

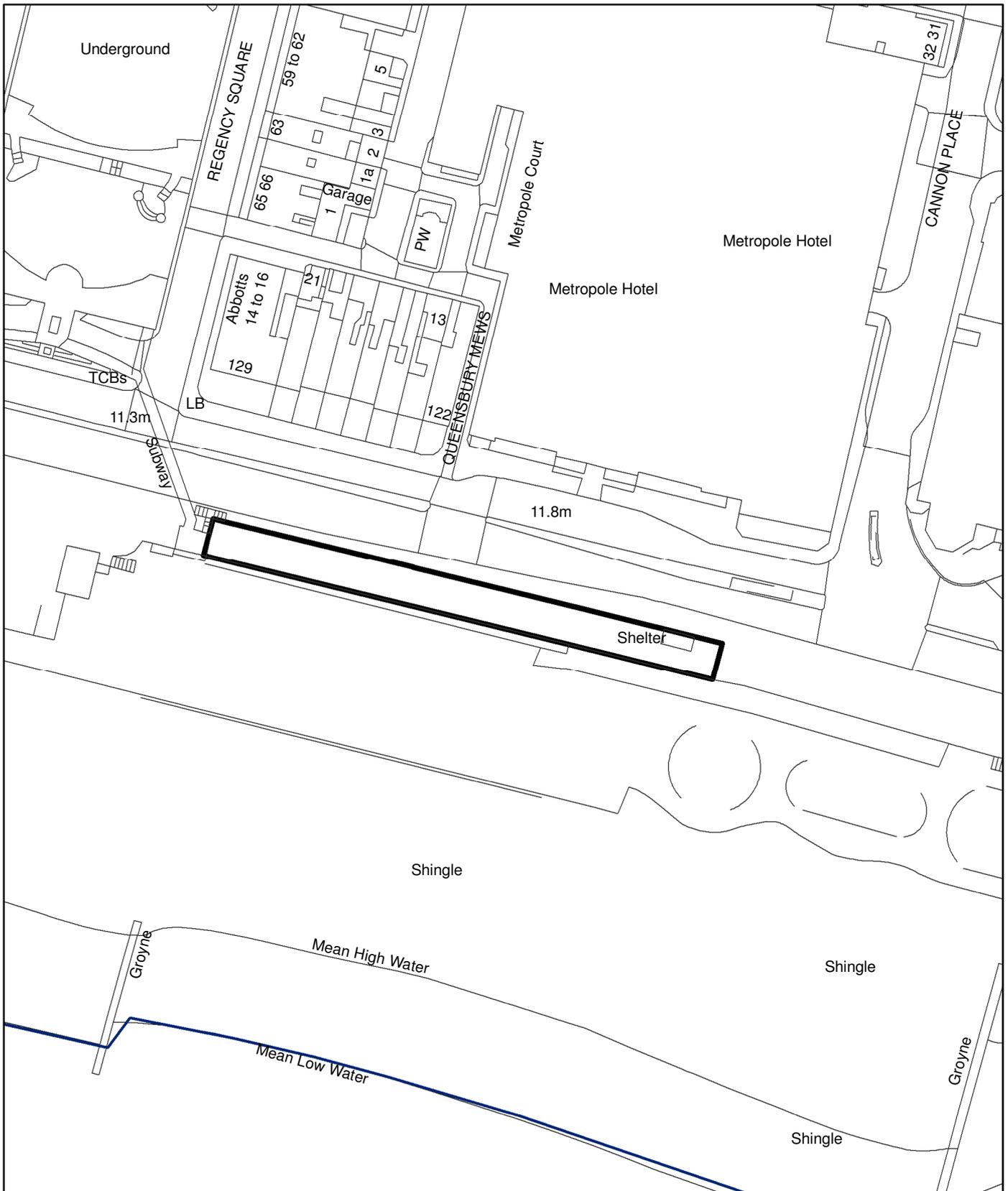
# **ITEM D**

**75-105 Kings Road Arches, Brighton**

**BH2014/02503**  
**Full planning**

**19 NOVEMBER 2014**

# BH2014/02503 75 - 105 Kings Road Arches, Brighton



PLANNING COMMITTEE LIST- 19 NOVEMBER 2014

<b><u>No:</u></b>	<b>BH2014/02503</b>	<b><u>Ward:</u></b>	<b>REGENCY</b>
<b><u>App Type:</u></b>	<b>Full Planning and Demolition in a Conservation Area</b>		
<b><u>Address:</u></b>	<b>75-105 Kings Road Arches Brighton</b>		
<b><u>Proposal:</u></b>	<b>Demolition of arches and erection of new arches with new brick façade with timber doors. Replacement railings to upper esplanade level. Change of use from storage to mixed uses comprising retail (A1), café (A3), storage (B8) and beach huts. (Part retrospective).</b>		
<b><u>Officer:</u></b>	<b>Kathryn Boggiano Tel 292138</b>	<b><u>Valid Date:</u></b>	<b>18 September 2014</b>
<b><u>Con Area:</u></b>	<b>Regency Square</b>	<b><u>Expiry Date:</u></b>	<b>13 November 2014</b>
<b><u>Listed Building Grade:</u></b>	<b>Railings are Grade II</b>		
<b><u>Agent:</u></b>	<b>Solar Architecture Ltd, 2 Hobs Acre, Upper Beeding, Steyning, West Sussex, BN44 3TZ</b>		
<b><u>Applicant:</u></b>	<b>Brighton &amp; Hove City Council, Mr Leon Bellis, Hove Town Hall, Norton Road, Hove, BN3 3BQ</b>		

**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 site is to the east of the i360 site within the Regency Square Conservation Area. To the west of the i360 development site, arches at 36 to 61 Kings Road have already been rebuilt and brought into retail use.
- 2.2 The arches within the application site are not listed however the railings at the Upper Esplanade Level above are Grade II listed. The arches front onto the Lower Esplanade Level, and they are accessed at this level. In recent years the arches had fallen into a state of disrepair and had been boarded up. The arches provide the structural support for part of the highway above (Kings Road southern pavement). However, they had become structurally unsound and urgent work needed to be carried out in order to replace the structure and to provide support for the highway above.
