

<b><u>No:</u></b>	<b>BH2022/02830</b>	<b><u>Ward:</u></b>	<b>Westbourne Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Hove Western Lawns And Hove Lagoon Kingsway Hove BN3 4FA</b>		
<b><u>Proposal:</u></b>	<b>Redevelopment of Hove Western Lawns as a Linear Park, incorporating refurbishment of existing and new public leisure and recreation amenities including (east to west): Temporary Events Space; Garden; Bowls; Demolition of existing buildings and Erection of Two-storey Outdoor Sports Hub building (including Bowls Club (Class Use F2), Public Cafe (E) and Public WCs); Garden; Croquet; Sand Sports (F2); Sunken Garden; Padel Tennis (F2); Tennis including new Single-storey Tennis and Padel Tennis Pavilion (E); Garden; Wheeled Sports including Skate Park, Pump Track and Roller Area (F2); relocation of Hove Lagoon Amusements and Public WC improvements at the Big Beach Cafe. New and replacement Hard and Soft Landscaping and Planting, including continuous new accessible and connected route throughout linking all spaces, and associated Public Realm improvements.</b>		
<b><u>Officer:</u></b>	<b>Wayne Nee, tel: 292132</b>	<b><u>Valid Date:</u></b>	<b>07.09.2022</b>
<b><u>Con Area:</u></b>	<b>Pembroke &amp; Princes &amp; Sackville Gardens</b>	<b><u>Expiry Date:</u></b>	<b>07.12.2022</b>
<b><u>Listed Building Grade:</u></b>	<b>N/A</b>	<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	<b>Brighton &amp; Hove City Council Culture, Tourism And Sport Hove Town Hall Norton Road Hove BN3 3BQ</b>		
<b><u>Applicant:</u></b>	<b>Brighton &amp; Hove City Council Culture, Tourism And Sport Hove Town Hall Norton Road Hove BN3 3BQ</b>		

## 1. RECOMMENDATION

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:

- 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.

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Proposed Drawing	001		7 September 2022
Proposed Drawing	002		7 September 2022
Proposed Drawing	003		7 September 2022
Proposed Drawing	005		7 September 2022
Proposed Drawing	006		7 September 2022
Proposed Drawing	007		7 September 2022
Proposed Drawing	030		7 September 2022

Proposed Drawing	035	B	21 November 2022
Proposed Drawing	036		7 September 2022
Proposed Drawing	040	B	21 November 2022
Proposed Drawing	041		7 September 2022
Proposed Drawing	042		7 September 2022
Proposed Drawing	050		7 September 2022
Proposed Drawing	051		7 September 2022
Proposed Drawing	061		7 September 2022
Proposed Drawing	062		7 September 2022
Proposed Drawing	063		7 September 2022
Proposed Drawing	064		7 September 2022
Proposed Drawing	065		7 September 2022
Proposed Drawing	071		7 September 2022
Proposed Drawing	073		7 September 2022
Proposed Drawing	074		7 September 2022
Proposed Drawing	076		7 September 2022
Proposed Drawing	078		7 September 2022
Proposed Drawing	KTTS01_1		7 September 2022
Proposed Drawing	KTTS02_1		7 September 2022
Proposed Drawing	KTTS03_1		7 September 2022
Proposed Drawing	KTTS04_1		7 September 2022
Location Plan	2102-PL-E-000		7 September 2022
Proposed Drawing	2102-PL-P-010		15 November 2022
Proposed Drawing	2102-PL-P-011		15 November 2022
Proposed Drawing	2102-PL-P-012		15 November 2022
Proposed Drawing	2102-PL-P-013		15 November 2022
Proposed Drawing	2102-PL-P-014		15 November 2022
Proposed Drawing	2102-PL-P-015		15 November 2022
Proposed Drawing	2102-PL-P-120		7 September 2022
Proposed Drawing	2102-PL-P-121		7 September 2022
Proposed Drawing	2102-PL-P-122		7 September 2022

2. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission  
**Reason:** To ensure that the Local Planning Authority retains the right to review unimplemented permissions
  
3. Other than the proposed enabling works, no development shall commence until a method statement for the protection of reptiles has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:
  - a) purpose and objectives for the proposed works;
  - b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
  - c) extent and location of proposed works shown on appropriate scale maps and plans;

- d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- e) persons responsible for implementing the works;
- f) initial aftercare and long-term maintenance (where relevant);
- g) disposal of any wastes arising from the works.

The works shall be carried out in accordance with the approved details and shall be retained in that manner thereafter.

**Reason:** To protect habitats and species identified in the ecological surveys from adverse impacts during construction and to avoid an offence under the Wildlife and Countryside Act 1981, as amended.

4. (a) Other than the enabling works (but not including the levelling of the ground), no development shall commence until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority.
- (b) Each of the following phases of the development:
  - i. Phase A (Wheeled Sports and West Garden)
  - ii. Phase B (Tennis and Padel Tennis)
  - iii. Phase C1 (Sunken Garden)
  - iv. Phase C2 (Sand Sports and Croquet/Bowls Club Demolition and Garden Area)
  - v. Phase D (Outdoor Sports Hub and Bowls Area)
  - vi. Phase E (Events)
  - vii. Phase F (Lagoon)

shall not be brought into use until the archaeological site investigation and post - investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) for that phase has been completed and approved in writing by the Local Planning Authority. The archaeological site investigation and post - investigation assessment will be undertaken in accordance with the programme set out in the written scheme of investigation approved under condition

**Reason:** To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with policies DM31 of Brighton & Hove City Plan Part 2, and CP15 of the Brighton & Hove City Plan Part One.

5. No development shall commence until a Site Waste Management Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details approved.

**Reason:** To maximise the sustainable management of waste and to minimise the need for landfill capacity and to comply with policy WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan.

6. Other than the proposed enabling works, no development shall commence until a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods has been

submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of final designs for all permeable surfaces, gullies, infiltration trenches including confirmed arrangements and construction drawings (permeable pavings and soakaways). The scheme shall also include a complete assessment of water contamination risk and mitigation potential of proposed SuDS measures, with reference to the CIRIA SuDS Manual. The approved drainage system shall be implemented in accordance with the approved details.

**Reason:** To ensure that the principles of sustainable drainage are incorporated into this proposal and to comply with Policy DM43 of City Plan Part 2 and CP11 of the Brighton & Hove City Plan Part One.

7. Other than the proposed enabling works, no development shall commence until a scheme for the protection of the retained vegetation and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be implemented in strict accordance with the approved details.

Reason: As this matter is fundamental to protecting of vegetation which is to be retained on the site during construction works in the interest of the visual amenities of the area and to comply with policies DM22 of Brighton & Hove City Plan Part 2, and CP12/CP13 of the Brighton & Hove City Plan Part One and SPD06:Trees and Development Sites.

8. Other than the proposed enabling works, no development shall commence until an Employment and Training Strategy has been submitted to and approved in writing by the Local Planning Authority. The Strategy shall

- set out how the Owner or its subcontractors will work with the Council and its partners to encourage employment of local construction workers during the demolition and construction of the Proposed Development with a target that at least 20% of the temporary and permanent job opportunities created by the construction of the Proposed Development shall be taken by the Brighton & Hove workforce
- include a list of skills and the number of different construction workers estimated as being required during the different development phases; and
- require the Owner or its subcontractors to provide monthly figures on the number of employees from the Brighton & Hove workforce to the Local Employment Scheme Co-ordinator to enable the Council to monitor the impact of the construction of the Proposed Development on the local labour market.
- promote education and training opportunities in construction of the Proposed Development in conjunction with the Council's Local Employment Scheme Co-ordinator and local schools further education colleges and universities (via open days presentations and other engagement activities)

The development thereafter shall be implemented in strict accordance with the approved details.

**Reason:** To ensure use of the local labour market is used to promote sustainable development and to comply with Policy CP2 of the Brighton & Hove City Plan Part One.

9. Prior to demolition of the existing Bowls Clubhouse, full details of remedial works and enhancements for the north elevation of the beach chalet block shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and maintained as such thereafter.

**Reason:** To ensure a satisfactory appearance to the development and to comply with policies DM26 and DM28 of City Plan Part 2 and CP15 of the Brighton & Hove City Plan Part One.

10. No development above ground floor slab level to the Outdoor Sports Hub hereby permitted shall commence until full design details of the exterior of the building, including 1:20 scale elevations of doors and windows, and samples of all materials to be used in the construction of the external surfaces of the development, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and maintained as such thereafter.

**Reason:** To ensure a satisfactory appearance to the development and to comply with policies DM26 and DM28 of City Plan Part 2 and CP15 of the Brighton & Hove City Plan Part One.

11. Prior to any works to the south boundary decorative wall, full details of repair/enhancement work to the wall shall be submitted to and approved in writing by the Local Planning Authority. The submission shall include details of removal of metal barriers, details of any proposed seating/public art/storage uses, and full details of any light fittings associated with feature light illumination including their positions, fixings, appearance and finishes. The Development shall be carried out in accordance with the approved details and maintained as such thereafter.

**Reason:** To ensure a satisfactory appearance to the development and to comply with policies DM26 and DM28 of City Plan Part 2 and CP15 of the Brighton & Hove City Plan Part One.

12. No development above ground floor slab level to the Tennis Pavilion hereby permitted shall commence until full design details of the exterior of the building, including 1:20 scale elevations of doors and windows, and samples of all materials to be used in the construction of the external surfaces of the development, have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and maintained as such thereafter.

**Reason:** To ensure a satisfactory appearance to the development and to comply with policies DM26 and DM28 of City Plan Part 2 and CP15 of the Brighton & Hove City Plan Part One.

13. No development above ground floor slab level of any new building hereby permitted shall take place until a drainage strategy detailing the proposed means of foul water disposal and an implementation timetable, has been submitted to and approved in writing by, the Local Planning Authority in consultation with the sewerage undertaker. The development shall be carried out in accordance with the approved scheme and timetable.  
**Reason:** To ensure adequate foul sewage drainage/treatment is available prior to development commencing and to comply with policy DM42 of Brighton & Hove City Plan Part 2.
14. Prior to each of the following elements of the development hereby permitted are brought into use:  
 (a) Wheeled Sports Plaza  
 (b) Padel Tennis Courts  
 (c) Outdoor Sports Hub building  
 (d) Events Green  
 a management plan for each, setting out noise management and safety measures shall be submitted to and approved by the Local Planning Authority. The development shall be operated in accordance with the approved management plans and thereafter maintained.  
**Reason:** To safeguard the amenities of the locality and to comply with policy CP15 of the City Plan Part One and DM20 and DM40 of Brighton & Hove City Plan Part Two.'
15. The Outdoor Sports Hub shall not be brought into use until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out and provided in full in accordance with the approved details prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.  
**Reason:** To ensure the provision of satisfactory facilities for the storage of refuse and to comply with Policies DM18 and DM21 of Brighton & Hove City Plan Part 2, policy CP8 of the Brighton & Hove City Plan Part One and Policy WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.
16. Each of the following phases of the development:  
 i. Phase A (Wheeled Sports and West Garden)  
 ii. Phase B (Tennis and Padel Tennis)  
 iii. Phase C1 (Sunken Garden)  
 iv. Phase C2 (Sand Sports and Croquet/Bowls Club Demolition and Garden Area)  
 v. Phase D (Outdoor Sports Hub and Bowls Area)  
 vi. Phase E (Events)  
 vii. Phase F (Lagoon)  
 shall not be brought into use until

- a) details of all external lighting (including any sports floodlighting), which shall include details of their positions, fixings, appearance, finishes, levels of luminance, hours of use, predictions of both horizontal illuminance across the site and vertical illuminance affecting immediately adjacent receptors, hours of operation and details of maintenance have been submitted to and approved in writing for each phase by the Local Planning Authority.
- b) the predicted illuminance levels have been tested by a competent person to ensure that the illuminance levels agreed in part i) are achieved. Where these levels have not been met, a report shall demonstrate what measures have been taken to reduce the levels to those agreed in part i).

The external lighting shall be installed, operated and maintained in accordance with the approved details and thereafter retained.

