

ITEM E

**Site of Rottingdean Swimming Pool,
Undercliff Walk, Rottingdean**

**BH2013/01224
Full planning**

09 OCTOBER 2013

BH2013/01224 Site of Rottingdean Swimming Pool Undercliff Walk
Rottingdean Brighton



<u>No:</u>	BH2013/01224	<u>Ward:</u>	ROTTINGDEAN COASTAL
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Site of Rottingdean Swimming Pool Undercliff Walk Rottingdean Brighton		
<u>Proposal:</u>	Installation of new multisports play arena.		
<u>Officer:</u>	Sonia Gillam Tel 292265	<u>Valid Date:</u>	26/04/2013
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	21 June 2013
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	MacConvilles, 95 Ditchling Road Shaftesbury Court Brighton BN1 4ST		
<u>Applicant:</u>	Brighton & Hove City Council, Room 210, Kings House, Grand Avenue, Hove, BN3 2LS		

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 a concreted area on the Undercliff Walk in Rottingdean which was the site of a former swimming pool. The area is bounded by the cliffs to the north and the English Channel to the south. There are steps down to the beach and twenty beach huts located directly to the east of the site. There is a concrete structure sited to the north of the site near the cliff which was probably a plant room or similar
- 2.2 The nearest residential properties are located above the site, to the north and west in Marine Drive some 90 metres away. The site and surrounding area is located in the designated Brighton to Newhaven Cliffs Site of Special Scientific Interest (SSSI).

3 RELEVANT HISTORY

- 3.1 The enclosed swimming pool structure was opened in 1935 in conjunction with the Undercliff Walk extension to Saltdean. It was damaged by storms in 1990 and filled with concrete in 1994.

4 THE APPLICATION

- 4.1 Planning permission is sought for the installation of a new multisports play arena (MUGA). The arena would allow young people to participate in sports such as basketball, football and cricket. The scheme is proposed in memory of Connor Saunders.
- 4.2 The court would measure 28 metres x 16 metres. Powder coated galvanised steel railings are proposed around the court which would be 1 metre in height with additional height protection provided on the northern side and behind the basketball hoops and backboard to shield pedestrians. 2 no. lean back seats and an exit with chicane panel are proposed to the south of the court. It is proposed that the surface of the court and the railings would be blue in colour.

5 PUBLICITY & CONSULTATIONS

External

Neighbours: Seven (7) letters of representation have been received from **33 St Margaret's Court High Street, Dale Cottage The Green, 17 Linchmere Avenue (x2), 51 Tidy Street, 2 Eileen Avenue, 14 Meadow Close** objecting to the application for the following reasons:

- appearance of structure;
- colour not in keeping;
- corrosion of materials;
- lack of supervision;
- lack of lighting;
- potential anti-social behaviour;
- hazardous to cyclists pushchairs etc;
- safety issues from falling shingle;
- loss of quiet beach space;
- loss of public amenity;
- increase in noise;
- increase in traffic;
- biodiversity concerns.

Six (6) letters of representation have been received from **Saltdean, Rottingdean & Ovingdean Neighbourhood Watch Committee 22 Hawthorn Close, 14 Downsway, 28 Saltdean Drive, 2 Challoners Close, 34 Cranleigh Avenue, 17 Tudor Close**, supporting the application for the following reasons:

- much needed facility for young people;
- fitting tribute to Connor Saunders.

Councillor Mary Mears has written in support of the scheme; the email is appended to the report.

Rottingdean Parish Council: No objection

County Ecologist: Support. The proposed development is unlikely to have a detrimental impact on biodiversity.

Sussex Police: Support

Natural England: No objection provided no structure is attached to the cliff face or hard development in front of the cliffs.

Internal:

Environmental Health: No Objection

Sustainable Transport: No Objection subject to appropriate cycle parking spaces. There is sufficient space for pedestrians to walk around the perimeter of the arena.

Sports Facilities and Development Team: Comment: Increased opportunities/facilities for children and young people; free informal sport facilities remove barriers of cost; fits with Seafront Strategy objective of creating an active seafront.

