity
- There are four other access points between the beach and Kingsway

- Being able to watch through fence will promote outdoor sports
- The fencing is crucial for protecting both pedestrians and players, and to ensure balls do not pose risk to road users
- The fencing would provide a comforting sense of security and containment
- Reduced height of the fence compared to the original height that already secured planning.
- Using neutral materials or greenery can reduce visual impact of fencing.
- Access will shift but not be lost.
- The design allows people to stroll through the site and watch the sports
- Minor inconveniences are offset by the venue's long-term benefits for organized activity and recreation.
- It will attract visitors and boost local businesses.
- Sandpit for very young children a good idea
- Features like photovoltaic panels demonstrate environmental responsibility, ensuring sustainability

7. CONSULTATIONS

Internal:

7.1. **Environmental Health:** No objection

Traffic noise is likely to block most noise from the facility however it is recommended that a Noise Management plan is submitted with regards to people using the sand sports area as people noise is intermittent and difficult to control. The plan should also consider potential noise from the construction and development stage.

7.2. The premises includes a café and kitchen. Noise associated with plant and machinery shall be controlled by condition to safeguard the amenities of the occupiers of neighbouring properties.

7.3. The applicant should consider whether odour control measures are required if the food to be prepared is likely to cause unpleasant odours. Due to the location of the premises it is unlikely to affect residents however people using the seafront may be affected.

7.4. **Heritage:** No objection

The overall conclusion is that the proposals would result in a degree of less than substantial harm to heritage assets, However, the scheme includes some very welcome elements, such as active use and repair/restoration of the Pavilion and the Fountain. These heritage benefits need to be considered along with other public benefits. Despite the harm identified, the proposals are welcome overall, there are changes to the scheme (from pre-application stage), particularly in terms of the Beach House and the overall upgrading of the underused site which have the potential to mitigate heritage harm.

7.5. On balance, there is no objection based on the benefits of the proposal, which includes a direct heritage benefit in terms of upgrading the disused locally listed asset, restoration and bringing it back into active use

- 7.6. **Seafront Team: No objection**
The Team confirm support for the proposals to provide an open access public sand sports facility which will benefit the sand sports community of Brighton & Hove.
- 7.7. The change of use of the Western Esplanade public toilets building to provide a sports reception, staff offices and café facility to service the sand courts is in keeping with the strategy for both Hove Beach Park and the Seafront. The refurbishment of the dilapidated building is welcomed and it will bring back into use the vacant northern section of the building previously used as a bowls clubhouse and temporary gym.
- 7.8. The Team are pleased to note that public pedestrian access will be retained through the Yellowwave site between Kingsway and the Western Esplanade during operational hours and 24hr access by way of the accessible pathway east/west. The Team consider the pathway to the east of the Yellowwave site to be appropriate in width to accommodate safe pedestrian flow north/south.
- 7.9. The proposal for the new single storey community facility provides for a much-needed indoor space for school groups and will help to maximise the opportunity for schools to take up the offer of free sandsports sessions at Yellowwave.
- 7.10. **Sustainability: No objection**
17% and 7% improvement on Part L2 2021 (compliance with Part L 2021 already exceeds the policy requirement for 19% improvement on Part L 2013) for the Yellowwave hub and beach hut respectively. This improvement significantly beyond current planning requirements is welcomed. EPC A for both buildings. This improvement significantly beyond current planning requirements of EPC C is welcomed. The Beach Hut is a new build unit and so the requirement for BREEAM "very good" should apply.
- 7.11. It is recommended that the developers explore how circular economy principles may be introduced in the design and construction of the buildings, for example by re-use of existing materials on site, and by considering how building elements may be re-used at the end of the building lifespan. In addition, the embodied energy in building materials should be minimised as far as possible through careful consideration and sourcing of construction materials and processes.
- 7.12. **Sustainable Transport: Comment**
The application is generally in line with the main design principles of the Kingsway to the Sea (KTTS) project and retains the primary pedestrian routes unobstructed, as it was proposed within the KTTS project. The proposed development would result the loss of the public toilet facilities, however, there are new public toilets were proposed within the larger KTTS project.
- 7.13. Given that vehicle movements are restricted under the KTTS project, a Delivery and Servicing Management Plan should be secured by condition. This is necessary to ensure the safe and efficient operation of the development without compromising pedestrian safety or the intended car-free environment.

