

Planning Committee

Date: **6 August 2025**

Time: **2.00pm**

Venue **Council Chamber, Hove Town Hall**

Members: **Councillors:** Thomson (Chair), Cattell, Earthey, Nann, Parrott, Robinson, Shanks, Sheard, C Theobald and Winder

Conservation Advisory Group Representative

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AGENDA

112 PROCEDURAL BUSINESS

- (a) **Declaration of Substitutes:** Where Councillors are unable to attend a meeting, a substitute Member from the same Political Group may attend, speak and vote in their place for that meeting.

(b) **Declarations of Interest or Lobbying**

- (a) Disclosable pecuniary interests;
- (b) Any other interests required to be registered under the local code;
- (c) Any other general interest as a result of which a decision on the matter might reasonably be regarded as affecting you or a partner more than a majority of other people or businesses in the ward/s affected by the decision.

In each case, you need to declare:

- (i) the item on the agenda the interest relates to;
- (ii) the nature of the interest; and
- (iii) whether it is a disclosable pecuniary interest or some other interest.

If unsure, Members should seek advice from the committee lawyer or administrator preferably before the meeting.

- (d) All Members present to declare any instances of lobbying they have encountered regarding items on the agenda.

- (c) **Exclusion of Press and Public:** To consider whether, in view of the nature of the business to be transacted, or the nature of the proceedings, the press and public should be excluded from the meeting when any of the following items are under consideration.

NOTE: Any item appearing in Part 2 of the agenda states in its heading the category under which the information disclosed in the report is exempt from disclosure and therefore not available to the public. A list and description of the exempt categories is available for public inspection at Brighton and Hove Town Halls.

113 MINUTES OF THE PREVIOUS MEETING

7 - 18

Minutes of the meeting held on 2 July 2025.

114 CHAIR'S COMMUNICATIONS

115 PUBLIC QUESTIONS

Written Questions: to receive any questions submitted by the due date of 12 noon on 31 July 2025.

116 TO AGREE THOSE APPLICATIONS TO BE THE SUBJECT OF SITE VISITS

117 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

Please note that the published order of the agenda may be changed; major applications will always be heard first; however, the order of the minor applications may be amended to allow those applications with registered speakers to be heard first.

Public Speakers Note: Any persons wishing to speak at a meeting of the Planning Committee shall give written notice of their intention to do so to the Democratic Services Officer 4 working days before the meeting (the Committee usually meet on a Wednesday, which means the notice has to be **received by 12 noon the preceding Thursday**).

To register to speak please email Democratic Services at:
democratic.services@brighton-hove.gov.uk

Speakers are allocated a strict 3 minutes to address the committee. If more than one person wishes to speak, the 3 minutes will need to be shared, or one person may be elected by communal consent to speak for all.

MAJOR APPLICATIONS

A	BH2025/00899 - Land Adjacent to West Stand American Express Stadium, Village Way, Brighton - Full Planning	19 - 54
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MINOR APPLICATIONS

B	BH2025/00936 - 295 Dyke Road, Hove - Full Planning	55 - 76
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INFORMATION ITEMS

118 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE	77 - 78
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(copy attached).

119 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

None for this agenda.

120 APPEAL DECISIONS	79 - 80
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(copy attached).

Members are asked to note that plans for any planning application listed on the agenda are now available on the website at: <http://www.brighton-hove.gov.uk>

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Meeting papers can be provided, on request, in large print, in Braille, on audio tape or on disc, or translated into any other language as requested. Infra-red hearing aids are available for use during the meeting. If you require any further information or assistance, please contact the receptionist on arrival.

FURTHER INFORMATION

For further details and general enquiries about this meeting contact Shaun Hughes, (01273 290569, email shaun.hughes@brighton-hove.gov.uk) or email democratic.services@brighton-hove.gov.uk

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Date of Publication - Tuesday, 29 July 2025

BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

2.00pm 2 JULY 2025

VIRTUAL

MINUTES

Present: Councillors Thomson (Chair), Cattell, Earthey, Nann, Parrott, Shanks, Sheard (Deputy Chair), C Theobald, Winder and Loughran (Substitute)

Officers in attendance: Nicola Hurley (Head of Planning), Alison Gatherer (Lawyer), Matthew Gest (Planning Manager), Chris Swain (Planning Team Leader), Michael Tucker (Senior Planning Officer), Ben Daines (Planning Team Leader), Charlie Partridge (Planning Officer) and Shaun Hughes (Democratic Services Officer).

PART ONE

103 PROCEDURAL BUSINESS

a) Declarations of substitutes

103.1 Councillor Loughran substituted for Councillor Robinson.

b) Declarations of interests

103.2 Councillor Winder declared they were ward councillor for item c: BH2025/00889: FreeButt, 1 Phoenix Place.

c) Exclusion of the press and public

103.3 In accordance with Section 100A of the Local Government Act 1972 ("the Act"), the Planning Committee considered whether the public should be excluded from the meeting during consideration of any item of business on the grounds that it is likely in view of the business to be transacted or the nature of the proceedings, that if members of the public were present during it, there would be disclosure to them of confidential information as defined in Section 100A (3) of the Act.

103.4 **RESOLVED** - That the public are not excluded from any item of business on the agenda.

d) Use of mobile phones and tablets

103.5 The Chair requested Members ensure that their mobile phones were switched off, and where Members were using tablets to access agenda papers electronically ensure that these were switched to 'airplane mode'.

104 MINUTES OF THE PREVIOUS MEETING

- 104.1 **RESOLVED:** The minutes of the meeting held on 4 June 2025 were agreed.

105 CHAIR'S COMMUNICATIONS

- 105.1 The chair commented that recently 104 new affordable homes have been built in Portslade. 226 in 2024/25, 418 are projected for 2025/26. A planning application for Homes for Brighton and Hove on Old Shoreham Road will deliver 306 homes, with 50% being council rented, and the rest will be shared ownership from Hyde Homes. The East Brighton Gasworks appeal is currently with the Secretary of State and decision is expected in September. Work on the City Plan 2041 continues with a workshop for agents and developers coming in the autumn. The Short Lets overview and scrutiny report went to cabinet last week and will form part of the new City Plan. The Planning and Infrastructure bill is going before the national government; therefore, changes are coming. Members are reminded that mandatory training is taking place on 30 July.

106 PUBLIC QUESTIONS

- 106.1 There were none for this meeting.

107 TO AGREE THOSE APPLICATIONS TO BE THE SUBJECT OF SITE VISITS

- 107.1 No site visits were requested by the committee.

108 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

- 108.1 The Democratic Services officer noted that there were four items on the agenda, two were major applications and therefore automatically called for discussion, and two were minor applications which had speakers, therefore all four items were called for discussion.

109 BH2025/00264 - BRIGHTON COLLEGE PREPARATORY SCHOOL, WALPOLE LODGE, 2 WALPOLE ROAD AND PRE-PREP SCHOOL, EASTERN ROAD, 2 BELLE VUE GARDENS AND 141 & 143 EASTERN ROAD BRIGHTON - FULL PLANNING

1. The case officer introduced the application to the committee.

Speakers

2. Eve Vamvas addressed the committee as an objecting resident and stated that they represented Kemptown residents. The application was not considered to be planning policy compliant, and an approval would be contrary to other refusals. An exhibition was held at Brighton College to present the scheme; however, this was not a consultation. Brighton College say they are prestigious, we say bad neighbour. The college expansion means more pupils, and more fees, the equivalent to £9.4m. Profit is taking precedence over education. The proposed buildings mean more profit. The council should not be encouraging private schools when others are closing in the city.

The council should put an end to housing being bought, which a planning inspector agrees with under a previous refusal. The planning report refers to the area around the college as a campus, it is not, it is Kemptown and Walpole Road is protected. Most housing in the area is in family use and a previous application was refused as it would change the character of the area. 150 new boarders will change the area and be against policy. This will not be a balanced neighbourhood. The institutional development will harm the quality of life with a loss of amenity open space, which is protected by national policy. Amenities are for all, once it's gone, it's gone. There will be traffic and parking issues, particularly with the East Sussex County Hospital so close. There is zero confidence in Brighton College being able to manage traffic. The support received has come from college student parents. The committee are requested refuse the application.

3. Ward Councillor Burden addressed the committee and stated that the streets in Kemptown are narrow and crowded. Reducing inequality is in the council plan and this application will not benefit the area. The college is not suitable for 150 new boarders and will be against planning inspector decisions which have been rejected before. One institution should not dominate an area against City Plan Part Two policy. The previous application was dismissed, and the same concerns are raised here. Kemptown is not the Brighton College campus.
4. Ward Councillor Williams addressed the committee and stated that they considered the application did not improve local school provision. An approximate £63,000.00 will be earned from boarders who come from outside Brighton. This will not help the city by providing good education for local children. The access to sports facilities by locals is a concern. The councillor has lived opposite the college and watched the expansion. The homes owned by the college should be for families not the college in the current housing crisis. The application will be detrimental to local residents' wellbeing, where too much expansion has already happened. The committee are requested to refuse the application.
5. Neighbouring Ward Councillor Wilkinson addressed the committee and stated that they were concerned about transport issues, access and road safety. Residents are concerned about traffic congestion particularly at opening times. The application is against planning policy. The sustainable transport is not sufficient, and traffic will delay ambulances into East Sussex County Hospital at peak times. The narrow local streets will be blocked with traffic. There is not enough parking on the roads and the application will bring more pressure to the streets. Footways will also be an issue. The planning inspector refused the previous scheme, and this application fails on key policies. The committee were requested to refuse the application.
6. The applicant, Steve Patten, addressed the committee and stated that they were director of projects at the school, which been in existence for 180 years. The school takes 12,000 students from BN post codes and is proud of the impact on the city, with support for local businesses and charities, which the pupils support. The college is a Brighton institution. The application will make better use of open space. The boarding house will remove pressure on local housing. The drop off and pick arrangements will be improved by the scheme. The school supports local soup kitchens and care homes. The sports facilities will be available for after school use by others as the school wants to be part of the community. The school has some of the best results in the world and

they are proud of the culture. The impact on the local community is not treated lightly. Sports England and the Heritage team have no objections to the application and conservation officers agree. Local businesses benefit from the college. The transport officer has agreed the road schemes. Most pupils and staff are from the Brighton area. The proposals understand the issues in this conservation area led design. The scheme was amended after public consultation. It is predicted that the traffic measures will lead to a 25% reduction in traffic. The college understands residents' concerns.

7. The Head of Planning stated that the planning policies relating to schools applied to both private and council schools and did not distinguish between the two. There is not a loss of residential floorspace in this application as the floorspace is already in educational use. It is recommended that the travel plan is to be requested by condition should the committee decide to grant planning permission.

Answers to committee Member questions

9. Councillor Nann was informed that the application is different from the previously refused scheme, with the proposals on school land and not outside the existing site. The school travel plan will increase sustainable transport usage. The application is not considered to be contrary to planning policy SA6 regarding sustainable neighbourhoods. There will be no reduction in pupil numbers. The policy refers to all schools and does not distinguish between private or council schools. The 150 boarders will be less than currently at the college on a daily basis.
10. Councillor Sheard was informed that the closure of council schools in the city was irrelevant to the application before the committee. Changes have been made to the travel plan including the removal of coaches in favour of minibuses, bus discounts for staff, car sharing scheme for staff and parents. Looking at reducing Eastern Road use with travel being free for 1 to 4 years. BN1 and BN2 families to use a proposed double decker bus.
11. Councillor Shanks was informed that the net increase in open space at the Convent site was some 80sqm and the partial loss of the playing field area has been approved by Sport England and the remaining pitch will be maintained and improved by condition. The applicant stated the college was diverse and 20% of the pupils come from BN2. The design is acceptable in the Walpole Road area of different styles and when considered as a whole within the planning balance. The Urban Design Officer considered the St Mary's Hall structures to be suitably anchored in the site context and to preserve the views of St Marks Church. The grouping and form were considered reflective of the whole area. The Walpole Road design was considered excellent as it removed the 20th century additions, resulting in a strong coherent layout. The breach of planning at Walpole Road is being considered at a submitted Pre-application to find the right way forward, with an ongoing investigation.
12. Councillor Theobald was informed that the drop off traffic will be managed by a one-way system exiting onto Bristol Gate as well as maintaining the existing exit onto Eastern Road. Minibuses form part of the draft travel plan, which will be negotiated by condition.

