

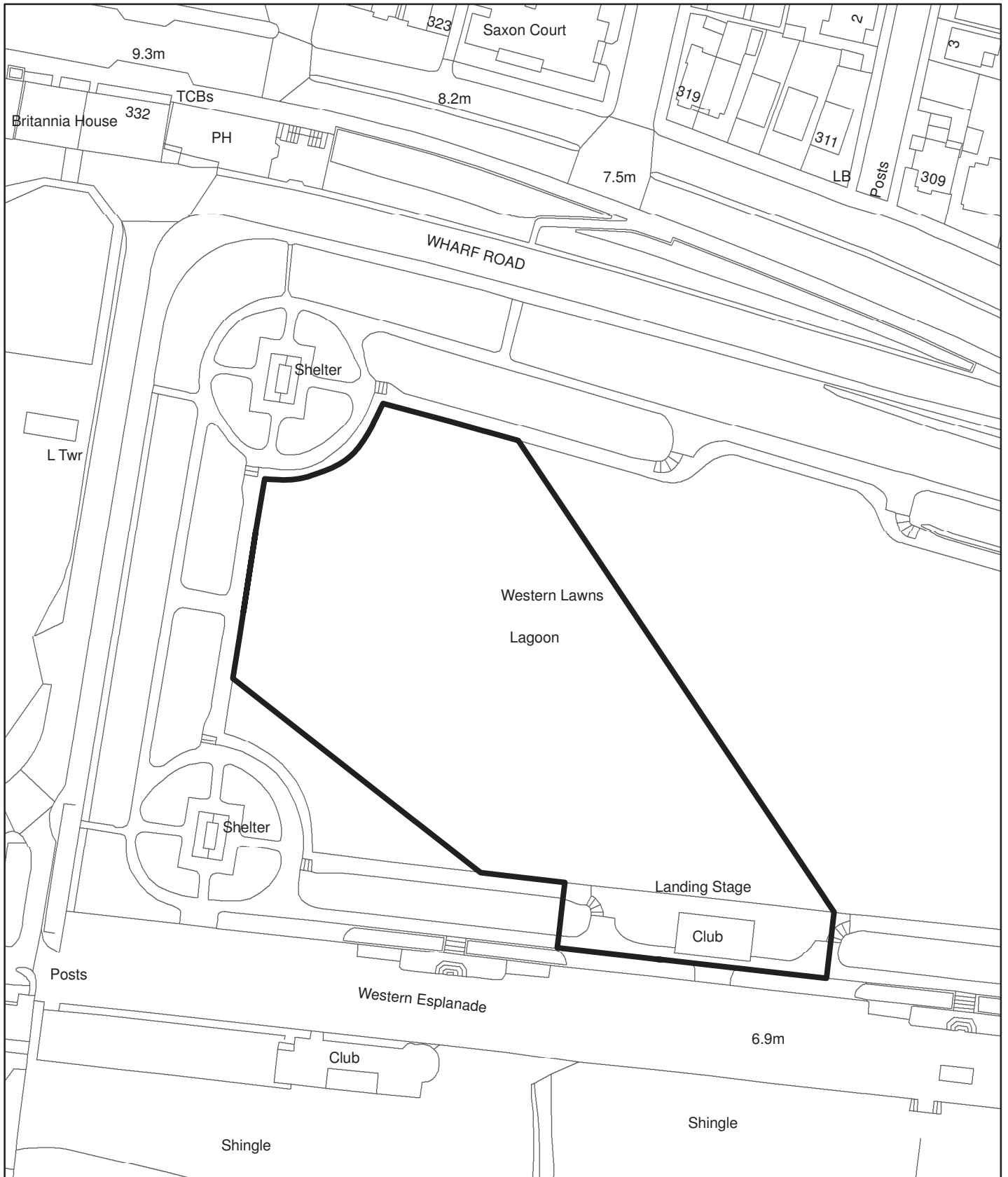
**PLANS LIST
ITEM B**

Hove Lagoon, Kingsway, Hove

**BH2012/04041
Full planning consent**

03 APRIL 2013

BH2012/04041 Hove Lagoon, Kingsway, Hove.



