

<u>No:</u>	BH2025/01191	<u>Ward:</u>	Brunswick & Adelaide Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Esplanade South Of Brunswick Lawns Kingsway Hove		
<u>Proposal:</u>	Temporary installation of 11no. timber Beach Huts for a 4 month period each year (June-Sept) until end September 2027 (part - retrospective) (amended description and amended plans).		
<u>Officer:</u>	Helen Hobbs, tel: 290585	<u>Valid Date:</u>	02.06.2025
<u>Con Area:</u>		<u>Expiry Date:</u>	28.07.2025
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>			
<u>Applicant:</u>	Kairos Global Limited 167-169 Great Portland Street 5th Floor London W1W 5PF		

1. RECOMMENDATION

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

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Block Plan	3		17-Jun-25
Proposed Drawing	1		17-Jun-25
Location Plan	2		17-Jun-25
Proposed Drawing	4		17-Jun-25

2. The eleven beach huts hereby permitted, shall only be in situ for a 4-month period each year (beginning 1st June ending 30th of September), until September 2027. The beach huts hereby approved shall be removed on or before 30th September each year of this permission and the land restored to its former condition immediately after their removal.

Reason: The beach huts hereby approved are not considered suitable as a permanent form of development, to safeguard the character and setting of the site and the Brunswick Terrace Listed Buildings as well as the surrounding Conservation Area, and to comply with policies CP12, CP13 and CP15 of the Brighton & Hove City Plan Part One; and DM26, DM28 and DM29 of the Brighton & Hove City Plan Part Two.

3. Unless otherwise agreed in writing, within three months of the date of this permission, a management plan for the development hereby permitted, shall be submitted to and approved by the Local Planning Authority. The management plan should set out how the beach huts will be operated so as to minimise the impact upon the amenity of neighbours and shall include, but not be limited, to:
 - Details of hours of use
 - Details of the booking system and how information is relayed to customers about appropriate use of the huts
 - Crime prevention measures
 - Monitoring and management of the condition and use of the huts
 - Contact details for local residents to report any concerns/issues
 - Encouraging guests to utilise sustainable modes of travel

The development shall be carried out in full compliance with the approved management plan.

Reason: In the interests of protecting the amenity of neighbouring residents and to comply with Policies DM20 and DM40 of the City Plan Part Two.

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.

Biodiversity Net Gain

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 Environment Act 2021.

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. SITE LOCATION

- 2.1. The application relates to a section of Hove Promenade, measuring approximately 23.5m in length, immediately adjacent to Hove Lawns (which are Locally Listed) within the Brunswick Town Conservation Area.
- 2.2. The location of the proposed huts would be on the southern side of the esplanade located on the hardstanding adjacent to the beach opposite and

within the setting of Nos 7-19 Brunswick Terrace which are Grade I Listed Buildings separated from the site by the lawns and the A259 Kingsway.

- 2.3. The site location is to the west of the nearby The Meeting Place Café.

3. RELEVANT HISTORY

None identified.

4. APPLICATION DESCRIPTION

- 4.1. The application seeks temporary permission to install 11 beach huts, adjacent to Hove Lawns. The beach huts are currently in place and will be removed at the end of September. Permission is sought to allow the huts to be reinstalled for a further 4-month period (June-Sept) each summer until 2027.
- 4.2. The huts will be available for day hire and used in the traditional manor as the existing permanent beach huts positioned along Hove seafront.
- 4.3. The huts have been in situ for most of this summer season, without planning permission having yet been granted. They are due to be removed at the end of September as set out in this current application. If the application is approved, the huts will return for the same 4 month period for the next two years (until and including 2027).

