

<u>No:</u>	BH2025/02251	<u>Ward:</u>	Westbourne & Poets' Corner Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Rockwater Kingsway Hove BN3 4FA		
<u>Proposal:</u>	Replacement of existing 3no beach hut style kiosks with 3no beach hut style self-contained timber saunas, including rear ramp access.		
<u>Officer:</u>	Chris Swain tel: 01273 292178	<u>Valid Date:</u>	03.11.2025
<u>Con Area:</u>	Sackville Gardens	<u>Expiry Date:</u>	29.12.2025
		<u>EOT:</u>	11.03.2026
<u>Agent:</u>	Drawing Technical 51 Lowther Road Bournemouth BH8 8NG		
<u>Applicant:</u>	Rockwater Group Rockwater Kingsway Western Esplanade Hove BN3 4FA		

1. RECOMMENDATION

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

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Proposed Drawing	324-2	C	05-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. The elevations of the development hereby permitted shall be painted only in the colours BS 4800 C35 (gloss) to the roof and upper sides and the front and rear elevations, and BS 4800 04 D45 (gloss) to the plinth and lower sides.

Reason: To ensure a satisfactory appearance to the development and to comply with policies CP12, CP13 and CP15 of the Brighton & Hove City Plan Part One; and DM26 and DM29 of the Brighton & Hove City Plan Part Two.

4. This approval is limited to the works shown on the approved drawings and does not indicate approval for associated or enabling works that may be necessary to carry out the scheme. Any further works must be submitted to

and approved in writing by the Local Planning Authority prior to any works commencing.

Reason: To ensure the satisfactory appearance to the development and to comply with policies DM26 and DM29 of Brighton & Hove City Plan Part 2, and CP15 of the Brighton & Hove City Plan Part One.

5. The development hereby permitted shall not be used/occupied until a Management Plan, which includes details of management and supervision of the site, opening hours, and the access to customer facilities including (but not limited to) w.c provision, storage, changing facilities has been submitted to and approved in writing by the Local Planning Authority. The use shall thereafter be carried out in accordance with the approved plan.

Reason: In order to ensure that the satisfactory operation of the development and prevent obstruction to the promenade and in the visual amenities of area and heritage assets, in accordance with policies DM26, DM29, DM33 and DM39, of Brighton & Hove City Plan Part 2.

6. The development hereby permitted shall not be first occupied until 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. 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.

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

- 1.2. 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.
- 1.3. 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.

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.

2. SITE LOCATION

- 2.1. The application relates to land adjacent to Rockwater which is located on Hove seafront promenade, immediately north of the beach. Rockwater is a two-storey building, when viewed from the south and operates as a restaurant/café and bar. Immediately west of the main Rockwater building are three small timber huts which are positioned facing the promenade. These were previously used as kiosks functioning ancillary to the main restaurant. Following a number of temporary consents, these huts received permanent planning permission in 2025. They are not currently in active use.
- 2.2. The application site is located at the southern edge of the Sackville Gardens Conservation Area and is set within the green open spaces of the Western Lawns. The Western Lawns are included in the Council's list of Local Heritage Assets, and although the subject building is not included in the designation, proposals for the site may affect the setting of the Lawns. The site is owned by Brighton and Hove City Council.

3. RELEVANT HISTORY

- 3.1. **BH2025/00125** Retention of six existing timber "beach huts" adjacent to the main building. Approved 13/3/2025
- 3.2. **BH2021/03900** Retention of six existing timber "beach huts" adjacent to the main building for a period of 3 years. Approved 18/1/2022
- 3.3. **BH2021/00229** Retention of existing six timber "beach huts" adjacent to the main building for a period of 6 months. Approved 25/05/2021

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for the replacement of the existing three beach huts on the western side of Rockwater with three new timber huts which would house three self-contained saunas. The application has been amended during the consideration process. Initially consent was sought for a larger single building but is now proposed as three individual sauna huts. The amended plans have sought to deliver a development which better relates to the scale and design of the existing huts. The huts would be broadly positioned to align with the Rockwater building line.
- 4.2. Each sauna would now contain an electric sauna heater and have a capacity of 6 people. The proposal includes an access ramp to the western hut. Access to

each sauna would be from a rear door. The front of the saunas would have a single window and provide outlook over the promenade and towards the beach.