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2012/04041	<u>Ward:</u>	WISH
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Hove Lagoon, Kingsway, Hove		
<u>Proposal:</u>	Installation of 1no additional cable wakeboarding system. Erection of single storey side extensions and associated alterations to store buildings.		
<u>Officer:</u>	Steven Lewis Tel: 290480	<u>Valid Date:</u>	15/01/2013
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	12/03/2013
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	DMH Stallard, Gainsborough House, Pegler Way, Crawley		
<u>Applicant:</u>	Lagoon Watersports Ltd, Mr Harvey Dawkins, Cudden View, Perranuthnoe, Penzance, Cornwall		

1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 and resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in section 11.

2 SITE LOCATION & DESCRIPTION

- 2.1 The application relates to the principal water sports pool located at Hove Lagoon near Hove Seafront, in West Hove.
- 2.2 The area is a large area of public open space centred in which is two areas of pools utilised for water sports, the pool subject of the application is considerably larger than the smaller pool which at the time of the site visit was drained. The Lagoon area is located between the Western Esplanade (Hove promenade) and the A259 main coastal road.
- 2.3 The Lagoon area includes formal lawns, the two areas of water, shelters, Hove Lagoon Water sports pavilion, children's playground, skateboarding park and café.
- 2.4 The storage buildings to be replaced are located to the east and west of the clubhouse, lying to the north, below and adjacent to the promenade.
- 2.5 The eastern store building measures approximately 14m wide, has a mono-pitched canvas roof sloping from 3.3m to 2.7m high and varies in depth projecting up to 4.6m north of the promenade.
- 2.6 The western store building measures approximately 22m wide, has a mono-pitched canvas roof sloping from 3.3m to 2.7m high and varies in depth projecting up to 4.6m north of the promenade.

- 2.7 The main lagoon already benefits from two wakeboarding systems cables spanning part of the principal pool.
- 2.8 In addition to Wakeboarding the pools are also used for Windsurfing, dinghy sailing, kayaking, paddle boarding, model powerboats and model yachting.

3 RELEVANT HISTORY

BH2010/01378: Installation of two cable wakeboarding systems. Approved 30/07/2010

BH1997/01578/FP: Extension to existing building including car parking, slipway, pontoon and ancillary storage. Approved 09/12/1998

3/90/0859: Erection of building for use as water sports centre – education/recreation club with storage compound. Approved 05/02/1991.

3/90/0496: Erection of building for use as water sports centre – education/recreation club with storage compound. Approved 05/02/1991

4 THE APPLICATION

- 4.1 The proposal seeks planning permission for the installation of a third cable wakeboarding system, the repositioning of two existing such systems and single storey side extensions and associated alterations to two store buildings.
- 4.2 Wakeboarding is a surface water sport which involves riding a board across the surface of a body of water, usually with the rider being propelled by either a vehicle, winches or as in this case a closed course cabling system.
- 4.3 The development will comprise erecting 2 no. further pylons approximately 9m in height; to provide a third parallel close course running cables across a breadth of water for wakeboarding. The cable will be anchored to the bottom of the lagoon in concrete, ran up to a cable wheel mechanism then across the lagoon to another pylon of the same arrangement and doubled up to provide a pulley system. The positioning of the two existing systems and associated pylons would be amended to facilitate the provision of this new third line.
- 4.4 The operation will be ran by Lagoon Water Sports Ltd which is currently managing many of the leisure activities currently taking place at the Lagoon including windsurfing, sailing and wakeboarding.
- 4.5 In addition to the addition wakeboarding cable system the canvas storage buildings either side of the clubhouse will be altered with enlarged corrugated fibre cement flat roofed timber buildings.
- 4.6 The eastern storage building will be extended by 9.8m in width and maintain the approximate current height of the building but with a flat roof. The western storage building will be extended by 7.7m wide extension and maintain the approximate height of the building but with a flat roof.