**Reason:** To safeguard the amenities of the occupiers of adjoining properties and to comply with policies DM20, DM26, DM28 and DM40 of Brighton & Hove City Plan Part 2.

17. Each of the following phases of the development:
- i. Phase A (Wheeled Sports and West Garden)
  - ii. Phase B (Tennis and Padel Tennis)
  - iii. Phase C1 (Sunken Garden)
  - iv. Phase C2 (Sand Sports and Croquet/Bowls Club Demolition and Garden Area)
  - v. Phase D (Outdoor Sports Hub and Bowls Area)
  - vi. Phase E (Events)
  - vii. Phase F (Lagoon)

shall not be brought into use until full details (including samples) of the proposed public realm improvement scheme shall be submitted to and approved in writing for each phase by the Local Planning Authority. The submission shall include details with regards layout, materials, colour palate, signage, street furniture, informal play features, and infrastructure for live events. The maintenance details and future management plan are also required. The development shall be carried out in accordance with the approved details and maintained thereafter.

**Reason:** In order to ensure a satisfactory appearance and to accord with the requirements of SA1 the Seafront, Policy CP13 and CP15 of the City Plan Part 1.

18. Each of the following phases of the development:
- i. Phase A (Wheeled Sports and West Garden)
  - ii. Phase B (Tennis and Padel Tennis)
  - iii. Phase C1 (Sunken Garden)
  - iv. Phase C2 (Sand Sports and Croquet/Bowls Club Demolition and Garden Area)
  - v. Phase D (Outdoor Sports Hub and Bowls Area)
  - vi. Phase E (Events)
  - vii. Phase F (Lagoon)

shall not be brought into use until full details of the surface materials, and a plan detailing the positions, height, design, materials and type of all proposed boundary treatments for the sports facilities shall has been submitted to and

approved in writing for each phase by the Local Planning Authority. The boundary treatments shall be provided in accordance with the approved details prior to occupation of the development and shall thereafter be retained at all times.

**Reason:** To enhance the appearance of the development in the interest of the visual and residential amenities of the area and to comply with policies DM18/DM21/DM21/DM27 of Brighton & Hove City Plan Part 2, and CP12/CP15/CP13 of the Brighton & Hove City Plan Part

19. Each of the following phases of the development:
- i. Phase A (Wheeled Sports and West Garden)
  - ii. Phase B (Tennis and Padel Tennis)
  - iii. Phase C1 (Sunken Garden)
  - iv. Phase C2 (Sand Sports and Croquet/Bowls Club Demolition and Garden Area)
  - v. Phase D (Outdoor Sports Hub and Bowls Area)
  - vi. Phase E (Events)
  - vii. Phase F (Lagoon)

shall not be brought into use until a scheme for landscaping shall be submitted to and approved in writing for each phase by the Local Planning Authority. The approved landscaping shall be implemented in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. The scheme shall include the following:

- a) details of all hard and soft surfacing to include the type, position, design, dimensions and materials and any sustainable drainage system used;
- b) a schedule detailing sizes and numbers/densities of all proposed trees/plants including food-bearing plants, and details of tree pit design, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period;
- c) details of all boundary treatments to include type, position, design, dimensions and materials;

Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

**Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies DM22 of Brighton & Hove City Plan Part 2, and CP12 and CP13 of the Brighton & Hove City Plan Part One.

20. No works to the sunken garden shall commence until full details of the sunken garden area, including any measures to protect and minimise the loss of historic features, including historic material, have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and maintained as such thereafter.

**Reason:** To ensure a satisfactory appearance to the development and to comply with policies DM26 and DM28 of City Plan Part 2 and CP15 of the Brighton & Hove City Plan Part One.

21. No phase of the development hereby permitted shall be brought into use until a landscape and ecological management plan (LEMP) has been submitted to, and approved in writing by, the local planning authority prior to the occupation of the development. The content of the LEMP shall include the following:
- a) description and evaluation of features to be managed;
  - b) ecological trends and constraints on site that might influence management;
  - c) aims and objectives of management;
  - d) appropriate management options for achieving aims and objectives;
  - e) prescriptions for management actions, together with a plan of management compartments;
  - f) preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
  - g) details of the body or organisation responsible for implementation of the plan;
  - h) ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plans shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

**Reason:** Biological communities are constantly changing and require positive management to maintain their conservation value. The implementation of a LEMP will ensure the long term management of habitats, species and other biodiversity features.

22. The redeveloped Live Events green space shall not be brought into use until the proposed scheme of public art has been submitted to and approved in writing by the Local Planning Authority and implemented within 6 months of first use of the Live Events green space.

**Reason:** In order to ensure a satisfactory appearance and to accord with the requirements of SA1 the Seafront, Policy CP13 and CP15 of the City Plan Part 1.

23. Each of the following phases of the development:
- i. Phase A (Wheeled Sports and West Garden)
  - ii. Phase B (Tennis and Padel Tennis)
  - iii. Phase C1 (Sunken Garden)
  - iv. Phase C2 (Sand Sports and Croquet/Bowls Club Demolition and Garden Area)
  - v. Phase D (Outdoor Sports Hub and Bowls Area)
  - vi. Phase E (Events)
  - vii. Phase F (Lagoon)

shall not be brought into use until details of secure cycle parking facilities for the occupants of, and visitors to, the development have been submitted to and approved in writing for each phase by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development 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 DM33 of City Plan Part Two.

24. Each of the following phases of the development:
- i. Phase A (Wheeled Sports and West Garden)
  - ii. Phase B (Tennis and Padel Tennis)
  - iii. Phase C1 (Sunken Garden)
  - iv. Phase C2 (Sand Sports and Croquet/Bowls Club Demolition and Garden Area)
  - v. Phase D (Outdoor Sports Hub and Bowls Area)
  - vi. Phase E (Events)
  - vii. Phase F (Lagoon)

shall not be brought into use until a scheme detailing the design of internal streets and spaces as built has been submitted to and approved in writing for each phase by the Local Planning Authority in consultation with the Highway Authority. The submitted scheme shall include full details of the following:

- a) Geometry and layout, including dimensions and visibility splays
- b) Pavement constructions and surfacing, kerbs and edge restraints
- c) Levels and gradients
- d) Traffic signs and road markings

If the scheme proposes that any areas are shared between pedestrians and vehicles or where recommendations in Guidance on the Use of Tactile Paving Surfaces are not met, then relevant disabled user groups (and/or national organisations representing them) shall be engaged as part of the design development process and the submitted scheme shall include both of the following.

**Reason:** To ensure signage and markings are considered where delivery and servicing vehicles will enter the site, and to consider the same for pedestrian entrances. In the interest of safety, inclusivity, sustainability, quality design, the historic environment and public amenity and to comply with policies SA1, CP5, CP7, CP9, and CP13, CP16 of City Plan Part One, DM33, DM34, DM35, DM36, DM37 of City Plan Part Two, and National Planning Policy Framework paragraphs 108-110.

25. The redeveloped Live Events green space shall not be brought into use until a scheme of highway works setting out full details of the following works:
- (a) the new vehicle crossover to the events space on Hove Street (South).
  - (b) new pedestrian access points on Hove Street
  - (c) amend existing or introduce new Traffic Regulation Orders and/or carry out all highway works necessary to facilitate the above;

has been submitted to and approved in writing by the Local Planning Authority.  
**Reason:** To ensure that suitable footway provision is provided to and from the development and to comply with Policy DM33 of the Brighton & Hove City Plan Part 2

26. The Outdoor Sports Hub hereby permitted shall not be used/occupied until a Delivery & Service Management Plan, which includes details of the types of vehicles, how deliveries servicing and refuse collection will take place and the frequency of those vehicle movements has been submitted to and approved in writing by the Local Planning Authority. All deliveries servicing and refuse collection shall thereafter be carried out in accordance with the approved plan.  
**Reason:** In order to ensure that the safe operation of the development and to protection of the amenities of nearby residents, in accordance with policies DM20, DM33, and DM40 of Brighton & Hove City Plan Part 2.
26. Within 6 months of first occupation of the Outdoor Sports Hub hereby permitted a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the non-residential development built has achieved a minimum BREEAM New Construction rating of 'Very Good' shall be submitted to, and approved in writing by, the Local Planning Authority.  
**Reason:** To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy CP8 of the Brighton & Hove City Plan Part One.
27. The Outdoor Sports Hub premises shall be used as a café/restaurant and local community facilities (Use Class E(b) and Class F.2) only and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification), no change of use shall occur without planning permission obtained from the Local Planning Authority.  
**Reason:** The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of safeguarding the amenities of the area and to comply with Policy DM18/DM21 of Brighton & Hove City Plan Part 2.
28. All ecological measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal, Urban Edge Environmental Consulting, June 2022 (Recommendations R3 to R9 and R11 to R18) and the Bat Survey Report, Urban Edge Environmental Consulting, October 2022 (Recommendations R1 to E3) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

**Reason:** To ensure that the measures considered necessary as part of the ecological impact assessment are carried out as specified, and to provide a net gain for biodiversity as required by paragraphs 174 and 180 of the National Planning Policy Framework, Section 40 of the Natural Environment and Rural Communities Act 2006, Policy CP10 of Brighton & Hove City Council's City Plan Part One and Policy DM37 of the City Plan Part Two.

29. If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority), shall be carried out until a method statement identifying and assessing the risk and proposing remediation measures, together with a programme for such works, shall be submitted to the Local Planning Authority for approval in writing. The remediation measures shall be carried out as approved and in accordance with the approved programme.

**Reason:** To safeguard the health of future residents or occupiers of the site and to comply with policy DM41 of City Plan Part 2.

30. All demolition and construction works for the proposal site shall be carried out in accordance with the documents submitted and secured with the application:

- Construction Phase Health and Safety Plan
- KWTTS Logistics Review
- Phasing Logistics
- Traffic Management Plan

**Reason:** As this matter is fundamental to the protection of amenity, highway safety and managing waste throughout development works and to comply with policies DM20, DM33 and DM40 of Brighton & Hove City Plan Part 2, policy CP8 of the Brighton & Hove City Plan Part One, and WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 and Supplementary Planning Document 03 Construction and Demolition Waste.

31. The Outdoor Sports Hub premises hereby permitted shall not be in use by customers except between the hours of 08:00 and 00:00 on Mondays to Sundays, including Bank or Public Holidays.

**Reason:** To safeguard the amenities of the locality and to comply with policies DM20 and DM40 of Brighton & Hove City Plan Part 2.

32. The floodlighting for the closed court sports and wheeled sports floodlighting shall only be in use between the hours of 08:00 and 22:00 on Mondays to Sundays, including Bank or Public Holidays.

**Reason:** To safeguard the amenities of the locality and to comply with policies DM20 and DM40 of Brighton & Hove City Plan Part 2

33. No live events shall take place on site except between the hours of 08:00 and 23:00 on Mondays to Sundays, including Bank or Public Holidays.

**Reason:** To safeguard the amenities of the locality and to comply with policies DM20 and DM40 of Brighton & Hove City Plan Part 2.