5. REPRESENTATIONS

5.1. **Nine (9)** representations have been received objecting to the proposal for the following reasons:

- Too many saunas in the area
- Will negatively impact existing independent sauna establishments / local traders / unfair competition practices by the Council
- Air pollution / particulate emissions from wood fire
- Overdevelopment
- Additional Traffic
- Impact on the environment through heat and chemicals
- Narrowing promenade / busy location / access
- Design and Impact on Conservation Area
- Impact on upkeep and maintenance of Hove promenade
- Domination by applicant, limiting diversity / potential for other outlets
- Rear of the building poor / badly managed and would be made worse
- Noise
- Restriction of view
- Permanence of the beach huts justified under the premise that they were needed for the business. The claim that they are no longer needed is disingenuous

5.2. Full copies of representations can be found on the Planning Register

6. CONSULTATIONS

Internal:

6.1. **Environmental Health Team** No Objection

Conditions suggested in terms of lighting, and construction and demolition.

6.2. **Seafront Development Team** Support

The footprint of the existing huts should not be exceeded and there must be no additional encroachment on to the promenade.

6.3. **Sustainable Drainage Team** No Objection

The development is unlikely to cause any changes to the site's drainage or flood risk characteristics and no further information relating to drainage is required. The proposed structures will not connect to the public sewers and indeed will not discharge any foul water.

6.4. **Sustainable Transport Team** No objection

Further information required in form of a method statement, detailing how the applicant intends to demolish and remove the existing beach huts and install/construct the proposed timber saunas should be submitted.

External

6.5. **Sussex Police No Objection**

Consideration should be given to the sighting of an intruder alarm to protect the buildings out of hours CCTV and video surveillance systems. The applicant and their partners are strongly advised to consult with the fire service with regards to the proposed changes and discuss a fire risk assessment.

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 updates 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 (CPP1)

SS1	Presumption in Favour of Sustainable Development
SA1	The Seafront
CP2	Sustainable Economic Development
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

Brighton & Hove City Plan Part Two (CPP2)

DM15	Commercial and Leisure Uses on the Seafront
DM18	High quality design and places

DM20	Protection of Amenity
DM26	Conservation Areas
DM28	Locally Listed Heritage Assets
DM29	The Setting of Heritage Assets
DM33	Safe, Sustainable and Active Travel
DM37	Green Infrastructure and Nature Conservation
DM39	Development on the Seafront
DM43	Sustainable Drainage
DM44	Energy Efficiency and Renewables

Supplementary Planning Documents

SPD03 Construction and Demolition Waste

Conservation Area Character Statements

Sackville Gardens (2010)

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the principle of development, the design and appearance of the proposals and their impact on adjacent Heritage assets, and the potential impacts on the amenities of local residents, business-users and also on users of the seafront.

Principle of Development

- 9.2. Policy SA1 of the Brighton and Hove City Plan Part One encourages the installation of facilities suitable for all, and the promotion of the historic and cultural architecture of the seafront. Policy DM15 (Commercial and Leisure uses on the Seafront) of the Brighton and Hove City Plan Part Two generally can support small-scale seafront development in addition to existing or proposed leisure/ tourism schemes. Policy DM39 (Development on the Seafront) of the Brighton and Hove City Plan Part Two, addresses development in the context of coastal defences but also states proposals should safeguard the importance of the seafront and beach as an open space and maintain and enhance public access to and along the coast and to sea-based activities.
- 9.3. The application has been submitted by Rockwater. The proposal is considered to be a development which would complement the adjacent café / restaurant and neighbouring business ventures along this section of Hove Seafront. It is considered that by emulating the design of the distinctive local beach huts, and providing an additional recreational activity, the development broadly meets the policy objectives outlined above. One of the huts would provide accessible access with a ramp to the rear which is welcome.
- 9.4. The improvements to visitor facilities along the seafront will have a positive impact with regard to visitors and tourism more broadly and contribute to sustainable economic development in accordance with Brighton and Hove City Plan Part One policies CP2 and CP5 and Brighton and Hove City Plan Part Two policy DM15.

- 9.5. The existing huts were operated as ancillary kiosks in associated with Rockwater. There is no objection to the loss of these kiosks, and existing retained facilities within the restaurant building would continue to meet customer needs.