5 PUBLICITY & CONSULTATIONS

External

5.1 **Neighbours: Fifteen (15)** letters of representation have been received from **27 Brackenbury Close, 10 Bridges Close (Horley), 19 Cudworth Park (Newdigate, Surrey), 2 Dingley Road (Rustington) (x2), 138 Franklands Village (Haywards Heath), 18 Freeks Lane (Burgess Hill), 15 Hertford Road, 47 Hogarth Road, 24 Montford Close (Shoreham by Sea), 46 Old Fort Road (Shoreham By Sea), Saunders Hill (Unnumbered) (x1), 6 SouthBank Court (Lancing), 7 St Nicolas Lane (Shoreham By Sea), 36 Tongdean Avenue, objecting** to the application for the following reasons:

- The timetable submitted with the application does not give access to the water for the Model Yachting Club. Current access arrangements allow from 10:00 to 14:00 on Sundays.
- The Wakeboarding system presents a danger to Swans
- The increased use of Wakeboarding on the lagoon will affect the activities of the Model Boating Club
- Additional parking should be required
- The Wakeboarding systems are an eyesore and will harm the appearance of lagoon and wider area
- The granting of a further cable system would turn the lagoon into a monopolistic activity, placing restrictions upon other uses.
- The wakeboarding is for financial gain and does not support wider public leisure interests.
- The bow wave from the third cable system would swamp the footpath making it slippery and dangerous for users; as well as potentially preventing model sailing upon the lagoon.
- A covenant existing which prevents the site from being used except as lawns, public walks or pleasure grounds and no other purpose.

5.2 **Brighton & Hove Archaeological Society:** No objections.

5.3 **Environment Agency:** No objections. Having screened the planning application with regards to the low risk of the development type and location of the proposal, there are no objections.

5.4 **East Sussex County Archaeologist:** Although this application is situated within an Archaeological Notification Area, it is not believed that any archaeological remains are likely to be affected by these proposals

5.5 **Sussex Police:** No objections. In light of the nature of the proposal and no objection or concerns relating to crime and disorder are raised.

Internal:

5.6 **Seafront Team:** With consultation from the Seafront Development and Operations Managers there are no objections or specific comments to make on the installation of a third wakeboarding tow system on Hove Lagoon. The proposed additional storage areas will form part of a new lease to be granted to Hove Lagoon Watersports.

- 5.7 **Sustainable Transport:** Recommended approval as the Highway Authority has no objections to this application.
- 5.8 *Trip Generation & S106*
While there is likely to be an increase in trip generation to and from the site, it is not considered to be significantly higher than the level already permitted. This is because there is the addition of 1 additional cable wakeboarding system which will enable more people to be using the site at any one time. Within the Planning Statement the applicant states:
- 5.9 *“The proposed hours of operation for the system are 08.00-22.00; though wakeboarding would be limited to times when natural daylight is available ... A maximum of 15 people per hour would use the system.”*
- 5.10 On this basis it is assumed that there would be 5 people an hour on each cable. Therefore the proposed application is forecast to increase the level of trip generation by 5 people per hour to the site.
- 5.11 In light of this and the fact that the Temporary Recession Measures are in place the Highway Authority would not look to secure a S106 contribution in this instance.
- 5.12 *Car Parking*
The applicant is not proposing any car parking spaces on-site, which is the same as the existing provision. SPG04 does not provide maximum car parking standards for such a use and assessment of car parking provision is made on a case by case basis.
- 5.13 The applicant states within the Planning Statement that on-street car parking is available on Wharf Road to the north of the lagoon. Limited parking is available in this area with parking restrictions operating between the hours of 8am – 6pm limiting parking for a maximum of 4 hours and no return within 1 hour. This parking available is deemed adequate to cater for the forecast demand generated by the proposals. The Highway Authority would therefore not recommend the lack of car parking as a reason for refusal.
- 5.14 *Pedestrian Access*
As existing. The pedestrian access to the site is as existing from various routes.
- 5.15 *Cycle Parking*
SPG04 requires that all D2 Assembly and Leisure uses should provide 1 cycle space and 1 additional space per 300m² of land use. The applicant states that there are 12 existing secure cycle parking spaces. They do not however provide details as to their nature or where they are located.
- 5.16 In order to be in line with Policy TR14 of the Brighton & Hove Local Plan 2005 cycle parking must be secure, convenient, well lit, well signed and wherever practical, sheltered. The Highway Authority’s preference is for the use of

Sheffield type stands spaced in line with the guidance contained within the Manual for Streets section 8.2.22.