- 7.14. While the number and location of cycle parking spaces for visitors to the sports pitches have been agreed upon under the KTTS project, no provision has been made for staff cycle parking within this specific building. A condition should be secured to provide dedicated, secure cycle parking for staff. Although the building is located within a designated "No Cycling Area," cyclists can dismount and walk their bicycles to the cycle parking facilities.
- 7.15. **Tourism and Leisure:** No objection / Objection / Comment
To sustain and grow the visitor economy, it is essential to continually innovate and enhance the city's portfolio of venues and attractions, ensuring they appeal to both residents and visitors. Additionally, sport and physical activity play a vital role in enhancing the quality of life for those who live in and visit the city.
- 7.16. The proposed developments of the applicant (Hove Beach Park) aligns with this vision. Given the planned additions and improvements outlined in the Planning Application, VisitBrighton is supportive of the proposal, provided it meets all other necessary planning requirements.
- 7.17. **Urban Design:** Comment
Overall, the application is welcomed, given the outstanding matter of sand sports delivery for the Kingsway to the Sea, project. The proposed scheme will bring the sand sports facility into use, which despite planning consent was dropped from the Kingsway to the Sea (KttS) delivery stage scheme due to budgetary pressures. The main benefit of the currently proposed sand sports scheme is that it brings the former (locally listed) Bowls Pavilion building into scope to complement the Hove Beach Park offer and support the Sand Sports facilities and operations.
- 7.18. The distinct ancillary/outbuilding and timber over-decked landscape – as it is proposed - will result in a step change in landscape character when considering the approved KttS scheme. The applicant is advised to explore alternative surfaces for the publicly accessible landscaped area and present a rationale for materials selection in this context.
- 7.19. The footprint of the single storey ancillary/outbuilding has been reduced compared to the pre-application concept design. It should be reduced further by removing the additional WC capacity into the pavilion building if critical to operational requirements.
- External:
- 7.20. **County Ecologist:** No objection
In summary, provided the proposed compensatory planting and enhancement measures are implemented the development is unlikely to have any significant impacts on biodiversity and can be supported from an ecological perspective.
- 7.21. **Southern Water:** No objection / Objection / Comment
The 76mm diameter water main requires a clearance of 6 metres on either side of the water main to protect it from construction works and to allow for future maintenance access. All existing infrastructure, including protective coatings

and cathodic protection, should be protected during the course of construction works.

- 7.22. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.
- 7.23. Where a surface water connection to the foul or combined sewer is being considered, this should be agreed by the Lead Local Flood Authority, in consultation with Southern Water.

8. MATERIAL CONSIDERATIONS

- 8.1. 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.
- 8.2. 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; revised October 2024; revised October 2024);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
 - Shoreham Harbour JAAP (adopted October 2019).

9. RELEVANT POLICIES & GUIDANCE

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	Culture and tourism
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP11	Flood risk
CP12	Urban design
CP13	Public streets and spaces
CP15	Heritage
CP16	Open space
CP17	Sports provision
CP18	Healthy city

Brighton & Hove City Plan Part Two:

DM9	Community facilities
DM15	Commercial and Leisure Uses on the Seafront
DM18	High quality design and places
DM20	Protection of Amenity
DM21	Extensions and alterations
DM22	Landscape Design and Trees
DM26	Conservation Areas
DM28	Locally Listed Heritage Assets
DM29	The Setting of Heritage Assets
DM33	Safe, sustainable and active travel
DM36	Parking and servicing
DM37	Green Infrastructure and Nature Conservation
DM38	Local Green Spaces
DM39	Development on the Seafront
DM40	Protection of the Environment and Health - Pollution and Nuisance
DM42	Protecting the Water Environment
DM43	Sustainable Drainage
DM44	Energy Efficiency and Renewables

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD11	Nature Conservation & Development
SPD14	Parking Standards
SPD16	Sustainable Drainage
SPD17	Urban Design Framework

10. CONSIDERATIONS & ASSESSMENT

- 10.1. The main considerations in the determination of this application relate to the principle of development, and the impact on the visual amenities of the surrounding area, including the locally listed assets and the conservation area. Other main considerations include public realm/landscaping, the impact on highways, access, biodiversity and neighbouring amenity.