13. Councillor Loughran was informed that the school being private was not relevant to the application. The Head of Planning confirmed that an equalities assessment was not required from the Applicant.
14. Councillor Thomson was informed that the disparate sites are not good for pupils and 150 was less than currently on the Convent site on a daily basis. The school is running at less than capacity and is smaller than other schools in the city. The applicant stated they were keen to increase sustainable transport and there was no increase in capacity. Following public consultation and engagement with planning officers, the scheme was moved south on the plot and the proposed planting was improved to keep the sea view for residents. The façade of the new buildings at St Mary's Hall was changed to terracotta following consultation. The college cares about noise and considers borders to be less intrusive and the landscaped areas are not play areas.
15. Councillor Winder was informed that there was a public liaison officer at the college, and they were part of a group that meets regularly to discuss issues. The college will be obligated to plant trees with 6 elm trees to be sited at St Mary's Hall and maintained by existing grounds staff. By condition the trees will need to be replaced if they die within the first five years. The previously granted theatre has been a huge success as an example of community use of the college facilities. There will be a staff travel plan and a five-year travel plan.
16. Councillor Parrott was informed that the new buildings would be accessible, and support would be provided for neuro divergent pupils.

Debate

17. Councillor Theobald noted there had been no objections from outside bodies and the double decker bus was a good idea as was the reduction of traffic. The neighbouring East Sussex County hospital is a modern building, and the application proposals look better than the existing. If the buildings were houses there would be more cars. It was good that the unsightly cages are to be removed. The application is a sensible scheme for the school, which is first class. The scheme is considered excellent. The councillor supported the application.
18. Councillor Cattell considered they could not refuse the application on non-planning grounds like pupil location and they were only looking at planning issues. The design was good, and the heritage team had no objections. The use of the sports hall by the community was good, security was good, and they were struggling to object. Should the application be refused they considered the council could lose at appeal.
19. Councillor Loughran was concerned with the background to the application. The planning inspector considered the previous application would have noise issues, and this application would have more pupils. The layout of the site resulted in poor quality space. The design & massing of the convent site proposed building was a concern, as was the effect on the public realm. The sites cannot be separated and there are equality concerns.
20. Councillor Shanks did not consider the design of the convent site to be an enhancement. It was noted at the site visit that the neighbours would be impacted, and

community cohesion would be an issue. If the boarding building was a House of Multiple Occupancy (HMO) there would be concerns. The councillor did not support the application.

21. Councillor Parrott was concerned at the long-term monitoring of conditions. The community use of facilities was a good idea; however, a culture change would be required. The increase in traffic was a concern during drop off and pick up.
22. Councillor Thomson was conflicted and asked the applicant to engage with the community if they were granted planning permission. The councillor was convinced the traffic flow would improve and supported the application.

Vote

23. A vote was taken, and by 5 for and 5 against, with a casting vote from the Chair the committee granted planning permission.
24. **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to be **MINDED TO GRANT** planning permission subject to:
 - A) Completion of a s106 Agreement and secure the Heads of Term as set out below:
 - Contribution for monitoring obligations relating to Biodiversity Net Gain (£TBC)
 - Travel plan monitoring obligations (£7249)
 - Submission of an agreed scope and schedule of works to the western
 - Boundary wall along Walpole Road to be implemented within 18 months of the details being agreed.
 - Employment and Training Strategy
 - Contribution of £6360 for Employment and Skills Training
 - B) The Conditions & Informatives set out at Appendix B**SAVE THAT** should the s106 agreement not be completed on or before 4th October 2025 the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in Appendix C of the report.

110 BH2023/03293 - 9-12 ST CATHERINES TERRACE, HOVE - FULL PLANNING

1. The case officer introduced the application to the committee.

Answers to Committee Members Questions

2. Councillor Shanks was informed that there were no objections from highways and the site was in the Controlled Parking Zone (CPZ). An informative was added to allow the restriction of permits. The Principal Transport Development Officer noted that planning reports no longer came with a permit free condition, this was now covered by an informative. There is no second homes policy in the city. The proposal was amended to remove 6 less flats which would make the scheme even less viable than set out in the Viability Review by the DVS.
3. Councillor Earthey was informed that the development helped to meet the housing targets set out in the City Plan.

4. Councillor Parrott was informed that the late stage viability review would not result in a reduction in the affordable housing contribution sought by the Council. The amount could only increase.
5. Councillor Winder was informed that the basement area had been increased, the flats originally proposed for basement only were now split level and covered the ground floor and basement. The agent stated that the original 36 flats had been reduced by 6 to 30 with duplex units. The light assessment considered the basement met standards.
6. Councillor Theobald was informed that there would be a cycle store and while no bin store was shown, it would be secured via a planning condition. In addition, street bins in the surrounding area are available to use. The disabled access flats will be on the ground floor and there are existing disabled parking spaces nearby. The development will have sprinklers throughout, and Building Control will check this.
7. Councillor Loughran was informed that the affordable housing figures were updated usually every year, and index linked and £239,000 was the residual amount left over to contribute to affordable housing as set out in the viability assessment.

Debate

8. Councillor Earthey considered the affordable housing contribution not to be good; however they supported the application.
9. Councillor Theobald considered affordable housing would be good, the building looked good from the front and some parking would have been nice. The proposals are considered to be a high standard of accommodation. The councillor was in two minds about the application.
10. Councillor Cattell considered the current building was derelict and the proposals would be attractive in the street scene. The £239,000 would be put towards other affordable housing schemes and buying back council housing. The councillor wanted to move away from private sector building towards affordable housing.
11. Councillor Nann supported the application; however, they considered the financial figures to be arbitrary, and a higher affordable housing contribution would be good.
12. Councillor Shanks stated there had been protests against the previous hostel, so it was good to see the development. An affordable housing contribution less than the cost of one flat was not good and the national government should look into viability.
13. Councillor Sheard considered that the committee needed to look at how affordable housing contributions were calculated and make improvements.
14. Councillor Thomson considered the affordable housing contribution would help. The councillor supported the application.

Vote

15. A Vote was taken, and the committee agreed unanimously to grant planning permission.

16. **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to be **MIND TO GRANT** planning permission subject to a s106 agreement on the Heads of Terms set out below and the following Conditions and Informatives as set out hereunder, **SAVE THAT** should the s106 Planning Obligation not be completed on or before 24th September 2025 the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 12 of the report.

111 BH2025/00889 - THE FREEBUTT, 1 PHOENIX PLACE, BRIGHTON - FULL PLANNING

1. The case officer introduced the application to the committee.

Speakers

2. Sarah McCarthy addressed the committee as the chair of the Phoenix Residents Group and stated that the application site was previously listed, starting as tap house then a music venue. The extension of the building would remove the Georgian style. The surrounding area is all social housing. The ownership has changed several times. The current building is not accessible; however, the proposals would impact on the listed building next door. Parking in the area is already an issue. The residents want the application building to be listed.
3. Ian Coomber addressed the committee as the agent acting on behalf of applicant and stated that the former music venue is not wanted now. Planning permission exists for the site and this application seeks to vary that permission with level access to ground floor. The building has been empty for 15 years and is in the conservation area. The current building is a disgrace and renovations are needed. The planning conditions would remove some of the uses under use class E, however, a medical centre would still be possible. The application would attract Community Infrastructure Levy (CIL) payments.

Answers to Committee Member Questions

4. Councillor Shanks was informed that the proposals included one extra unit and an extra floor when compared with the previously approved scheme on the site. The previous refused application included a mansard roofscape with parapet that was considered too large in relation to the neighbouring listed building. This application includes eaves that match the neighbouring listed building.
5. Councillor Loughran was informed that the internal layout of the units included one bedroom over a living space and Building Regulations would cover noise regarding units over each other.

Debate

6. Councillor Sheard considered the design a good use of space, and there was no need to look at old schemes. The councillor supported the application.

7. Councillor Theobald noted the historic building was not very attractive, however, the proposals include four ensuite bedrooms, which was good. As the development would be the same height as the neighbour, the councillor supported the application.
8. Councillor Cattell considered it was good to bring life back to area and the inclusion of business space was also good. The proposed House of Multiple Occupancy (HMO) was good and the flats were a decent size and an improvement on the existing. The councillor supported the application.
9. Councillor Thomson considered that the building required some TLC (tender loving care) and the proposed height was in keeping with the neighbouring property.

Vote

10. A vote was taken, and the committee agreed unanimously to grant planning permission.
11. **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives in the report.

112 BH2024/01962 - 63 LYMINSTER AVENUE, BRIGHTON - FULL PLANNING

1. The Case officer introduced the report to the committee.

Speakers

2. Christopher Behan addressed the committee as an objecting resident and stated that the original proposals were amended. This application is new and has an overbearing impact. The adjoining neighbours north facing window will lose light. The drawings are inaccurate and designed to allow a 'build what you like' approach. The proposals do not pass the 45° rule, and the design is unbuildable. The decking proposed will extend 7m along the boundary between the neighbours. Some plans were submitted too late to be examined by the neighbour. The harm is acknowledged in the report. The scheme needs to be better. The committee should refuse the application.
3. Ward Councillor McNair submitted a speech, read out by the Democratic Services Officer, as follows: The development will affect the neighbour. Planning Officers note some harm. This proposal will leave a lasting, oppressive impact on the neighbour's home. The kitchen/diner will lose a fundamental sense of openness and a devastating amount of light. The extension will obliterate the vital light and outlook from the rear window, leaving a solid, oppressive wall, depriving the South Downs views. The neighbour commissioned a 3D scan which proves the drawings are fundamentally inaccurate. The proposals fails the 45-degree rule on both the horizontal and vertical axes. The report gives conflicting heights for the single-storey element – one section says it aligns with the first floor (which is around 3.3m from the neighbours ground level); another states it's approximately 2.5m. The boundary is not clear on the plans and drawings are deliberately vague. It is possible that the eaves of the extension will overhang the boundary line, which would go against the Supplementary Planning

Document. The extension, at 4 metres depth, is also greater than planning guidance which states it should not be greater than half the depth of the main house. The 1.8m privacy screen on the raised decking, extends 7 meters along the boundary. This will give a sense of being walled in. There will be serious overlooking into neighbour's garden, and the properties below. Please refuse the proposal.

4. Tanvir Bansal addressed the committee as the agent acting on behalf of the applicant and stated that the property owners love the area and they have spoken to the adjoining neighbour and agreed the proposals. The current property internal layout is not practical, and the house has been sold as there is not enough space. The applicant has worked with the council and made amendments when requested. The applicant wants to develop the home into one that works. The application is within policy boundaries and the committee are requested to approve the development.