- 2.3 The southern pavement of the Kings Road highway has been shut in order to facilitate the demolition and rebuilding.
- 2.4 The substructure has now been built and part of the brick façade has been installed. The railings to the Upper Esplanade Level have been installed.

### 3 RELEVANT HISTORY

**BH2014/02505:** Listed Building Consent: Replacement railings to Upper Esplanade Level (part retrospective). Currently under consideration. To be determined by the Secretary of State.

#### 36-61 Kings Road Arches

**BH2013/01953:** Demolition of arches and erection of new arches with new brick façade with timber doors and windows. Replacement railings to upper esplanade level. Change of use from storage to 11no individual A1 units and public toilets. (Part retrospective). Approved 5 February 2014.

**BH2013/01952:** Replacement railings to upper esplanade level. (Part retrospective). The Council recommended that the Secretary of State grant the application. Approved 17 March 2014.

#### West Pier

**BH2006/02372:** Listed Building Consent for the demolition of part of the 'root end' of the Brighton West Pier and removal and demolition of the 'sea wreckage' and all associated structures. Works of alteration to arches 62-73 Kings Road, removal and relocation of two listed lamp standards and alteration and partial removal of listed seafront railings adjacent to site. To accompany full planning application BH2006/02369. Approved 24 October 2006.

**BH2006/02369:** Full planning application for the partial demolition of the existing pier structure and construction of an observation spire (approximately 183 metres in height above ordnance datum) and heritage centre (use class D2) with ancillary retail uses at lower promenade level and all works incidental to the development of the site including relocation of two lamp standards and works of alteration to arches 62-73 Kings Road. Approved 25 October 2006.