Principle of the Development:

- 10.2. 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. 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. Policy CP17 (Sports Provision) requires new development to contribute to the provision and improvement of the quality, quantity and accessibility of sports services, facilities and spaces.
- 10.3. Generally, the proposals to provide associated development for the already approved Sand Sports facility are welcomed, and would provide significant public benefit. The continued regeneration of the wider park site is welcomed. The proposed facilities would enhance the existing and approved sports use

provision and would accord with the wider priorities for this section of the seafront as a centre for sports and family-based activities. The proposed facilities and environments would add to the diversity and vibrancy of the seafront, and will help extend footfall and reduce seasonality.

- 10.4. Policy CP16 allows development which is ancillary to the use of open space that will result in only a small loss of open space and provides improvements to or better access to the remaining space. The proposal would result in the loss of a small amount of open space with the construction of the detached 'beach hut' outbuilding, and the wider fountain area would be closed when the sand sports facility is closed (see below 'Site Layout/Access'). However, this is considered to be a small loss of open space overall, and the overall proposal would provide a better use of the remaining space that would compliment other uses and spaces within the wider park area.
- 10.5. The proposal includes the change of use of the existing Bowls Pavilion building from changing rooms (unused) and public toilets (Sui Generis – beyond any use class) to a mixed-use café (Use Class E) and staff reception/sports office to form part of the approved adjoining Sand Sports (Use Class F2). The use would also include associated kitchen, storage and accessible toilet. Policy SA1 (The Seafront) seeks to ensure the seafront has adequate facilities for residents and visitors, which includes public toilets. Public toilets are classified as a community facility within City Plan Part 2 Policy DM9 (Community Facilities), which ensures that the loss of community facilities will only be permitted where replacement facilities in an alternative suitable location, or the facility is no longer needed and suitable alternative provision with sufficient capacity is available in a location easily accessible to users of the facility. Alternative public toilet and changing facilities have been approved and currently under construction at the Outdoor Sports Hub building (under application BH2022/02830) a short distance to the east on the esplanade. It is considered that the loss of the existing use is acceptable.
- 10.6. The proposal would therefore have elements of a community facility, with the applicant stating that the proposed 'beach hut' outbuilding could be used by school children, community groups and sports groups, both in connection with and separate from the adjoining sand sports. Policy DM9 requires new community facilities to be compatible with adjoining and nearby uses, close to the community it serves and is readily accessible, and would be co-located with other community facilities to maximise their accessibility. It is considered that the proposal is in accordance with this criterion.
- 10.7. Given the above, it is considered that the principle of the loss of the existing community facility and the provision of a mixed E/F2 use across the site is considered acceptable in principle, subject to full consideration of the proposal as set out in the sections of the report below.

Site Layout/Access

- 10.8. A priority for City Plan Part One Policy SA1 (The Seafront) is to enhance and improve the public realm and create a seafront for all, and to improve access to the beach and shoreline and ensure the seafront is accessible to everyone.

CPP1 policy CP16 states that the council will work collaboratively to safeguard, improve, expand and promote access to the city's open spaces. CPP1 Policy CP13 (Public Realm) aims to improve the city's public urban realm by positively contributing to public spaces, enhancing local distinctiveness, incorporating biodiversity and creating safe and inclusive public spaces.

