

<u>No:</u>	BH2021/00229	<u>Ward:</u>	Westbourne Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Rockwater Kingsway Hove BN3 4FA		
<u>Proposal:</u>	Retention of existing six timber "beach huts" adjacent to the main building for a period of 6 months.		
<u>Officer:</u>	Sam Bethwaite, tel: 292138	<u>Valid Date:</u>	22.01.2021
<u>Con Area:</u>	Sackville Gardens	<u>Expiry Date:</u>	19.03.2021
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	Lewis And Co Planning SE Ltd Road Brighton BN1 5PD	Lewis & Co Planning	2 Port Hall
<u>Applicant:</u>	ROCKWATER GROUP LTD Road Brighton BN1 5PD	C/o Lewis & Co Planning	2 Port Hall

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 continued 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	202	A	22 January 2021
Proposed Drawing	204	B	9 April 2021
Proposed Drawing	205		22 January 2021
Proposed Drawing	207	B	30 March 2021
Report/Statement	PLANNING STATEMENT		15 March 2021

2. The kiosks hereby permitted shall be removed and the land restored to its former condition immediately on or before six months from the date of this permission.
Reason: The kiosks hereby approved are not considered suitable as a permanent form of development and to safeguard the character and setting of the site and the Sackville Gardens Conservation Area and to comply with policies QD14 and HE 6 of the Brighton and Hove Local Plan (retained policies March 2016) and Policies CP12 and CP15 of the Brighton & Hove City Plan Part One. of the Brighton & Hove Local Plan.
3. Within 1 month of the date of this permission the kiosks hereby permitted shall be painted in colours to match the adjacent beach huts located on the promenade, these colours are BS 4800 14 C35 (gloss) to the roof and upper sides and BS

4800 04 D45 (gloss) to the plinth and lower sides. The colours of the kiosks shall be retained as such thereafter.

Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

Informatives:

4. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.

2. SITE LOCATION

- 2.1. The application site is a detached property in use as a café and restaurant on Hove seafront located on the southern side of Kingsway (A259), approximately opposite the southern access to Walsingham Road.
- 2.2. The site is located within the Sackville Gardens Conservation Area, but is not subject to an Article 4 direction, nor is it a listed building or in the vicinity of any. The site is also within an Archaeological Notification Area.

3. RELEVANT HISTORY

- 3.1. **BH2020/02211** - 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 13.01.2021
- 3.2. **BH2020/00958** - Display of 4no internally-illuminated fascia signage to all elevations. - Approved 26.06.2020
- 3.3. **BH2020/00612** - Alterations to this restaurant / café (A3) to involve a single storey, lower ground floor extension to the west elevation with fencing above to hide new extraction equipment, including a flue at roof level; installation of glazed balustrade and parapet wall to facilitate a terrace on the roof; re-cladding, painting and fenestration changes to all elevations, including new entrances; a canopy; and a replacement staircase. - Approved 30.04.2020

4. APPLICATION DESCRIPTION

- 4.1. This application seeks permission for the retention of six timber beach hut style kiosks located on the promenade, three either side of the main building for a

period of six months. The kiosks would continue to be used for the sale of hot and cold food and beverages.

5. REPRESENTATIONS

- 5.1. **Eleven (11)** letters have been received objecting to the proposed development for the following reasons:
- Not appropriate for location
 - Result in visual sprawl of main site
 - Restrict pedestrian movement on the promenade
 - Visual clutter from associated paraphernalia located outside of the huts
 - Has an adverse impact on the conservation area
 - The huts are surplus to requirements now that the main building is open

6. CONSULTATIONS

- 6.1. **Brighton and Hove Archaeology Society:** No objection
Not aware of any archaeology deposits that are likely to be affected. Recommended contacting the County Archaeologist.
- 6.2. **Conservation Advisory Group:** No Objection
History of the site is difficult to interpret however it is noted that the application if for a temporary permission and is supported.
- 6.3. **County Archaeology:** No Comment
- 6.4. **Environmental Health:** No objection
- 6.5. **Heritage:** No objection
The Heritage officer stated that the temporary retention of the beach huts was not resisted in principle given the current national restrictions on the hospitality sector. Concerns were raised about the inconsistency of the information submitted with the application. These inconsistencies have been addressed. A lack of detail around the colour and finish of the beach huts was identified. The Heritage officer has asked for the roof, rear and sides of the huts to be painted in the same colour scheme as the adjacent beach huts along the promenade.
- 6.6. **Police Community Safety:** No objection
No major concerns with the proposal. Questioned if the use class for the huts should be Class E and Sui Generis rather than only Class E as stated in the application. Potential crime prevention inadequacies were identified and solutions for addressing these were suggested.
- 6.7. **Sustainable Transport:** No objection
Further information was requested on the cycle parking, delivery and waste and recycling arrangements for the beach huts with the question of how they will be operated raised. It has since been confirmed that the beach huts will be run by Rockwater and will not be sold, leased or franchised to third parties. The

facilities of the main site will be available to the beach hut's staff along with the delivery and waste arrangements.