Design and Appearance

- 9.6. The amended plans submitted during the application process have reduced the overall visual impact of the development compared to the singular building originally proposed. The scale is comparable to the beach huts recently granted consent.
- 9.7. The development emulates the form and scale of historic beach huts that are present along the sea front. Whilst acknowledging that some of the previous consents for the beach huts in this location were temporary permissions, the most recent consent for the beach huts (2025) was not time limited. When assessing this previous application, the LPA did not consider there was on-going justification to prevent a permanent form of development. The principle of the development in this position is therefore considered acceptable.
- 9.8. Each sauna hut would be 2.5m in width, matching the existing widths, and 2.7m in depth approximately 1m less than the existing huts. A proposed separation gap of 0.85m between the huts would emulate the spacing between the established beach huts to the west. The existing gap between the kiosk huts in this location is 2m therefore, the combined width of the three huts on the promenade would be 9.3m, which is a reduction compared to 11.5m for the existing three huts.
- 9.9. It is noted that two of the existing huts have open structure to the side and front and it is acknowledged that the new huts would be solid and would therefore have a more dominant aesthetic when compared to the existing structures, however, the proposed form would be more akin to the established huts to the west common to the area. Furthermore, the decrease in the depth of each hut, in addition to positioning the structures closer together, would mean the prominence of the new sauna huts would compare favourably to the visual impacts of the existing kiosks. The simple glazed window to the front elevation of each sauna is considered acceptable.
- 9.10. The siting of the new sauna beach huts would broadly compare to that of the existing beach huts which have consent. The existing beach huts are located just in front of the existing railings to the lower level lawned area behind the Rockwater building. The new huts would be set marginally further away from the railings. This is necessary as the access to the saunas would be on the northern elevation. Space for people to walk between the sauna and rear boundary to the lawned area behind is therefore a requirement. As noted above, the new huts would be less deep than the existing huts. For this reason, the huts would not extend past the existing front building line established by the existing huts and the existing south elevation of the Rockwater building.

- 9.11. It is acknowledged that the rear of the existing huts appear to have some areas of ancillary enclosure which do not appear to be consented. These would be removed, and this would have a positive impact on the appearance of the immediate area compared to the existing situation.
- 9.12. As with the previous permission granted for beach huts at this location, a planning condition is recommended to ensure that the paint work for the beach huts matches the colour of the paintwork of the main beach huts established along Hove promenade, this would ensure an acceptable appearance and assist in helping the proposal assimilate into the promenade and seafront surroundings.
- 9.13. Overall, the proposal is considered to have a very similar visual impact to the existing consented huts and would not harm the appearance, character or visual amenities of the immediate area in accordance with the development plan.

Heritage Impacts

- 9.14. When considering whether to grant planning permission for development in a conservation area the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.
- 9.15. 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".
- 9.16. Given the development's similarity to existing beach huts, it is considered that the historic significance of the Sackville Gardens Conservation Area would be preserved, and the LPA has no concerns in this regard. Similarly, it is not considered that the development would impact the historic significance of the Western Lawns. Access to the lawns would not be impeded as a result of the proposal. As noted above, conditions are recommended, as per the previous permission, ensuring that a satisfactory paint finish and appearance is secured.

Impact on Amenity

- 9.17. The development is not sited close to any sensitive receptors, and it is not anticipated that there would be any significant harm to the residential amenity of neighbouring properties. Loss of view has been cited as a concern within the representations received, however, this is a minor planning application and loss of view is not a material consideration in this instance. Notwithstanding this, the proposed huts would be located a significant distance from neighbouring residential windows and therefore would not cause a loss of outlook or an increased sense of enclosure. The height to the ridge of the huts would be approximately 2.9 metres which matches the height of the existing kiosks.
- 9.18. Although the development may increase the amount of activity in the immediate vicinity, given the substantial separation distances to the nearest residential properties which are to the north (on the opposite side of Kingsway)

no concerns are raised in regards to potential noise and disturbance to neighbouring residents.

Environmental Impacts

- 9.19. The saunas would not be wood-fired and an electric sauna heater would be housed internally in each hut. There would not be any harmful emissions from the development and therefore the impact in terms of air pollution, and associated health consequences is considered acceptable.
- 9.20. There are no noise concerns from an electric heating source, and the Environmental Health Team have not objected to the development. The council would retain the authority to investigate under the Environmental Protection Act 1990, should any complaints be received in terms of noise.
- 9.21. Representations made in regard to chemical use have not been fully explained, however, as an electric heated sauna, it is not considered the development would require the use of harmful chemicals.
- 9.22. No lighting strategy has been submitted with the application. The Environmental Health Team have expressed that the lighting should match that of the existing facility. However, there is no detail on this aspect of the scheme. Given that the sauna entrances would be on the northern side of each hut, it is unlikely that the existing light provision would meet the future needs. Lighting would be expected to be modest and understated to reflect the location. Full details are recommended to be secured by condition.