Answers to Committee Member Questions

5. Councillor Theobald was informed that the 2.5m height measurement is from the finished floor level of the property and the drawings are too scale, dimensions are therefore not needed. A sun/daylight assessment is not needed on this scale of development. The north facing loss of light is not deemed harmful. The 45° rule only failed on the horizontal not the vertical, but this rule is a tool to be used and is not the only consideration.
6. Councillor Shanks was informed that the committee need to assess the scheme before them. The previous two storey scheme was revised to the current proposals.
7. Councillor Loughran was informed that the drawings are to scale, and the height of the extension is 2.5m from finished floor level. If the construction exceeds this height, then enforcement action can potentially be taken. Dimensions are not shown as the drawings have a scale bar.
8. Councillor Sheard was informed that the 45° rule may be found in an appendix to SPD12 derived from BRE guidance and that the committee needs to also consider what can be done under permitted development.
9. Councillor Theobald was informed that the majority of the boundary hedge is to be maintained to act as a privacy screen. The committee needed to consider the application before them and not wait until the new owners of the property submit one. The applicant did not need to attend the meeting for the committee to make a decision and there was no reason to defer the application.
10. Councillor Nann was informed that the sale of the house was not a planning consideration.
11. Councillor Shanks was informed that the case officer has visited the site.

Debate

12. Councillor Theobald considered the proposals would overshadow the neighbour and the decking was not good. The councillor did not support the application.

Vote

13. A vote was taken, and by 4 to 6 the committee did not agree with the case officer's recommendation.
14. Councillor Theobald, seconded by Councillor Shanks proposed that the application should be refused for being overbearing and overshadowing the neighbour leading to a loss of amenity.
15. A recorded vote was taken, and the following voted for the refusal: Councillors: Earthey, Loughran, Nann, Shanks, Theobald and Winder. The following Councillors voted against the refusal: Cattell, Parrott, Sheard and Thomson. Officers to draft reason for refusal and send to proposer (Councillor Theobald) and seconder (Councillor Shanks).

113 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

- 113.1 The Committee noted the new appeals that had been lodged as set out in the planning agenda.

114 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

- 114.1 There were none for this agenda.

115 APPEAL DECISIONS

- 115.1 The Committee noted the content of the letters received from the Planning Inspectorate advising of the results of planning appeals which had been lodged as set out in the agenda.

The meeting concluded at 7.34pm

Signed

Chair

Dated this

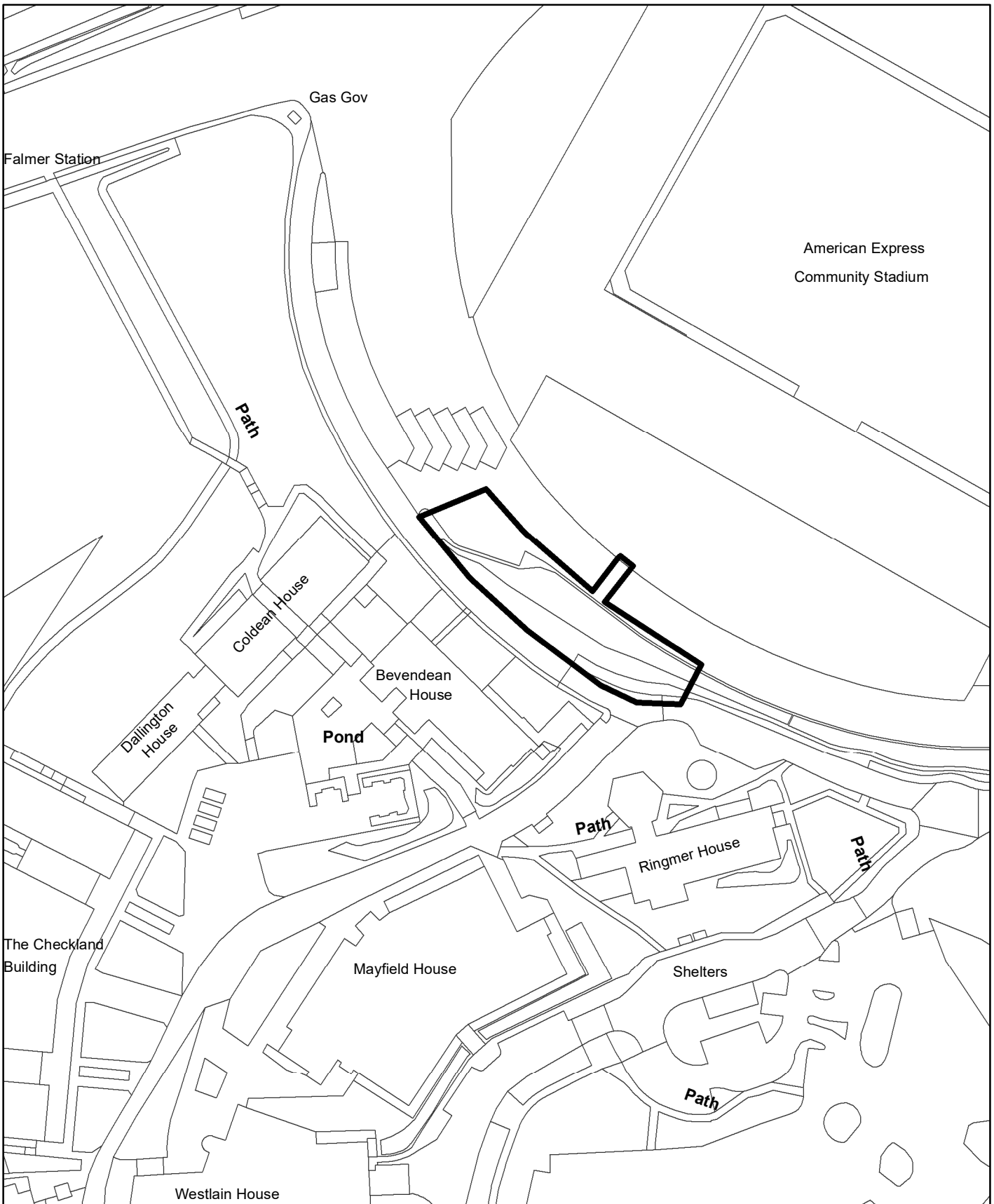
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ITEM A

**Land Adjacent to West Stand
American Express Stadium
BH2025/00899
Full Planning**

DATE OF COMMITTEE: 6th August 2025

BH2025 00899 - Land Adjacent To West Stand, American Express Stadium



**Brighton & Hove
City Council**

N



Scale: 1:1,250

<u>No:</u>	BH2025/00899	<u>Ward:</u>	Coldean & Stanmer Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Land Adjacent to West Stand American Express Stadium Village Way Brighton BN1 9BL		
<u>Proposal:</u>	Excavation of bank and erection of a decked car park comprising 43 spaces over 3 floors with footbridge link to Stadium to be used by employees and Directors of Brighton & Hove Albion FC.		
<u>Officer:</u>	Wayne Nee, tel: 292132	<u>Valid Date:</u>	01.04.2025
<u>Con Area:</u>		<u>Expiry Date:</u>	01.07.2025
<u>Listed Building Grade:</u>		<u>EOT: 13.08.2025</u>	
<u>Agent:</u>	DMH Stallard LLP Griffin House 135 High Street Crawley RH10 1DQ		
<u>Applicant:</u>	The Community Stadium Limited American Express Stadium Village Way Brighton BN1 9BL		

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 be **MINDED TO GRANT** planning permission subject to a s106 agreement and the following Conditions and Informatives, SAVE THAT should the s106 agreement not be completed on or before 29th October 2025 the Head of Planning is hereby authorised to refuse planning permission for the reasons set out at the end of this report:

S106 Agreement Heads of Terms (based on the council's Developer Contributions Technical Guidance):

- Contribution for monitoring obligations relating to Biodiversity Net Gain (£TBC)
- Employment and Training Strategy
- Contribution for Employment and Skills Training (£7,200)
- Contribution for monitoring of the s106 agreement

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
Location Plan	AMEX-KSS-WPL-ZZ-DR-A-03001 P02		01-Apr-25
Proposed Drawing	1551-HED-DR-LA-1002 P01		01-Apr-25

Proposed Drawing	AMEX-KSS-WPL-00-DR-A-03101 P02		01-Apr-25
Proposed Drawing	AMEX-KSS-WPL-01-DR-A-03101 P02		01-Apr-25
Proposed Drawing	AMEX-KSS-WPL-02-DR-A-03101 P02		01-Apr-25
Proposed Drawing	AMEX-KSS-WPL-03-DR-A-03101 P03		01-Apr-25
Proposed Drawing	AMEX-KSS-WPL-ZZ-DR-A-03002 P03		01-Apr-25
Proposed Drawing	AMEX-KSS-WPL-ZZ-DR-A-03201 P02		01-Apr-25
Proposed Drawing	AMEX-KSS-WPL-ZZ-DR-A-03202 P02		01-Apr-25
Proposed Drawing	AMEX-KSS-WPL-ZZ-DR-A-03301 P03		01-Apr-25
Proposed Drawing	AMEX-KSS-WPL-ZZ-DR-A-03302 P03		01-Apr-25
Proposed Drawing	AMEX-MEE-WPL-00-DR-EL-630001 P01		01-Apr-25
Proposed Drawing	AMEX-MEE-WPL-01-DR-EL-630101 P01		01-Apr-25
Proposed Drawing	AMEX-MEE-WPL-02-DR-EL-630201 P01		01-Apr-25
Proposed Drawing	AMEX-MEE-WPL-03-DR-EL-630301 P01		01-Apr-25

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. No development, including demolition and excavation, 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.

4. No development, including demolition, shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:
 - (i) Timescales for the Proposed Development including the forecasted completion date;
 - (ii) Details of how the contractors will liaise with local residents and the adjacent University to ensure that residents and the University are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme)

- (iii) Measures to minimise disturbance to neighbours regarding issues such as noise and dust management, vibration, site traffic, and deliveries to and from the site;
- (iv) Measures to prevent mud/dust from tracking onto the highway;
- (v) Details of hours of construction including all associated vehicular movements
- (vi) Details of the construction compound including plant and material storage and manoeuvring areas;
- (vii) A plan showing construction traffic routes

The construction of the development shall be carried out in full compliance with the approved CEMP.

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.

5. No development shall take place until an ecological design strategy (EDS) addressing compensation and enhancement measures and including a green wall, a bee box, swift boxes and a bug box, has been submitted to and approved in writing by the local planning authority. The EDS shall include the following:
 - a) purpose and conservation objectives for the proposed works;
 - b) review of site potential and constraints;
 - c) detailed design(s) and/or working method(s) to achieve stated objectives;
 - d) extent and location /area of proposed works on appropriate scale maps and plans;
 - e) type and source of materials to be used where appropriate, e.g. native species of local provenance;
 - f) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
 - g) persons responsible for implementing the works;
 - h) details of initial aftercare and long-term maintenance;
 - i) details for monitoring and remedial measures;
 - j) details for disposal of any wastes arising from works.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To ensure that any adverse environmental impacts of development activities can be mitigated, compensated and restored and that the proposed design, specification and implementation can demonstrate this, and to contribute to a net gain for biodiversity as required by Section 40 of the Natural Environment and Rural Communities Act 2006, paragraphs 187 and 193 of the National Planning Policy Framework 2024 and Policy DM37 of the City Plan Part 2.

6. The development hereby permitted shall not be commenced (other than excavation works and works to trees) until a management and maintenance plan for the surface water drainage of the site, and feasibility study of use of rainwater harvesting, has been submitted to and approved in writing by the Local Planning Authority. The plan shall include details of proof of sufficient pollution mitigation,

infiltration testing results, and how public apparatus would be protected in accordance with Southern Water guidance. The approved drainage system (and rainwater harvesting if relevant) shall be implemented and maintained in accordance with the approved detailed design prior to first use of the car park.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to comply with policies DM42 and DM43 of City Plan Part and CP11 of the Brighton & Hove City Plan Part One.

7. No development shall commence until a detailed Tree Planting Scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the location of relocated or replaced trees to mitigate any lost through the development, which may be within the wider stadium site outside of the red line boundary, along with a timetable for implementation and arrangements for their ongoing maintenance. The approved Scheme shall be implemented in full accordance with the agreed details prior to first use of the car park.

Any trees 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 mitigate for ecological impact and 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.

