

<u>No:</u>	BH2022/01609	<u>Ward:</u>	Brunswick And Adelaide Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	The Meeting Place Cafe Kings Esplanade Hove BN3 2WN		
<u>Proposal:</u>	Demolition of existing café building and replacement with new single-storey café building (Class E).		
<u>Officer:</u>	Emily Stanbridge, tel: 293311	<u>Valid Date:</u>	04.07.2022
<u>Con Area:</u>	Both Regency Square and Brunswick Town	<u>Expiry Date:</u>	29.08.2022
<u>Listed Building Grade:</u>		<u>EOT:</u>	26.09.2022
<u>Agent:</u>	Lewis And Co Planning SE Ltd 2 Port Hall Road Brighton BN1 5PD		
<u>Applicant:</u>	Meeting Place Cafe C/o Lewis And Co Planning 2 Port Hall Road Brighton BN1 5PD		

1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **GRANT** planning permission subject to the following Conditions and Informatives:

Conditions:

1. The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

Reason: For the avoidance of doubt and in the interests of proper planning.

Plan Type	Reference	Version	Date Received
Proposed Drawing	2203-03-02	K	16 March 2023
Proposed Drawing	2203-03-03	K	16 March 2023
Proposed Drawing	2203-03-04	K	16 March 2023
Location Plan			12 May 2022
Block Plan	220303-05	H	17 January 2023
Report/Statement	Extraction Details		4 July 2022
Report/Statement	Noise Impact Assessment		4 July 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. The kitchen extraction system shall be installed as per the recommended requirements of the DAA noise Impact Assessment dated 27th September 2022, Issue 02.

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

4. No alcohol shall be sold or supplied within the development hereby permitted except to persons who are taking meals on the premises and who are seated at tables.

Reason: To prevent noise, nuisance, disturbance and public disorder, to protect amenity to comply with policies DM20 and DM40 of Brighton & Hove City Plan Part 2.

5. Notwithstanding any details shown on the approved plans, no development above ground floor slab level of any part of the development hereby permitted shall take place until details 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, including (where applicable):

- a) Samples/details of all brick
- b) samples of all cladding to be used, including details of their treatment to protect against weathering
- c) samples/details of all hard surfacing materials to include external floor finishes
- d) samples/details of the proposed window and doors and shutters
- e) samples/details of all other materials to be used externally including means of enclosure

Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development and to comply with policies DM18, DM21, DM26 of Brighton & Hove City Plan Part 2 and CP12 and CP15 of the Brighton & Hove City Plan Part One.

6. No development above ground floor slab level of the development hereby permitted shall take place until details of architectural features, including large scale drawings of 1:20 scale, or 1:1 where appropriate, shall be submitted to and agreed in writing by the Local Planning Authority. These details shall include any signage, external lighting (including luminance levels), guttering/rainwater goods, windows (and their reveals), doors, fascia's and shutters. The agreed features shall be implemented before first occupation of the development.

Reason: To ensure the development is of sufficient quality given its prominent and sensitive location in heritage terms to comply with policies DM18 and DM26 of the Brighton and Hove City Plan Part 2 and CP12 and CP15 of the Brighton and Hove City Plan Part One.

7. No external means of enclosure to include windbreaks and canopies shall be erected in connection with use of the proposed development unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the development and to comply with policies DM18 and DM26 of Brighton & Hove City Plan Part 2, and CP12 and CP15 of the Brighton & Hove City Plan Part One.

8. At least one bee brick shall be incorporated within the external wall of the development hereby approved and shall be retained thereafter.

Reason: To enhance the biodiversity of the site and to comply with Policy DM37 of Brighton & Hove City Plan Part 2, Policy CP10 of the Brighton & Hove City

Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

9. Notwithstanding the proposal hereby permitted, prior to the first occupation of the development details of secure cycle parking facilities for the occupants of, and visitors to, the development shall have been submitted to and approved in writing 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 TR14 of the Brighton & Hove Local Plan, SPD 14 Parking Standards and CP9 of the City Plan Part One and DM33 of City Plan Part Two.