5. REPRESENTATIONS

- 5.1. In response to publicity, responses were received from **19** individuals, objecting to the application and raising the following issues:
- Impact on the views of the listed Brunswick Square, Brunswick Terrace and Heritage assets
 - The dimensions are not in keeping with the traditional beach huts
 - Incongruous siting
 - Visual clutter
 - Security cameras and impacts on public privacy
 - No benefits to residents
 - Increase of parking on the promenade
 - Creating opportunities for camps to be set up behind on the lawns
 - Inadequate consultation
 - No consideration of the heritage impacts in the application submission
 - Concerns about the use of the huts in conjunction with the adjacent Meeting house Café
 - Conflicts with the rules and regulations of beach huts
 - Obstruction of views of the seafront
 - Inaccurate site location
 - Inaccuracies on the application form

- 5.2. **Councillor Ollie Sykes** has objected to the application and the full objection is attached to this report.
- 5.3. Full details of representations received can be found online on the planning register.

6. CONSULTATIONS

Internal:

6.1. **Heritage: Objection**

The setting of Brunswick Terrace is by direct views across the seafront and Hove lawns to and from the listed building and in kinetic views along the promenade, which affords open views of these assets and listed buildings further west which line the Kingsway.

- 6.2. Although temporary, the proposed beach huts would create visual clutter and interrupt these views, resulting in harm to the setting, and therefore significance of the listed buildings and would fail to preserve the character and appearance of the conservation area.

6.3. **Seafront Development: Comment**

The Council's Outdoor Events Team have granted Kairos Global (the applicant) a license for this summer season up to the end of September to install the beach huts.

- 6.4. The huts are considered to be a positive addition, giving the opportunity for day or weekly hire to residents and visitors not currently on offer elsewhere on the seafront.

External:

6.5. **Sussex Police: Comment**

Sussex Police do not object to the application as submitted. Suggested crime prevention measures have been included in the response relating to use of the outside areas of the huts, fire assessment, and physical security.

6.6. **Conservation Advisory Group: Objection**

The group object to the development on the following grounds;

- The application proposals conflict as to content, and in principle with the Council's Seafront and Heritage policies
- The proposals conflict with the Brunswick Square and Terrace Act 1830 Section 113
- The development is inappropriate to the Brunswick Lawns and Hove Lawns, blocking open unobstructed views of listed buildings and of the sea from the listed buildings
- The development is inappropriate in the setting of the Grade I, II* and II listed buildings known as Brunswick Square and Terrace, Embassy Court and Peace Statue and Seafront shelter
- The development is inappropriate being adjacent to locally listed Brunswick Lawns and seafront railings

- The group expressed concern that the temporary consent would become permanent
- 6.7. Full details of consultation responses received can be found online on the planning register.

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

8. 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
CP5	Culture and tourism
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP11	Flood risk
CP12	Urban design
CP15	Heritage
CP16	Open Space

Brighton & Hove City Plan Part Two:

DM18	High quality design and places
DM20	Protection of Amenity
DM21	Extensions and alterations
DM26	Conservation Areas
DM27	Listed Buildings
DM28	Locally Listed Heritage Assets
DM29	The setting of Heritage Assets
DM39	Development on the Seafront

DM40 Protection of the Environment and Health - Pollution and Nuisance

Supplementary Planning Documents:
SPD17 Urban Design Framework

Other Documents
Brunswick Town Conservation Area Character Statement

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the principle of development and any effects upon the amenity or character of the area, including the adjoining Heritage assets, which include the Brunswick Town Conservation Area, the adjoining Brunswick Terrace Listed Buildings and the adjoining Locally Listed Hove Lawns. Regard will also be given to any transport issues and highway safety as well as Biodiversity.

Principle of development:

- 9.2. Policy SA1 of the CPP1 is of particular relevance to the proposal as it relates to the seafront. It states:
The council will work in partnership to ensure the on-going regeneration and maintenance of the seafront in an integrated and coordinated manner. Proposals should support the year-round sport, leisure and cultural role of the seafront for residents and visitors whilst complementing its outstanding historic setting and natural landscape value. Proposals should ensure a good marine environment, enhance biodiversity in accordance with Biosphere objectives and consider options for small scale renewable energy provision.
- 9.3. Priorities for the whole seafront are to:
- Enhance and improve the public realm and create a seafront for all; to ensure the seafront has adequate facilities for residents and visitors (including public toilets, waste disposal facilities, seating, signage, lighting and opportunities for shelter and shade) and continue to improve access to the beach and shoreline and ensure the seafront is accessible to everyone;
 - Promote high quality architecture, urban design and public art which complements the natural heritage of the seafront and preserves and enhances the character and appearance of the Conservation Areas, and the historic squares and lawns that adjoin the seafront;
- 9.4. Priorities for the part of the seafront [Medina Terrace to Palace Pier] are:
- *To secure on going improvements to and maintenance of the upper and lower promenade, including Hove Lawns, which respect the more tranquil areas west of the Peace Statue.*
 - *Develop a future vision and landscaping option for the lower promenade either side of the West Pier.*
 - *Secure improvements to traffic flow, air quality and pedestrian and cycle routes.*