34. The Outdoor Sports Hub hereby permitted shall achieve a minimum energy Performance Certificate EPC rating 'C'.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy CP8 of the Brighton & Hove City Plan Part One and DM44 of the Brighton & Hove City Plan Part Two.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. Sussex Police advise the applicant and their partners to consult directly with Police Licensing at Sussex Police before making plans for licensed premises serving alcohol or conducting other licensable activities at this site. Please also have regard to the Sussex Police recommendations on lighting and seeking advice from Sussex Police Counter Terrorism Security Advisers.
3. The Council Air Quality Officer has recommended the developer ensure regular HGV serving construction of the site meet as minimum the euro-VI-D emissions standard. Also that all non-road mobile machinery (including bulldozers) on site should meet at least stage IIIB, and stage IV emission standards after 1st January 2025.
4. The applicant is advised that this planning permission does not override the need to obtain a licence under the Licensing Act 2003. Please contact the Council's Licensing team for further information. Their address is Environmental Health & Licensing, Bartholomew House, Bartholomew Square, Brighton BN1 1JP (telephone: 01273 294429, email: [ehl.safety@brighton-hove.gov.uk](mailto:ehl.safety@brighton-hove.gov.uk), website: [www.brighton-hove.gov.uk/licensing](http://www.brighton-hove.gov.uk/licensing)).
5. The development hereby approved includes the carrying out of work on the adopted highway. You are advised that before undertaking work on the adopted highway you must enter into a highway agreement under Section 278 of the Highways Act 1980 with the Council, which would specify the works and the terms and conditions under which they are to be carried out.
6. The applicant is advised that details of the BREEAM assessment tools and a list of approved assessors can be obtained from the BREEAM websites ([www.breeam.org](http://www.breeam.org)).
7. The applicant is advised that the details of external lighting required by condition should comply with the recommendations of the Institution of Lighting Engineers (ILE) 'Guidance Notes for the Reduction of Obtrusive Light GN01-21' or similar guidance recognised by the council. A certificate of compliance signed by a competent person (such as a member of the Institution of Lighting Engineers) should be submitted with the details. Please contact the council's Pollution

Team for further details. Their address is Environmental Health & Licensing, Bartholomew House, Bartholomew Square, Brighton, BN1 1JP (telephone 01273 294490 email: ehlpollution@brighton-hove.gov.uk website: www.brighton-hove.gov.uk).

8. The applicant is advised that notwithstanding the approval of planning permission, future activity involving live events may require separate planning applications. It should be noted that Part 4 Class A of the GDPO (General Permitted Development Order 2015) allows the use of any land for any purpose for not more than 28 days in total in any calendar year, of which not more than 14 days in total may be for the purposes of events (as well as the provision on the land of any moveable structure for the purposes of the permitted use).
9. The applicant is advised to consult with the sewerage undertaker to agree a drainage strategy including the proposed means of foul water disposal and an implementation timetable. Please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel 0330 303 0119), or [www.southernwater.co.uk](http://www.southernwater.co.uk).
10. The applicant is advised that Part L – Conservation of Fuel and Power of the Building Regulations 2022 now requires each residential unit built to have achieved a 27% reduction in carbon emissions against Part L 2013.

## **2. SITE LOCATION**

- 2.1 The application relates to Hove Western Lawns and Hove Lagoon public realm located between the A259 (Kingsway) and the seafront Esplanade. Hove Western Lawns comprises a sequence of open public green spaces, and also including (from east to west) bowls and croquet greens, tennis courts, MUGA (Multi-Use Games Area), and (former) pitch & putt spaces. The spaces are separated by a series of north-south public access pedestrian routes between Kingsway and the Esplanade (which also provide restricted vehicle access). The site encompasses approximately 1.5km of the West Hove seafront bookended by Basin Road South/Shoreham Port to the west, and Hove Street/King Alfred site to the east. The existing spaces from the east boundary to up to the existing public WCs are generally level with the surrounding access points to the site, however the rest of the site westwards are sunken below the footpath levels, and generally increase so up to Hove Lagoon.
- 2.2 The wider Western Esplanade, Western Lawns and Hove Lagoon form part of the historic character of this area as part of the Hove seafront promenade and are a locally listed heritage asset. Sackville Gardens Conservation Area and Pembroke & Princes Conservation Area cover the eastern side of the site after the tennis courts. Western Esplanade, Western Lawns and Hove Lagoon are Locally Listed. The Art Deco Western Bowls Pavilion (in use as Public WCs) is separately locally listed, but lies outside of the site boundary. There is a Locally Listed wall along most of the south side behind the Esplanade (from the existing Bowling Clubhouse to Hove Lagoon). Due to the sunken levels of the gardens,

the decorative wall is prominently visible from the north on Kingsway acting (along with the beach huts behind) as a backdrop to the garden spaces.

- 2.3 The Grade II listed Barford Court (157 Kingsway) and its boundary wall (opposite the proposed sports hub building) is in close proximity on the north side of Kingsway. The three seafront shelters along the west stretch of the Esplanade are also listed Grade II.
- 2.4 To the north are predominantly residential properties, which benefit from a largely unobstructed southerly aspect with high levels of natural light. The King Alfred/RNR site (with car park) is to the east, and the Aldrington Basin employment/Mixed Use Area site to the west. There are rows of beach huts and Rockwater restaurant/café at the site boundary to the south, with the esplanade and beach beyond. Within and adjoining the site, there is a line of low-level brick buildings which include public conveniences and sports pavilions associated with the use of the Greens.
- 2.5 The A259 coast road runs adjacent to the northern boundary of the site, with the National Cycle Network National Route 2 (NCN2) in between. All land within the application site is under ownership of Brighton & Hove City Council.

### 3. RELEVANT HISTORY

**BH2009/02566** (Former Land to Rear of Hove Lagoon Watersports Centre) Erection of 17 beach huts - Approved 06/01/2010

**BH2009/01300** (Pavilion Café) Installation of solar panel to roof, disabled ramp to main entrance, smoking area and dog shelter (portable). Replacement of crittal metal windows to match existing. (Part retrospective) - Approved 14/08/2009

**BH2003/02803/CA** (Babylon Lounge) Demolition of a number of existing shelters on Western Lawns - Appeal dismissed 29.09.2004

**BH2003/03122/FP** (The Beach, Kingsway) Skate park to include mini ramp and skating area - Approved 01/12/2003

**BH1999/00445/FP** (Hove Lagoon Café) Paddling pool with side addition to existing cafe building as plant room for the pool - Approved 29/03/1999

#### Rockwater Kingsway:

**BH2022/01515** Non-Material Amendment to BH2021/01999, incorporating alterations to approved lift, to improve access - Approved 27/05/2022

**BH2021/03900** Retention of six existing timber "beach huts" adjacent to the main building for a period of 3 years - Approved 03/02/2022

**BH2021/01999** Part-retrospective application for 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, as approved under application BH2020/02211, without compliance with conditions 1, 4 and 5 of said permission - Approved 05/08/2021

**BH2021/00229** Retention of existing six timber "beach huts" adjacent to the main building for a period of 6 months - Approved 16/06/2021

**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 29/01/2021

#### **4. APPLICATION DESCRIPTION**

- 4.1 Planning permission is sought for redevelopment of Hove Western Lawns as a linear park between Hove Street to the east and Hove Lagoon to the west. The proposal comprises coordinated public realm improvements and enhanced landscaping with a new pedestrian-based accessible route through the site. The proposal would incorporate refurbishment of existing open spaces and public leisure/ recreation amenities. This would include provision of new outdoor sports and recreation facilities, and would be supported by new buildings providing an outdoor sports hub, café, toilets, and separate tennis pavilion.
- 4.2 The full proposals are summarised as follows (east to west along site):
- Relocation of Hove Lagoon Amusements into existing location of skate park, providing space for a new lawned recreational area to the south-west of Big Beach Café.
  - Public WC alterations at the Big Beach Café in Hove Lagoon, including single storey extension to create changing places unit.
  - Removal of existing pitch and putt green to create new Wheeled Sports including Skate Park, Pump Track and Roller Area (Class Use F2), in part new and in part replace existing skate park at Hove Lagoon.
  - Park Garden to replace existing pitch and putt green.
  - Replacement Tennis Courts including new Single-storey Tennis and Padel Tennis Pavilion (Class Use E/F2), with removal of existing MUGA.
  - New Padel Tennis (Class Use F2) in place of existing tennis courts.
  - Redevelopment of existing Sunken Garden.
  - New Sand Sports (F2) to replace existing lawn.
  - Retention and upgrade of Croquet Lawn and Club.
  - Public Garden to replace existing lawn.
  - Demolition of existing buildings and erection of Two-storey Outdoor Sports Hub building (including Bowls Club (Class Use F2), Public Cafe (E) and Public WCs).
  - Retention and upgrade of existing bowling greens.
  - Park Garden to replace existing lawn/bowling green.
  - Upgrade of existing lawn to formalise as Temporary Events Space
- 4.3 Amendments during the application were submitted to re-distribute trees away from north boundary, and minor alterations to internal layout, fenestration and detailing of Outdoor Sports Hub building.

- 4.4 Pre-application advice: The development has been influenced by pre-application feedback from officers in relation to amongst other issues, the impact on heritage assets, biodiversity and nature conservation, visual impact, and highways. The pre-application process included engagement with the Design South East Review Panel. The proposals have developed further since pre-application and includes further detail on the Outdoor Sports Hub building and the details of the proposed sports facilities.
- 4.5 The applicant has undertaken pre-application consultation, including involvement with local businesses, community groups, and local access groups. On-site community engagement sessions took place at Hove & Kingsway Bowling Club (mid-2021) and King Alfred (early 2022), with further engagement taking place online via the Council website. Feedback has been reviewed with stakeholders through the West Hove Seafront Action Group.
- 4.6 The proposals are funded by the Government's Levelling Up Fund and by Brighton and Hove City Council.

## 5. REPRESENTATIONS

**Forty Six (46)** letters have been received objecting to the proposed development for the following reasons:

- Noise
- Loss of Green Space/Natural Habitat
- Additional Traffic
- Loss of Dog Walking
- Light Pollution
- Poor Design
- Overdevelopment
- Anti-Social Behaviour
- Impact on Property Value
- Concern over Upkeep/Maintenance
- Negative Affect on Conservation Area
- Negative impact on Residential Amenity
- Insufficient Cycling/Public Transport/Parking/Access
- Height of Development
- Insufficient Toilets

**One hundred and twenty-four (124)** letters of representation have been received in support of the proposed development for the following reasons:

- Good Design
- Positive impact on Residential Amenity
- Area desperately needs investment.
- Wonderful for the community and will be beneficial to people of all ages
- Sympathetic to the environment and will be an improvement on the existing facilities and area.

- Excellent mix of uses for the space
- Wide variety of sports (especially Padel) alongside well landscaped green space
- Great idea to expand the skate park with pump track
- Floodlights will allow use of facilities for longer times
- Better linkage between each section is a very good idea

**Nine (9)** further letters have been received providing general comments on the application including as follows:

- A shame that three or four green areas will be concreted over
- More landscaped / wild areas would be so much more beneficial.
- There isn't a provision for upkeep in the budget
- Dog walkers will miss rewilded putting greens away from cyclists
- Concerns over Height, size and purpose of sports hub
- Concerns about the amount of existing bushes and grasses being removed
- Sports hub has dated design, too much brick rather than glass
- Additional café is unnecessary

A letter of support has been received from **Councillor Carmen Appich** – see attached letter.

**The Lawn Tennis Association (LTA)** have written in support of the application:

- Through various discussions with B&HCC colleagues we have supported the development of the current plans
- The proposal for 6 regenerated tennis courts and 4 new padel courts also aligns to the LTA's priorities.
- The proposal directly aligns to our priorities to open up the sport to more people.

## 6. CONSULTATIONS

### External

#### **Beach Access Team:** No Objection

The accessibility improvements through landscaping the site will mean the whole area is more accessible and inclusive to disabled people and families. Without these improvements, many disabled people will remain excluded from this vital public space and unable to enjoy the existing recreational and sports facilities on offer, with others not able to benefit from them equally compared to non-disabled residents. These improvements will dramatically increase the activities and spaces available to disabled people in the city, in an inclusive and integrated way. Improved toilet facilities and the hub building in particular will enable and allow other access needs to be met. It is significant that people will be able to enjoy this space for free and to feel included in our city.

Beach Access Team strongly support this application, which will make an important part of the seafront more accessible and attractive to both residents and tourists to visit.

#### **Brighton and Hove Archaeology Society:** Comment

The Brighton and Hove Archaeological Society are unaware of any archaeological deposits that are likely to be affected by this development.

**Conservation Advisory Group: Objection**

The design and style of the proposed two-storey Sports Hub by its size, height and massing will be overpowering as well as blocking the sea view. The seafront promenade at this point of the proposed development is narrow at around 9ft wide. The building would feel high and oppressive to pedestrians passing by. The design and style of the proposed building does not take into consideration the Conservation Area's Character Statement and is out of the vernacular of existing seafront developments.