8. 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 facade and roof materials
- b) samples of all cladding/panelling to be used externally, including the diffused polycarbonate and the metal fins
- c) samples/details of all hard surfacing materials
- d) samples/details of the proposed windows and doors, including full details of the rolling shutters and associated images/artwork
- e) samples/details of all other materials to be used externally

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 of Brighton & Hove City Plan Part 2 and CP12 of the Brighton & Hove City Plan Part One.

9. No development above ground floor slab level of any part of the development hereby permitted shall take place until details of the proposed green walling and maintenance and irrigation programme have been submitted to and approved in writing by the Local Planning Authority. The agreed walls shall thereafter be constructed prior to first use of the car park and maintained and irrigated in accordance with the approved details.

Reason: To ensure that the development contributes to ecological enhancement on the site and visual amenity of the locality in accordance with policy DM37 of Brighton & Hove City Plan Part 2, and CP10 and CP12 of the Brighton & Hove City Plan Part One

10. Prior to occupation of the development hereby permitted, a scheme for landscaping shall be submitted to and approved in writing 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.
11. Prior to first occupation of the development hereby permitted, full details of the number and type of electric vehicle charging points within the proposed car park hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to first use of the development hereby permitted and shall thereafter be retained for use at all times.
- Reason:** To encourage travel by more sustainable means and seek measures which reduce fuel use and greenhouse gas emissions and to comply with policies SA6, CP7, CP9, CP12, CP13 and CP15 of the City Plan Part One and SPD14 Parking Standards.
12. Prior to first use of the development hereby approved, details of the proposed photovoltaic array hereby approved, including output, placement and layout, shall be submitted to and approved in writing by the Local Planning Authority. The photovoltaic array shall then be installed in accordance with the approved details before the car park is first brought into use.
- Reason:** To ensure that the development is sustainable and makes efficient use of energy, water and materials and has an acceptable appearance and to comply with policies CP8 and CP12 of the Brighton & Hove City Plan Part One and DM44 of the Brighton & Hove City Plan Part Two.
13. The development hereby permitted shall not be first occupied until:
- i) details of external lighting, which shall include details of; 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 by the Local Planning Authority.

- ii) 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 the setting of the wider area including the South Downs National Park Dark Sky Reserve. Also many species active at night (e.g. bats and badgers) are sensitive to light pollution. The introduction of artificial light might mean such species are disturbed and /or discouraged from using their breeding and resting places, established flyways or foraging areas. Furthermore, to ensure a sensitive approach to lighting which conforms to the Institute of Lighting Professionals for lighting in environmental zones guidance and tries where feasible to achieve zero upwards light spill. To comply with policies SA5, DM20, DM37 and DM40 of Brighton & Hove City Plan Part 2.

14. Prior to first occupation of the development hereby approved, written evidence, such as Secure By Design certification, shall be submitted to and approved in writing by the Local Planning Authority to demonstrate how the scheme shall incorporate crime prevention measures. The agreed measures shall be implemented within the development.

Reason: In the interests of crime prevention, to comply with policies CP12 and CP13 and SA2 and SA6 of the Brighton & Hove City Plan Part One.

15. Prior to the first use of the proposed development, an up-to-date Travel Management Plan for the stadium shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of management of the new car parking now approved including:

- The overall management of the disabled bays and adaptable spaces within the car park, if the need arises
- How the most convenient spaces are allocated to those with the greatest need and other spaces are identified that can be adapted if needed
- How bays at the rear of the second floor car park shall be managed/stewarded to mitigate the excessive reversing or manoeuvres indicated.
- The agreed measures contained within the Travel Management Plan shall be carried out.

Reason: To ensure the promotion of safe, accessible, active and sustainable forms of travel and comply with policies DM33 and DM35 of Brighton & Hove City Plan Part 2, and CP9 of the Brighton & Hove City Plan Part One.

16. 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 policies DM41 and DM20 of the Brighton & Hove City Plan Part 2.

17. All ecological measures and/or works shall be carried out within the development in accordance with the details contained in the Preliminary Ecological Appraisal (The Ecology Partnership, February 2025); 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 187 and 193 of the National Planning Policy Framework 2024, Section 40 of the Natural Environment and Rural Communities Act 2006, Policy CP10 of the Brighton & Hove City Plan Part One and Policy DM37 of City Plan Part Two.

18. The car park hereby permitted shall not be in use except between the hours of 07:00 and 00:00 on any day, 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.

19. Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed the existing LA90 background noise level. The Rating Level and existing background noise levels are to be determined as per the guidance provided in BS4142:2014-A1:2019 (or the relevant updated Standard). In addition, there should be no significant low frequency tones present.

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

20. The number of times the second floor of the car park hereby approved shall be used in connection with the American Express Community Stadium for outdoor events shall not exceed 50 days in any 12-month period unless otherwise agreed in writing by the Local Planning Authority.

Reason: The application has been assessed on the basis of the maximum number of times it could be used as being 50 days in any 12-month period. Any increased frequency of use has not been considered in terms of its impact on the local highway network and highway safety and neighbouring amenity, and in relation to policies DM20, DM33 and DM36 of the Brighton & Hove City Plan Part 2 and policy CP9 of the Brighton & Hove City Plan Part One.

21. The disabled car parking spaces shall be laid out in accordance with the approved plans and shall be retained at all times.

Reason: In order to ensure that the disabled parking spaces are provided for American Express Community Stadium and to comply with policies DM33 and DM36 of the Brighton & Hove City Plan Part 2 and policy CP9 of the Brighton & Hove City Plan Part One.

22. (Deemed BNG Gain Plan Condition) No development (including any demolition, site clearance or enabling works) shall take place until:
- (a) A Biodiversity Gain Plan (BGP) has been prepared; and
 - (b) The BGP has been submitted to and approved in writing by the Local Planning Authority.

Reason: Based on the information available, this permission will require the approval of a Biodiversity Gain Plan by the local planning authority before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply. The effect of paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 is that planning permission granted for the development is deemed to have been granted subject to the condition (“the biodiversity condition”).

23. No development shall take place until a Habitat Management and Monitoring Plan (HMMP) has been submitted to and approved in writing by the Local Planning Authority. The HMMP shall accord with the approved Biodiversity Gain Plan (BGP) and include:

- i. A non-technical summary
- ii. The roles and responsibilities of the people or organisations delivering the HMMP
- iii. The planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan
- iv. The management measures to maintain habitat in accordance with the approved BGP for a period of 30 years from the first [occupation or use] of the development
- v. The monitoring methodology and frequency in respect of the created or enhanced habitat
- vi. Provision for the identification, agreement and implementation of contingencies and/or remedial actions where the results from monitoring show that the conservation aims and objectives of the HMMP are not being met.

The created/enhanced habitat specified in the approved BGP shall be provided and thereafter managed and maintained in accordance with the approved HMMP. The habitat monitoring shall be submitted to and approved in writing by the Local Planning Authority in accordance with the methodology and frequency specified in the approved Habitat Management and Monitoring Plan.

Reason: To ensure the development delivers biodiversity net gain in accordance with Schedule 7A of the Town and Country Planning Act, 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.

24. The development hereby permitted shall not be first used until a Completion Report, evidencing the habitat enhancements set out in the approved Biodiversity Gain Plan and Habitat Management and Monitoring Plan, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development delivers biodiversity net gain in accordance with Schedule 7A of the Town and Country Planning Act, 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.

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. The applicant should seek advice from Sussex Police Counter Terrorist Security advisers with regards to these proposals as soon as it is practicable CTSASussex@thamesvalley.pnn.police.uk
3. The applicant should be aware that whilst the requisite planning permission may be granted, this does not preclude the department from carrying out an investigation under the Environmental Protection Act 1990, should any complaints be received.
4. The applicant should follow BREEAM Infrastructure principles or use the pre-assessment checklist as a voluntary good practice tool, to demonstrate environmental responsibilities aligning with Brighton & Hove City Council's policies.
5. It is recommended to the applicant to engage early with UK Power Networks (UKPN) to assess local grid capacity and ensure that the proposed infrastructure can be delivered without delays or unexpected connection constraints.
6. Swift bricks/boxes can be placed on any elevation, but must avoid areas that are exposed to extended periods of direct sunlight or prevailing weather conditions, with shade casting eaves and gable ends being optimum locations. They should be installed in groups of at least three, approximately 1m apart, at a height no lower than 4m (ideally 5m or above), and preferably with a 5m clearance between the host building and other buildings, trees or obstructions. Where possible avoid siting them above windows, doors and near to ledges/perches where predators could gain access. Always use models that are compatible with UK brick/block sizes and consider the potential for moisture incursion and cold spots in the building design. Swift bricks should be used unless these are not practical due to the nature of construction, in which case alternative designs of suitable swift boxes should be provided in their place. If it is not possible to provide swift bricks due to the type of construction or other design constraints, the condition will be modified to require swift boxes.
7. BGP – Content of BGP
The Biodiversity Gain Plan must relate to development for which planning permission is granted, and specify as a minimum the following matters:
 - i) Information about the steps taken or to be taken to minimise the adverse effect of the development on biodiversity,
 - ii) A completed Metric tool calculation

- iii) The pre-development biodiversity value of the onsite habitat (shown on scaled plans),
- iv) The post-development biodiversity value of the onsite habitat (shown on scaled plans),
- v) Any registered offsite biodiversity gain allocated to the development and the biodiversity value of that gain in relation to the development,
- vi) Any biodiversity credits purchased for the development.
- vii) Any such other matters as the Secretary of State may by regulations specify including the requirements of Article 37 C of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended)

Commencing development which is subject to the biodiversity gain condition without an approved Biodiversity Gain Plan could result in enforcement action for breach of planning control.

8. The applicant is advised that the details of external lighting required by the condition above should comply with the recommendations of the Institution of Lighting Professionals (ILP) 'Guidance Note 1 for the Reduction of Obtrusive Light (2021)' for Zone E 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 Professionals) 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).

2. SITE LOCATION

- 2.1. The application relates to an area of land of landscaped bank and hardstanding located outside of the south-western side of the American Express Stadium. It is situated in between the outside walkway concourse of the stadium and a private access vehicular ramp that leads down to the outside concourse from Village Way highway. The bank forms part of the land level drop towards the stadium from the south and east where the stadium was designed to sink into the landscape. Beyond the site the bank rises steeply into a concrete retaining wall. The bank within the site is predominantly a grassed area with a line of trees and hedging fronting onto the vehicular ramp at the top of the bank. The hardstanding within the site at the bottom of the bank is part of the tarmac outside concourse and is used for parking.
- 2.2. The American Express Stadium was completed in 2011 and was in operation for the 2011/2012 football season. The wider outside concourse surrounds the stadium and provides access for fan movement, access to the stadium and other matchday kiosk facilities, and access to surrounding footpaths and car parking. The stadium and its surroundings have been subject to a number of improvements and upgrades recently, including the construction of 'The Terrace' fan-zone to the north-west of the stadium, and new branding, signage and digital screens to the stadium facades.

- 2.3. The road the stadium is primarily served by is the A27 to the north of the stadium connecting Brighton to Lewes, with Village Way linking it to the stadium approach. To the west is Falmer Railway Station which is a short walk via the outside concourse, access ramps, and the footbridge access over the railway line. Falmer Railway Station is a locally listed asset.
- 2.4. The footpath/cycle path to the west adjacent to the railway line eventually leads to the Brighton Aldridge Community Academy (BACA) and land at the former Falmer High School. Beyond the A27 to the north there is a link road to Sussex University and a number of areas which are utilised for parking in connection with the stadium. Also in the wider area, there is Falmer Village to the east, the University of Sussex to the north, and the University of Brighton Falmer Campus to the south-west. The boundary of South Downs National Park (SDNP) is located beyond the Drove to the east, beyond the University of Sussex to the north, and beyond BACA to the south.
- 2.5. The site is within a Nature Improvement Area.