5.17 The applicant does not indicate where the cycle parking is or details of its nature. Therefore the Highway Authority would look for further details of this cycle parking to be secured via condition to ensure that policy compliant cycle parking is provided on site.

5.18 *Travel Plan*

Due to there being limited on-street parking in order to ensure that the development does not have a negative impact upon the availability of this existing parking the Highway Authority would recommend that the applicant implements travel plan type measures to encourage staff and customers to the site to travel by sustainable means.

5.19 Within the Planning Statement the applicant states:

“The scheme would utilise existing parking arrangements and encourage users to utilise the frequent public transport from Kingsway and New Church Road. Storage facilities for equipment would be available on site and users would be able to hire equipment for the day. This would reduce the need to travel by private car.”

5.20 The Highway Authority would recommend that a condition is included on any permission granted, to ensure the applicant provides the necessary measures to encourage sustainable forms of travel to and from the site.

6 MATERIAL CONSIDERATIONS

6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that “If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

6.2 The development plan is:

- The Regional Spatial Strategy, namely The South East Plan (6 May 2009);
- Brighton & Hove Local Plan 2005 (saved policies post 2007);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
- East Sussex and Brighton & Hove Minerals Local Plan (November 1999); Saved policies 3,4,32 and 36 – all outside of Brighton & Hove;
- East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only – site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.

6.3 The National Planning Policy Framework (NPPF) was published on 27 March 2012 and is a material consideration which applies with immediate effect.

6.4 Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF.

- 6.5 The Brighton & Hove City Plan Part One (submission document) is an emerging development plan. The NPPF advises that weight may be given to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies to the policies in the NPPF.
- 6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

7 RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove Local Plan:

- TR1 Development and the demand for travel
- TR7 Safe development
- SU7 Development within the coastal zone
- SU10 Noise nuisance
- SU13 Minimisation of re-use of construction industry waste
- QD1 Design – quality of development and design statements
- QD2 Design – key principles for neighbourhoods
- QD4 Design – strategic impact
- QD27 Protection of amenity
- SR18 Seafront recreation

8 CONSIDERATIONS & ASSESSMENT

- 8.1 Matters relating to restrictive covenants and specific uses that comply with the lawful use classes of the lagoon are not material planning considerations.
- 8.2 The main considerations in this case are the visual impact of the pylons and cables, the impact upon the amenities of any nearby residential occupiers from additional noise and potential disturbance and traffic implications of the scheme. The site is located within the designated coastal zone and as such Policy SU7 of the Brighton & Hove applies in this case. Furthermore the development seeks permission for a recreational activity adjacent to the sea front and therefore policy SR18 of the Local Plan also applies.

Policy SR18 – Seafront recreation

- 8.3 The policy advises that planning permission should be granted for new recreational activities provided that a number of key criteria are met.
- 8.4 The development will not encroach onto the beach, will not undermine the seafront and beach or have an adverse impact upon the setting of any important sea front buildings. Furthermore the development will not have any adverse impact upon nature conservation interests, will not affect access to the beach or seafront for users.

- 8.5 The impact upon sea views, upon the character and appearance of the seafront, strategic views, transport considerations and the impact upon local residents are considered in greater depth later in this report.

Policy SU7 – Development within the costal zone

- 8.6 The policy advises that 5 criteria should be met before development in the area is approved. These are: taking account of the conditions of the area; where appropriate adequate flood protection and mitigation measures; respects the appearance of the seafront environment; will not adversely effect sea views; and reduce the impact of access to the coast.
- 8.7 Given the nature of the proposal the development is not considered to have any impacts with regards to flooding or access to the coast. The pylons would not affect the potential for flooding, whilst their siting in the water stretch of the lagoon will not affect access to the sea front for visitors. Given the slender metalled design of the pylons it is not considered that the conditions experienced within the area would affect materials or landscaping requirements of the scheme.
- 8.8 The impact upon sea views and upon the character and appearance of the seafront in considered in greater depth later in this report.