Also commented as follows:

- Unfortunate removal of mature Tamarisk Trees and green space to host the development.
- Potentially compromises the Victorian lamp stands located on the promenade.
- There is insufficient detail of how the new Temporary Events Space will look, or be operated. Any development on green space next to the King Alfred Centre could be perceived as 'mission creep.'
- Lack of plan setting out a continuous maintenance strategy of all elements of this application.

**County Archaeologist: No Objection**

The information provided is satisfactory and identifies that there is a risk that archaeological remains will be damaged. Nonetheless it is acceptable that the risk of damage to archaeology is mitigated by the application of planning conditions.

**County Ecologist: Comment**

Provided the recommended mitigation, compensation and enhancement measures are implemented, the proposed development can be supported from an ecological perspective.

**East Sussex Fire and Safety: Comment**

As part of the redevelopment a new purpose sports hub/ Tennis and padel tennis pavilion are to be built, ESFRS strongly recommend the installation of fire sprinklers in all new developments, there is clear evidence that Automatic Fire Suppression Systems (AFSS) can be effective in the rapid suppression of fires and can therefore play an important role in achieving a range of benefits for both individuals and the community in general.

**Environment Agency: No Objection**

This length of coastline is managed by Brighton & Hove City Council engineers under the Coast Protect Act

**National Highways: No Objection**

The site is in in the vicinity of the A27 that forms part of the strategic road network. National Highways are satisfied that the development will not materially affect the safety, reliability and/or operation of the strategic road network in this location and its vicinity.

**Noise Consultant:** Comment

It is relevant to note that the City Council as landlord already manages other skate park areas with the Level as a suitable example, so it is likely that there are transferrable lessons that might be applied to a new venue.

As part of the site improvements, infrastructure is proposed as part of the events space and this is welcomed and capable of being achieved through site specific management plans as well as landlord consents and licence conditions, all of which have separate regimes of control.

Whilst the planning application introduces a number of like for like uses, there is an overall feeling that site specific management plans and indeed lessons from the City Council's management of other similar sites will need to be in place to protect residents.

**Southern Water:** Comment

The exact position of the public assets must be determined on site by the applicant in consultation with Southern Water before the layout of the proposed development is finalised. It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site. Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

**Sussex Police:** No objection

Lighting is an effective security measure and a useful tool for public reassurance in that it enables people to see at night that they are safe or, to assess a developing threat and if necessary, to identify a route they could take to avoid such a potential. Lighting is recommended for this application. Where it is implemented, it should conform to the recommendations within BS5489-1:2020.

Sussex Police would have no objection to the proposed development as submitted from a crime prevention perspective subject to recommendations having been given due consideration.

Internal

**Air Quality:** No Objection

Recommend approval with suggestions for low emission HGV and machinery involved with heavy lifting, earth moving, demolition and construction. The site will have considerable secure bicycle storage in accordance with the latest policies set out in City Plan Part 2.

**Arboriculture:** No Objection

With suggested comments incorporated into a refined landscaping plan, to be conditioned as part of the planning consent for the scheme, along with confirmation of the details of species selection, sizing and planting density, BHCC Arboriculture have no objections. A Tree Protection Plan specifying physical and ground protection for all retained vegetation, along with a construction method statement to be conditioned as part of consent and confirmed as acceptable pre-commencement.

**CityClean:** No Objection

**City Parks:** No Objection

BHCC Cityparks Operations has no objections and fully supports the Kingsway to the Sea project.

This site presents a highly challenging environment for planting establishment, failure rates are expected to slightly exceed usual levels for such an extensive planting scheme given coastal salt air, exposure to the prevailing winds and the aspect of the site. New shrub and hedging to be selected for coastal tolerance and of ecological benefit. The Landscape Architects are working with City Parks in plant selection. To ensure longevity and robustness of furniture on site (benches, fencing, hard surface, cycle stands) Landscape Architects are to work with CityParks' managers' experience and knowledge of the urban environment, prevailing weather conditions and potential vandalism and ASB.

**Economic Development:** No Objection

The regeneration of the open spaces for continued and enhanced use as public recreation and leisure amenities is supported by Economic Development. The current area is underutilized, and these proposals will rejuvenate the area as a destination to visit in West Hove as both a leisure and recreational destination.

The increase of no-residential floorspace would create more employment opportunities both during the works and after its completion. This uplift in employment will benefit the local economy.

**Employment and Skills:** Comment

Due to the size of this development, it would be categorised as a major development and as such would be subject to developer contributions in line with the council's Technical Guidance for Developer Contributions. Based on the information provided in the application, the contribution requested is £4925. In addition, as there will be demolition and construction phases involved in the development, separate Employment and Training strategies will be required.

**Environmental Health:** Comment

The appropriate detailed evidence should demonstrate that appropriate measures can and will be incorporated to attenuate/mitigate existing and/or potential problems in accordance with national policy and having regard to national and local guidance; and that the proposed lighting scheme is not obtrusive and does not negatively impact on public amenity.

The lighting scheme shall be implemented only after the hours of operation of lighting during the summer and winter; and strategy for limiting the light levels or intensity throughout their operation, to reduce obtrusiveness/light spill, have been agreed with the Local Planning Authority.

Before commencement of operation of the lighting scheme, the applicant shall appoint a suitably qualified member of the Institute of Lighting Professionals (ILP) to validate that the lighting scheme as installed conforms to the recommendations in the ILP document "Guidance Notes for the Reduction of Obtrusive Light GN01-21.

**Healthy Lifestyles Team: No Objection**

the new facility is designed in a way that favours learner skateboarders or those new to the sport and environment and is something that is desperately needed as an alternative to The Level Skatepark which is a very different location in the city and design which is largely oversubscribed and busy due to the popularity of the sport. This facility will offer a safe space for young people to practice and learn to skateboard and we plan to run many programmes on the site to encourage safe use for those who might feel intimidated, anxious or don't have access to skateboards and safety equipment

**Heritage: Objection**

The proposed works affect a number of designated and non-designated heritage assets. The potential for both heritage benefits and heritage harm as a result of the proposed development have been identified through a heritage impact assessment. Overall, it is considered that less than substantial harm would be caused, and this may be outweighed by wider public benefits that would result from the scheme.

The regeneration of these spaces for continued and enhanced use as public recreation and leisure amenities corresponds with their original development and is supported in principle by the Heritage Team. Works to improve accessibility for all are welcomed.

Whilst only slightly taller than the recently extended Rockwater to the west, it is far greater in scale than this (or any other building along this part of the seafront) and as such will be a prominent feature as viewed from the seafront Esplanade and Kingsway in both directions, direct and oblique views across the lawns, and also from parts of the built-up development of western Hove to the north.

As with the Heritage Team's objections to the first-floor extension of Rockwater, it is considered that the new building would be an over-prominent structure that would stand apart from its open surroundings and the established modest low-level structures along the Esplanade. The development of the scheme for the Sports Hub seeks to provide favourable comparisons with the Rockwater building, and it is acknowledged that details of the design mitigate some of the impact of the massing and that the context of this proposal is affected by the enlargement of the Rockwater building having taken place. It remains, however, that this comparison is with a structure that has a significantly smaller footprint than the current proposal and was itself considered unsupportable on heritage grounds due to its scale.

**Planning Policy: Comment**

The new and improved public realm, accessibility, facilities and landscaping are considered to accord with the overall priorities for the seafront, as well as the priorities for the Western Seafront area, are considered to be in accordance with policy SA1, CP13, CP9, DM33 and CP18 and are supported in this regard.

The proposals are considered to be in general accordance with policies CP16 and CP17 as they retain the open space and outdoor sports uses whilst bringing them into more effective use through the proposed improvements. In addition, the proposals are considered to meet policy CP17.6 which supports new sports facilities that improve variety of provision in the city and increase participation in sport and physical activity.

The proposed outdoor sports hub would result in the loss of a small amount of open space. However, Policy CP16.1c allows development which is ancillary to the use of

open space and there are no concerns in this regard. The outdoor sports hub would provide replacement community facilities for those demolished, supported by Policy DM9.2a.

**Seafront Development: No Objection**

The Seafront Team believe the scheme will greatly improve the appearance of the site and enhance the sports and leisure offer for residents and visitors to this area of the seafront. The mix of outdoor sports and green spaces has come about through extensive consultation and engagement with both existing stakeholders from the local community and new participants who are keen to utilise the space. The sports and leisure facilities offer dedicated space for a number of different sports and activities appealing to a wide age range of users.

The pump track and roller area will be the first of their kind in the city and will be eagerly welcomed by many cyclists and roller skaters who have been desperate for dedicated facilities for many years. The new sand sports area will be a welcome addition to the sports provision and will be well supported by a number of existing sand sports clubs and users who struggle to find court time in the city. The introduction of 4 Padel courts will create a highly sought-after facility. Claimed to be the fastest growing sport in the UK, Padel is endorsed by the Lawn Tennis Association as a fun, easy to learn and extremely sociable sport which can be played by groups of mixed ages and abilities together. This facility provides an ideal synergy with the 6 traditional tennis courts which will be located close by.

The new café and function room on the first floor will provide a rare opportunity for customers to sit at an elevated position directly next to the beach with un-interrupted views of the sea and along the park. The building will also be the new home for Hove & Kingsway Bowls Club with a custom designed clubhouse facility providing improved connectivity with the bowling greens for players and spectators. The new clubhouse replaces the old and tired Bowls Club buildings with modern, custom designed, energy efficient facilities all under one roof. This will help to encourage new players and members and provide a sustainable long-term future for the Bowls Club.

The creation of high quality publicly accessible sports facilities and introduction of the Outdoor Sports Hub building aligns with the council's strategy which seeks to increase footfall and promote the seafront as an all year round destination.

**Sports Facilities and Development: No Objection**

The BHCC Sports Facilities Team aim to improve the provision of sports facilities in the city and the opportunity for engagement in sport and physical activity for all residents. This is reinforced by Policy CP17. The proposal will provide a significant improvement to the city's sport's facility provision. It incorporates a range of formal and informal outdoor sport and leisure activities catering for a wide variety of users and age groups. This proposal is a really exciting new development for the city which will enhance and enable all round year provision and access.

**Sustainability: No objection**

The intention is expressed that the new building should be built with maximum energy efficiency, a highly insulated specification, and efficient mechanical and electrical services.

It is recommended that the new buildings achieve the BREEAM New Buildings "Very Good" rating, in line with City Plan Part 1 policy CP8. The new buildings and any significant alterations to existing buildings should achieve at least a 19% reduction in carbon emissions, and EPC 'B' rating, in line with emerging CPP2 policy DM44

**Sustainable Drainage:** No objection

The information submitted includes the surface water and foul water drainage strategy including drainage plans and accompanying information. Further details are requested when possible so that the proposed drainage system is adequately described, and its effectiveness demonstrated. The team recommend this application for a conditional approval such that the detailed design can be addressed at the relevant stage of the planning process.

**Sustainable Transport:** No Objection

The Local Highway Authority find this application acceptable subject to conditions. As noted in the Design and Access statement, with the exception of the eastern most lawn at Hove Street, none of the existing spaces are currently accessible according to the Equality Act 2010. The improvements to accessibility for the public proposed throughout the linear site are welcomed in this regard. Although there will be an intensification of use for the Sports Hub and the addition of a café, it is considered that the existing arrangements for servicing, deliveries will continue to work for the new planned layout. The new crossover is to be installed as part of the new cycle lane project. However, a S278 agreement will need to be secured to ensure a Road Safety Audit Stage 1 & 2 is completed.

Consideration of this scheme has been worked into the proposals via regular planning meetings between the applicant and the cycle lane project team. This is welcomed. The site has acceptable levels of public transport access.

A baseline estimate for network peak hour current site usage is given as 87 two-way person trips and 67 two-way vehicle trips during the evening peak. The Transport Statement states that the new bowls club could result in new trips, but they would be unlikely to be peak hour trips. We agree with this analysis. Given the unique combination of Skate Park and Pump Track it is likely that new trips will be generated by these elements, and we would expect to see a researched example used so that these could be factored into the trip generation within the Transport Statement.