- 10.9. The site lies within the part of the seafront defined as 'Western Seafront (Medina Terrace to Boundary Road/Station Road)' within Policy SA1 (The Seafront) which seeks development to enhance and improve public realm and create a more coherent townscape whilst respecting adjoining development.
- 10.10. Whilst the existing fountain area provides a quieter space amongst the sports and other commercial facilities across the park, the space is currently under-utilised, and therefore the proposals to bring this space into a more intensive and effective use (alongside new outdoor sports facilities) would accord with policies CP16, CP17 and CP18 (Healthy City). It is noted that other open spaces within the wider Hove Beach Park site (approved under permission BH2022/02830) by design would still provide quieter spots interspersed amongst the busy sports areas.
- 10.11. As part of the approved development of the wider Hove Beach Park site under permission BH2022/02830, there would be improved fully accessible east-west links, with the existing south side primary route path running through the application site that would link all the park spaces and would provide an alternative east-west route to that of Kingsway and the Esplanade. The proposals would include boundary fencing around the perimeter of the fountain area, however the southern access gates would be located along the north side of the path, separating the path from the fountain area. The south side primary route path would be kept open at all times, and so the main access through the wider park would not be significantly affected.
- 10.12. Overall, it is somewhat regrettable that the fully open nature of this area would be lost as this is part of the character of the wider Hove Western Lawns. However, it is accepted that this space is minimal, and is required to link the adjoining sand sports with the proposed use of the Bowls Pavilion. The proposed site layout has ensured that the space would be inviting for all by providing access through the site and ways to enjoy the space. Providing the access gates remain open for all to access during operational hours (as required by condition), the use of this area as part of the adjoining approved sand sports facility is considered acceptable in principle.
- 10.13. The northern gated entrance to the fenced-off fountain area would not be centrally located to be in line with the fountain and the existing Bowls Pavilion Building, and instead is shown off-centre to the west. This would impact on the site's symmetry and would potentially reduce the views of the fountain from Kingsway. The external area in front of the 'beach hut' outbuilding would provide spill-out seating for outdoor activity and circulation space in front of the entrance doors, and so it is acknowledged that a centralised access would interrupt the flow of pedestrians and would restrict use of seating in that area. On balance the siting of the northern gated entrance is considered acceptable.

- 10.14. The southern entrance to the fenced off area of the site would include a ramp up to the decking in order to provide level access. The proposed mechanical sliding gate on the southern entrance is considered a suitable method of ensuring this area retains an open and welcoming feeling during opening hours of the site. To the west, a ramped incline to/from the cross-route beside the Sunken Garden/Rockwater was approved under permission BH2022/02830, which would enable vehicular access to the sand sports for sand replenishment/maintenance.
- 10.15. The proposed boundary fencing would be 2.75m in height which would be lower than the previously approved 3.6m high sand sports fencing. The mesh fencing with timber posts would therefore be considered acceptable in terms of their appearance.
- 10.16. On the east boundary of the site in between the site and the croquet pitch, the fencing boundary would result in the retention of important full north-south access in between the existing and proposed sport/recreation spaces. Following pre-application discussion, the proposed east boundary fence that runs adjacent to the croquet club has been re-located in order to provide a wider path in between the site and the croquet pitch. which is welcomed in terms of maintaining accessibility of the north-south path and providing further space between the two sports facilities.
- 10.17. As well as the 2.1m wide path, there would also be a 0.4m planting strip between path and fence to allow for soft landscaping to soften the appearance of the boundary fence from within the croquet pitch. Details of the planting (as well as full details of the boundary fences themselves) are required by condition. The standard width for paths in the wider park area is understood to be 2m for secondary routes, and the Council Urban Design officer highlights that The Sensory Trust recommend 2m path width for 2 wheelchairs/people to pass side by side. Therefore, although objections have been raised regarding the width of the path and the potential for pedestrian encroachment onto the croquet lawn, it is considered the path is of sufficient width for this secondary park route, and it would additionally offer the benefit of a planting strip to provide some visual screening of the boundary fence.

Design and Appearance and Impact on Heritage Assets

- 10.18. The scheme includes a number of elements which will each be considered in turn below in terms of their impact on the character of the area, including its heritage features.
- 10.19. When considering whether to grant planning permission for development in a conservation area the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. Case law has held that the desirability of preserving or enhancing the character or appearance of a conservation area should be given "considerable importance and weight".

10.20. The heritage assets that have the potential to be affected by the proposed development are the designated heritage asset of Sackville Gardens Conservation Area, and the non-designated heritage assets of the Locally Listed Kingsway Western Bowls Pavilion, Western Lawns and Hove Lagoon Local Listing, and the decorative wall running along the southern boundary.

Bowls Pavilion:

10.21. The locally listed Public WC Art Deco building (former Kingsway Bowls Club Pavilion) is an important set-piece of Western Lawns seafront, and whilst it has a general form common in the local area with a rectangular footprint interspersed with lines of beach huts and the locally listed decorative wall, it has a unique façade appearance.