3. APPLICATION DESCRIPTION

- 3.1. Planning permission is sought for the excavation of the bank and erection of a decked car park comprising 43 spaces over 3 floors with footbridge link to Stadium to be used by employees and Directors of Brighton & Hove Albion FC.
- 3.2. The full proposals are summarised as follows:
- Excavation of existing bank and removal of existing soft landscaping
 - Erection of decked car park over 3 floors
 - Structure includes a footbridge link between top of car park and the west stand of the stadium.
 - A stair/lift core on top would enable access between carpark and footbridge link.
 - Proposed main materials include concrete structure, poly-carbonate cladding, and silver metal fins.
 - Single stair core access within the car park from ground floor to second floor.
 - Elevator access between second floor and footbridge link above.
 - Car park to be used by employees and Directors of Brighton and Hove Football Club only, for both matchdays and day-to-day use.
 - Provision of up to 43 no. car parking spaces
 - 2 no. parking spaces will be accessible spaces
 - Provision of 2 no. EV upstands serving 4no parking spaces.

4. RELEVANT HISTORY

- 4.1. **BH2024/01045** Application to vary condition 1 of planning permission BH2023/02872 to amend the approved drawings to permit revisions to the design to include a reduction in the footprint of the building by removal of the

angular southern section of the building closest to the stadium and extension of the mezzanine across a wider section of the fan zone - Approved 05/08/2024

- 4.2. **BH2023/02872** Removal of temporary kiosks, relocation of cycle parking and erection of a fan zone/event space (Sui Generis) comprising a two storey structure with mezzanine providing food, drink, retail kiosk, toilet facilities and associated storage - Approved 11/04/2024
- 4.3. BH2023/01335 Partial excavation of bank and demolition of retaining walls to facilitate the erection of a two storey building comprising sub-station and switch room along with new retaining wall - Approved 18/07/2023
- 4.4. BH2023/00895 Removal of existing wayfinding signage and alterations to Stadium entranceways - Approved 27/06/2023
- 4.5. BH2020/00919 Demolition of buildings comprising food and merchandise kiosks, band stand and program booths. Erection of 2 no. kiosks incorporating club shop, concessions, toilets and offices. Erection of an external screen. Relocation of cycle shelter and provision of landscaping and fencing - Approved 21/05/2020
- 4.6. BH2020/00769 Application for variation of condition 25 of BH2013/01356 (Non-material amendment (BH2020/00289) to application BH2013/01356 to alter description of development to read: Community stadium with accommodation for business, educational, conference, club shop merchandise, entertainment and food and drink uses, together with associated landscaping and transportation facilities including road works, pedestrian and cycle links, coach/bus park and set down area and shared use of existing car parking space.) to allow attendances of up to 32,500 - Approved 05/03/2021
- 4.7. BH2020/00768 Erection of external stairway to coach park and refuse store - Approved 28/04/2020
- 4.8. BH2017/01595 Removal of landscaped bund and creation of outside broadcast area comprising surface level parking, welfare and broadcast uplink buildings, lift, lighting, fencing, landscaping and associated works - Approved 21/07/2017
- 4.9. BH2015/03285 Construction of a 3no storey plus basement building comprising of a hotel at ground and upper floors (C1) providing total of 150no bedrooms, restaurant, bar, reception, gymnasium, meeting room, lounge and plant facilities and provision of Stereotactic Radiotherapy Unit (D1) at basement level, incorporating hard and soft landscaping, creation of new access, provision of 62no car parking spaces and other associated works - Refused 18/02/2016
- 4.10. BH2013/01356 Application for removal of condition 1 and variation of condition 36 of application BH2011/03861. (Variation of condition application to increase maximum number of spectators at American Express Community Stadium to 30,750 and to change parking provision within 1.5km to between 1500 and 3000 vehicular parking spaces). Wording for condition 1 to be removed currently reads - "Of the additional 8,250 capacity hereby approved, only 5,991 seats of the

additional capacity shall be brought into use for the 2012/2013 football season". Wording for condition 36 to be varied to read as follows - "When the 650 space temporary car park on land to the east of the Stadium (planning application reference LW/11/0466) ceases to be in use, of the additional 8,250 capacity hereby approved, only 5,991 seats of the additional capacity shall continue to be in use. None of the remaining capacity of 2,259 seats shall be returned to use unless details of a permanent park and ride solution, or other permanent transport solution to the satisfaction of the Local Planning Authority, to replace the 650 space temporary car park, has been agreed in writing by the Local Planning Authority and until the permanent park and ride solution, or other permanent transport solution, has been implemented." - Approved 02/09/2013

- 4.11. BH2011/03861 Application for variation of conditions 39 and 43 of approved planning application BH2001/02418 and variation of conditions 35 and 38 of approved planning application BH2008/02732. Condition 39 of application BH2001/02418 and condition 35 of application BH2008/02732 seek to reduce the minimum number of car parking spaces from 2000 to 1500 and increase the maximum number from 2200 to 3000 and to read as follows - " Unless otherwise agreed in writing with the Local Planning Authority, no use of the Stadium for Outdoor Events shall occur unless a minimum of 1500 car parking spaces and a maximum of 3,000 car parking spaces at Sussex University and land at the former Falmer High School or at alternative locations within 1.5km of the Stadium as shown on the car parking plan within Document 6 of the Addendum to the Transport Assessment (Appendix 2.1 of Environmental Statement) which was received on the 15 March 2012, are made available for use by persons attending the said Outdoor Event. Any proposed change to the approved aforementioned parking would need to be submitted to and approved in writing by the Local Planning Authority." Condition 43 of application BH2001/02418 and condition 38 of application BH2008/02732 seek to increase the maximum number of people in attendance from 22,500 to 30,750 (additional 8,250) and to read as follows - "No event shall take place at the Community Stadium with an attendance in excess of 30,750 people" - Approved 10/04/2013
- 4.12. BH2008/02732: Revision to stadium permitted under 2001/02418/FP including change in roof design and elevational treatment, increase in useable floor area and amendments to use of internal floorspace. Proposed re-contouring of land south of Village Way with chalk and soil arising from excavations required to construct community stadium - Granted 22 April 2009
- 4.13. BH2001/02418FP: A Community Stadium with accommodation for Class B1 business, educational, conference, club shop merchandise, entertainment and food and road works, pedestrian and cycle links, coach/bus park and set down area, shared use of existing car parking space at the University of Sussex and shared use of land for recreation and parking at Falmer High School - Granted 23 July 2007.

Lewes District Council

- 4.14. LW/22/0175 (Former Bennett's Field Car Park) Development for purpose-built student accommodation (sui generis use) comprising 555 bedrooms within two six-storey wings and central two-storey link; with ancillary amenity spaces, cycle

parking and landscaping; and construction of new pedestrian and vehicular access from The Drove - Appeal Allowed 06/11/2023

5. REPRESENTATIONS

5.1. One (1) letter has been received objecting to the proposed development for the following reasons:

- There are already existing car parks.
- Use of BACA as a car park has restricted its use by parents picking up children from the school.
- any additional car parking will undoubtedly increase traffic on busy traffic routes.

6. CONSULTATIONS

External

6.1. **County Archaeologist:** No Objection

Based on the information supplied, It is not believed that any significant archaeological remains are likely to be affected by these proposals. For this reason, I have no further recommendations to make in this instance.

6.2. **County Ecologist:** No Objection

Provided the recommended mitigation, compensation and enhancement measures are implemented, the proposed development can be supported from an ecological perspective. A standard pre-commencement Biodiversity Gain Condition should also be applied, and it is recommended that in addition to any legal agreement required to secure the maintenance and monitoring of significant onsite BNG for at least 30 years, the Council should also secure fees for their compliance monitoring.

6.3. **National Highways:** No Objection

National Highways will be concerned with proposals that have the potential to impact on the safe and efficient operation of the Strategic Road Network (SRN), in this case, particularly within the vicinity of the A27.

6.4. Having assessed the application and, given the nature, scale and location of the proposal National Highways are satisfied that the development would not have an unacceptable impact on the safety, reliability, and/or operational efficiency of the SRN.

6.5. **South Downs National Park:** Comment

The proposed development would be adjacent to substantial pre-existing development. As such the proposal would likely result in minor impacts on the setting of the National Park.

6.6. It is important to consider direct and indirect effects upon the National Park designated landscape and its setting as well as its special qualities. The LPA

officers will therefore need to assess any impacts upon the National Park in order to address the statutory duty.

- 6.7. The proposal incorporates a landscaping scheme. New planting ideally should all be native and locally characteristic in order to offer meaningful benefits to wildlife and positively contribute to landscape character.
- 6.8. It is recommended that consideration be given to dark night skies, which are a special quality of the National Park. The South Downs National Park is a designated International Dark Sky Reserve and dark skies and tranquillity are both special qualities that need to be protected. Whilst there will be pre-existing lighting associated with the stadium, the SDNPA would encourage any new development to have a sensitive approach to lighting which conforms to the Institute of Lighting Professionals for lighting in environmental zones guidance and tries where feasible to achieve zero upwards light spill.
- 6.9. **Southern Water: Comment**
In order to protect public apparatus, Southern Water requests that if consent is granted, the following pre commencement condition is attached to the planning permission; The developer must advise the local authority (in consultation with Southern Water) of the landscaping proposals in proximity of public apparatus in order to protect it in accordance with Southern Water's guidance, prior to the commencement of the development.
- 6.10. No new soakaways should be located within 5 metres of a public or adoptable gravity sewer, rising main or water main. No Soakaways should be connected to the public surface water sewer.
- 6.11. **Sussex Police: Comment**
With regards to any proposed EV charging points - it is important when considering their location that the provisions of any relevant building regulations are complied with and that consultation is undertaken with the relevant fire strategy authority, be this a local authority appointment or a fire and rescue service officer, to ensure that appropriate advice is incorporated into designs and specifications.
- 6.12. It is pleasing to note that lighting has been a consideration and that the lighting proposed is designed to comply with recognised dark sky friendly lighting techniques and luminaires and follows recommendations from the ILP's Guidance Notes for the Reduction of Obtrusive Light.
- Internal
- 6.13. **Air Quality: No Objection**
Overall travel will continue to lean towards active modes and public transport.
- 6.14. **Environmental Health: No Objection**
There are no known contaminated land concerns at the American Express Community Stadium.

- 6.15. The applicant should submit a Construction Environmental Management Plan detailing proposed measures to reduce construction noise and dust.
- 6.16. A Lighting impact assessment has been submitted detailing a lighting system which will have minimum impact on the nearest residents.
- 6.17. **Skills and Employment:** Comment
 The Car Park is of substantial size and counts as a major development for the purposes of the Local Employment Scheme for Construction. The calculation has been based on storage, and a rate of £5.00 per SQM is applicable for the ground, first and second floors. A charge has not been applied to the top floor which is open.
Calculation
- 1400 X £5.00 SQM – contribution £7,200
- 6.18. **Sustainability:** Comment
 Although Part L and BREEAM requirements are not mandatory for the proposed development of an 'unconditioned' open-sided car park structure and footbridge, Brighton & Hove City Council expects all developments to demonstrate a proportionate response to sustainability policies CP8, DM44 and DM37.
- 6.19. Clarification is required on some elements, such as proposed PV panels, irrigation of the green wall, and circular economy principles.
- 6.20. **Sustainable Drainage:** Comment
 The risk of groundwater flooding is considered to be negligible. The risk of flooding from all other sources is also negligible. Therefore, no further information relating to flood risk will be required for this development.
- 6.21. No sources of foul water are proposed for this development. As a result, no foul drainage is required or proposed.
- 6.22. Further details of the proposed drainage scheme are required by condition.
- 6.23. **Sustainable Transport:** No Objection
 Acceptable, subject to a CEMP and updates to the existing travel management plan being conditioned.
- 6.24. The LHA would normally not wish to encourage additional car parking areas for existing development, preferring additional travel plan measures to be introduced, however it is acknowledged that the applicant states there is a loss of 522 car parking bays used by the club in Bennetts Field following recent approval of a student housing development on the site two years ago.
- 6.25. On consideration of the above, the Highway Authority would not wish to object to this additional parking in principle.
- Urban Design Officer:** Comment
- 6.26. The scheme has been developed through a two-stage pre-application process. Operational and access benefits are demonstrated to be significant, particularly

for match days, with an improved sense of place and arrival for visiting teams and staff. The sense of arrival for fans arriving at Falmer Station by train (or nearby bus stops) will not be negatively impacted.