**Tourism and Leisure:** No Objection

In order to sustain and grow visitor economy it is essential we continue to innovate and develop the portfolio of product in the City which appeals to both residents and visitors. The redevelopment proposal of Hove Western Lawns supports this aim by offering refurbishment of existing and new public leisure and recreation amenities. Based on the highlighted additions and improvements, VisitBrighton would be supportive, assuming the proposal meets all other planning considerations.

**Urban Design Officer:** Comment

At ground floor level the Outdoor Sports Hub building accommodates direct connection to new public changing facilities on the southern elevation which is supported. These new changing and WC facilities will be open to the public. However, some more testing

of internal space might help identify how the ground floor might be optimised for public access and active edges on the ground floor. Given that a first floor is proposed, this opportunity should be explored to ensure it is not lost.

Furthermore, the stalled regeneration of the King Alfred site would likely have played a significant role in supporting outdoor sports through a mixed use and seafront facing development at ground and upper levels. But given that this has not been progressed, the scale of the Outdoor Sports Hub building as proposed is perhaps more justifiable at this time, than it might otherwise have been. The applicant continues to work collaboratively with council officers and with stakeholders to enhance the detailed design aspects of the Outdoor Sports Hub building to address how the building relates to the seafront/Western Esplanade

Overall, the plans presented by the applicant propose significant public benefit through much needed improvement to the site area, particularly in terms of inclusive access to refurbished and new high-quality landscape, amenity and recreational sports and leisure infrastructure for all ages, to support improved health and wellbeing outcomes.

## **7. MATERIAL CONSIDERATIONS**

7.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report

7.2 The development plan is:

- Brighton & Hove City Plan Part One (adopted March 2016)
- Brighton & Hove City Plan Part Two (adopted October 2022);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
- 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

SS1 Presumption in Favour of Sustainable Development

SA1 The Seafront

SA6 Sustainable Neighbourhoods

CP5 Tourism and Culture

CP7 Developer Contributions

CP8 Sustainable Buildings

CP9 Sustainable Transport  
CP10 Biodiversity  
CP11 Flood Risk  
CP12 Urban Design  
CP13 Public Streets and Spaces  
CP15 Heritage  
CP16 Open Spaces  
CP17 Sport and Recreation  
CP18 Healthy City

Brighton & Hove City Plan Part Two

DM9 Community facilities  
DM15 Commercial and Leisure Uses on the Seafront  
DM18 High Quality Design and Places  
DM20 Protection of Amenity  
DM22 Landscape Design and Trees  
DM26 Conservation Areas  
DM28 Locally Listed Heritage Assets  
DM29 The Setting of Heritage Assets  
DM31 Archaeological Interest  
DM33 Safe, Sustainable and Active Transport  
DM35 Travel Plans and Transport Assessments  
DM37 Green infrastructure and Nature conservation  
DM38 Local Green Spaces  
DM39 Development on the Seafront  
DM40 Protection of the Environment and Health - Pollution and Nuisance  
DM42 Protecting the Water Environment  
DM43 Sustainable Drainage  
DM44 Energy Efficiency and Renewables

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste  
SPD11 Biodiversity and Nature Conservation  
SPD14 Parking Standards  
SPD16 Sustainable Drainage  
SPD17 Urban Design Framework

## **9. CONSIDERATIONS & ASSESSMENT**

- 9.1 The main considerations in the determination of this application relate to the principle of development, and the impact on the visual amenities of the surrounding area, including the conservation areas, as well as the setting of heritage assets within the locality of the site. Other main considerations include public realm/landscaping, the impact on highways, access, ecology, neighbouring amenity, and sustainable drainage.

### **Policy Context:**

- 9.2 A strategic objective (SO17) of the council set out in the adopted City Plan Part 1 is to enhance the seafront as a year-round place for sustainable tourism, leisure, recreation and culture whilst protecting and enhancing the quality of the coastal and marine environment.
- 9.3 Policy SA1 (The Seafront) of CPP1 seeks proposals which provide a year-round, sport, leisure and cultural role which complement its outstanding heritage and landscape value. The site lies within that part of the seafront defined as 'Western Seafront (Medina Terrace to Boundary Road/Station Road)' which seeks development to enhance and improve public realm and create a more coherent townscape whilst respecting adjoining development. Policy SA1 states that the council will work in partnership to ensure the on-going regeneration and maintenance of the seafront in an integrated and co-ordinated manner.
- 9.4 CPP1 Policy SA1 The Seafront - includes the following relevant seafront wide priorities:
- Enhance and improve the public realm and create a seafront for all;
  - Promote high quality architecture, urban design and public art which complements the natural heritage of the seafront and preserves and enhances the character and appearance of the Conservation Areas, and the historic squares and lawns that adjoin the seafront;
  - Improve pedestrian and cycle routes and crossing opportunities in order to achieve a modal shift and thereby reduce the impact of traffic;
  - Monitor, conserve and expand designated coastal habitats and secure nature conservation enhancements to the marine and coastal environment;
  - Development will be encouraged to consider low and zero carbon decentralised energy.
- 9.5 CPP1 policy CP16 states that the council will work collaboratively to safeguard, improve, expand and promote access to the city's open spaces. Policy CP5 (Culture and Tourism) indicates that the Council will support the upgrading and enhancement of existing visitor facilities and investment in spaces suitable for outdoor events and cultural activities that take place in the public realm.

#### **Principle of the Development:**

- 9.6 In principle, the proposed development would accord with the identified priorities for this section of the Seafront. Proposals to retain separate spaces divided by the existing north-south access paths is welcomed. The proposed public realm and landscaping improvements in the wider area would accord with general priorities in policies SA1 (The Seafront) and CP13 (Public Streets and Spaces). Regeneration of this site is welcomed, which includes improving the quality, accessibility and legibility of the public urban realm in this location. This would include provision of a continuous east-west walkway through the site. Links into and across the site including ramped access are significantly improved as part of the scheme. Enhancements to the public space and local distinctiveness with trees and biodiverse measures would encourage active living and healthy lifestyles and would provide a safe and inclusive place, as required by Policy CP13.

- 9.7 The proposed new sports uses would accord with the wider priorities for this section of the seafront as a centre for sports and family-based activities. The range of facilities and environments would add to the diversity and vibrancy of the seafront; and will help extend footfall and reduce seasonality. Improved facilities for the public would include new toilet and changing, as well as seating, lighting and shaded areas throughout the site. The proposals for each section of open space, public realm/landscaping and access are all considered in more detail in this report.
- 9.8 The site as existing is predominantly in use as open space in the form of parks, gardens and outdoor sports. CPP1 Policy CP16 Open Space requires the retention of, and better, more effective use of all existing open space, and Policy CP17 Sports Provision also requires the retention, enhancement and more effective use of indoor and outdoor sports facilities and space. From east to west, the site currently comprises of a grassed area/event space, 3 no. bowling greens (1 of which is unused), area of amenity greenspace, Croquet Lawn, area of amenity greenspace, Sunken Garden (behind Rockwater), 2 no. areas of 4x Tennis courts, MUGA, and 2 no. grassed spaces formerly used as pitch & putt. Part of Hove Lagoon area forms the west end of the site. Whilst some of the existing formal sports uses within the site are well used, some other spaces are under-utilised and therefore the proposals to bring these spaces into more effective use (including with the provision of new outdoor sports facilities) would accord with policies CP16, CP17 and CP18 (Healthy City). There would be some loss of green spaces as part of the proposed introduction of new sports facilities, however other green space is retained and enhanced throughout the site, and additional greens spaces are created.
- 9.9 Policy CP17 allows loss of outdoor sports facilities where they are replaced by improved facilities that meet the sporting needs of the city. The 2 no. tennis courts and the MUGA to be removed would be replaced with new areas for sand sports, padel tennis and wheeled sports. The Council Sports facilities Team support the addition of new sports facilities, welcoming the provision of padel tennis as one of the fastest growing sports in the country, and noting that the wheeled sports area was popular during pre-consultation. The proposed new sports facilities would provide greater variety and broader uses of sports in the vicinity. The relocated skatepark and the separation of skater, roller and bike facilities would provide improved and flexible public facilities for many seafront users. On this basis, it is considered that the loss of the 2 no. tennis courts and the MUGA is acceptable in principle.
- 9.10 The proposed Outdoor Sports Hub would result in the upgrade of the existing bowls sports club (Class Use F2) and public toilet/changing community facilities found in existing buildings on site. The location of the Outdoor Sports Hub building was an important factor to enable facilities to be closest to the bowls competition green, which is considered to be an improvement to the club facilities. The proposed new public café use (Class Use E) would in effect replace the existing café floorspace in the Bowls clubhouse to be demolished, and in principle would comply with Policy DM15 (Commercial and Leisure Uses on the Seafront) subject to the detail considerations in this report. Policy CP16 allows development which is ancillary to the use of open space that will result in only a small loss of open

space and provides improvements to or better access to the remaining space. Despite replacing existing buildings, the proposed Outdoor Sports Hub would result in the loss of approximately 400sqm of designated open space. In this instance, it is considered that the proposed building is in compliance with this policy, and provides the benefit of the area of existing main Bowling Pavilion clubhouse (approximately 240sqm) would be landscaped and returned to a more natural form.

## **Site Layout**

### Hove Lagoon Amusements and Public WC at the Big Beach Cafe:

- 9.11 The relocated skatepark would benefit the congested areas around Hove Lagoon by relocating the existing amusements to where the existing skatepark is. The relocation would open up the area of existing amusements to create an open lawn area west of the Big Beach Café overlooking the lagoon to create an area for families to sit and enjoy close to the playground and other facilities. The relocation would also provide an area to formalise as a future outdoor gym.
- 9.12 Hove Lagoon would be linked to the new wheeled sports area with new footpaths and landscaping, which would form a cohesive whole and a high-quality array of active leisure and sports facilities. This is to be commended.

### Wheeled Sports including Skate Park, Pump Track and Roller Area:

- 9.13 The Wheeled Sports Area includes a separated Skate Park, Pump Track and Roller area, which has been designed following advice from specialists and public consultation. The Seafront Team have stated that the new location for the skatepark allows for a large plaza style design which is more suited to beginners than the existing skatepark. The proposed wheeled sports area would involve significant physical changes including re-profiling, vibrant surface finishes and dramatically changed levels of activity.
- 9.14 The location of the wheeled sports facilities in close proximity to Hove Lagoon facilities (including the café and playground) is important. The Seafront Team have stated that the new skatepark sits within a large open space which improves security and safety for users through passive surveillance from other park users. Public consultation at pre-app and in this application has also shown that the proposals for the wheeled sports area are a popular part of the scheme which is intended to attract across a broad range of ages and capabilities. The loss of the pitch and putt lawns is appropriate, and the provision of the new facilities in this position is considered acceptable. Objections have been raised during public consultation regarding the loss of dog-walking provision in this part of the site. It is noted that the proposed site layout provides open public space access for all users outside of the closed off sports facilities. This includes a new accessible path through the site which is across a number of green spaces which form part of the redevelopment. Existing areas near the site such as the Esplanade, the beach and Hove Lawns to the east of King Alfred would continue

to provide range of opportunities for dog walking. The loss of amenity is considered further below.

#### Garden Areas:

- 9.15 The Seafront Team have highlighted that the garden spaces would provide tranquil places for local people and would be popular for dog walking, exercising, and also relaxation as an alternative outdoor space to the busier beach environment.
- 9.16 The site includes new planting throughout which would offer a different character to these spaces which, with the exception of the sunken garden, are currently largely without significant planting. The addition of the soft landscaping would support and soften the enhanced sport activity area. The change in appearance in the garden spaces is considered an enhancement to the character in line with the surrounding heritage significance.

#### Tennis Courts:

- 9.17 The tennis courts would be retained in the same position as the existing 8 no. courts to the west of Rockwater, incorporating 6 no. tennis courts and 4 no. padel courts. The space beside the padel tennis courts would provide seating and table tennis, with lawns and trees for shade/shelter. In between the sets of WC) to assist with the management of the racket sports areas which would replace the existing tennis office. The scheme is fully supported by the Lawn Tennis Association and has been designed with engagement with the LTA and the wider tennis playing community.