10.22. The Bowls Pavilion is currently in a poor state of repair, and as set out above, the public toilet facility is being replaced nearby. Therefore, the proposal to provide a new use that would complement the adjoining sand sports area and facilitate an active use to a seafront location is welcomed in principle from a heritage perspective. It should be noted that despite needing repair, the building has a high degree of form, architectural integrity and detailing. The proposed alterations to the exterior includes changes to door and replacement windows to open up the facades, which is accepted in principle. The proposals include new/replacement door openings on the south elevation fronting onto the esplanade and the currently boarded up north elevation facing the fountain area. Wider window openings are proposed on both north/south elevations, including serving/reception window functions. The changes would open up the facades whilst also respecting the original pattern of fenestration. The proposed north elevation windows would result in some loss of original building fabric, however this is considered overall negligible in heritage impact, and it is noted that the windows would be important for staff efficiency by providing natural surveillance of the fountain area and adjoining sand sport courts. The south elevation fascia sign and solar panels on the roof are considered discreet additions to the building. Retention/repair of the rainwater goods, and re-instatement of the clocks are welcomed.

10.23. Overall, the scheme would bring the locally listed heritage asset back into active use and include restorative works to enhance the appearance and condition of the building. The proposals are considered acceptable, subject to further details of the external works to the building required by condition.

Public Realm:

10.24. The Bowls Pavilion building is foregrounded to its north side within the site by a related formal precast concrete paved garden area with decorative lawns and centre-piece fenced freshwater pond (800-900mm deep) and water feature which is in disrepair. As well as being locally listed itself, this formal garden and the wider lawns form part of the setting of the Bowls Pavilion.

10.25. The Sackville Gardens Conservation Area Character Statement refers to this part of the conservation area as follows:

"Between Kingsway and the beach lies the Western Esplanade, devoted to the public enjoyment of fresh air and the seaside atmosphere. The grounds of the croquet lawn, bowling greens, and pleasure gardens have a traditional appeal and are well used by the public. There are several communal buildings dating mostly from the 1930's which have been built deliberately low to allow views to the beach and beach huts beyond."

The Western Lawns are included in the Council's list of Local Heritage Assets. The Local Listing states that it is "illustrative of the development of the seafront in Hove, as the town continued to expand. The incorporation of numerous sports facilities is indicative of the change from earlier private lawns established in association with neighbouring residences, towards the creation of public amenities and an appetite for seafront sport facilities. The lawns and the surviving historic elements contribute to the character of this part of the seafront. It is a reminder of the historic character of this area as part of the historic Hove seafront promenade."

- 10.26. The proposals for perimeter fencing around the fountain area would result in some restriction on access through part of the site during non-operational hours. The Heritage Team have highlighted that this would to a degree restrict the current open nature of the site and the original design intent for Western Hove Lawns as a whole. The enclosure of the fountain area will affect the legibility of the original symmetrical layout of the twin bowling green with the central landscaped area in between. As such, the proposals to enclose the area with boundary fencing would cause less than substantial harm to the conservation area and a harmful impact on the locally listed assets, including their setting.
- 10.27. The proposed timber decking would result in a significant change to the appearance of the surface of the fountain area, and this would be somewhat out of character. However, the applicant has stated that the wood material is proposed due to its beach/holiday aesthetic to the sand sports, its appropriateness for bare foot sport, and the lack of a suitable alternative. The applicant also states that the benefit would be that the decking would sit on a wood frame on top of the current landscaping, and so the ground layout/paving could be preserved for future use. Despite the potential visual harm, on balance the timber decking is considered acceptable, subject to details of the surface material required by condition.
- 10.28. The existing detached disabled WC, in between the east side of the Bowls Pavilion and the southern decorative wall, would be demolished. This has no architectural value and would benefit the widening of the public access, and is therefore considered acceptable. The proposed timber clad flat roof plant/refuse store is located to the west of the Bowls Pavilion and is considered to be an appropriately located store.

Proposed Detached Outbuilding:

- 10.29. Generally, the wider area contains no buildings within the open gardens and spaces, although it is noted that small pavilions and huts have been approved for use as part of other sports facilities being developed within the park. Structures within the garden spaces have the potential to detract from the

prevailing character highlighted in the Conservation Area Character Statement, and so buildings are deliberately low in scale to allow views towards the beach.