- *Ensure any future proposal for the West Pier is of high quality and complements seafront regeneration.*
- 9.5. The installation of the 11 beach huts in this location will enhance visitor and resident facilities, support the seafront and is considered to meet the objectives of Policy SA1.
- 9.6. Other relevant policies are CP16 (Open Space) and DM39 (Development of the Seafront).
- 9.7. Policy CP16 (Open Space) seeks to safeguard, improve, expand and promote access to Brighton & Hove's open spaces (public and private) and the diverse range of experiences offered by these spaces. There is a presumption against the loss of open space, however, proposals may be acceptable where they are ancillary to the use of the open space and will result in only a small loss of open space, provide improvements to and better use of the remaining space and optimise public access.
- 9.8. Policy DM39 (seafront development) seeks to ensure proposals safeguard the importance of the seafront and beach as an open space and maintain and enhance public access to and along the coast and access to sea-based activities. It states that there will be a presumption against development extending onto the shingle beach. As an exception the Council will support the provision of new small scale public amenities of an appropriate design (such as toilets and facilities for coastal sport uses such as showers, changing rooms and lifeguard facilities) or improvements to existing areas of hardstanding or access to the beach, shoreline and sea-based activities.
- 9.9. The proposal is relatively small scale (approx. 40m²) and supports and encourages use of the seafront and thus is considered to comply with the aims of policies CP16 and DM39. The beach huts are appropriately located close to the beach and whilst the proposal does result in the loss of some open space on the esplanade for the months of June to September (for 2 more years), this impact is minimal and it is noted that the majority of the promenade would remain in this location for public use, and its function would not be compromised.
- 9.10. Sussex Police have raised issues relating to the associated use of the huts spilling out onto the promenade and creating a potential obstruction. A condition is recommended to secure a management plan for the huts, to ensure that all use of the huts is appropriate and would not impact on the safety of the public.
- 9.11. The proposal is therefore considered acceptable in principle.
- 9.12. The impact on the heritage assets within the vicinity of the site are considered below.

Design and Appearance and the Impact on Heritage:

- 9.13. 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 and appearance of the area.
- 9.14. Case law has held that the desirability of preserving a listed building or its setting or any features of special architectural or historic interest it possesses, and the desirability of preserving or enhancing the character or appearance of a conservation area should be given "considerable importance and weight".
- 9.15. The Council's Heritage Officer has objected to the siting of the huts, due to their siting directly opposite the Grade I Listed Brunswick Terrace, stating that the huts would affect the setting of these historic buildings and interrupt views and would therefore fail to preserve the historic character and appearance of the Listed Buildings and surrounding Conservation Area. Whilst this concern is acknowledged, the development is of a temporary nature (for 4 months of the year until 2027), and there is a separation distance of 70m which includes the busy coastal road (the A259) separating the development from the Listed Buildings. It is considered that the development would cause less than substantial harm to the significance of the Brunswick Town Conservation Area and the setting of the nearby Listed Buildings, and in this instance the public benefits of facilities that supports the use of the seafront (coupled with the temporary nature of the permission), outweigh the harm identified.
- 9.16. The eleven beach huts would be constructed of 10mm External Quality Plywood (as per existing Brighton and Hove City Council Specification guide). The design and paintwork would also match the specification guide. The huts would measure 1830mm in width, 1830mm in depth and 2940mm in height and be aligned in a row west to east facing the sea (south). The huts on site are slightly taller than the standard beach hut size. The agent has reasoned that this is for the storage of paddle boarding which has become popular within this stretch of beach. The huts can easily be cut down in height when relocated (which would be subject of a separate application) to ensure that they match the height of the other permanent huts which are located along other parts of the seafront. Given their isolated siting, the slight increase in height would not be appreciated as standing out as different from the permanent beach huts.
- 9.17. The overall appearance and design would not appear incongruous and is in keeping with other seafront development.
- 9.18. Overall it is considered that the proposed development, due to its temporary nature would not so significantly harm the appearance of the promenade, that of the wider area, including the setting of the Brunswick Terrace Listed Buildings, or the Brunswick Town Conservation Area to warrant refusal of the application. The development is considered on balance to be in accordance