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 Local Plan 2005 (retained policies March 2016);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
 - Shoreham Harbour JAAP (adopted October 2019).
- 7.3. Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

8. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SA1	The Seafront
SA6	Sustainable Neighbourhoods
SS1	Presumption in Favour of Sustainable Development
CP2	Sustainable economic development
CP5	Culture and tourism
CP6	Visitor accommodation
CP10	Biodiversity
CP12	Urban design
CP13	Public streets and spaces
CP15	Heritage

Brighton and Hove Local Plan (retained policies March 2016):

TR14	Cycle access and parking
QD5	Design - street frontages
QD10	Shopfronts
QD14	Extensions and alterations
QD27	Protection of amenity
SR12	Large Use Class A3 (restaurants and cafes) and Use Class A4 (pubs and bars)
HE6	Development within or affecting the setting of conservation areas

HE10 Buildings of local interest

Brighton & Hove City Plan Part Two

- 8.1. Policies in the Proposed Submission City Plan Part 2 do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since 23 April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications. The weight given to the relevant CPP2 policies considered in determining this application is set out in the Considerations and Assessment section below where applicable.

DM20 Protection of Amenity
DM21 Extensions and alterations
DM26 Conservation Areas
DM28 Locally Listed Heritage Assets
DM29 The Setting of Heritage Assets

Supplementary Planning Documents:

SPD09 Architectural Features
SPD12 Design Guide for Extensions and Alterations

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to:
- the principle of locating the kiosks on the seafront
 - the impact of the proposed development on the appearance and character of the immediate seafront and adjacent buildings, and the wider conservation area
 - the impact on amenities of adjacent occupiers
 - the impact in terms of highway safety

Planning Policy and Principle of Development:

- 9.2. The beach huts operate as an extension to the main Rockwater building and function, serving hot and cold beverages and food. The intention is to support the main purpose of the site during refurbishment and extension and while Covid-19 restrictions reduce the use of the site.
- 9.3. The site falls within The Seafront Special Area (policy SA1) where the Council will work in partnership to ensure the on-going regeneration and maintenance of the seafront in an integrated and coordinated manner. One of the main aims of policy SA1 is to support the year-round sport, leisure and cultural role of the seafront. It is considered that the proposed development does in principle accord with this broad aim, by supporting the regeneration of the main Rockwater site.
- 9.4. City Plan Part One Policy CP5 applies to this proposal since this site is categorised as an existing visitor facility, and this policy supports their retention, upgrading and enhancement in order to meet changing consumer demands. The beach huts accord with the aims of this policy in principle.

Design and Appearance:

- 9.5. 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.
- 9.6. Case law has held that the desirability of preserving or enhancing the character or appearance of a conservation area must be given "considerable importance and weight".
- 9.7. The beach hut style kiosks reference the specific location of the site and the character of the area. They seek to mimic a key feature of the locality. It is noted that they are larger than a typical beach hut and have paraphernalia associated with their use positioned around them. As a permanent addition they would not be considered acceptable given their scale and design, and they would result in visual clutter to the area and add to the sprawl of the main site following the significant extensions that have already been consented under application BH2020/02211.
- 9.8. The temporary nature of the permission applied for under this application is a mitigating factor in assessing the harm from the kiosks. The kiosks are only temporary in nature and the impact on the appearance of the site and the wider Sackville Gardens Conservation Area for a short period of only six months is considered to be limited therefore, and insufficient to warrant refusal of the application. The benefits of the scheme and the fact it is temporary are considered to outweigh the harm caused to visual amenity in this instance.
- 9.9. A condition is recommended requiring the painting of the kiosks to match the colour of the adjacent beach huts. This approach is supported by the Heritage Team as it will serve to limit the visual impact of the kiosks and respect the character and setting of the conservation area in accordance with policies HE6, CP12 and CP15.

Impact on Amenity:

- 9.10. Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 9.11. The impact of the kiosks on the amenity of the adjacent properties has been assessed following the submission of site photographs with this application and the review of photos taken during a site visit on the previous application BH2020/02211, this took place on 04.11.2020 when the kiosks were already in position.
- 9.12. The kiosks are located in a busy area adjacent to existing commercial premises. The kiosks are in excess of 85m from the nearest residential property and at this distance are not considered to have any impact on amenity.

Sustainable Transport:

- 9.13. A number of the public comments received on this application highlight restricted promenade space/highway safety issues caused by people queuing for the kiosks.
- 9.14. The kiosks are not positioned forward of the main Rockwater building and as such do not result in a reduction in the width of the promenade along this stretch of the seafront. The 5.5m width of the promenade is retained for the movement of pedestrians around the site.
- 9.15. Along the seafront the presence of people queueing for a venue or takeaway service is not unusual and is to some degree expected at busy times of the day and in peak season. A promenade space of 5.5 metres is considered sufficient to successfully accommodate any queues and allow people to pass by. The queueing system for the kiosks is ultimately the responsibility of the operator(s) of the site. Given the temporary nature of the permission and the sufficient space here, it is considered that it is not necessary to secure a formal queueing management plan by condition.

Sustainability:

- 9.16. It is stated in the supporting statement with this application that the beach hut style kiosks have been constructed from the flooring timbers that were removed from the main site during its refurbishment. This construction approach is welcomed and accords with the sustainability objectives of the Council.

Conclusion:

- 9.17. The proposed kiosks would help regenerate this area of the seafront and attract custom, but their scale and appearance is not considered suitable as a permanent form of development given this is a sensitive seafront location, within a conservation area.
- 9.18. The benefits of the proposal and the fact it is only temporary are considered to outweigh the temporary harm identified to visual amenity.
- 9.19. The development would not unduly compromise the width of the promenade or highway safety.

- 10. EQUALITIES**
None identified