- 10.30. The proposed beach hut would be located in the north-east corner of the site, closest to the A259, measuring 12m in length and 6.1m wide, with a 3m height. It would include function space to be used in association with the adjoining sand sports or used for separate community uses/space-for-hire. Due to the seasonal nature of the sand sports, the applicant has stated that the proposed community facility is fundamental to the commercial viability of the business. The applicant has provided a rationale for the required footprint within the building. With an internal GIA of 52sqm, the applicant states that this the minimum size required in order to be able to accommodate for example a class size of 30+ children/teachers. The additional toilets (in addition to the toilet facilities proposed within the Bowls Pavilion) are required for ease of access for users of the sand sports facility and for users of the 'beach hut' which could include children/toddlers and therefore avoids the need to leave the fenced off area. The storage area is required for storage of sports equipment including nets/posts which enable ease of access.
- 10.31. Following pre-application advice, the proposed outbuilding has been reduced in height and footprint in the current proposals. Although there are no similar detached outbuildings in this north end location of the wider park, it should be noted that there have been recent approved applications for an 8m long croquet club hut with a height of 2.6m (BH2023/01476) and a 9m long tennis pavilion with a height of 3.9m (BH2022/02830).
- 10.32. As set out above, The Sackville Gardens Conservation Area Character Statement refers to buildings deliberately low in scale to allow views and legibility towards the beach. The proposed 'beach hut' detached building would be sited in the north-east of the site and would have a flat roof. The detached building would, to some extent, interrupt views looking south from along the A259 and some from residential properties to the north. Views looking back from the promenade and from within the site would also be affected by the proposed building. The Heritage Team have stated that although the low scale of the building is generally considered appropriate, there is some degree of harm from these views, which would also need to be weighed against the benefits of the scheme. The details of the timber panel cladding and other materials would be required by condition.

Planning Balance of Design/Heritage Impact:

- 10.33. In terms of the impact on Sackville Gardens Conservation Area, paragraph 215 of The National Planning Policy Framework (NPPF 2024) states that 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. For the locally listed assets, paragraph 216 of the NPPF states that 'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a

balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'

- 10.34. As set out above, there would be a clear direct heritage benefit in restoring the Bowls Pavilion building and bringing it back into an active use, as well as the retention of the fountain and pond. There would also be a public benefit to these elements, as well as a wider public benefit as set out in 'Principle of Development' section above. It is therefore considered that, despite the heritage harm identified (in respect of the reduced public access, size/siting of the detached outbuilding, and use of timber decking), this would be outweighed by the benefits associated with the proposals to the Bowls Pavilion building, the upgrading of the underused site, and the wider public benefit of the scheme.

Landscaping/Biodiversity:

- 10.35. Policy SA1 includes priorities for the Western Seafront area of relevance to this proposal which include enhance and improve public realm and explore opportunities for tree planting and coastal habitat creation to soften the appearance of the A259, improve microclimate, provide shade and enhance biodiversity. Policy CP10 of Brighton & Hove City Council's City Plan Part One states that all development proposals should conserve biodiversity, protecting it from the negative indirect effects of development; provide net gains for biodiversity wherever possible, taking account of the wider ecological context of the development and of local Biosphere objectives; and contribute positively to ecosystem services, by minimising any negative impacts and seeking to improve the delivery of ecosystem services by a development.
- 10.36. The site consists of a large area of existing pathways, other hard landscaping and existing building, with the only vegetated habitat being the four beds of grassland surrounding the fountain. The County Ecologist has therefore considered it unlikely there is any significant ecological impacts on habitats or species to be expected as part of the proposed development.
- 10.37. The proposed soft landscaping is proposed predominantly in the form of the planting strip along the eastern boundary, along with a green roof atop the new detached building in the north-east corner. Numerous planters are shown on the submitted visuals to be provided within the fountain area, however these are not confirmed on the drawings. The County Ecologist has stated that, as Biodiversity Net Gain (BNG) is secured as part of the works under construction in the wider site application (BH2022/02830), the provisions of mandatory BNG under Schedule 7A of the TCPA therefore do not apply to this application. The development would still be required to maximise biodiversity benefits as part of the proposals, and full details of the landscaping scheme, including details of the green roof, planting strip, and planters, are required by condition.
- 10.38. The existing public benches at the southern frontage of the Bowls Pavilion on the esplanade would be removed to allow for improved access into the building, however there is new seating proposed within the fountain area, and there is existing/new seating within the wider park and so the loss of the benches is not considered significantly detrimental.