- 6.27. Developmental impacts on medium and longer views across the site and from the stadium towards the SDNP appear to be less than significant. Ideally verified views should be provided and comparison to pre-existing land levels, to aid assessment.
- 6.28. It is agreed that there will not be new network operational or road safety impacts associated with the provision of a new 43 space car park accessed via the same road. Much of the parking will be screened to reduce impacts on the quality of the stadium experience and sense of place.
- 6.29. The outline materials specification for the new building and its composition are coherently arranged and generally marries well with the existing stadium. The diffused cladding fabric used for the lift shaft and footbridge helps to soften the overall lighting impacts of the additional built form as well as integrating with the stadium aesthetic. The diffused cladding creates a sort of ethereal quality which will be evident for evening games - even more so during autumn and winter.

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, revised October 2024));
 - 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 Two

DM9	Community facilities
DM18	High Quality Design and Places
DM20	Protection of Amenity

DM22	Landscape Design and Trees
DM26	Conservation Areas
DM29	The Setting of Heritage Assets
DM33	Safe, Sustainable and Active Transport
DM35	Travel Plans and Transport Assessments
DM36	Parking and Servicing
DM37	Green infrastructure and Nature conservation
DM40	Protection of the Environment and Health - Pollution and Nuisance
DM43	Sustainable Drainage
DM44	Energy Efficiency and Renewables
DM45	Community Energy
DM46	Heating and cooling network infrastructure
SSA7	Land Adjacent to American Express Community Stadium, Village Way

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
SA5	Setting of the South Downs National Park
SA6	Sustainable Neighbourhoods
DA3	Lewes Road Area
CP2	Sustainable economic development
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
CP17	Sport and Recreation
CP18	Healthy City

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, the impact on the visual amenities of the surrounding area including its impact on the setting of the South Downs National Park (SDNP), the design and appearance of the proposal, the impact on neighbouring amenity, the impact on highways, access, ecology/biodiversity, sustainability, and sustainable drainage.

Principle of the Development:

- 9.2. The site is located within the wider DA3 Lewes Road Development Area in CPP1 which has a strategy to secure the long-term regeneration opportunities along the Lewes Road corridor focussing on the education sector and as well as new housing, increased employment floorspace and improvements to the sustainable transport network. Securing improvements to the townscape and public realm is another key objective and to deliver inter-connected green infrastructure and to improve air quality. Provision of infrastructure which directly supports the stadium uses would meet the general regeneration aims for the Policy DA3 development area.
- 9.3. City Plan Part One Policy CP17 relates to sports provision, with part 2 of the policy recognising the importance of major sporting venues such as the American Express Stadium. Part 4 of the policy sets out that the council will support "investment in poor quality, under-used sports services, facilities and spaces... to bring about enhancements in quality and public use." The proposed development would improve the carpark facilities for staff at the stadium. Provision of parking infrastructure would result in improved facilities for an important major sporting venue. The proposal is therefore in compliance with Policy CP17.
- 9.4. The applicant proposes a new car park, with the reason given that this is required to accommodate new parking due to the recent loss of 522 parking spaces on Bennett's Field in 2021, which now has planning consent for an alternative use. The proposal would provide ancillary provision of car-parking to be used in connection with the existing stadium use on the wider site. The proposal is therefore considered acceptable in principle in the context of the above policies, subject to full consideration of the of all detailed aspects of the scheme set out below, including landscaping, biodiversity and highway impact. Given the significant loss of parking within the wider site as a result of the Bennetts Field permission there is no objection in principle to replacement car parking.
- 9.5. The proposed car park would be located to the south-west of the stadium alongside the existing concourse, where there is an existing grass bank that would be excavated up to the concrete retaining wall. It is somewhat regrettable that part of the grass bank would be removed, as this does currently contribute to softening the hard landscaped stadium environment. However, subject to an appropriate compensatory landscaping/biodiversity scheme, the loss of the existing grass bank would be mitigated and is considered acceptable in principle.

Design and Appearance:

- 9.6. 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. Policy DM22 seeks to protect and provide landscaping.
- 9.7. Although the application site is not adjacent to the north-east of the stadium, Policy SSA7 (Land Adjacent to American Express Community Stadium, Village

Way) of City Plan Part 2 highlights the importance of design and visual impact, so as to ensure new development does not erode or detract from the Stadium's architectural presence. The Stadium forms a prominent architectural element in the area and at the approach/entrance to the city from the east, and it was carefully designed to nestle within the curves of the surrounding downland.

- 9.8. At pre-application stage, amendments were sought to reposition the siting of the stair/lift core and footbridge link to be further south and to refine the bulk of the stair/lift core which are considered successful in reducing the visual impact of the development from the more prominent short/mid-range views (including the outside Stadium concourse and the station approach. The testing of various materials and details of the appearance of the structure were also carried out. Details of how the design approach evolved at pre-application stage can be found in the applicant's submitted Design & Access Statement.
- 9.9. Whilst a large structure, it is considered the proposed design submitted in this application would appropriately respect and reflect the form of the stadium and surrounding downland and would appear as a subservient addition alongside the Stadium, which is considered an important factor in this instance. The gentle curve in the south wall of the structure would mirror the curves of the Stadium itself.

Scale/Massing:

- 9.10. As the proposed car park would be built into the bank, the land level changes would mean that the rear (south) elevation would mostly not be visible until the level of the ramp behind lowers towards the concourse level. This also means that only the top level, as well the stair/lift core and footbridge link, would be visible from the views from the eastern approach on Village Way.
- 9.11. The car park structure would be most prominent in views from within the outside concourse and the Falmer Station approach from the west. From these views, the height of the stair/lift core and footbridge link would be most noticeable in views. However, these views would be in context with the Stadium that it is attached to. Given the height and scale differences between the proposed car park and the existing Stadium, the proposal would have a subordinate appearance where it would be most visible.
- 9.12. The proposed development would also be visible from some mid-range views, especially from the west/north-west, including from the approaches from Falmer Stadium and the access path alongside from Falmer Station. The amendments at pre-application stage, to the siting of the stair/lift core and footbridge link to be positioned further south and refining the bulk, have successfully reduced the visual impact of the development from some of the more prominent views, including from the concourse and station approach.

Impact on Heritage Assets/Designated Areas:

- 9.13. 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. 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 should be given "considerable importance and weight".

- 9.14. There are a number of Listed Buildings set within the University of Sussex Campus to the north of the site, approximately 400m from the application site. However, they are of a sufficient distance away with the A27 and other buildings and trees in between that mean there is limited visibility between the two sites and therefore no significant harm on the setting of these listed buildings would occur. There would be a similar situation for the impact on Falmer Railway Station (approximately 180m from application site), which is locally listed. This is closer to the application site, however given its orientation to the north-west and the land level changes in between, no significant impact on the setting of this heritage asset is envisaged.
- 9.15. Development within the setting of a national park should be consistent with the section 245 duty, and Paragraph 189 of the NPPF, which includes specific reference to the setting of National Parks: "The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas." Development should also be consistent with and not compromise the main Purposes of the SDNP.
- 9.16. Further to the north-west is Stanmer Park Conservation Area, approximately 500m away. Stanmer Park CA is set entirely within the South Downs National Park (SDNP), which is a protected area established to conserve and enhance natural beauty, wildlife and cultural heritage. Stanmer Park is also listed on the Register of Parks and Gardens of Special Historic Interest. The applicant has submitted a Landscape and Visual Assessment document which provides a number of views from within Stanmer Park. These views indicate that, although the stair/lift core and footbridge link would be partially visible, the separation distance means that the structure would mostly be hidden behind trees, and these views would remain to be dominated by the Stadium itself, the neighbouring University of Brighton buildings, and the trees surrounding the park. It is noted that these views would also be dominated by the student housing development on land at Bennett's Field (north-east of the site on the other side of the Stadium within Lewes District Council's jurisdiction) should this extant planning permission be constructed. Other views further into Stanmer Park indicate that the proposed development would not be visible at all.
- 9.17. The SDNP is sited a lot closer from the south (approximately 85m from the application site), where the boundary starts on the southern side of Village Way highway. The stair/lift core and footbridge link would be more prominent in these views given this would be closer to the site and at a higher level than other views. However, it is considered this would not be a significantly detrimental impact. Some partial screening of the distant view of SDNP towards the north-west would occur in the views from Village Way. This would be due to the height of the stair/lift core in close proximity to the site. However, the partial loss of views would not be significantly detrimental in the wider context of the view from these limited angles. Other views of the site, further back from within the boundary of

the SDNP would be obscured more by trees, and would be screened entirely by trees from the Permissible Path directly adjacent to Westlain Plantation Wildlife Site.

- 9.18. The South Downs National Park Authority raise no objection to the proposal. Overall, given the relatively limited and low scale of the proposed development in the context of the existing stadium, and the distances involved, it is considered that the proposed car park of this scale would unlikely generate any significantly detrimental impact on views from or toward the heritage assets and designated areas in the local vicinity.

Detailed Appearance/Materiality:

- 9.19. The applicant has submitted a Design & Access Statement which details the design approach, including how the detailed appearance evolved during pre-application stage. The proposed appearance is designed to ensure it has some relationship with the appearance of the Stadium, in terms of the proposed colour palette and materials, and also the recently built Fan Zone to the north of the application site.
- 9.20. Several iterations of the design were tested at pre-application stage, and different materials e.g. use of aluminium cladding, brown/silver metal fins, green walling, and various combinations of each. As part of the testing, the aluminium panels were considered to contribute too much to a somewhat harsh car park appearance, and so the silver metal fins option has been chosen as the preferred option as it would provide a contrasting appearance whilst also softening the texture of the facade.
- 9.21. The proposed external facades of the carpark structure would consist of a concrete structure with silver vertical metal fins on the upper floors, with a spacing of 300mm between each. It is considered that this material would provide a visual interest to the body of the car park, whilst also blending in well with the stair/lift shaft above. The proposed fin design would provide a parapet that would help to reduce the visibility of parked cars on the top level from various views.
- 9.22. The stair/lift core would also consist of polycarbonate and glazing, and is shown indicatively with a white 'BHAFC' logo similar to an existing logo on the Stadium. It is considered to be an appropriate location for this logo in the context, although it may be subject to separate advert consent. The footbridge link design would offer a lightweight appearance, with a mixture of translucent polycarbonate cladding and glazing with a steel truss structure. At ground floor level, there would be white roller shutters for security, with the design including perforated artwork to add visual interest to those passing by on foot along the concourse – this would be secured via condition.

Landscaping/Ecology/Biodiversity:

- 9.23. CPP2 policy DM22 requires proposals to retain, improve and provide landscaping elements, including trees and planting. Policies CP10 and DM37 are relevant to the proposal in terms of biodiversity. Policy DM37 requires all

major developments to incorporate a minimum 10% Biodiversity Net Gain (BNG).