with Policies CP12 and CP15 of Brighton and Hove City Plan Part One and DM26, DM28 and DM29 of the Brighton and Hove City Plan Part Two.

Impact on Amenity:

- 9.19. Due to their siting away from neighbouring development, no harm to amenity from overlooking, overshadowing or overbearing effects would occur from the development.
- 9.20. The use of the beach huts would be over the summer months (June to September for 2 more years) and for enjoyment of the seafront location.
- 9.21. No permanent residential or commercial occupation of the beach huts/chalets is proposed.
- 9.22. The footprint (40m²) of the proposed beach huts/chalets would temporarily remove an area which is currently open space from all users of the promenade. However, in consideration of the compliant seafront use, the siting, and the amount of the promenade in this location that would remain for all visitors, the loss of open space is considered acceptable in this instance.
- 9.23. As the proposed huts would be sited over 70m from neighbouring residential occupants no demonstrable harm to neighbouring amenity is considered likely to occur, however, it is noted and recognised that the proposal may cause some harms to the amenity of other users of the promenade in terms of obstructions. As referred to above a management plan is recommended to be secured by condition in order to ensure that harms to other users of the promenade are minimised. The management plan is required to be submitted within 3 months of the date of any consent granted.
- 9.24. It is not considered that the proposal would detrimentally impact upon the amenities of nearby residents or users of the existing promenade subject to the recommended conditions and is in accordance with Policy SA1, CP12 and CP16 of the City Plan Part One, DM20 and DM39 of the City Plan Part Two.

Biodiversity:

- 9.25. The development is not considered to have any detrimental effect on the location site, being relatively small scale and located on and adjacent to existing concreted areas. The proposal would not see the loss or coverage of any green/nature land within its footprint.

Sustainable Transport:

- 9.26. Given the siting and scale of the development, there would be no harmful impacts on highways. Payable public parking is provided within the wider area.

Other Considerations

- 9.27. The agent and the Seafront Team have confirmed that it is the intention to purchase the huts on behalf of Brighton and Hove City Council once the use on a temporary basis has ceased. This would be in order to replace existing huts in poor condition or positioned in places where there are currently gaps.

The relocation of the huts requires planning permission and will be dealt with separately to this current application.

- 9.28. It is noted that within the Design and Access statement it has been stated that the huts will have a partnership with the nearby café. The agent has confirmed that this is not a formal agreement and therefore it has no bearing on the current application. The café already provides a takeaway service to the locality and can be utilised by any member of public using or visiting the seafront.

10. CONCLUSION

- 10.1. The proposal would have an impact on the preservation of the historic character and appearance of the promenade and the general seafront however the huts would support the use of the seafront. Furthermore, the proposal would be modest in scale and would not result in undue loss of open space. The development proposal would not have an adverse impact on the amenities of the other users of the promenade and nearby residents. Whilst some harm has been identified to the setting of the adjacent Listed terrace and to the surrounding Conservation Area, the harm is not considered so significant, due to the temporary nature and scale of the development, to warrant refusal. The proposed development would be consistent with the relevant policies as outlined in the report above.

Biodiversity Net Gain

- 10.2. This scheme was considered exempt from the need to secure mandatory biodiversity net gain under Schedule 7A of the TCPA because
- 10.3. It does not impact a priority habitat or habitat of more than 25sqm or 5m of linear habitat.

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.