### 4 THE APPLICATION

4.1 Planning permission is sought for the demolition and rebuilding of the arches (33 in total) and replacement railings at the Upper Esplanade Level. Historically the arches were used as beach huts (Sui Generis) although this use ceased some time ago. It is proposed to change the use of some of the arches to office (B1 Use Class), storage (B8 Use Class), retail (A1 Use Class) or café use (A3 Use Class). The following uses are proposed:

- 19 x beach huts (Sui Generis):
- 1 x office unit (B1) (one arch):

Flexible uses for the following:

- 2 x retail (A1) or café (A3) units. Both units comprise of 3 arches:
- 2 x storage (B8) units (3 arches each) or 6 beach huts:
- 1 x storage (B8) unit (1 arch) or 1 beach hut.

4.2 A three metre landscaped strip would be provided to the front of the arches.

## 5 PUBLICITY & CONSULTATIONS

### External

5.1 **Neighbours:** 17 letters of representation have been received from 14 Agnes Street, 15 Brighton Place, Flat 1 11 Cromwell Road, 20 Crown Street, 62 Ewart Street, 106 – 107, 112, 121 – 122 Kings Road Arches, 36 Luther Street, 3 Norfolk Square, Flat 7 31, 41, 42, Flat 1/2 65/66 Regency Square, 8c, 9a Sussex Heights, 1 Queensbury Mews objecting to the application for the following reasons:

- Proposed commercial uses are un-suitable for the seafront
- Proposed commercial units would increase servicing traffic along the seafront
- There should be no further cafes or catering units along the seafront. The existing cafes are struggling financially and the competition created by this development would make this worse. A café is also included within the i360 scheme.
- Cafés tend to be closed for 8 months of the year, beach huts and storage are acceptable uses for these arches but retail and café uses are not.
- The newly created 'Creative Quarter' to the west of the i360 was originally designated for artists and galleries, has already turned into just retail units. These retail uses are struggling and there is not a need for further retail uses as part of this development.
- The development is not in keeping with the conservation area or regency style and is primarily about generating income from middle class Brightonians rather than conserving a historic site.
- All of the arches should be re-instated as beach huts. The seafront needs to provide places for local residents and tourists to relax and sit rather than for commercial units.
- Applications for change of use should not be made retrospectively. Local residents and businesses should have been consulted before the planning application was made.

5.2 **CAG:** The Group welcome the application as the proposed arches are so closely based on the existing and recommend approval of the scheme. The group regret that the application is retrospective.

5.3 **English Heritage:** The arches are a series of distinctive red brick vaults, built as part of a series of civic and recreational improvements to the seafront in the Victorian period which also included the erection of the grade II listed decorative cast iron railings along the Upper Esplanade.

5.4 The arches were in a poor structural condition due to lack of maintenance and use and the hostile seafront environment. As a result of this they are causing the road above to be unsafe seen in the recent collapse of part of the Upper Esplanade.

5.5 English Heritage is wholly supportive of the restoration and active use of the arches but has concerns regarding the cumulative impact of replacement of sections of the listed railings. In this case, as with the previous applications (BH2013/01952 and BH2013/01953), English Heritage are willing to accept that

the replacement relates to only a relatively small amount out of the total length of railings on the seafront and that the harm is outweighed by the public benefits of securing the reconstruction of the arches and creating an active and lively seafront, in line with the NPPF, paragraph 134. However, English Heritage would not wish to see large scale replacement of the original Victorian railings elsewhere along the seafront with a facsimile as this would erode their historic significance and authenticity. Wherever possible, these should be repaired rather than replaced. In terms of the details of this application, note that where small sections of new railings have been replaced in the past that there is an uncomfortable visual relationship between the new and existing due to the differences in height, which interrupts the consistency of the railings along the seafront. We would urge your authority to ensure that the visual impact of these untidy junctions might be minimised, perhaps by running a complete length of replaced rails into the square piers, from where a subsequent run of original railings at a lower level would not appear incoherent. We also recommend that appropriate conditions are imposed to record the railings to be replaced.

- 5.6 **Sussex Police:** No objection. Suggest locks conform to BS3621 and consideration should be given to the fitting of a monitored intruder alarm.