- 9.24. The site lies within the Brighton and Lewes Downs UNESCO Biosphere Reserve but is otherwise not designated specifically for its nature conservation interest. The South Downs National Park is within 70m south-east of the site, and the nearest designated site is Westlain Plantation/Hog Plantation Local Wildlife Site (LWS) approximately 60m south-east. The County Ecologist has stated that given the nature, scale and location of the proposed development, there are unlikely to be any significant ecological impacts on any designated sites.
- 9.25. The applicant has submitted a Preliminary Ecological Appraisal (PEA), which states that the existing steep slope of calcareous grassland was established as part of the original Stadium development. The County Ecologist has commented that this bank contains some species rich calcareous grassland indicators, however it would not meet the criteria for lowland calcareous grassland, noting the multiple areas where the cover of grass is sparse. The top of the bank is bordered with a hornbeam hedge and 6 no. small whitebeam trees spaced along the border in a row and also includes a small area of bramble scrub.
- 9.26. The proposal would result in the loss of the existing vegetated habitat on the site. The hedgerow and small amount of scrub on site have the potential to support breeding birds, and so any removal of potential nesting habitat would need to be carried out outside the breeding season. As the vegetated habitat is isolated by roads/hardstanding and subject to high levels of light and other disturbance, the County Ecologist agrees with the applicant's PEA that the site is highly unlikely to support any other protected or priority species. The PEA recommends that precautionary construction measures are implemented to avoid impacting on any mobile species (such as badger) that may commute through the site. Overall, the County Ecologist has stated that as there is no evidence that the vegetated habitats on site were intended as specific habitat mitigation/compensation for impacts under the original scheme but instead could be considered part of the general stadium landscaping, it is considered acceptable in this specific case to accept the habitat baseline at face value and to compensate for habitat losses through the BNG net gain.
- 9.27. The applicant has submitted a proposed landscaping plan which indicates the following proposals:
- 9no. replacement whitebeam trees planted along the site edge fronting the existing access ramp amongst new narrow verge soft landscaping of 'Other Neutral Grassland' (ONG) with planted wildflower mix and hedgerow.
 - Replanting of the existing 6 no. semi-mature whitebeam trees within the wider Stadium site.
- 9.28. The proposals for ecology/biodiversity also include as follows:
- Proposed green wall installed to the south-west elevation comprised of 125 climber plants of three species: honeysuckle, star jasmine and clematis 'Golden Tiara'.
 - Installation of swift boxes
 - Installation of a bug box

- Biodiversity Net Gain report indicating offsetting the loss of biodiversity within the site
- 9.29. Overall, the proposals are accepted, subject to further detail required by condition, including details of the green wall and submission of an Ecological Design Strategy. The County Ecologist has stated that based on national guidance both the ONG (medium distinctiveness) and the species-rich native hedgerow with trees (high distinctiveness) would qualify as significant onsite BNG. A s106 legal agreement is required to secure the ongoing management and monitoring of the onsite BNG.
- 9.30. As this would still result in a BNG shortfall, additional habitat and hedgerow units are required in order to meet the minimum 10% gain. The difficulties of recreating vegetated habitat on site given the nature of the development is accepted. In order to resolve this, the applicant proposes the purchase of offsite units from a Habitat Bank. Details will be required by condition/s106 as part of a Biodiversity Gain Plan in order to confirm at least 10% BNG would be provided, including details of the purchase of any offsite units and required monitoring.

Impact on Amenity:

- 9.31. 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.

Construction Phase

- 9.32. A Construction Environmental Management Plan (CEMP) is required to mitigate construction impacts detailing proposed measures to reduce construction noise and dust to nearby residents and occupiers, including the University.

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

- 9.33. The nearest residential properties are located within the University of Brighton Falmer Campus to the west, although the nearest building to the application site appears to be a non-residential university building. The proposed development is largely situated a sufficient distance away at a lower level from neighbouring residential properties so as not to cause significant harm to residential light levels, privacy levels and by way of overlooking.

Noise Impact:

- 9.34. The nearest noise sensitive occupiers to the site would be residential student housing at University of Brighton Falmer Campus to the south-west. Due to the type/scale of development and the distances between, as well as the more limited use of the second floor of the car park, it would be expected that noise impact from increased vehicle movements in this location would be unlikely to result in significant noise and disturbance.

Impact of Lighting:

- 9.35. The proposals would introduce new lighting to the area to enable safe movement after dark and to allow for use of facilities. The proposal is mostly for internal lighting, with the only external lighting being wall mounted LED lighting at second

floor level. The proposed glazing would mean that elements of internal lighting would emanate from the structure.

- 9.36. The applicant has submitted a Luminare Schedule detailing a lighting system which will have minimum impact on the nearest residents, and no objection raised by the Council Environmental Health Team.
- 9.37. Paragraph 198(c) of the NPPF outlines that development should limit the impact of light pollution on intrinsically dark landscapes and nature conservation, which includes the South Downs National Park which is designated as an International Dark Sky Reserve. The submitted Landscape and Visual Assessment document provides visuals of the key mid/long range views at night, which indicate that additional light emanating from the proposed development would be inconsequential from mid/long range views, given the existing light sources from the stadium and surrounding development.
- 9.38. Given the nearby neighbouring residential student housing, the lighting installation will be required to comply with appropriate lighting guidance levels, and full details of the lighting scheme are required by condition.

Sustainable Transport:

- 9.39. 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).
- 9.40. 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.
- 9.41. The applicant has submitted a Transport Statement, and the Local Highway Authority have no objection to the proposals subject to recommendations to be secured by condition. No objection is raised by national Highways.

Vehicle Access:

- 9.42. It is considered that this is an appropriate location for a relatively small provision of parking for staff, in an area that would not encroach into the main accessway around the stadium.
- 9.43. The proposed car park would be accessible by car at ground floor level from the outside concourse via the access ramp that leads down from Village Way. The first floor would be accessible from midway down the existing ramp. The second floor would be accessed from the top of the ramp access. The top part of the access ramp that leads to the concourse from Village Way is privately owned by the University of Brighton and currently provides access to the University of

Brighton Falmer Campus and also grants access to the Stadium site. The public highway finishes further up at the roundabout junction on Village Way, which leads into the University of Brighton access. Therefore, there is no direct impact on the public highway as a result of the proposals. The Local Highway Authority have highlighted multiple manoeuvres may be required for some parking spaces on the 2nd floor, and details of management of these spaces is required as part of the updated Travel Management Plan, which is conditioned.

- 9.44. For consistency, the applicant has agreed access to the second floor for up to 50 days per year (the same number of the maximum times that the Stadium can be used for outdoor events per year), and so the second floor of the car park would not be used in day-to-day use. The use of the second floor of the car park should be restricted for this maximum use by condition, as any more intensive use of the top floor in the future would require further assessment.
- 9.45. Part of the concourse within the application site is currently used as parking for away team coaches during match days. Coaches currently reverse into the spaces assisted by stewards. This would continue to be the case as part of the proposals, by reversing into the parking spaces within a section of undercroft on the north-west elevation of the car park, which would have the benefit of some canopy protection from adverse weather conditions. The applicant has provided swept paths to show that reversing can occur as existing, and the Local Highway Authority have no objection.

Construction Phase

- 9.46. A CEMP (Construction Environment Management Plan) is required by condition to ensure appropriate traffic routes and other practices are used and neighbouring occupants consulted and liaised with.

Car Park Management:

- 9.47. The applicant has stated in the submitted Transport Statement that management of the car park will include allocating parking spaces only to employees/Directors of the football club through a booking/reservation system, and ensuring users arrive/leave at least 1 hour prior and post any outdoor event. This would ensure there are no car movements in the vicinity of the car park when the concourse is busy with pedestrians. Other measures include use of on-site stewards on event days to manage the carpark comings and goings. Details are required to be confirmed, as part of the updated Travel Management Plan (which is produced by the Football Club each season) secured by condition.
- 9.48. Some of the parking spaces at ground floor would not be accessible if other parking spaces are used, however it is accepted that the management proposals in place, including booking system and stewards, would ensure that vehicles can enter and leave when needed.

Vehicle Parking:

- 9.49. The applicant has set out in the submission that the reason why the car park is required is because the applicant needs to look at other areas around the Stadium that can accommodate parking due to the recent loss of 522 parking spaces on Bennett's Field in 2021 when the lease expired, which now has an

extant planning consent for an alternative use. Staff currently park in car parks nearest the site, including 'Car Park A' that adjoins the Bennett's Field. It is noted that an additional 43 parking spaces were approved at Bridge Car Park in 2022 for match-day parking (providing an updated total of 723 spaces). As the proposal is for 43no. parking spaces, car parking capacity on site would not be increasing in the future overall (and would remain significantly less) from that previously found on site given the loss of Bennetts Field. As above, the proposal would have other benefits such as providing staff parking in closer proximity to the West Stand for access to the offices, director's lounge and conference rooms. The submitted Transport Statement sets out that "The proposals will provide improved parking facilities for existing employees and scheduled visitors to the stadium, therefore generating no additional parking demand." It is also stated that the new car park shall not be used for any other purpose other than staff, and that its management is to be detailed in an updated travel management plan, which is required by condition.

- 9.50. The Local Highway Authority have stated that additional car parking areas for existing development would not normally be encouraged, as additional travel plan measures could be used instead. However, given the loss of 522 car parking bays previously which has had a detrimental impact on operations on the site, the additional parking is considered acceptable in this instance.
- 9.51. The proposal is to provide 2no. disabled user accessible parking spaces, however SPD14 (Parking Standards) indicates that a minimum of 3no. is required for this development. However, it is outlined by the applicant that there are an existing 40no. accessible car parking spaces in 'Car Park A' (used by staff and match-day visitors) located approximately 350m from the West Stand entrance. With the wider provision in consideration, the proposed number of accessible parking spaces is acceptable in this instance. This is subject to a strategy in place to ensure the most convenient spaces are allocated to those with the greatest need and other spaces are identified that can be adapted if needed, which can form part of an updated travel management plan required by condition.

Trip Generation:

- 9.52. In terms of trip generation, the Transport Assessment demonstrates that the new car park would be unlikely to generate any significant increase in person trips on site on match days, and this would be relocating parking from already existing or previously used areas of parking on the wider site. Bennetts Field Car Park was previously served by Village Way highway where a greater number of parking spaces were previously in use. Therefore, given that previously a greater number of parking spaces were accessed via Village Way, it is considered reasonable to conclude that there will not be new network operational or road safety impacts associated with the provision of a new 43 space car park accessed via this same highway.

Non-Vehicular/Pedestrian Access:

- 9.53. Existing car parking, including disabled parking, is currently sited a further distance away from the main stadium reception and office entrances than the

proposed parking. Therefore, the proposed car parking would improve access for stadium staff, and especially for disabled staff.

- 9.54. The car park structure would include a footbridge link between top of car park and the west stand of the stadium. The proposed stair/lift core would enable access between carpark and footbridge link. Single stair core access within the car park is proposed from ground floor to second floor. Elevator access is proposed between second floor and footbridge link above. It is understood that the proposed footbridge would likely have low footfall due to the more limited use of the second floor car park level, and all levels of the car park can access the stadium via the steps down to the ground level concourse.
- 9.55. One disabled parking bay is located on the ground floor level with level concourse access, and one disabled bay is located on the second floor which would have lift access to the footbridge. Therefore, both would have step-free access. The doors and footbridge have been designed wide enough for two wheelchair users to pass each other.
- 9.56. Overall, it is considered that the proposals would improve general access for users and employees, as well as improving accessibility with inclusive design for the mobility impaired.

Cycle Parking:

- 9.57. The proposal would not create new trips to the wider site, and there are already cycle parking improvement schemes in place. Therefore, additional cycle parking is not required in this instance.