Impact on Neighbouring Amenity:

- 10.39. Policy DM20 of City Plan Part 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.
- 10.40. The nearest residential properties are on the north side of the A259 (Kingsway) coast road. Concerns have been raised during public consultation regarding potential noise and disturbance from the proposed development. There are already several existing/approved leisure uses along this section of the seafront which generate activity and associated noise that would be expected from the seafront/park area which can be busy during certain times of the day/week. There are generally considered to be no significant issues envisaged with the proposed footfall of pedestrian activity and any related noise or disturbance.
- 10.41. It should be noted that the proposed sand sports use has already been approved in this same location (under application BH2022/02830) so that use and the associated impact has been accepted. During consideration of that application, it was acknowledged that the sand sports facilities and other proposed sports facilities would replace quieter open green lawns, however the sports facilities have been distributed across the wider park to ensure appropriate locations and accessibility for all users of the park, including by taking into consideration locations of existing facilities such as the nearby Croquet and Bowls Club. The design, locations and time of use of the floodlighting (to be switched off at 10pm by condition) has been approved under application BH2022/02830.
- 10.42. These proposals incorporate a likely intensification of use of the existing fountain area adjoining the already approved sand sports facility. It is acknowledged that due to the proposed use of this space by spectators and users of the 'Beach Hut' community facility outbuilding, there may be intermittent noise heard around the neighbouring park spaces and beyond the site boundary, especially during warmer seasons when the outdoor spaces will be used more intensively. However, some of the impact of noise would be mitigated by the surrounding traffic noise during the day, as well as other leisure uses and food/drink establishments nearby that attract groups of people. It should be noted that an acoustic report was submitted as part of the approval of the approved sand sports facility under application BH2022/02830, which indicated that new sports uses should not cause an increase in the site soundscape. Although it is noted that the proposals in this application include additional spectator space and associated uses, it is reasonable to expect that the noise assessment previously approved would be relevant here. The Council Environmental Health Team have noted that traffic noise is likely to block most noise from the proposal, however a Noise Management Plan would be required by condition, in order to ensure appropriate on-site management of customers using the outdoor spaces which would help limit the potential for intermittent noise.
- 10.43. The proposed development is situated a sufficient distance away from neighbouring residential properties so as not to cause significant harm by way of noise and disturbance from within the proposed mixed-use with café within the existing building, and from within the proposed new community facility

outbuilding. The opening hours would be restricted be open until 10pm by condition (to align with the opening hours of the approved sand sports facility).

- 10.44. The Environmental Health Team have requested a noise management plan for potential noise from the construction and development stage, however due to the scale of the proposals as a minor application, and the previous acceptance of the use of the site for sand sports as a 'baseline' it is not considered reasonable to condition this in this instance.
- 10.45. It is considered that due to the sufficient distances between the site and neighbouring properties, the proposals would not result in significant impact in terms of overbearing development, loss of sunlight/daylight, loss of privacy or overlooking.

Sustainable Transport:

- 10.46. The site has good access to public transport in its locations along a key public transport corridor to the west of the central area of Brighton & Hove. There are bus stops and cycle routes in the vicinity serving east and west directions. Further bus stops routes are in walking distance nearby to the north on New Church Road. Aldrington Station is within accessible walking distance.
- 10.47. Car parking in the nearby residential streets to the north of the site are controlled by Parking Zones R and W. For visitors, paid on street parking is available on Kingsway (A259) which is outside of the nearby resident-controlled parking zones. The new sports facilities and mixed use within the existing building is likely to result in additional vehicle trips, although some trips will be combined with existing trips made to the wider park, esplanade and beach. The impacts of any additional trip generation or parking overspill are not considered to be so significant here and it is expected that the site and its surrounding transport network could adequately accommodate any increase in trips associated with the proposed development.
- 10.48. There is no on-site parking provision associated with this application. Disabled parking is currently available at on-street disabled parking bays nearby to the site, and this continuation of existing arrangements is considered acceptable in this instance.
- 10.49. Existing (restricted) vehicle access to the site is either side of the site via north-south access points at Westbourne Villas to the east and Walsingham Road/Sackville Gardens to the west. A Delivery and Servicing Management Plan is required by condition to ensure operation can be made safely in a busy pedestrian environment.
- 10.50. Existing/approved cycle stands are provided on the north/south routes within the wider park area between the Esplanade and Kingsway. However, the Local Highway Authority request dedicated cycle parking close to the proposed uses. Details are required by condition.