**Internal:**

- 5.7 **Environmental Health:** No objection. It is recognised that the scope for full ventilation systems are limited in this location. However, recommend conditions for the café/restaurant uses (A3) to require details of odour control equipment and soundproofing of such equipment.
- 5.8 **Heritage Team:** Support. This site is in the Regency Square Conservation Area, comprises the voids below a portion of the Upper Esplanade on Brighton Seafront, and is an important element of the busy lower prom leading on to the beach. The carefully detailed moulded brickwork is consistent along the full length of the arches and is an important element of historic fabric and visual interest.
- 5.9 Prior to the works the structures were in a poor condition and the arched openings were boarded up resulting in a significant loss of character and reduced contribution to the public realm. The repair of the historic structures and restoration of the decorative brickwork is most welcome. The choice of bricks is good and the care in getting the special profiles correct has meant that the result will be most successful. The design of the inserted frontages works well and the outcome is an impressive array of units that will make a positive contribution to the historic seafront.
- 5.10 The replacement of the original railings is regrettable, however the existing fabric is severely deteriorated and whilst re-use of the historic ironwork would be preferred it is accepted that this is not possible. The approach taken in this proposal is in line with the previous schemes along the seafront whereby the safety of the feature is improved by sensitive re-design to increase the overall height. For these reasons there is no objection to this part of the proposal.
- 5.11 **Sustainable Transport:** No objection.

Trip Generation & Section 106 Requirements

The proposals are for 25 beach huts, retail and storage units; with a total floor space of below 500 sqm. The proposals are not forecast to significantly increase trips to a level that would warrant a refusal of planning permission. Also given the location and nature of the development the majority of trips are forecast to be by sustainable modes. Due to this and the fact the scale of the development is below the Temporary Recession Measures threshold the Highway Authority would not recommend securing a S106 contribution in this instance.

5.12 Pedestrian Access

The pedestrian access to the units is retained.

5.13 Car Parking

The applicant is not proposing any on-site car parking and due to site constraints it is not possible to provide any on-site car parking. Given the central sustainable location of the development the proposed level of car parking is deemed acceptable and in accordance with SPG04.

5.14 Cycle Parking

Ideally the applicant should have provided cycle parking in line with the minimum cycle parking standards in SPG04. 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.

5.15 The applicant does not intend to provide cycle parking. Due to site constraints it is not possible for the applicant to provide policy compliant cycle parking. As the development is below the Temporary Recession Measures the Highway Authority cannot ask for a contribution for on-street cycle parking provision. Therefore it is acknowledged that unfortunately in this instance cycle parking provision cannot be secured as part of this development.

**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) is a material consideration.

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- 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
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU13	Minimisation and re-use of construction industry waste
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD14	Extensions and alterations
QD27	Protection of Amenity
SR1	New retail development within or on the edge of existing defined shopping centres
SR2	New retail development beyond the edge of existing established shopping centres.
HE1	Listed Buildings
HE3	Development affecting the setting of a Listed Building
HE6	Development within or affecting the setting of conservation areas

##### Supplementary Planning Guidance:

SPGBH4	Parking Standards
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##### Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
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##### Brighton & Hove City Plan Part One (submission document)

SS1	Presumption in Favour of Sustainable Development
CP4	Retail Provision
SA1	The Seafront

### **8 CONSIDERATIONS & ASSESSMENT**

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- 8.1 The main considerations in the determination of this application relate to the principle of the uses, the impact on the character and appearance of the conservation area, the impact on the listed buildings and their setting and transport and sustainability impacts.