#### Sand Sports:

- 9.18 The new sand sports area would have a sand pad that would be a flexible space which would accommodate a range of popular sand sports including beach tennis, volleyball, rugby and football. The applicant has stated that the sand tennis court availability is in demand by the tennis community. The area would be a specific sand sports zone enclosed by a fence with associated sports lighting. The lighting is considered further in the report below, and details of all boundary treatments and lighting are required by condition.

#### Bowls Green and Croquet:

- 9.19 The existing croquet lawn would be retained and 2 no. bowling greens also retained, with one upgraded to an artificial all weather surface. There would be the addition of a low level boundary enclosure. A new Croquet Club hut is proposed at the south of the Lawn area The upgrades to existing facilities are considered acceptable.

#### Outdoor Sports Hub Building:

- 9.20 The proposals would result in the demolition of the existing Bowling Pavilion and Ladies Pavilion buildings, and to be replaced with a 2 storey Outdoor Sports

Hub. There is no objection to the replacement of the existing Ladies Pavilion and Bowls Club House in principle. The beach chalet attached to the rear of rear of the Bowls Club would be retained, and details are required of the exposed north elevation of this block by condition.

- 9.21 The new single building would combine the previous bowls club and public toilet facilities and with new provision such as café/restaurant use, flexible function room space, public changing rooms/toilet facilities, storage and office space for welfare facilities. The location of the new building is determined by the position of the established championship bowls green, and the provision of the facilities in a single building aims to achieve efficiencies of scale. The proposed building would be larger in footprint and height than the existing Ladies Pavilion.

#### Temporary Events Space:

- 9.22 The existing lawn used currently for temporary events space is proposed to be upgraded in terms of access, boundary landscaping and infrastructure to formalise the area as predominantly a retained open space, with occasional use for events throughout the year. The area would be suitably futureproofed with sustainable events infrastructure such as power and water, and a sewer/wastewater connection would be required. The proposed access improvements are considered below under 'Access'.

#### **Visual Appearance & Heritage Impact:**

- 9.23 CPP2 Policy DM18 states that development proposals must demonstrate a high standard of design and make a positive contribution to a sense of place and the visual quality of the environment. Proposals for development will also be expected to consider local context and the scale and shape of buildings. CPP2 policies DM18, DM26, DM28 & DM29, and CPP1 Policy CP15 also apply here.
- 9.24 Originally beach, this site was reclaimed as scrubland/lawns by the turn of the 19th century and continued to be developed in line with urban expansion westwards and the current layout (then including tennis courts, bowling greens and a croquet ground, a bandstand set within a sunken garden and the lagoon with café) was largely formed during the early 20th century.
- 9.25 In considering whether to grant planning permission for development which affects a listed building or its setting, the Council has a statutory duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Moreover, 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. Case law has held that the desirability of preserving a listed building or its setting or any features of special architectural or historic interest it possesses, and the desirability of preserving or enhancing the character or appearance of a conservation area should be given "considerable importance and weight".

- 9.26 There are heritage sensitivities here as the eastern part of the site falls within the Pembroke & Princes Crescent and Sackville Gardens Conservation Areas. The whole of the site as the existing Hove Western Lawns area, the Western Bowls Pavilion and the southern-most wall are all locally listed.
- 9.27 The local listing describes it as a decorative wall separating the Western Esplanade from the lawns. It is of decorated red brick with stone and tile, and Art Deco in style. The wall incorporates a number of small pavilions/alcoves to its western half. To the east, the wall is more varied, as it is subservient to the buildings in this location, rather than forming a standalone feature. The intention in the proposal is to give more emphasis to the locally listed wall which represents part of the south boundary of the site separating it from the esplanade. The wall, which has fallen into disrepair in places, is a key feature and is considered to work well within the scheme as the route through the gardens would mostly run alongside it. Details of its repair and restoration, including proposals for the pavilion areas, are required by condition.
- 9.28 The regeneration of these spaces for continued and enhanced use as public recreation and leisure amenities corresponds with their original development and is supported in principle by the Council Heritage Team. The Heritage Team also support the retention of the existing arrangement of separate spaces defined by the north-south pathways and acknowledge that the broader pathway alongside the historic wall would improve its setting. It is considered that the proposals as a whole support the heritage seafront value of the Local Heritage Asset the site sits within, and in this way is a heritage gain.
- 9.29 Although the Council Heritage Team have raised concerns regarding the proposed development in terms of the scale of the Outdoor Sports Hub building, it is considered that the identified adverse harm is outweighed by the benefits of the proposal. This is considered further below and is subject to submission of detailed design to be assessed further by condition.

Hove Lagoon Amusements and Public WC at the Big Beach Cafe:

- 9.30 The proposed male and female WC refurbishments to the Big Beach Café would incorporate a new single storey flat roof extension to create a changing places unit on the side (south) elevation. The extension, as well as the fenestration alterations, creation of level access, and new bin store are all considered acceptable additions and alterations to the existing building.

Tennis Courts:

- 9.31 The racket sports areas would be enclosed by fencing and would have sports lighting required to enable evening usage. The existing tennis courts are bounded by a relatively lightweight and visibly permeable fencing. The proposed replacement fencing system would need to be suitably robust, but should also maintain transparency, so to not risk impacting the local historic character – and to avoid creating an enclosed corridor to the southern edges of the site alongside the retaining wall that might attract anti-social behaviour and create a vulnerable

space. Further clarity on the fencing system would contribute to a reduction of risk and to support self-surveillance of the new spatial arrangements and links. This is required by condition.

Sunken Garden:

- 9.32 A new landscaped park garden space is proposed to the north of Rockwater. This area has been identified by the Heritage Team as the only space retaining any significant elements of an historic ornamental layout. It is disappointing that the perimeter walkway and corner steps above the sunken garden cannot be retained in full. However, it is understood that access ramp arrangements do not allow for. Further details of the space are required by condition in order to fully understand how the historic character of the garden would be protected, and that loss of historic features is minimised.

Outdoor Sports Hub Building:

- 9.33 The proposed Outdoor Sports hub would be located within the Pembroke & Princes Crescent Conservation Area, and would also be visible from within the Sackville Gardens Conservation Area. The Grade II listed 157 Kingsway and perimeter wall are sited to the north of the site, opposite the existing Bowls Club. Princes Crescent to the north is a key view, as well as views along the seafront road from the east and west.
- 9.34 Sackville Gardens Conservation Area Character Statement when designated in 1997 refers to the south of the CA by noting: "To the south beyond Kingsway the land opens up to the sea and sky with the croquet lawns, bowling green, and pleasure gardens of the Western Esplanade culminating in the idiosyncratic saw-edge outline of the bathing huts" and "There are several communal buildings dating mostly from the 1930's which have been built deliberately low to allow views to the beach and beach huts beyond".
- 9.35 The proposed Outdoor Sports Hub building is comparable to the scale of Rockwater, albeit with a slightly higher ridge height. Despite the similar height, the Heritage Team have raised concerns that the overall scale of the building would be overly prominent as viewed from the seafront Esplanade and Kingsway in both directions, direct and oblique views across the lawns, and also from parts of the built-up development of western Hove to the north. The Heritage Team considers that less than substantial harm would be caused to the Conservation Areas, in particular from views at the southern end of Princes Crescent and Westbourne Villas.
- 9.36 Planning Officers recommended refusal of the extensions to the Rockwater building (application ref. BH2020/02211) due to the additional height being overly prominent and contrasting starkly with the other seafront buildings in the vicinity. The Heritage team objected to the application. The application was subsequently approved at planning committee and the height of this building, as constructed, is a material consideration. It should be noted that there is greater bulk and height to Rockwater from the north elevation, which has an additional lower floor level when viewed from the north.

- 9.37 It is acknowledged by the Heritage Team that elements of the Outdoor Sports Hub building design do help to mitigate some impact of massing. The lightweight appearance with glazing and multiple roof ridges and valleys are welcomed in terms of reducing visual bulk and providing interest to the design. The brick ground floor and upper floor glazing would compare favourably to the render/stone and timber face of Rockwater. The brick colour and fenestration has been reconsidered during the application to improve the frontage appearance on the south elevation facing onto the Esplanade, and to ensure it references elements of the character of local heritage assets along the Western Seafront, such as the brick detailing. The building would be framed and connected by new footpaths and landscaping, and a garden to the east is to be provided in location of the proposed demolition of existing bowls club building.
- 9.38 It is acknowledged that the Sports Hub building is required in order for the overall scheme to remain financially viable, and the public benefits of a multi-use building are also fully acknowledged, including enabling surveillance of public toilets and changing facilities, and provides the opportunity of flexible spaces within the first floor use that could also be used on occasions by the Bowls Club. The proposed café would provide a public function, and the upper floor terrace space would have dual use for the Bowls Club as a spectator sport overlooking the green. The building in this location also provides wind shelter to the bowling green. The benefits of the building and the design mitigation is considered on balance to outweigh the perceived heritage harm in this instance.
- 9.39 The use of ceramic tiles framing the public entrance the changing rooms / WCs are supported. Details of this and all surface materials, as well as the final roof material, are required by condition.

#### Impact on Other Nearby Heritage Assets:

- 9.40 No statutory listed buildings are within the site, however the Grade II listed 157 Kingsway and perimeter wall (separately listed grade II) sit to the north, opposite the Bowls Club. The significance of this building as (originally) a private house entirely enclosed by a boundary wall within which landscaped gardens provide the immediate setting would not be affected by the proposed development. The seafront outlook forms part of the setting for the perimeter wall and this would be impacted by the proposed Sports Hub, but not to any significant extent.
- 9.41 There are three Grade II listed shelters placed at intervals along the Western Esplanade. The listed shelters are at sufficient distance from the proposed Sports Hub building for their open seafront settings not to be harmed.
- 9.42 The locally listed south boundary wall has a series of existing recessed alcoves facing north onto the garden spaces which are currently closed off with metal barriers. The intention is to reinstate their use with use the lighting scheme to establish a well-lit and safe environment for any seating. Further details are required by condition.

- 9.43 The Western Bowls Pavilion Local Heritage Asset is a single storey symmetrical Art Deco building with central short colonnade (currently enclosed with security fencing) and hexagonal clock over. It is currently in use as public toilets, however no specific redevelopment of this building in a poor state of repair or new use is proposed as part of this application.

#### **Landscaping/Public Realm:**

- 9.44 Policy SA1 includes priorities for the Western Seafront area of relevance to this proposal which include enhance and improve public realm and explore opportunities for tree planting and coastal habitat creation to soften the appearance of the A259, improve microclimate, provide shade and enhance biodiversity. CPP1 Policy CP13 (Public Realm) aims to improve the city's public urban realm by positively contributing to public spaces, enhancing local distinctiveness, reducing the impact of car parking, incorporating biodiversity and creating safe and inclusive public spaces. CPP2 policy DM22 requires proposals to retain, improve and provide landscaping elements, including trees and planting.
- 9.45 The submitted Design and Access Statement outlines how the landscape design has been included from the project outset, in accordance with Policy DM22, and it is clear significant consideration has been given to ensure the different elements are suited to the coastal location, climate change and will provide climate resilience as well as provide plants for pollinators, which is welcomed. The proposals include ambitious plans for new landscaping, including significant levels of tree planting throughout the site, which would provide opportunities for shade that are limited on the siting site. The proposed planting of perennials and areas of species-rich meadows and grassland would provide good opportunities for increasing the biodiversity value of the site, which is considered further in the 'Ecology' section of this report.
- 9.46 The applicant has submitted tree, perennial and wildflower planting schedules. The level of detail of the planting scheme is welcomed, which would provide groupings of trees for shelter, and would make the lawns and embankments more inviting and useable spaces. Some landscaping elements would provide informal play opportunities, which is also welcomed. A robust maintenance schedule, with a reliable watering regime, would be essential in the future success of the landscaping proposals.
- 9.47 There is no objection in principle to the type or quantum of tree planting. There has previously been concerns raised regarding the sustainability of tree planting on other seafront developments. This has been for various reasons including potential saltwater damage, persistent strong winds and poor soil structure that inhibit both root growth and tree stability. However, these issues have been fully considered during pre-application stage, with careful consideration of species selection, the use of existing terrain and vegetation, utilising current and proposed construction as windbreaks and the grouping together of plantings to maximise survival rates. Following advice from the Council Arboriculture Team, the proposals have been amended to re-distribute the type of trees, and also reduced the number on the north side in close proximity to the public highway, cyclepath

and footway. It is considered that despite the highly challenging environment, there is confidence that these concerns have been successfully addressed, subject to final details on planting specification and maintenance schedule. The City Parks Team have confirmed that they will continue to work with the applicant to refine the planting selection to ensure coastal tolerance and ecological benefit within the planting proposals.