Sustainability:

- 10.51. 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. 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.
- 10.52. The applicant has submitted an Energy Statement, with the proposals expected to achieve 17% and 7% improvement on Part L2 2021 (compliance with Part L 2021 already exceeds the policy requirement for 19% improvement on Part L 2013) for the change of use of existing building and proposed detached outbuilding respectively. This is an improvement significantly beyond current planning requirements and is welcomed. EPC A is proposed for both buildings, which would also be above current planning requirements of EPC B and is therefore welcomed.
- 10.53. The proposed detached outbuilding would be required to meet BREEAM "Very Good". This is not confirmed, however the requirements are recommended to be conditioned.
- 10.54. The Sustainability Officer has recommended that the developers explore how circular economy principles may be introduced in the design and construction of the buildings, for example by re-use of existing materials on site. The embodied energy in building materials should be minimised as far as possible through careful consideration and sourcing of construction materials and processes. Further details of the materials used are required by condition.

Sustainable Drainage:

- 10.55. CPP1 policy CP11 requires development to include SuDS to avoid any increase in flood risk and CPP2 Policy DM43 requires all development to achieve a reduction in the level of surface water leaving the site.
- 10.56. The site is broadly flat but does feature areas at a lower level which may require drainage. The proposals will result in an increase in hardstanding in comparison to the existing site, although it is acknowledged that a large proportion of this will be the existing accessible pathways and amenity surfaces such as timber decking. Limited details are provided in relation to proposed drainage of the site and permeability of surface materials. Further details are therefore required by condition.

Land Contamination:

- 10.57. There are no known land contamination sources on site. A land discovery condition is required should any contaminants be found during construction works.

Conclusion

- 10.58. Generally, the proposals to provide associated developed for the already approved Sand Sports facility are welcomed, and it would provide significant

public benefit, which would include a new active use and the restoration of the locally listed Bowls Pavilion.

- 10.59. The overall thrust of the proposal from a heritage perspective is welcome - the scheme would bring the locally listed heritage asset back into active use and include restorative works to enhance the appearance and condition of the building. The proposed detached outbuilding, boundary fencing which would restrict public movement outside of opening hours, and timber decking would significantly change the townscape, and would result in less than substantial harm to heritage assets. On balance, it is considered that the harm is outweighed by the other heritage benefits and the wider public benefits of the proposal.
- 10.60. Subject to a condition to restrict opening hours, and submission of a noise management plan to outline further setting out noise management and safety measures by the operator, the potential impact on residential amenity here is not considered to be so significant as to warrant refusal of the application.

11. EQUALITIES

- 11.1. Section 149(1) of the Equality Act 2010 provides:
- 1) A public authority must, in the exercise of its functions, have due regard to the need to—
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 11.2. Officers considered the information provided by the applicant, together with the responses from consultees (and any representations made by third parties) and determined that the proposal would not give rise to unacceptable material impact on individuals or identifiable groups with protected characteristics.
- 11.3. The proposed alterations to public routes/paths are considered to be secondary routes and would not impact on existing/approved primary accessible paths that are still provided throughout the wider park. The southern entrance to the fenced off area of the site would include a ramp up to the decking in order to provide level access. The proposed mixed-use cafe within the existing building would provide level access entrances as part of the proposed door alterations, and would have a disabled access WC.

12. COMMUNITY INFRASTRUCTURE LEVY

- 12.1. Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23 July 2020 and began charging on all CIL liable planning applications on and from the 5 October

2020. The exact amount will be confirmed in the CIL liability notice which will be issued as soon as it practicable after the issuing of planning permission.