### **Principle of the Use:**

- 8.2 Historically the arches were used as beach huts, although this ceased some time ago. It is proposed to continue the beach hut use (Sui Generis) for the majority of the units. It is proposed to change the use of some of the arches to office (B1 Use Class), storage (B8 Use Class), retail (A1 Use Class) or café use (A3 Use Class). The following uses are proposed:
- 19 x beach huts (Sui Generis):
  - 1 x office unit (B1) (one arch):
- Flexible uses for the following:
- 2 x retail (A1) or café (A3) units. Both units comprise of 3 arches:
  - 2 x storage (B8) units (3 arches each) or 6 beach huts:
  - 1 x storage (B8) unit (1 arch) or 1 beach hut.
- 8.3 The retail/café (A1/A3) and storage (B8) units which comprise three arches each would measure approximately 45 sqm each. The individual arches measure approximately 14 square metres. Therefore the maximum possible commercial A1/A3 area would equate to 90 sqm, office (B1) would equate to 14 sqm and storage would equate to 104 sqm. The total floor area of all the arches combined is approximately 470 sqm.
- 8.4 Flexible uses are proposed which would allow certain units to be either storage or beach huts for the first 10 years and also to allow two of the units to either be retail or café use within the first 10 years.
- 8.5 The NPPF requires local planning authorities to apply a sequential test to planning applications for main town centre uses (in this case retail) that are not in an existing centre and are not in accordance with an up to date local plan. Main town centre uses should be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. The NPPF requires a retail impact assessment to be submitted for development over 2,500 sqm.
- 8.6 Policy CP4 of the Submission City Plan states that applications for all new edge and out of centre retail development will be required to address the tests set out in national policy. Applications will be required to complete an impact assessment at a locally set threshold of 1,000 sqm (gross) floorspace or more.
- 8.7 If both of the flexible A1/A3 units were to be brought into A1 use the total floor area would be 90 square metres. This is significantly below the local threshold of 1,000 square metres and the national threshold of 2,500 square metres for when a retail impact assessment should be carried out.

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- 8.8 Policy SR2 of the Brighton & Hove Local Plan states that applications for new retail development on sites away from the edge of existing defined shopping centres will only be permitted where:
- a) they meet the requirements of Policy SR1 (with the exception of clause (b)); and where:
  - b) the site has been identified in the local plan for retail development and a more suitable site cannot be found firstly, within an existing defined shopping centre; or secondly, on the edge of an existing defined shopping centre; or
  - c) the development is intended to provide an outlying neighbourhood or a new housing development with a local retail outlet for which a new need can be identified.
- 8.9 Policy SR1 of the Local Plan states that new retail development within the built up area and within or on the edge of an existing defined shopping centre will be permitted where the proposal:
- a) itself, or cumulatively with other or proposed retail developments, will not cause detriment to the vitality and viability of existing established shopping centres and parades in Brighton & Hove;
  - b) is well located with convenient, attractive and safe pedestrian linkages to existing shopping frontages;
  - c) is genuinely accessible by a choice of means of transport that enables convenient access for a maximum number of customers and staff by means other than the car;
  - d) will not result in highway danger, unacceptable traffic congestion or environmental disturbance;
  - e) provides adequate attendant space and facilities for servicing and deliveries;
  - f) provides facilities for parent and child, the elderly and people with disabilities; and
  - g) provides facilities for the recycling of waste packaging generated by the proposal and complies with relevant policies in the Waste Local Plan.
- 8.10 Established shopping centres are defined within the Local Plan. The seafront area is not an established shopping centre. The nearest established shopping centre to the application site is the Regional Shopping Centre at Churchill Square and Western Road.
- 8.11 Given the small nature of the proposed retail units (90 square metres), it is not considered that the proposal would cause harm to the vitality and viability of the Regional Shopping Centre. It is considered that the proposal complies with policy SR1 of the Local Plan.
- 8.12 With regard to policy SR2, the application site has not been identified within the Local Plan for retail development, and the development is not intended to provide for an outlying development or new housing development. Therefore the proposal cannot comply with criteria b and c of policy SR2. The aim of the policy is to control large out of centre retail developments, however the policy

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does not specify a floor area threshold for new development which should be subject to a sequential test or retail impact assessment. The proposal is for a small amount of retail floorspace (up to 90 square metres) which falls well below the thresholds identified in the City Plan and the NPPF. Given this and as the introduction of some commercial units could provide interest for people passing along the seafront as well as generating more footfall to this area of the seafront, it is considered that the principle of two A1 units is acceptable and would not harm the vitality and viability of any designated shopping centres.