10. No activity within the site shall take place between the hours of 23:00 and 06:30 (the next day) daily.

Reason: To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies DM20 and DM40 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. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.
3. In order to be in line with Policy DM33 cycle parking must be secure, convenient (including not being blocked in), accessible, well lit, well signed, near the main entrance, by a footpath/hardstanding/driveway and wherever practical, sheltered. This could be on the public highway or on site in this instance. It should also be noted that the Highway Authority would not approve vertical hanging racks as they are difficult for many people to use and therefore not considered to be policy and Equality Act 2010 compliant. Also, the Highway Authority approves of the use of covered, illuminated, secure 'Sheffield' type stands spaced in line with the guidance contained within the Manual for Streets section 8.2.22. Or will also consider other proprietary forms of covered, illuminated, secure cycle storage including the 'slide cycle in' type cycle store seen in railway stations, the 'lift up door' type cycle store, the metal Police approved 'Secure-By-Design' types of cycle store, the cycle 'bunker' type store and the 'two-tier' type system again seen at railway stations where appropriate. Also, where appropriate provision should be made for tricycles, reclining cycles and 'cargo bikes'.
4. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.

To make an application visit Southern Water's Get Connected service: developerservices.southernwater.co.uk and please read our New Connections Charging Arrangements documents which are available on our website via the following link: southernwater.co.uk/developing-building/connection-charging-arrangements

5. 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. Please contact Southern Water.
6. The applicant is advised that this planning permission does not override the need to obtain a licence for the tables and chairs/a-boards/shop displays/scaffolding with banners/shrouds on the highway under the Highways Act 1980. The applicant must contact the Council's Highway Enforcement team for further information. Tel: 01273 292071, Email: street.licensing@brighton-hove.gov.uk.
7. The applicant is advised to seek advice with regard to any separate consent separate to the planning regime that may be required for the development under the Hove Improvement Act 1830

2. SITE LOCATION

- 2.1. This application relates to an existing single storey café building with outdoor seating named 'The Meeting Place Café' which is situated on the boundary between Brighton and Hove, on the seafront south of Hove Lawns. The café is positioned on the beachfront path between Hove Esplanade and Brighton's Seafront arches.
- 2.2. The site is located within both the Regency Square Conservation Area and the Brunswick Town Conservation Area. The existing building however is entirely within the Regency Square Conservation Area, and its outside seating area is located within the adjacent conservation area.
- 2.3. The site is also located in close proximity to a large number of other heritage assets of national and local significance. Immediately north of the site is the Grade II listed Edward VII Memorial monument (locally known as the Peace Statue). To the west of the site are the locally listed Hove Lawns, in addition to two 19th century seafront shelters. To the east is the Grade II listed Western Bandstand and the remains of West Pier. On the northern side of the Kingsway are the Grade I listed Regency terraces. Immediately to the west of the existing building on the King's Esplanade are historic seafront railings. These existing railings delineate the boundary between Brighton and Hove and form an important heritage asset to the city.

3. RELEVANT HISTORY

- 3.1. **PRE2021/00165** Redevelopment of the existing café and outside seating area to provide a larger café on two storeys, a small kiosk shop and an increased outside seating area. Written response provided February 2022
- 3.2. The response issued advised that the principle of providing improved facilities is supported. An extended footprint at ground floor level was also considered acceptable. Concerns were raised however with regards to an additional storey and provision of a roof terrace.

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for the demolition of the existing café building and its replacement with a new single storey café building (Use Class E).
- 4.2. The proposed café would be single storey in height with a flat roof with curved corner profiles, and would extend further to the west than is currently the case. It would be finished in brick with a green copper clad roof.
- 4.3. The existing building provides a kiosk with a serving hatch to the northern elevation, with a footprint of approximately 70sqms. The existing building provides no indoor seating but does benefit from an external seating area immediately west of the building.
- 4.4. The proposed café would have a footprint of 211sqm, with a width of 27m where the existing is 12.5m, a depth of some 9m where it currently measures 6m, and a height of 3.8m, where it is currently a maximum of 3.9m with a series of pitched roofs. It would serve 64 covers.
- 4.5. Amendments have been received during the lifetime of the application to reduce its height and scale. These revisions include:
 - Removal of the first floor roof terrace,;
 - Removal of the 'saw tooth' roof profile and replacement with a flat roof
 - Reduction of footprint from 447sqm to 211sqm, reducing 'covers' from 124 to 64
 - Amended elevational treatment
 - Inclusion of curved corner profiles
 - Revised fenestration
 - Change in materials