- 9.48 The applicant has submitted a Tree Survey showing the location of existing trees and hedges, as required by CPP2 policy DM22 Landscape Design and Trees. Some sections of hedgerow will be removed, and whilst it would have been welcomed if some areas of existing planting including tamarisk could have been retained, the reasons for their removal to improve sightlines and access are considered acceptable.
- 9.49 It is considered that the proposed public realm enhancement to the site would provide immediate and long term, visual, environmental and public/community benefit. The proposed layout is generally in line with the current distribution of formalized sports areas and hard surfacing, interspersed by green open spaces for more casual/flexible use. Despite being outside of the site area, the existing Kingsway and the Western Esplanade pedestrian experience would be enhanced as a result of the proposed development. Improving connectivity has been an important part of the proposals, and this is considered further in this report below. Overall, the proposed works would provide a number of improvements to pedestrian routes. The recommendations of the Local Highway Authority are also considered within this report below.
- 9.50 Further details of landscaping, including street furniture, are required by condition. The County Ecologist has commented fully on the proposal in relation to ecology/biodiversity proposals, and these are considered further under 'Ecology'.
- 9.51 Details of proposed public realm layout, materials, colour palate, signage and lighting strategy (as outlined in the detailed design plans and Design and Access Statement), including maintenance details and management plan, are required by condition. This is in order to ensure a satisfactory appearance and to accord with the requirements of SA1 the Seafront, Policy CP13 and CP15 of the City Plan Part 1.
- 9.52 The applicant proposes public art commission as part of the proposals. This would accord with a key priority for SA1 The Seafront and Policy CP5 Culture and Tourism. These policies seek investment in spaces suitable for outdoor events and cultural activities that take place in the public realm and the enhancement and retention of existing public art works. Policy CP13 Public Streets and Spaces recognises the role of public art to create and enhance local distinctiveness in the public realm and help develop a desirable sense of place as well as improving legibility. Limited details have been submitted, and therefore full proposals for the public art are required by condition.
- 9.53 Further landscaping consideration are made in the report below (see 'Ecology'). Overall, the proposed improvements to the public realm in this section of the

seafront are welcomed and would accord with priorities for the seafront in general within policies SA1 and CP13.

**Access:**

- 9.54 The proposed improvement to connectivity across the site is a key policy requirement and would help enhance and improve public realm in line with Policy SA1. Policy CP13 Public Streets and Spaces is relevant and requires improvements to meet the needs of all users, utilise high quality, robust and sustainable materials and create safe and inclusive public spaces.
- 9.55 The north-south pedestrian cross-routes separate many of the individual green space within Hove Western Lawns and provide existing access between Kingsway and the Esplanade. The locally listed south boundary wall and the beach huts on the Esplanade restrict elsewhere the physical access to the garden spaces. There are 4 no. formal crossing points on Kingsway in the vicinity of the site that connect the site to the north. The existing park spaces in the western half of the site only have steps and poor-quality inclines to access the sunken levels which further limits their useability.
- 9.56 It is understood from the submission and through the pre-application process that accessibility has been a key issue in terms of the design of the site redevelopment and its connection to the wider seafront. The gradients and land levels across the site have been the primary consideration in terms of accessible path location. As part of the proposals of the continuous east-west walkway through the separate areas of open space, there would be re-grading of the levels of the site to enable significant improvements to accessibility for pedestrians of all capabilities. A new inclined ramp access to the east end of Hove Lagoon will be added for those with mobility issues. The Council Sports Facilities Team has stated that the ramps and level access across the site promote inclusivity and accessibility in terms of people with mobility issues, with a greater opportunity than existing to participate and take part in the sports and activities being offered.
- 9.57 The new public toilets in the Outdoor Sports Hub will include a lift, accessible toilets and a Changing Places facility. Further accessible toilet facilities are proposed at Big Beach Café and the Tennis Pavilion.
- 9.58 Overall, it is considered that the proposals would improve general access for pedestrians in and around the site, as well as improving accessibility with inclusive design for the mobility impaired.

**Ecology:**

- 9.59 The proposals should seek to protect and enhance existing open space and nature conservation interests where the site lies within designated areas. Policy CP10 requires development to conserve existing biodiversity which may be

affected, protect it from development such as from noise and light pollution, and provide gains for biodiversity wherever possible.

- 9.60 As set out in CPP2 Policy DM37 Green Infrastructure and Nature Conservation, as a locally protected site, development proposals should justify development of the site and ensure impacts can be mitigated through on or off-site habitat creation with achievements in net gains in biodiversity/geodiversity.
- 9.61 The proposal should give full consideration to the achievement of biodiversity net gains (BNG) in line with Policy CP10 and CPP2 Policy DM37, as well as the updated SPD11 - Biodiversity and Nature Conservation SPD. The applicant has submitted a Biodiversity Checklist, Preliminary Ecological Appraisal Report, Ecology Technical Note and Bat Survey. The application also sets out the soft landscaping scheme to include tree planting, perennials and wildflower meadows.
- 9.62 The site is not designated for its nature conservation interest, however it lies within the Living Coast UNESCO Biosphere Reserve, and Basin Road South Local Wildlife Site (LWS) lies c. 198m west. The County Ecologist states that there is unlikely to be any impacts on the LWS or the nature conservation interests of the Biosphere.
- 9.63 The Big Beach Café is deemed to have moderate bat roost potential, however the bat surveys carried out indicating risk of roosting bats to be very low. The submitted reports indicate that to update and improve reliability of the results, an additional survey is required. Recommendations are made to ensure any nesting birds are not disturbed in the breeding season during works. Precautionary methods will also need to be in place to protect any hedgehogs on site, and also any reptiles found in areas such as within grassland around the tennis courts (although significant populations on site are considered to be unlikely). Compliance with the submitted reports and recommendations is required by condition.
- 9.64 The site offers opportunities for biodiversity enhancement, and the proposals indicate a target of 20% BNG within the Ecology Technical Note. This would be achieved through tree planting, perennial planting and grassland/wildflower meadow planting. The submitted DEFRA Biodiversity Metric, which demonstrates the actual amount of BNG proposed, indicates a BNG of up to 106.63% in habitat units and 15.85% in hedgerow units. Overall, the County Ecologist expects that the proposals would likely achieve BNG considerably in excess of 20%. Enhancements that are not considered in the metric such as bat and bird boxes would provide additional gains.

**Impact on Amenity:**

- 9.65 Policy DM20 of City Plan Part 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.

- 9.66 A Construction Environmental Management Plan (CEMP) is required to mitigate construction impacts, and the submitted documents are considered acceptable.

Overlooking/Loss of Privacy/Outlook/Daylight & Sunlight:

- 9.67 The proposed development is largely situated a sufficient distance away from neighbouring residential properties so as not to cause significant harm to residential light levels, privacy levels and by way of overlooking.

Noise Impact:

- 9.68 The nearest residential properties are on the north side of the A259 (Kingsway) coast road and on the north-south roads further to the north. Concerns have been raised during public consultation regarding noise and potential anti-social behaviour, in particular in relation to the wheeled sports area. There are already several leisure uses along this section of the seafront, including within the existing site, which generate activity and associated noise that would be expected from these uses. There are generally no significant issues envisaged with the proposed footfall of pedestrian activity and any noise or disturbance that generally may occur on this site that would cause concern that would warrant refusal of the application.
- 9.69 The proposed padel tennis courts would be located between the tennis courts and the sunken garden behind Rockwater. Glazed areas are proposed at North and South elevations with the sides consisting of mesh grilles. It is acknowledged that due to the nature of the sport (with impact sound from the solid bat and harder ball than with tennis), that there may be some impact sound that may be heard around the neighbouring park spaces and outside of the site boundary, most notably at nearby Rockwater. However, some of the impact noise would be mitigated by the surrounding traffic noise during the day and other uses nearby that attract groups of people such as Rockwater and the existing tennis courts. There are also elements in the design in this instance would potentially mitigate any noise impact here, including land levels, use of landscaping, the sports facility boundary, and the floodlighting times controlled by condition (to be switched off at 10pm).
- 9.70 Public comments have been received raising concerns regarding noise impact to properties on Kingsway, with some objecting to proposed sports and landscaped gardens to replace open green lawns that are used by local residents for dog walking and other green space purposes. This is acknowledged; however, the proposals have been carefully considered and distributed proactively in respect of existing users of the site, and it is highlighted that there are constraints in terms of key retained accommodation in certain locations (such as the Bowls Club and Tennis Court Club). The location of the wheeled sport facilities is considered above in this report under 'Visual Appearance & Heritage Impact'. Its siting next to Hove Lagoon promotes a family friendly area with users being able to move easily between the two facilities. The applicant has also stated that the design incorporates an open aspect to promote passive surveillance throughout the site to limit dead-end and

hidden spaces. Subject to a condition for the floodlighting to be turned off at 10pm, and submission of a noise management plan to outline further setting out noise management and safety measures by the operator, the potential noise/disturbance impact here is not considered to be so significant as to warrant refusal of the application on this basis.

Lighting:

- 9.71 The proposals would introduce new column and feature lighting to the garden spaces, cross-routes and the east-west accessible path to enable safe movement after dark and to allow for use of facilities. It is considered that the lighting proposed to improve safety and the legibility of the area would be welcomed. It is considered that the proposed lighting scheme in principle would enhance the setting of this part of the historic seafront and improve access. Floodlighting is also proposed at the wheeled sports, tennis, padel and sand sports areas. This would provide extended access and usage in the winter and evenings. The lighting installation will be required to comply with appropriate lighting guidance levels, to reduce intensity and to reduce obtrusiveness/light spill. Full details of the lighting scheme are required by condition. Further consideration of amenity impact is set out below, including restricting floodlighting time until 10pm by condition.

**Sustainable Transport:**

- 9.72 National and local planning policies seek to promote sustainable modes of transport and to ensure highway safety. In accordance with paragraph 109 of the National Planning Policy Framework, development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. The NPPF states that the use of sustainable modes of transport should be pursued (paragraph 102).
- 9.73 City Plan Policy CP9 seeks to encourage use of sustainable modes of transport and supports improvements to the public realm to encourage walking. City Plan Part 2 Policy DM33 Safe, Sustainable and Active Transport is also relevant as the new access routes should be designed to provide safe, comfortable and convenient access for pedestrians and contribute towards, the city's network of high quality, convenient and safe cycle routes. The Highway Authority has commented on the application, and their recommendations are summarised within this report.
- 9.74 The applicant has submitted a Transport Statement (and addendum), and the Local Highway Authority have no objection to the proposals subject to recommendations to be secured by condition.
- 9.75 A CEMP (Construction Environment Management Plan) has been submitted (in the form of a Construction Phase Health and Safety Plan; Logistics Review; Traffic Management Plan, and Phasing Logistics) and deemed acceptable. A condition is required ensuring the works are carried out according to the approved plans

#### Pedestrian Site Access:

- 9.76 There are 13 no. formal pedestrian access points from Kingsway footpath/cycle track on the north, including a proposed new access point on Hove Street South to the east of the site. The 14 no. existing pedestrian access points from the Western Esplanade beachfront promenade would all be retained. Three of the eight north-south links between Kingsway and the Esplanade provide shared access of pedestrians, wheeled and deliveries/servicing vehicles which would remain; however it is expected that these links would experience some increased intensification of use. It is noted there would be improvements to access within the site that would help alleviate existing access arrangements and any intensification of use as a result of the proposal.
- 9.77 There would be improved fully accessible east-west links through the site that links all the park spaces which would join up with and provide an alternative to Kingsway and the Esplanade. Also, access around the busy area of east end of Hove Lagoon and Big Beach Café would be improved with a new inclined ramp access. The improvements to accessibility for the public proposed throughout the linear site are therefore considered acceptable. The Local Highway Authority have recommended further details submitted by condition.