- 8.13 A number of objections have been received which are related to the impact of the commercial units on other existing retail (A1) and cafe (A3) uses along the seafront. As the seafront is not a designated shopping centre, there is no policy requirement to consider the impact on the vitality and viability of other retail seafront uses. In addition, competition between cafes/restaurants is not a material planning consideration.
- 8.14 Some storage units are proposed which may be utilised by the i360 development, the West Pier Trust and the Council's Transport Team. However, these may not be needed permanently and therefore a flexible use has been applied for these units which enable them to be converted into beach huts within the first 10 years if the storage use ceases. One arch is proposed as an office unit which would be utilised by the West Pier Trust. 19 units would operate purely as beach huts/chalets, and this use is considered appropriate for the seafront.
- 8.15 It is considered that the proposed uses are acceptable and would help regenerate and enliven this part of the seafront. The uses are consistent with the aims of policy SA1 of the Submission City Plan which requires that proposals for the seafront support the year round sport, leisure and cultural role of the seafront for residents and visitors. As a number of flexible uses are proposed, it is recommended that conditions are imposed to restrict the following:
- Number of the total of retail A1 units and café units A3 shall not be more than 2 units (3 arches per unit):
  - Number of storage units (B8) shall not be more than 3 units (2 x 3 arches per unit and 1 x 1 arch per unit):
  - Number of B1 units to no more than 1 unit (1 arch per unit).

### **Design, Impact on the Regency Square Conservation Area and the Grade II Listed railings and their setting:**

- 8.16 Policy HE6 requires development to enhance the character and appearance of conservation areas. Policy HE1 will not permit development which would have an adverse effect of the architectural and historic character or appearance of listed buildings. Policy HE3 will not permit development which would have an adverse impact on the setting of a listed building. Policy SA1 of the Submission City Plan requires development to enhance the public realm and the setting of the seafront as well as to promote high quality architecture which complements the natural heritage of the seafront.

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- 8.17 The arches were in a poor state of repair and have been boarded up for a number of years. There was a significant amount of water damage and the arches themselves were no longer structurally sound and able to support the highway structure above. Urgent works needed to be carried out by the Highway Authority. Therefore the arch structures have been demolished and are in the process of being rebuilt.
- 8.18 The original arches were one of the last sets to be built on this part of the seafront and are considered to be a lower design quality than the earlier arches. Large areas of concrete were present above the arch profile and not all arches within this block had the same façade. There is also significantly less detailing around the arch itself and the arch profile column did not project all the way to the ground. Some of the arches were a slightly different size (width and depth).
- 8.19 The arches would be rebuilt so that the shape and size of the arch profile of the majority of the arches is replicated. However the doors would be wider (in order to meet Building Regulations) and the arch profile columns would extend to the ground. A stone circular capital has been incorporated into each column and above the arch profile is proposed instead of concrete. The brick was selected in consultation with the Council's Heritage Team and is a Wienerberger imperial 'Smooth Crimson' brick, which is being constructed with lime mortar joints. A uniform size in terms of arch profile, width and depth of the arches, would be maintained for the whole of the site which results in the arches extending slightly further to the east than existing. The brick façade adjacent to the ramped access to the Upper Esplanade Level would also be rebuilt in the same brick.
- 8.20 Bespoke painted white timber doors are proposed to the units. The beach hut/chalets and storage units would have solid timber doors but the retail/café units would have glazing present to the top half of the doors. Individual shutters (painted mdf) are proposed for each section of a door which is glazed. These are similar to the bespoke shutters installed to the arches to the east (BH2013/01952 and BH2013/01953). The shutters would be locked in place when the units are shut. Circular features have been incorporated into the design of each door which replicate the shape of the circular stone capital feature present to the top of each column.
- 8.21 Guttering would be present which is aluminium and would be powdercoated black. One downpipe would be needed per two arches, however these would be placed symmetrically so that there would be a gap of four arches between each set of two downpipes. The downpipes would run either side of a column to the side of the stone capital. The downpipes would not conceal the stone capital features. Whilst the guttering would add clutter to the façade it is essential in order to prevent water damage. A key problem of the previous façade was water damage as a result of water flowing down the façade from the Upper Esplanade Level. It is considered that the proposed material and colour of the guttering is acceptable.
- 8.22 The previous arches were in a poor state of repair had been boarded up for many years. The shape of the arch profile has been replicated but changes

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have been made to the width of the doors and the design of the columns. The façade would be rebuilt entirely in brick which is considered to be an improvement over the part brick part concrete original façade. The stone circular capitals at the top of the columns and the new timber doors are considered to add complementary design features without over-complicating the overall appearance. The proposed design and materials are of high quality and the proposal is considered to enhance the character and appearance of the conservation area and the wider seafront.