5. REPRESENTATIONS

- 5.1. **Seventeen (17)** letters of representation have been received objecting to the proposed development (as originally submitted) on the following grounds:
 - The terrace will not be accessible to all with no lift proposed
 - Lack of a changing places toilet
 - The proposed café is oversized.
 - Poor design

- The proposed building is too high
- The 2 storeys proposed is inappropriate
- The development will overshadow the Peace Statue
- Not in keeping with the Hove Lawns
- The café would extend over the existing outdoor eating area
- Loss of external seating
- The proposals need to respect heritage assets
- The café would block views of nearby listed buildings
- Overdevelopment
- The café should not encroach on the beach
- Misleading drawings
- Loss of historic railings
- The proposals contravene the Hove Improvement Act 1830

5.2. **Four (4)** letters of representation have been received in support of the proposed development (as originally submitted) on the following grounds:

- Good design
- The development would provide improved local and tourist amenities
- The indoor seating is welcomed

5.3. **Conservation Advisory Group** recommends the refusal of this application on the following grounds:

- The height is 50% more than existing
- The footprint is far larger than existing
- Two storey nature of the development
- Views of the peace statue from the beach will be diminished
- Inappropriate for a conservation area
- Overdevelopment
- Protection of Hove Lawns is vital
- Hove Improvement Act prohibits development

5.4. Significant amendments have been received during the lifetime of this application to address heritage officer concerns in respect of scale.

5.5. Following the re-consultation of this application **Two (2)** letters of representation have been received supporting the proposed development (as amended) on the following grounds:

- Good design
- In keeping with the listed building
- The old building is tatty and in need of refurbishment
- The curved railings have been well designed into the proposals
- This would be a welcomed addition to this part of the beach
- The proposals are an improvement over the existing building
- Would form a tourist asset to the area

- 5.6. Following the re-consultation of this application **Seven (7)** letters of representation have been received objecting to the proposed development (as amended) on the following grounds:
- Overdevelopment
 - The dominant addition would impact the conservation areas
 - The proposals contravene the Hove Improvement Act 1830
 - Should be no increased development near the peace statue
 - The beach railings should be protected
 - Beach footprint should not be reduced
 - An approval would encourage similar developments along the promenade
 - Impacts on historic heritage assets
 - Loss of external seating
 - Proposals are not sympathetic
 - Inappropriate height
- 5.7. **Conservation Advisory Group** recommends the refusal of this application (as amended) on the following grounds:
- The elevations do not address previous concerns
 - The footprint is significantly larger than the existing
 - The building would extend significantly on the western side
 - The Hove Improvement Act of 1830 prevents development along this frontage.
 - This building would set a precedent.
 - Views of the Peace statue would be compromised by the development
 - The building is inappropriate in a conservation area
 - There is a lack of external seating
 - The building is an overdevelopment and would be a dominant addition
 - Protection of Hove Lawns is vital

6. CONSULTATIONS

External:

6.1. **Southern Water** (Comment):

The exact position of the public foul sewer must be determined on site by the applicant in consultation with SW before the layout of the proposed development is finalised. SW requires a formal application for a connection to the public sewer to be made by the applicant or developer. Our initial investigations indicate that there are no public surface water sewers in the area to serve this development. Alternative means of draining surface water from this development are required. The applicant should be advised that a wastewater grease trap should be provided on the kitchen waste pipe or drain installed and maintained by the owner or operator of the premises.

6.2. **Sussex Police**

There are no major concerns with the proposals in this location.

- 6.3. The premises fall within the cumulative area / centre of the night-time economy. The applicant and their partners are strongly advised to take note of the Brighton

& Hove City Council Statement of Licensing Policy in relation to licensed premises in the Cumulative Impact Area, and to consult directly with Police Licensing at Sussex Police should they wish to make plans for a licensed premises serving alcohol or conducting other licensable activities at this site. Should this be the case, it is asked that any consent for this or future application for the premises is conditional that alcohol is ancillary to food prepared on the premises and served at table by waiters / waitresses. Substantial food shall be available at all times.