#### Servicing/Deliveries:

- 9.78 Existing (restricted) vehicle access to the site is via north-south access points at Westbourne Villas/Princes Crescent (serving Bowling Club), Walsingham Road/Sackville Gardens (serving Rockwater) and Wish Road (serving Big Beach Café/Hove Lagoon). These existing access points would serve the proposed redeveloped site, including the proposed Outdoor Sports Hub. The Local Highway Authority have recommended a Deliver & Servicing Management Plan given the potential intensification of use of the site and the accessways.
- 9.79 The proposed new/replacement vehicle access to the events space on Hove Street at the eastern end of the site near King's Esplanade would cross 2 directions of cycle lane traffic at this point. The current access has no dropped kerb, and details of this will be required to be agreed via s278 agreement (and secured by condition).

#### Vehicle Parking:

- 9.80 There is no on-site parking provision associated with this application. Disabled parking is currently available at on-street disabled parking bays adjoining the site, and this continuation of existing arrangements is considered acceptable in this instance.

#### Cycle Access/Parking:

- 9.81 It is indicated that the proposed walkway through the site would be for pedestrians only with no access to cyclists (in similar form to the Esplanade). The existing cycle route to the north of the site, as well as future improvements to cycling

provision proposed along this section of the A259, would meet the needs of current/future cyclists travelling to and from the site. An enhanced and redesigned cycle lane, which involves moving car parking onto the A259 carriageway to create space for an extra cycle lane, is being developed on the Kingsway at the site boundary and is due to be installed in early 2023. The 'National Cycle Route 2' cycleway improvements scheme has been co-ordinated with the application proposals on elements such as to remove nib walls along the north boundary dwarf wall to improve visibility and widening the footway at Hove Street.

- 9.82 An additional 61 no. new cycle stands are proposed to be provided on the north/south routes between the Esplanade and Kingsway, giving a total on site of 79. The total new spaced could be doubled if provision is made with Sheffield Stands (as indicated in the submitted Transport Assessment). In either case, the number of spaces is above the minimum requirement for the development, and confirmed details are required by condition. The proposal site is currently served by a BHCC Bike Share Hub at Hove Lagoon and is close to a hub at King Alfred Leisure Centre. Another is currently under consideration at Rockwater which can be provided separately from planning permission.

Trip Generation:

- 9.83 The site has good access to public transport in its locations along a key public transport corridor to the west of the central area of Brighton & Hove. There are 4 no. bus stops in the vicinity serving east and west directions (the layout of which are subject to change as part of the A259 cycle lane extension). Further bus stops are in walking distance nearby to the north on New Church Road. Portslade, Aldrington, and Hove train stations are all within accessible walking distance.
- 9.84 Car parking in the nearby residential streets surrounding the site is controlled by various parking zones. For visitors, paid on street parking is available on the Kingsway (A259) which is outside of the nearby resident-controlled parking zones. The BHCC car park at King Alfred Leisure Centre is immediately to the east and also serves the site for visitors.
- 9.85 A Transport Statement has been provided which concludes that the proposals will generate little additional traffic onto the highway network. The new Outdoor Sports Hub, new sports facilities and replacement wheeled sports facilities could result in additional vehicle trips. However, the impacts of any additional trip generation or parking overspill are not considered to be so significant here and it is expected that the site and its surrounding transport network could adequately accommodate any increase in trips associated with the proposed development.

**Sustainability:**

- 9.86 City Plan policy CP8 requires that all developments incorporate sustainable design features to avoid expansion of the City's ecological footprint, radical reductions in greenhouse gas emissions and mitigate against and adapt to climate change. CPP2 Policy DM44 (Energy Efficiency and Renewables) states that all development should improve energy efficiency and achieve greater

reductions in CO2 emissions in order to contribute to the Brighton & Hove target to become a carbon neutral city by 2030.

- 9.87 The Sustainability Checklist submitted indicates the new buildings will aspire to meet 'Very Good' BREEAM standard. BREEAM standards shall be secured by condition. Policy DM44 also requires non-residential development to achieve at least a 19% reduction in carbon emissions over Part L and also requires submission of a minimum rating "B" Energy Performance Certificate, which is required by condition.
- 9.88 The Sustainability Officer has recommended that the developers explore how circular economy principles may be introduced in the design and construction of the buildings, for example by re-use of existing materials on site. Details of minimising waste will be required by condition through a Site Waste Management Plan. The embodied energy in building materials should be minimised as far as possible through careful consideration and sourcing of construction materials and processes. Further details of the materials used are required by condition.

#### **Other Considerations:**

##### Archaeology:

- 9.89 The site is not situated within an Archaeological Notification Area, but the County Archaeologist has identified that the land lies within an area of prehistoric potential and possible evidence for a post-medieval harbour. The applicant has submitted an Archaeological Desk-Based Assessment, which concludes that the site's overall archaeological potential is 'low to moderate' and that the likelihood of encountering prehistoric archaeology has been assessed as low. Given the potential for impacts to heritage assets with archaeological interest resulting from the proposed development, a condition is required for a programme of archaeological works.

##### Waste Management:

- 9.90 Policy WMP3d of the Waste and Minerals Plan requires development proposals to minimise and manage waste produced during construction demolition and excavation. Paragraph 49 in the national Planning Practice Guidance (PPG) on Waste provides guidance on what could be covered in order to meet the requirements of the policy. A fully completed Site Waste Management Plan (SWMP) will need to be required by condition to include sufficient information to demonstrate compliance with Policy WMP3d
- 9.91 Policy WMP3e of the WMP requires proposals for new development to identify the location and provision of facilities intended to allow for the efficient management of waste, e.g. location of bin stores and recycling facilities. The location and provision of facilities intended to allow for the efficient management of bin stores and recycling facilities for the proposed Outdoor Sports Hub has been outlined, and full details are required by condition.

#### Flood Risk/Drainage:

- 9.92 CPP2 Policy DM39 required proposals to take account of the particular conditions experienced in the coastal zone, for example in layout, design, landscaping and materials proposed, and should be resilient to the effects of climate change. CPP1 policy CP11 requires development to include SuDS to avoid any increase in flood risk and CPP2 Policy DM43 requires all development to achieve a reduction in the level of surface water leaving the site.
- 9.93 Although the majority of the site is located within Flood Zone 1 with medium risk of tidal flooding, part of the western area of the site falls within Flood Zones 2 (land west of tennis courts) and 3 (east of Hove Lagoon) with a higher risk. The site is broadly flat but does feature areas at a lower level which would require drainage. The Council Sustainable Drainage Team have indicated that a lack of flooding recorded on site suggests that the current situation offers sufficient drainage rates for most of the time, and that the proposed development is unlikely to worsen this. New buildings are proposed to only be constructed in low-risk areas in Flood Zone 1.
- 9.94 A Flood Risk and Drainage Assessment has been submitted which concludes that the risk of groundwater flooding is low. The information submitted includes the surface water and foul water drainage strategy, however the locations and dimensions of many features are yet to be finalised. Foul waters are proposed to be discharged to the adjacent combined sewers via existing connections. The Sustainable Drainage Team have indicated a very low risk of pollution levels in runoff water, however final details of design would require mitigations of pollution.
- 9.95 The Flood Risk Assessment indicates that the proposed approach to surface water management includes infiltration SuDS to discharge runoff to the ground with rainwater harvesting from Outdoor Sports Hub discharged to soft landscaping/soakaway, and trench soakaway from Tennis Pavilion.
- 9.96 The proposals will result in an increase in hardstanding in comparison to the existing site, although it is acknowledged that a large proportion of this will be the accessible pathway and sports playing surfaces that will comprise of permeable paving. Ramped paths would have drainage channels to infiltration trenches. The wheeled sports area proposals include runoff into gullies (as permeable paving is not deemed to be appropriate for this use).
- 9.97 The Council Sustainable Drainage Team and the Environment Agency have no objection to the proposals. Further details of drainage proposals (including final designs for permeable paving, gullies and soakaways) are required by condition.

#### Air Quality:

- 9.98 The site is not in an Air Quality Management Area. No significant air quality issues are envisaged in relation to this application.

### Land Contamination:

- 9.99 There are no known land contamination sources on site. A land discovery condition is required should any contaminants be found during construction works.

## **10. CONCLUSION**

- 10.1 These proposals have been shaped by the outcome of public pre-application consultation and would provide benefit to the wider community. The new and improved accessibility, sports and recreation facilities and landscaping would increase activity levels and footfall, which is welcomed and would accord with the overall priorities for the seafront.
- 10.2 Improvements to the public realm in this section of the seafront are welcomed. The proposal represents an opportunity to enhance the present situation in respect of the designated heritage assets and the surrounding public realm, as well as improving on the connectivity around the site. The improvements to the amenity green space, natural and semi natural area and outdoor sports are considered acceptable overall. The site offers opportunities for biodiversity enhancement, and the proposals indicate a target of 20% Biodiversity Net Gain. The townscape interest provided by the lawns and the surviving historic elements are proposed to be enhanced by the new planting and fabric repair, which would be seen as a heritage gain. The Highway Authority has no objection subject to recommended conditions.
- 10.3 The proposals would mostly retain the existing open space and outdoor sports uses whilst bringing them into more effective use through the proposed improvements. The Council's Facilities and Development, amongst other consultees, support the new sports facilities that would improve the variety of the provision in the city and increase participation in sport and physical activity. The Council Sports Facilities Team have highlighted that the wheeled sports and sand sports facilities would engage people who wouldn't normally take part in other sports activities.
- 10.4 The overall development would increase footfall to the area which would help to support existing businesses and would provide a new café/restaurant and kiosk within the proposed Outdoor Sports Hub building. This building would also provide much needed new public toilets, showers and changing facilities which will be available for users of the both the park facilities and the beach. The Heritage Team have raised concerns of the scale and prominence of a proposed building in this position on the seafront. However, the approved development at Rockwater is a material planning consideration, and it is considered overall the benefits of the multi-functional building outweigh the heritage harm in this instance.
- 10.5 The proposal in its entirety seeks to enhance and improve the open space from Hove Lagoon through the adjoining King Alfred site. The interconnected areas

and associated pathways would provide improved accessibility throughout the site and beyond despite constraints of existing structures and topography.

- 10.6 The design details of the proposal required by condition are necessary to ensure the acceptability of the scheme. Details of management and future maintenance of the scheme are required by condition.

## **11. COMMUNITY INFRASTRUCTURE LEVY**

- 11.1 Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23 July 2020 and began charging on all CIL liable planning applications on and from the 5 October 2020. The exact amount will be confirmed in the CIL liability notice which will be issued as soon as it practicable after the issuing of planning permission.

## **12. EQUALITIES**

- 12.1 The proposals have given consideration in the design to be compliant with Building Regulation performance indicators, including access solutions to provide safe and enhanced access for the current proposals and for future development of the wider site. The pedestrian routes with new walkway through the site would provide step free access within the site and beyond. New access and general layout will be further considered in details by condition, and compliant gradients will be required to meet Building Regulations.

## **13. CLIMATE CHANGE/BIODIVERSITY**

- 13.1 The proposed Sports Hub building would achieve the BREEAM New Buildings "Very Good" rating required by condition. The new building should achieve at least a 19% reduction in carbon emissions, and EPC 'B' rating, in line with emerging CPP2 policy DM44. The embodied energy in building materials should be minimised as far as possible through careful consideration and sourcing of construction materials and processes.