- 8.23 The principle of the impact of the replacement railings on the historic character and appearance of this stretch of listed railings needs to be fully considered as part of this application and listed building application BH2014/02505. When the previous listed building consent for the replacement railings to the west of the site (BH2013/01952) was assessed, it was considered that the design of the replacement railings was an effective compromise between the requirements of the Building Regulations and the need to retain the historic fabric and design of the original railings. The railings proposed as part of this current application also reflect this design approach.
- 8.24 A cast of the existing railings was made in order to ensure that the proposed railings are the exact replica of the original. However, there is one key difference and that is with regard to the height of the railings. In order to meet current Building Regulations the railings need to be raised by 15 centimetres. It is also necessary for safety reasons to prevent a large gap below the railings. Therefore the design approach is to lengthen the post below the curved stanchions at either side of each main section of railings by 15 centimetres. The centre pole below the mould of the dolphins would remain as existing and would not reach as far down as the pavement. Instead pre-cast concrete blocks with a height of 15 centimetres are proposed below each section which terminate before the post at either side of each main section. The top section of the concrete kerbs are curved in slightly at the ends and the sides. At the Upper Esplanade Level the pavement surface has yet to be finished. When the surfacing has been completed there will be less height of the concrete kerbs visible. The southern side of the concrete kerbs will be obscured partly by stone coping and guttering infrastructure which would reduce their prominence. The materials of the replacement railings is cast iron (as original).
- 8.25 Each beach hut would have access to a three metre section to the front. Landscaping details have not been submitted so it is proposed to secure these details, plus a sample of the paving material, by condition.

### **Impact on Amenity:**

- 8.26 The arches front the Lower Esplanade Level and the nearest residential properties are some distance away on the other side of Kings Road and Regency Square and are in an elevated position. The proposal is not considered to cause any adverse impacts on neighbouring amenity.
- 8.27 Conditions are proposed to require details of the extractor systems to be installed as part of any future café A3 use. These would have to exit from the front façade so would need to be handled sensitively as to not harm the

appearance and uniformity of the façade. It is considered that vents would be more appropriate than extractor flues. A condition requiring further details to be agreed is proposed.

**Transport:**

- 8.28 It is not considered that the proposal would warrant a financial contribution towards sustainable transport as the floor area falls below the threshold within the Council's adopted Recession Measures.
- 8.29 There is no cycle parking proposed. There would be substantial cycle parking provided at the Upper Esplanade Level once the i360 is complete which could also be utilised by this development. If the Council's Transport Team consider that more cycle parking is needed in the future, then the Council could install some additional cycle parking at the Upper Esplanade Level. This would form part of the wider Council strategy for developing on street cycle parking.
- 8.30 The Seafront Team control hours of servicing along the Lower Esplanade Level and these hours would apply to this development. The access from Kings Road is to the north of the Peace Statue.
- 8.31 Therefore it is considered that the proposal would have an acceptable impact with regard to transport.

**9 CONCLUSION**

- 9.1 Beach huts, storage, office, retail and café uses are proposed. The site is not within a designated shopping centre. The proposal is for a small amount of retail/cafe floorspace (up to 90 square metres) which falls well below the thresholds identified in the City Plan and the NPPF for when a Retail Impact Assessment should be carried out. The introduction of some commercial units would provide interest for people passing along the seafront as well as generating more footfall to this area of the seafront. Therefore, it is considered that the provision of two retail/cafe units is acceptable and would not harm the vitality and viability of any designated shopping centres. Flexible uses are proposed which will enable the units used as storage to change to beach huts/chalets within the first 10 years and which enables the commercial units to be used as either retail or café use.
- 9.2 The proposed design and materials are of high quality. The proposal would result in significant public and heritage benefits as it would regenerate and restore this area of the seafront and would enhance the character and appearance of the conservation area and the wider seafront. The replacement railings are acceptable and provide an effective compromise between the requirements of the Building Regulations and the need to preserve the historic character and appearance of the railings. The transport impacts are considered to be acceptable. Therefore approval is recommended.