Design, visual amenity and seafront character

- 8.9 It is important to consider the design and visual impact of the pylons, especially in the context of the surrounding sea front environment and sea views.
- 8.10 The pylons will be sited within the water of the lagoon, and as a result of the depth of the water the height of the pylons will appear reduced from their overall height of 9m. It is therefore anticipated that the overall height of the pylons and therefore the height of the cables running across the lagoon will stand at approximately 8.5m.
- 8.11 It is clear that the additional pylons and cables will have a cumulative visual and be visible from longer views from the north towards the seafront and from the promenade itself. However, it is not considered that the structures or the cables would have a materially detrimental impact upon the character of the area or upon sea views in this case.
- 8.12 The lagoon area is set down from the ground level of the A259 to the north by a few metres and as such would have a reduced visual impact for approaching visitors to the sea front. Furthermore the pylons and cables would be visible in the context of the existing surrounding development including the existing pylons and cables, the water sports centre building and its ancillary storage facilities including sail and board storage. Due to the difference in levels between the lagoon and the promenade and the relatively slender profile of the structures it is not considered that the development would harm views from within the lagoon and park area.
- 8.13 The pylons would be visible above the level of the promenade, but due to the raised level of the promenade would have a reduced impact when viewed from

the south. The pylons would not be seen in conjunction with the sea view from the promenade due to their siting to the north of the promenade.

- 8.14 On this basis it is considered that the additional 2 no. pylons and cables will not have a detrimental impact upon the character and appearance of the area or that of sea views and that all the criteria of policies SU7 and SR18 relating to visual impact; and other design policies of the Local Plan would be met in this case.

Amenity and noise disturbance

- 8.15 The application has been supplemented with an industrial noise assessment of the wakeboarding towing cable system. The data shows that there would be minimal impact from additional noise in this case and the Environmental Health team has not raised any objections. Should the equipment raise noise concerns could be dealt with under Environmental Health legislation.
- 8.16 The application seeks hours of use from 08:00 to 22:00 Monday to Sunday. In the interests of the amenities of the area it is considered that a condition be imposed to restrict activity to the specified hours.

Flood risk

- 8.17 None of the equipment is considered to pose a flood risk and as such there is no requirement for a site-specific Flood Risk Assessment as part of the application.

Transport

- 8.18 While there is likely to be an increase in trip generation to and from the site, it is not considered to be significantly higher than the level already permitted. There would be an addition of 1 cable wakeboarding system which will enable more people to be using the site at any one time.
- 8.19 On this basis of present usage levels it is assumed that there would be 5 people an hour on each cable. Therefore the proposed application is forecast to increase the level of trip generation by 5 people per hour to the site. In light of this and the fact that the Temporary Recession Measures are in place the Highway Authority is not seeking a S106 contribution in this instance.

Car Parking

- 8.20 The applicant is not proposing any car parking spaces on-site, which is the same as the existing provision. The Present parking standards do not provide maximum car parking standards for such a use and an assessment of car parking provision is made on a case by case basis.
- 8.21 The applicant states within the Planning Statement that on-street car parking is available on Wharf Road to the north of the lagoon. Limited parking is available in this area with parking restrictions operating between the hours of 8am – 6pm limiting parking for a maximum of 4 hours and no return within 1 hour. This parking available is adequate to cater for the forecast demand generated by the proposals and accordingly there is no objection upon these grounds. .

Cycle Parking

- 8.22 Adopted parking standards require that all D2 Assembly and Leisure uses should provide 1 cycle space and 1 additional space per 300m² of land use. The applicant states that there are 12 existing secure cycle parking spaces, however no details of this are provided as to their nature or where they are located.
- 8.23 To accord with Policy TR14 of the Brighton & Hove Local Plan 2005 cycle parking must be secure, convenient, well lit, well signed and wherever practical, sheltered. The Highway Authority's preference is for the use of Sheffield type stands spaced in line with the guidance contained within the Manual for Streets section.
- 8.24 It is recommended that further details of cycle parking should be secured via condition to ensure that policy compliant cycle parking is provided on site.