6.4. It is encouraging to note from the ground floor plans submitted in support of this application, the implementation of shutters to external door-sets and glazed windows. This will greatly enhance the building skin security. It is recommended that a monitored intruder alarm is fitted to the premise to protect it further from attack outside of working hours.

6.5. It is recommended that external lighting is fitted at the entrances to the café to provide a safe environment for staff and users when accessing the facility during dark hours. It is recommended dusk till dawn, vandal resistant, low energy light fittings are fitted where applicable.

Internal:

6.6. **Environmental Health:** No objection subject to condition

6.7. **Heritage:** Initial Comments July 2022 (prior to amendments): Objection. Pre-application advice was provided on this development. As currently proposed the building would have a ridge height 1m lower than the pre-app scheme.

6.8. The roof is proposed to screen the roof terrace from views from the north. Its shallow saw-tooth profile has a somewhat industrial appearance and as a means of merely providing a screen to the proposed rooftop activity is considered to add disproportionately to the scale of the development, and the resulting prominence it would have on this low-scale seafront environment would be significant.

6.9. The heritage team does not consider that is proposal fits the description of a single storey building. The roof voids could easily provide covered seating spaces and as stated above the height to the ridges is only around 1m lower than the 2-storey building previously proposed. As a result, the scale of the proposal continues to be of concern.

6.10. The east elevation is almost entirely solid with just 4 small windows at high level. When the shutters are closed the other elevations will also lack relief and visual interest. It is not considered that this will make a positive contribution to the Esplanade either from a distance or close by.

6.11. As currently submitted, the scale of the proposed development would be a dramatic divergence from those of the historic seafront structures in this area, all of which are single storey with modest site coverage. As a result, the heritage team considers that

- 6.12. the broad, long, two storey structure proposed would be an overly dominant addition to the street scene within both conservation areas.
- 6.13. The open setting that contributes to the significance of the Peace Statue and the appreciation of this significance would be harmed by a development of the scale proposed, and insufficient efforts have been made to reduce the height of the development from those proposed at pre-application stage. It is also considered that in oblique views (where the roof valleys will be concealed) and from a moderate distance along the seafront the construction of a new building of substantial scale in this location would compete for attention and reduce the prominence of the statue as a distant feature of interest.
- 6.14. The development of this site at this scale would also impact the significance of The Lawns local heritage asset, which was originally designed to protect the open outlook of the Brunswick Estate.
- Amended comments following receipt of amendments October 2022: (comment)
- 6.15. A revised scheme has been submitted with the first-floor element of the original proposal deleted. The building plan and site coverage remains as originally submitted and is of substantial scale.
- 6.16. No amendments to the elevational treatment of the ground floor have been submitted, and the heritage team remains concerned regarding the lack of detailing on the East elevation.
- 6.17. The application does not mention proposals to alter the seafront railings which are identified as a local heritage asset (King's Esplanade, Seafront railings (Hove Street to Brighton boundary), Hove). They are not shown on the plans and confirmation is required that there is no proposal for their alteration or loss, to which the heritage team would object.
- 6.18. Whilst the extent of the impact of the proposed building on this statue is reduced by the removal of the first-floor element, the open setting that contributes to the significance of this heritage asset and the appreciation of this significance will still be affected by the enlarged footprint of this café.
- Amended comments following receipt of amendments January 2023 (comment)
- 6.19. A revised scheme has been submitted which shows a very small reduction in the size of the proposed footprint, amended elevational treatment and materials, and a revised planform including rounded corners. The revised proposal does not address the conflict between the siting of the proposed building and existing historic railings.
- 6.20. The current proposal includes revisions suggested by officers at a meeting with the planning agent, and it is considered that the curved corner profiles, solid plinths below the glazing, fenestration to relieve the featureless east elevation and use of brick, bring improvements to the design. The removal of the overhanging canopy and replacement with a profiled fascia is also an improvement.