**10 EQUALITIES**

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- 10.1 Level access would be provided to the units and the width of the doors would confirm to Building Regulations. However, steps would be present to the south of the landscaped three metre strip.

**11 PLANNING CONDITIONS / INFORMATIVES**

11.1 Regulatory 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
Site & Location Plans	21304/P/01/A	A	18 September 2014
Plans and Elevations as Existing 1 of 3	21304/P/03		18 September 2014
Plans and Elevations as Existing 2 of 3	21304/P/04		18 September 2014
Plans and Elevations as Existing 3 of 3	21304/P/05		18 September 2014
Elevations as Proposed 1 of 7	21304/P/11/B	B	31 October 2014
Elevations as Proposed 2 of 7	21304/P/12/B	B	31 October 2014
Elevations as Proposed 3 of 7	21304/P/13/B	B	31 October 2014
Elevations as Proposed 4 of 7	21304/P/14/B	B	31 October 2014
Elevations as Proposed 5 of 7	21304/P/15/B	B	31 October 2014
Elevations as Proposed 6 of 7	21304/P/16/A	A	16 September 2014
Elevations as Proposed 7 of 7	21304/P/17/A	A	16 September 2014
Typical Elevation Details	21304/P/22		16 October 2014
Brickwork Setting Out Details	21304/P/21		16 October 2014

- 2) The arch window and door frames and shutters hereby approved shall be painted cream and 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.

- 3) The external façade shall be constructed in a Wienerberger imperial 'Smooth Crimson' brick with lime mortar joints.

**Reason:** To ensure a satisfactory appearance to the development and to comply with policies QD1, QD2 and HE6 of the Brighton & Hove Local Plan.

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- 4) The number of the total units which comprise either retail or café uses (Use Class A1 or A3) shall not exceed 2 units (where each unit consists of 3 arches); the number of the total units which comprise storage (Use Class B8) shall not exceed 3 units (where 2 x units comprise 3 arches and 1 x unit comprises 1 arch); and the total number of office (Use Class B1a) shall not exceed 1 unit (1 arch per unit).  
**Reason:** In order to provide an appropriate mix of uses within the development and to comply with policies SR1 and SR2 of the Brighton & Hove Local Plan and policy SA1 of the Submission City Plan.
- 5) Prior to any individual unit being first brought into A3 use, a scheme for the fitting of odour control equipment to that individual unit along with a scheme for the sound insulation of such equipment shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of any individual unit for A3 use and shall thereafter be retained as such.  
**Reason:** To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 6) Notwithstanding the submitted plans, within two months of the date of this permission, details of a two metre wide section of the replacement brick façade immediately to the west of the arch number 75 Kings Road Arches and immediately to the east of arch number 105 Kings Road Arches shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details prior to the development being first occupied.  
**Reason:** In order to ensure a satisfactory appearance to the brick façade to either side of the arches and to comply with policies QD1, QD2 and HE6 of the Brighton & Hove Local Plan.
- 7) Prior to the arches being first brought into use, a scheme for the landscaping details for the area to the south of the front of the arches at the Lower Esplanade Level which shall include details of the 3 metre strip to the south of arches and the steps to the south, east and west of the 3 metre strip shall be submitted to and approved in writing by the Local Planning Authority. Samples of the paving material shall also be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented fully in accordance with the approved details prior to any arch being first brought into use and shall be retained as such thereafter.  
**Reason:** To ensure a satisfactory appearance to the landscaping and to comply with policies QD1, QD2 and HE6 of the Brighton & Hove Local Plan.

### 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.

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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 uses are considered to be appropriate for the seafront and would not harm the vitality and viability of any established shopping centres. The proposed design and materials are of high quality and the proposal would result in significant public and heritage benefits as it would regenerate and restore this area of the seafront and would enhance the character and appearance of the conservation area and the wider seafront. The transport impacts are considered to be acceptable.