Travel Plan

- 8.25 There is limited on-street parking availability, therefore in order to ensure that the development does not have a negative impact upon the availability of this existing parking the Highway Authority recommends that the applicant implements travel plan type measures to encourage staff and customers to the site to travel by sustainable means.
- 8.26 Within the Planning Statement the applicant states:
"The scheme would utilise existing parking arrangements and encourage users to utilise the frequent public transport from Kingsway and New Church Road. Storage facilities for equipment would be available on site and users would be able to hire equipment for the day. This would reduce the need to travel by private car."
- 8.27 A condition is recommended to ensure the applicant provides the necessary measures to encourage sustainable forms of travel to and from the site.

Other Considerations:

- 8.28 Comments regarding the timetable of use to allow Model Yacht Club members access to the water between 10:00 and 14:00 on Sundays are noted. The present planning permission does not place any restriction on the timing of activities upon the users of the lagoon, with the exception the timings outlined for Wakeboarding in condition 2 recommended in section 11 of this report.
- 8.29 It would appear that all users of the Lagoon would have ample opportunity to use the facilities. The Seafront Estates team have provided written confirmation that the Model Yacht Club will continue to have access to the Lagoon and that Wakeboarding is prevented on Sundays between 09:30am and 2pm. In addition, the timetable provided by the Applicant has been amended to include the Model Yacht Club times to meet that of the Seafront Estates Team. Furthermore, the applicant has stated in writing a willingness to accept a planning condition that restricts their use during the existing model yacht times on a Sunday.

- 8.30 Accordingly the granting of planning permission would not change the present situation or timings of the Wakeboarding or Model Yacht activities and is recommended to be secured by planning condition, which would overcome a number of the existing objections.

9 CONCLUSION

- 9.1 The proposed development is not considered to harm the character and appearance of the sea front area or harm the residential amenities of nearby occupiers and is in accordance with adopted policies of the development plan

10 EQUALITIES

- 10.1 Access to the site will be unchanged from the present arrangements.

11 CONDITIONS / INFORMATIVES

11.1 Regulatory Conditions:

- 1) 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.
- 2) The Wakeboarding Equipment shall only be used between the hours of 08:00 and 22:00 and not at any other time.
Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 3) The Wakeboarding Equipment shall not be used between the hours of 09:30 and 14:00 on Sundays.
Reason: To ensure that the facilities are available for other timetabled activities and to allow openness of use for other users of the lagoon, to accord with policy QD27 of the Brighton & Hove Local Plan.
- 4) The development hereby permitted shall not be commenced until details of secure cycle parking facilities for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted 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 TR14 of the Brighton & Hove Local Plan.
- 5) No development shall commence upon site until a scheme of travel plan measures to promote sustainable transport to and from the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include by not be limited to the following measures
 - a. Providing public transport information to people when they book
 - b. Promotion of sustainable transport travel for staff trips including personal travel planning

PLANS LIST – 03 APRIL 2013

- c. Sustainable transport promotional material being made available to both staff and customers including cycle, bus routes and timetable brochure and car club information

The approved details must be implemented prior to the commencement of use of the new wakeboarding cable and thereafter be maintained.

Reason: to ensure the development maintains a sustainable transport strategy and to comply with policies TR1, TR4 and TR14 of the Brighton & Hove Local Plan.

- 6) 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
Site Location Plan	-	-	20/12/2012
Existing Site Plan	B.064.09.10	-	21/12/2012
Proposed Site Plan	B.064.09.11	-	21/12/2012
Site Sections	B.064.09.12	-	21/12/2012
Store Buildings	B.064.09.13	-	21/12/2012
Existing Store Buildings	B.064.09.14	-	15/01/2013
Planning Statement	-	-	15/02/2013

11.2 Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) 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. This decision to grant Planning Permission has been taken:
 - (i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including Supplementary Planning Guidance and Supplementary Planning Documents: (Please see section 7 of the report for the full list); and
 - (ii) for the following reasons:-
The proposed development is not considered to harm the character and appearance of the sea front area or harm the residential amenities of nearby occupiers and is in accordance with adopted policies of the development plan