- 6.21. The reduction in scale is minimal and far short of the amount suggested during a meeting between planning officers and the planning agent.
- Amended comments following receipt of amendments March 2023 (comment)
- 6.22. Further revisions have been received that build upon the improvements previously made to the scheme, and the heritage team specifically welcomes the design change that now acknowledges the significance of the historic railings, and incorporates them as features of the scheme rather than an obstacle to development.
- 6.23. It is considered that the subsequent changes culminating in the latest scheme have resulted in a structure of an acceptable height, however the reduction in footprint is insufficient to overcome the identified harm to the conservation areas and Hove Lawns.
- 6.24. The removal of the first floor has significantly reduced the harm to the setting of this asset.
- 6.25. In conclusion, the amended scheme has reduced the heritage harm previously identified, however the heritage team does not consider that the width of the building has been sufficiently reduced, and as a result is unable to fully support the proposal.
- 6.26. **Seafront Development:** Initial comments July 2022 (comment)
The team are largely supportive of the proposals which will greatly improve the appearance of this property and enhance the hospitality on offer. However there are some additional comments:
- It is not clear what is meant by automatic tents on the terrace
 - The balustrade is solid and its height prevents those sitting at tables from having a view
 - Whilst outside space is supported consent would not be given for additional space to the south of the building
 - Questions over what is happening to the seafront railings
- Amended comments following receipt of amendments October 2022 (support)
- 6.27. The team are very supportive of this application. The amendments to the scheme are acknowledged and address any earlier queries.
- 6.28. **Sustainable Transport:** No objection subject to condition regarding cycle parking
The proposed development will result in an increase in staff and customer trips daily, however given the application site's location, it is expected that the majority of these additional trips would be pass-by trips (and so not additional trips), which is considered acceptable.
- 6.29. Access into the proposed development is level, facilitating access for all including those with mobility impairments.
- 6.30. Delivery and servicing will continue to occur as per the existing arrangements.

- 6.31. The submitted proposed plans omit details of cycle parking, however Sheffield stands are shown in the rendered image/CGI. BHCC's SPD 14 Parking Standards requires 1 short-stay cycle parking space per 250sqm for visitors and 1 long-stay cycle parking space per 5 members of staff. Long-stay cycle parking should be secure, shelters, well maintained, lit and close to staff entrances. Details of policy compliant cycle parking should be secured by condition.
- 6.32. It is noted that the doors proposed are now sliding and do not open out onto the public highway, which is welcomed by the LHA in the ingests of Section 153 of the 1980s Highways Act.

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 Joint Area Action Plan (adopted October 2019).

8. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part 2

DM18	High quality design and places
DM20	Protection of Amenity
DM21	Extensions and alterations
DM26	Conservation Areas
DM29	The setting of Heritage Assets
DM33	Safe sustainable and active travel
DM39	Development on the seafront

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
SA1	The Seafront
CP2	Sustainable economic development
CP5	Culture and Tourism
CP8	Sustainable buildings
CP9	Sustainable transport

CP12 Urban design
CP15 Heritage

Supplementary Planning Documents:

SPD12 Design Guide for Extensions and Alterations

Conservation Area character statements

Brunswick Town Conservation Area character statement

Regency Square Conservation Area character statement

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the impact of the design and appearance of the building upon the wider conservation areas and nearby heritage assets, the impact on neighbouring amenity and sustainable transport impacts. The impact to the economy and tourism is also a consideration.

Principle of development

- 9.2. Policy SA1 of the Brighton and Hove City Plan Part 1 refers to seafront development and on-going regeneration. This policy seeks to ensure that proposals support the year-round sport, leisure, and cultural role of the seafront for residents and visitors whilst complementing its outstanding historic setting and natural landscape value.
- 9.3. This policy seeks to ensure that new developments bring high quality architecture that compliments the natural heritage of the seafront. One of the key priorities of the central sea front area, as defined by policy SA1, is to seek improvements to the upper promenade.
- 9.4. It is considered that the proposals to provide a new café to replace the current kiosk which is in a poor state of repair meet the aims of this policy. The café would provide improved facilities for both visitors and residents of the city.