Management and Levels of Activity

- 9.23. The application is not well detailed in respect of the management of the proposed new facility. The submitted drawings indicate the saunas would accommodate up to 6 people at a time, allowing for 18 in total across the 3 huts. The application does not include any associated facilities for the sauna users, and it assumed that patrons would have access to the toilet facilities, and changing spaces within the Rockwater Building. This has not been confirmed but would be required in order for the development to be considered acceptable.
- 9.24. Given the sensitive location of the sauna huts, it must be made clear to the applicant that this consent is limited only to the submitted drawings and does not permit any other structure which may be associated with the development such as check-in area, lockers/storage, toilets and changing areas. Any additional structures are considered unlikely to be supported by the LPA given the need to maintain and enhance the open quality and visual amenities of the promenade.
- 9.25. Given the lack of information submitted, and to ensure the functioning of the sauna does not encroach on the promenade or obstruct pedestrian movement in the immediate locality, or result in additional structures around the proposed facilities, further details on the management of the facility is recommended to be secured by condition.

Access and Highway Considerations

- 9.26. The site is within a busy section of the promenade. The development would not cause a significant narrowing of the promenade compared with the previous consent for the site. At present the existing huts broadly follow the front building line of Rockwater. The new huts would replicate this. It would not obstruct the users of the promenade any more than the existing situation. Ramped access to the westernmost sauna would be provided and would ensure the facilities could be accessed by less mobile users.
- 9.27. It is not considered that the proposed development would cause a significant increase in trip generation associated with the site. The site is relatively accessible by public transport and it is considered the trips to the site would be associated with combined trips to the seafront as a leisure/ recreational destination.
- 9.28. The Sustainable Transport Team have not objected to the development although additional information regarding the construction and demolition works has been requested. Given the modest nature of the development it is not considered necessary or reasonable to ask for a Construction Environmental Management Plan (CEMP).

Sustainable Drainage and Ecology

- 9.29. The development is built upon the existing hardstanding and is not expected to result in any additional flood risk. The Sustainable Drainage Consultant has no concerns in this regard.
- 9.30. There are no specific impacts predicted in terms of ecology and biodiversity.

Other matters raised in representation

- 9.31. Matters relating to business licenses, competition, and practices of the applicant are not material considerations for a planning application. However, the development has been assessed as appropriate for the seafront location, and in accordance with seafront development plans, would complement existing uses in the area.
- 9.32. With no notable emissions, it is not considered to harm users of the promenade or users of the nearby leisure facilities.
- 9.33. It is noted that information in the previous application, partially justified the permanence of the huts on the need for the kiosks. The current application now states they are not needed and therefore is somewhat contradictory. However, the previous approval was fully assessed in terms of its merits in particular the visual impact and found acceptable. As the kiosks are considered ancillary to the main Rockwater café / bar / restaurant, there is no requirement to protect the existing huts in their existing use.
- 9.34. Representation has been made regarding the existing operations at Rockwater, including the appearance of the rear of the property and a concern that the new venture could cause further problems in this regard. This development would not impact the principal operations at Rockwater.

Conditions attached to any permission would ensure the facility is managed appropriately and prevent ad-hoc storage at the rear of the site.

- 9.35. Representation has also been made about additional footfall and the maintenance of the promenade. It is not considered that the works would harm the existing surface, or that the additional footfall would cause a maintenance issue. The application has received a representation of support from the Seafront Development Team.

Conclusion

- 9.36. The proposed development is considered to be acceptable in terms of appearance and the impacts it is anticipated to have on the amenities of local residents and visitors to the area. The impact on the significance of heritage assets, existing seafront uses, and highway safety are also considered to be acceptable. Planning conditions are recommended to secure a satisfactory paint finish to the huts, lighting, and management of the facility.
- 9.37. The proposal is overall considered to be in accordance with policies SA1, CP2, CP5, CP12, CP13 and CP15 of the Brighton and Hove City Plan Part One, and DM15, DM26, DM29, DM33, and DM39 of the Brighton and Hove City Plan Part Two.

10. BIODIVERSITY NET GAIN (BNG)

- 10.1. This scheme was considered exempt from the need to secure mandatory biodiversity net gain under Schedule 7A of the TCPA because 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. There is provision for an access ramp for one of the sauna huts.
- 11.3. 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.

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 would be confirmed in the CIL liability notice which would be issued as soon as it practicable after the issuing of planning permission, if granted.