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:
- 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
TR2	Public transport accessibility and parking
TR7	Safe development
TR8	Pedestrian routes
TR14	Cycle access and parking
SU9	Pollution & nuisance control
SU7	Development within the coastal zone
SU10	Noise nuisance
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD4	Design – strategic impact
QD18	Species protection
QD17	Protection and integration of nature conservation features
QD27	Protection of amenity
SR17	Smaller scale sporting and recreational facilities
SR18	Seafront recreation
SR20	Protection of public and private outdoor recreation space
NC2	Sites of national importance for nature conservation

Brighton & Hove City Plan Part One (Submission document)

SS1 Presumption in favour of sustainable development

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the impact on the site and the wider area, amenity, ecology and transport issues.

Principle of Development

- 8.2 The application proposes the installation of a new multisports play arena (MUGA). The arena would allow young people to participate in sports such as basketball, football and cricket.
- 8.3 Policy SR17 of the adopted plan seeks to promote smaller scale sporting and recreation facilities. Proposals which involve seafront recreation leisure facilities also have to adhere to policy SR18 Seafront Recreation. Policy SR18 supports new recreational facilities which maintain the seafront and beach as an open space. Recreational development along the seafront must also relate well in terms of design to the visual and environmental character of the seafront to which it relates and not have a detrimental impact upon strategic views along the coast line.
- 8.4 The proposal would result in a new recreational facility which maintains the seafront and beach as an open space and does not have an adverse impact on the setting of important seafront buildings or strategic views along the coast line. The Sports Facilities and Development Team have advised that the free informal sports arena removes the barriers of cost and increases opportunities

and facilities for children and young people; this fits in with the Council's Seafront Strategy objective of creating an active seafront. Therefore the application is considered acceptable in principle subject to the design and potential impact of the structure which are considered below.

Design:

- 8.5 The multi use games area (MUGA) is a standardised design in the main. The court would measure 28 metres x 16 metres. Powder coated galvanised steel railings, similar to that used in children's playgrounds, are proposed around the court which would be 1 metre in height with additional height protection (metal mesh) provided on the northern side and behind the basketball hoops and backboard to shield pedestrians. In addition, 2 no. lean back seats and an exit with chicane panel are proposed to the south of the court.
- 8.6 It is proposed that the surface of the court and the railings would be blue in colour, the same blue colour as the existing basketball court further west on Brighton seafront. The railings would be 'marine grade' quality with a 5 year guarantee. The MUGA would come apart in sections so that parts of it can be replaced when necessary without having to dismantle the whole structure. It is proposed that there would be a narrow mesh to the southern side to prevent stone drift onto the courts.
- 8.7 It is acknowledged that the MUGA would be visually prominent within the site context given the surrounding natural features. However it would not be readily visible from the area above the cliffs and, due to its low level structure and the winding nature of the cliff face, it would not be highly visible in long views further down the coast. Due to its positioning at the base of the cliff face it would not be viewed in context with any important seafront buildings.
- 8.8 Given the above and that the proposal would create a much needed free facility for local young people, it is considered that the positive effects of the development outweigh the visual prominence of the structure within the context of the site.

Impact on Amenity:

- 8.9 The MUGA is proposed on a section of the Undercliff Walk. The nearest residential properties are located above the site, to the north and west in Marine Drive some 90 metres away, so increased noise is unlikely to be an issue. No lighting is proposed so the MUGA would be mainly in use during daylight hours and there is no risk of light pollution.
- 8.10 There are 20 beach huts situated directly adjacent to the site, which are not residential properties constantly in use. Whilst it is acknowledged that a new recreational facility may lead to an increase in noise and disturbance to this area of the seafront, it is not considered to represent significant harm to the users of the beach huts. Indeed the facility would lead to more people enjoying the seafront amenity space.
- 8.11 There have been objections raised with regard to the potential for anti-social behaviour; however, again, the facility is expected to be used during daylight

hours when there would be members of the public present providing natural surveillance. Sussex Police have advised that the local Neighbourhood Policing Team has indicated its intention to incorporate routine patrols of an evening and at night of the area should the application be successful.

- 8.12 Given the above it is not considered that this development would have an adverse impact upon the amenity of the area. The Council's Environmental Health team have no objection to the scheme.