Design and Impact on Heritage Assets

- 9.5. 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.
- 9.6. 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”

- 9.7. This application is for a new cafe building to replace the existing one, incorporating a kitchen, customer seating, WCs and serving hatches for takeaway service.
- 9.8. The existing café building is 12.5 metres long by 6.0 metres in depth not including the overhang, and 3.9m high to the roof ridge. The existing café has a 'saw tooth' roof form giving it the appearance of a row of beach huts. The building has serving hatches on the front (north) elevation serving takeaway food to customers.
- 9.9. Immediately to the south and west of the café is a 270sqm external seating area on which tables and chairs and windbreaks are placed during the day for café customers.
- 9.10. This application seeks planning permission for the demolition of the existing café and its replacement with a new café development.
- 9.11. As originally submitted the proposed café was a single storey building with a roof terrace to the rear (southern) side of the building. The original submission was for a café measuring 32.5m in length by 11.8m in depth and by 5.8m in height. This would have provided approximately 364sqm of internal floor area at ground floor and a further 173sqm on the roof terrace. As originally submitted the café featured a series of pitched roof forms to the front (northern) elevation to replicate the appearance of the existing design. The roof originally proposed screened the roof terrace in views from the north. This was considered to add disproportionate scale to the development and the resulting prominence would have a significant impact on the low scale seafront environment.
- 9.12. The original submission was considered to be a dramatic divergence from other historic structures in the area. The Heritage team considered that a broad two storey structure would be overly dominant within both the conservation areas and the heritage assets in the vicinity, also noting that the seafront railings (a local heritage asset) appeared to be altered.
- 9.13. During the lifetime of this application, the applicants have engaged in discussions with both the case officer and Heritage officers in an attempt to address the Heritage officer's concerns. As a result, significant amendments have been made to the scheme.
- 9.14. The roof terrace as originally proposed has been removed from the scheme. The proposals now comprise a single storey flat roof building with a width of 27m where the existing is 12.5m, a depth of some 9m where it currently measures 6m, and a height of 3.8m, where it is currently a maximum of 3.9m. It should be noted that the extension of the café westwards is largely over the existing external seating area.
- 9.15. It is considered that the changes made, culminating in the latest scheme have resulted in a structure of an acceptable height resulting in a development more in keeping with the historic seafront structures in the area.

- 9.16. It is acknowledged that the proposed café would result in a much larger built footprint than that existing and that the Heritage team still has some concerns over the scale and dominance of the new café in respect of its impact on the Peace Statue and Hove Lawns. However, the existing building is offset to the east of the statue and that the new café would provide better alignment and symmetry with the Peace Statue. Also, the existing kiosk already forms part of the backdrop of the statue to the beach and as such the new café building would not be a new built addition to the upper promenade. The replacement café structure would still be relatively modest, being of similar height to the existing, with the extended footprint largely encompassing the existing outside seating area which is surrounded by plastic wind breakers with associated unattractive paraphernalia. It would have a high quality design with curved corners so is considered to be an improvement to the appearance of the seafront, upgrading the setting of its heritage features.
- 9.17. The current design includes revisions suggested by officers. It is considered that the curved corner profiles help to soften the appearance and previous bulk of the building. Other design improvements include solid plinths below the glazing, additional fenestration to relieve the previous featureless east elevation and the use of brick all bring improvements to the scheme.
- 9.18. The reduction in length when compared to the original scheme and alterations to the design of the building go some way to reduce the scale and broadness of the building. It is also acknowledged that the applicant requires the development to be a certain size to provide a viable business. The proposal would now provide for 64 covers, significantly fewer than the 124 originally proposed.
- 9.19. The Heritage Team originally identified the potential for direct harm to the King's Esplanade Seafront Railings Local Heritage Asset as a result of any alteration to them or their partial removal. The latest scheme includes an amendment to the southern entrance to allow the retention of the full extent of the existing railings. The depth of the building has been reduced as well and the southern entrance features a central recessed doorway of 2.2m to allow for the curved sea-front railings to remain in situ. These railings demarcate the boundary between Brighton and Hove and their incorporation into the design is of key importance. Accordingly direct harm has been avoided. It is acknowledged that the relationship of the railings to the open beach is altered by the proximity of the proposed building, and that accordingly there is some (limited) harm to their setting.
- 9.20. The amended scheme has reduced the heritage harm previously identified by way of removing the first floor, reducing the height of the building, ensuring the retention of the sea front railings and incorporating design changes suggested by the Heritage team. The significant improvements are acknowledged by the Heritage Team. Whilst it is acknowledged that Heritage still raise some concerns regarding the overall footprint, when compared to the existing building which is in poor condition, in conjunction with the incongruous external seating area, it is considered that the extended footprint, subject to the imposition of conditions securing details of materials and finishes, would result in a suitable addition to

the seafront. The overall scale and modest height of the proposal retain the openness of this location.

- 9.21. The proposed development is considered to form an appropriate addition to the seafront in line with policies CP12 and CP15 of the Brighton and Hove and Policies DM18, DM26, DM29 and DM21 of the Brighton and Hove City Plan Part 2. It is acknowledged that there is some impact caused owing to the increase in scale over the existing building to the setting of some nearby heritage assets however this is considered to cause less than substantial harm. In addition, the application offers wider public benefits through the provision of improved facilities.

Impact on Amenity and Crime Prevention:

- 9.22. The application is supported by a Noise Impact Assessment, which has been duly considered and is considered robust. It provides evidence to demonstrate that the kitchen extract system would not result in harm to patrons of the café or nearby residents in Brunswick Terrace and Embassy Court. The report provides mitigation measures which apply silencers to the flue termination points. As a result, the residential properties to the north and seated patrons would be protected from any noise impact. In any case the distance between the flue and residential properties to the north (some 87m), in addition to the general soundscape generated by passing traffic on the busy A259 would also minimise any impact.
- 9.23. The nearest residential occupiers as described above are to the North of the application site in Brunswick Terrace and Embassy Court. These properties are set in excess of 80m away from the application site. Whilst the redevelopment of the café will be readily visible from these properties, their outlook will remain unaffected.
- 9.24. The application site is located within the Cumulative Impact Zone in relation to licencing. This area of designation is designed to restrict the number of licensable premises in the city centre to deter crime and anti-social behaviour. Given the location of the property, the applicant is advised to consult Police Licensing should they wish to make an application for a licenced premises. At the request of Sussex Police, a condition is sought to ensure that the sale of alcohol is ancillary to food prepared on the premises and is served to seated customers only. Licensing will be dealt with separately to the planning regime. Shutters and other crime prevention measures are proposed, which are welcomed.
- 9.25. The proposed redevelopment of the site is not considered to result in harmful amenity impact to neighbouring properties or the wider area subject to the conditions set out above. As such the development is in accordance with Policy DM20 of the Brighton and Hove City Plan Part 2.

Sustainable Transport:

- 9.26. The overall scheme is relatively modest and would not lead to significant intensification of use of the site or wider area. The proposed development may result in an increase in staff and customer trips daily, however given the

application site's location, it is expected that the majority of these additional trips would be pass-by trips (and so not additional trips), which is considered acceptable. The site is well located to make use of sustainable transport modes notably walking and cycling, but it is also well connected to public transport links, particularly buses on the A259.

- 9.27. Access into the proposed development is level, facilitating access for all including those with mobility impairments. The doors proposed are now sliding and therefore would not open out onto the public highway which is welcomed.
- 9.28. The delivery and servicing arrangements will continue to occur as per the existing arrangements and would not unduly intensify.
- 9.29. The submitted plans do not include details of cycle parking. However, Sheffield stands are shown in the visuals. SPD14 requires both long and short stay parking for the use of visitors and staff. Details of policy compliant cycle parking are therefore sought by condition, and this could take place within the site or wider public highway nearby.
- 9.30. The Transport Team raise no objection, and the proposal is considered to comply with policies CP9 and DM33 and DM39 of the City Plan.

Climate change and biodiversity

- 9.31. The proposals result in an enlarged café that is in a highly sustainable location and accessed by a variety of transport modes.
- 9.32. Policy DM37 of the City Plan Part Two seeks to ensure that all new development proposals conserve and enhance biodiversity, protecting it from the negative indirect effects of development. It is not considered that the proposal will have a negative impact on existing biodiversity on site given it is a developed site. The seafront location means that enhancement of biodiversity would be challenging in this instance, however, a condition is attached to ensure that a bee brick would be incorporated within the external wall of the development.

Other considerations

- 9.33. A number of neighbour representations refer to the Hove Improvement Act 1830 which implies the prohibition of the erection of any building on the southern side of Brunswick Terrace or Brunswick Square. The Hove Improvement Act is not a material planning consideration, and whether an alternative consent under a different legislative regime may be needed before the development can proceed is not for consideration under this planning application. This would need to be investigated by the applicant, and the Hove Improvement Act does not prevent the determination of this planning application.

10. EQUALITIES

Level access is provided throughout the building, which is welcomed in accordance with policy.