Sustainable Transport:

- 8.13 Policy TR14 of the local plan seeks the provision of cycle parking facilities for new development. It is considered that a facility of this type in this location would clearly create a number of cycle trips. It is recommended that 10 cycle parking spaces are provided. The stands should be able to endure the elements. The provision for spaces can be secured by condition.
- 8.14 Policy TR7 of the local plan states that only development that does not increase the danger to users of adjacent pavements, cycle routes and roads. The Council's Sustainable Transport team have advised that there is sufficient space for pedestrians and other users to traverse around the perimeter of the arena.

Ecology/Nature Conservation:

- 8.15 Policy NC2 confirms that planning permission should not be granted for a proposal within, or in the setting of, an existing or proposed site of national importance for nature conservation where it is likely to have an adverse impact, directly or indirectly, on the nature conservation features of the site.
- 8.16 The site is located within the Brighton to Newhaven Cliffs Site of Special Scientific Interest (SSSI). The SSSI includes the chalk cliff and the wave cut platform at the cliff base. The main interest of the SSSI is geological however some rare and uncommon plants grow on the cliff face and in the narrow strip of cliff-top chalk grassland. The cliffs support a locally important colony of breeding seabirds and a diverse community of beetles. The site is also adjacent to an area of coastal vegetated shingle, a globally rare habitat.
- 8.17 Given that the proposed development would be entirely within the existing footprint of the old swimming pool site, it is considered unlikely that there would be any negative impacts on the SSSI or the adjacent shingle habitat. In fact the MUGA has the potential to reduce current disturbance to the SSSI through the provision of fencing and containment of activities that could otherwise cause disturbance (currently it is common practice to kick a ball against the cliff face).
- 8.18 Natural England and the County Ecologist have no objections to the scheme, although it is suggested that opportunities to enhance the site include the provision of interpretation boards to raise awareness of the importance of the surrounding habitats for biodiversity and geodiversity. However, given the scale and nature of the proposal, although interpretation boards would be desirable, it is not considered an essential measure to the acceptability of the scheme.

Other issues

- 8.19 Objections have also been raised about the potential danger of falling shingle from the cliff. The concerns are acknowledged, however the MUGA would be set back at least 6 metres from the cliff face. The MUGA itself would not increase the level of falling shingle, indeed it may well reduce it if it limits balls being kicked at the cliff face. Additionally the area is already fairly intensively used by pedestrians and cyclists it is not considered that there would be any additional danger to the users of the MUGA.

9 CONCLUSION

- 9.1 The MUGA would provide a much needed and welcome recreational facility serving local residents. It would not significantly harm the character or appearance of the surrounding area and SSSI, and would not have a detrimental impact on strategic views along the seafront or on the setting of important seafront buildings. It would cause no significant impact on residential amenity.

10 EQUALITIES

- 10.1 None identified.

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

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 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 1:200	21497-12/E/002		16/04/2013
Site Location Plan 1:1250	21497-12/E/002	A	26/04/2013
Site Location Plan 1:500	21497-12/E/002	A	26/04/2013
Block Plan	21497-12/E/003		16/04/2013
Proposed Elevations	21497-12/E/001	B	09/05/2013
Proposed plan	21497/12/G A/001	B	09/05/2013

- 3) The development hereby permitted shall not be commenced until details of secure cycle parking facilities for the 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 first use 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.

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 MUGA would provide a much needed and welcome recreational facility serving local residents. It would not significantly harm the character or appearance of the surrounding area and SSSI, and would not have a detrimental impact on strategic views along the seafront or on the setting of important seafront buildings. It would cause no significant impact on residential amenity.

From: Mary Mears
Sent: 14 May 2013 11:55
To: Sonia Gillam
Subject: Planning Application Connor's Court.

Dear Sonia Gilliam.

Re: Planning Application BH2013/01224 Connor's Court.
Site of Rottingdean Swimming Pool under Cliff Walk

As a ward Councillor for Rottingdean Coastal ward, I am writing in support of the above planning application

Should the decision be to refuse under delegated powers, then I request this application goes to the planning committee for decision, and I reserve my right to speak.

Kind regards.

Mary.

Councillor Mary Mears
Conservative Member for Rottingdean Coastal Ward