Sustainability:

- 9.58. 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. The applicant has submitted a Sustainability and Energy Statement.
- 9.59. CP8 requires all major developments to meet BREEAM standard of Excellent. The applicant has stated that due to the nature of the structure with partially open and movable sides and lack of insulation, the building would not be able to meet the requirements of BREEAM. It would also not be able to meet the requirements of Policy DM44 which requires all new development to meet Part L - Conservation of Fuel and Power of the Building Regulations 2022 for the same reasons. This is accepted in this instance and has been confirmed as acceptable by the Council Sustainability Team. BREEAM New Construction applies only to buildings designed for human occupation, excluding structures like multi-storey car parks. Unconditioned buildings such as an open-sided car park which is naturally ventilated, and not heated or cooled, are generally considered outside the scope of Part L.

- 9.60. No ventilation or heating strategies proposed as the proposed car park is an unheated space. Roof space is limited given the design; however, the proposal allows for inclusion of rooftop PV panels, with 4no. sited on the stair/lift core and 2no. on the stair tower, which are welcomed and will be conditioned. The inclusion of the green wall is welcomed and could potentially have the beneficial effect in reducing overheating, subject to details of design by condition including how the wall will be irrigated, which the applicant has initially suggested will be by harvesting rainwater. The proposal also includes 2 EV chargers serving 4 spaces on the top deck of the proposed car park.
- 9.61. Overall, the proposed sustainability measures are considered acceptable given the nature of the development, subject to further details required by condition.

Other Considerations:

Archaeology:

- 9.62. The site is not situated within an Archaeological Notification Area and the County Archaeologist has commented that no significant archaeological remains are likely to be affected by these proposals.

Waste Management:

- 9.63. 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

Flood Risk/Drainage:

- 9.64. 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. Policy DM43 states that the development of car parking and hard standing will be required to incorporate appropriate Sustainable Drainage Systems (SuDS) capable of ensuring that there is a reduction in the level of surface water leaving the site unless it can be demonstrated not to be reasonably practicable.
- 9.65. The site lies within Flood Zone 1, which is at the lowest risk of flooding. The Council Sustainable Drainage Team indicate that the proposed drainage provides an acceptable level of mitigation.
- 9.66. The site is within GroundwaterSource Protection Zone 1 and therefore groundwater in a SPZ1 is most vulnerable to pollution given the close proximity of the abstraction point and the water's intended use for human consumption. The proposed drainage system is for all surface water to be captured by ACO drains on the car park and infiltrated by a new soakaway. Details by condition are required of further infiltration testing, proof that the proposal provides sufficient pollution mitigation, and a maintenance plan and management plan for each drainage element, listing maintenance tasks required, suggesting frequencies at which they are to be undertaken, and parties

responsible for them. Further details of drainage proposals are required by condition and Southern Water raise no objection on this basis .

Air Quality:

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

Land Contamination:

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

Section 106 Legal Agreement

- 9.69. In accordance with the council's Developer Contributions Technical Guidance and policies CP7, CP2 and DA3, an Employment and Training Strategy, and financial contribution towards the Employment scheme, are sought. A financial contribution towards monitoring of BNG and the overall S106 are also sought.

10. CONCLUSION

- 10.1. Provision of infrastructure which directly supports the stadium uses would meet the general regeneration aims for the Policy DA3 development area. Provision of parking infrastructure would result in improved facilities for an important major sporting venue, in compliance with Policy CP17.
- 10.2. Given the scale of the proposal in comparison to existing surrounding development and stadium context, the proposal would result in no significant impact on the setting of the National Park. Medium and longer views across the site and from the stadium would not be detrimentally affected to any significant extent.
- 10.3. It is considered the proposed design would appropriately respect and reflect the form of the stadium and surrounding downland and would appear as a subservient addition alongside the Stadium. The materiality of the proposals, including cladding, would provide interest to the appearance of the development, whilst also integrating with the Stadium's aesthetic.
- 10.4. The proposed development can be supported from an ecological and landscape perspective, subject to mitigation, compensation and enhancement measures secured by condition, as well as securing the maintenance and monitoring of significant onsite BNG by s106. The proposed sustainability measures are considered acceptable given the nature of the development, subject to further details required by condition.
- 10.5. it is considered that the proposals would improve general access for users and employees, as well as improving accessibility with inclusive design for the mobility impaired. Given the loss on the wider site of 522 car parking bays previously which has had a detrimental impact on operations on the site, the additional parking is considered acceptable in this instance.

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 (if relevant) 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. Section 149(1) of the Equality Act 2010 provides:
- 1) A public authority must, in the exercise of its functions, have due regard to the need to—
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 12.2. Officers considered the information provided by the applicant, together with the responses from consultees (and any representations made by third parties) and determined that the proposal would not give rise to unacceptable material impact on individuals or identifiable groups with protected characteristics.
- 12.3. The disabled parking bays in the proposal would offer level access, and the footbridge and doorways have been designed to provide sufficient width for wheelchair users. It is considered that the proposals would improve general access for users and employees, as well as improving accessibility with inclusive design for the mobility impaired.

13. REASONS FOR REFUSAL IF S106 AGREEMENT NOT COMPLETED

- 13.1. In the event that the draft S106 Agreement has not been signed by all parties by the date set out above, the application shall be refused for the following reasons:
1. The proposal fails to provide a mechanism (via a Section 106 legal agreement) to secure a financial contribution to ensure monitoring of the Section 106 Agreement and the Biodiversity Net Gain associated with the scheme and ensure effective implementation of relevant Development Plan policies, and to ensure timely delivery of the scheme, contrary to the requirements of Section 40 of the Natural Environment and Rural Communities Act 2006, paragraphs 187 and 193 of the National Planning Policy Framework 2024 and Policy DM37 of the City Plan Part 2 and the Council's Developer Contributions Technical Guidance.

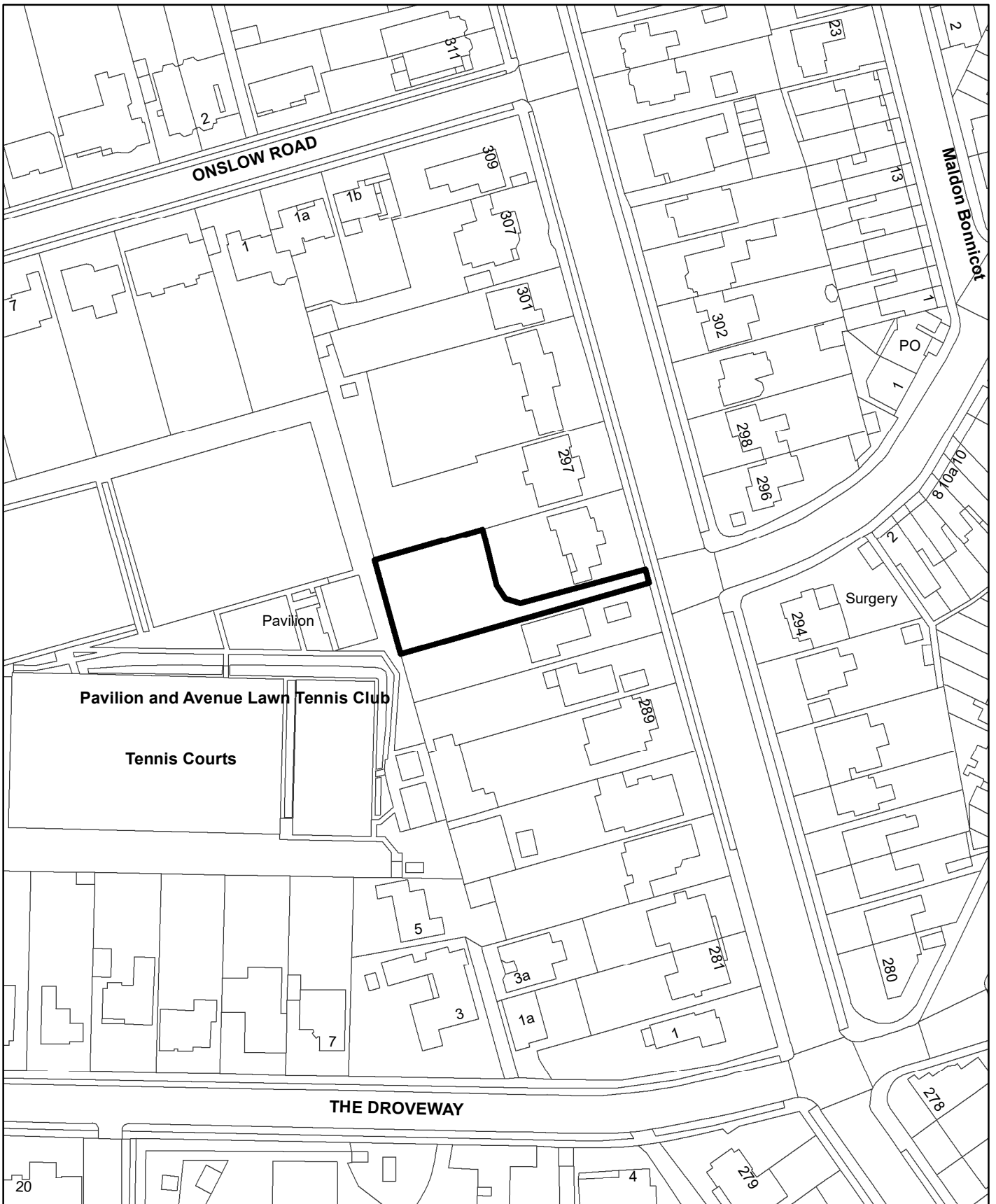
2. The proposal fails to provide a mechanism (via a Section 106 legal agreement) to secure a financial contribution towards the City Council's Local Employment Scheme to support local people to employment within the construction industry, contrary to policies CP2, DA3 and CP7 of the Brighton & Hove City Plan Part One and the Council's Developer Contributions Technical Guidance.
3. The proposed development fails to provide an Employment and Training Strategy specifying how the developer or their main contractors will provide opportunities for local people to gain employment or training on the construction phase of the proposed development contrary to policies CP2, DA3 and CP7 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.

ITEM B

**295 Dyke Road
BH2025/00936
Full Planning**

DATE OF COMMITTEE: 6th August 2025

BH2025 00936 - 295 Dyke Road



**Brighton & Hove
City Council**

N



Scale: 1:1,250

<u>No:</u>	BH2025/00936	<u>Ward:</u>	Westdene & Hove Park Ward
<u>App Type:</u>	Reserved Matters		
<u>Address:</u>	295 Dyke Road Hove BN3 6PD		
<u>Proposal:</u>	Reserved Matters application pursuant to outline approval BH2021/04003 for the approval of (i) layout, (ii) scale, (iii) appearance, and (iv) landscaping (including trees) relating to the erection of 1no single dwelling, including enlargement of existing vehicular crossover and creation of access driveway to southern boundary.		
<u>Officer:</u>	Jack Summers, tel: 296744	<u>Valid Date:</u>	03.04.2025
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	29.05.2025
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	10.09.2025
<u>Agent:</u>	Turner Associates 2D St Johns Road Hove BN3 2FB		
<u>Applicant:</u>	Mr Godarz Nekoei 295 Dyke Road Hove BN3 6PD		

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:

- 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
Location and block plan	TA1567/01	A	03-Apr-25
Proposed Drawing	TA1567/10	C	13-Jun-25
Proposed Drawing	TA1567/11	C	18-Jul-25
Proposed Drawing	TA1567/12	B	03-Apr-25
Proposed Drawing	TA1567/13	C	13-Jun-25
Proposed Drawing	TA1567/15	C	13-Jun-25
Proposed Drawing	TA1567/16	D	18-Jul-25
Proposed Drawing	TA1567/17	C	18-Jul-25
Proposed Drawing	TA1567/18	B	13-Jun-25
Proposed Drawing	TA1567/19	B	13-Jun-25
Proposed Drawing	TA1567/20	D	18-Jul-25

Arboricultural Report	Arboricultural Method Statement	-	03-Apr-25
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2. The following windows and/or rooflights hereby permitted shall be obscure glazed and non-opening, unless the parts which can be opened are more than 1.7 metres above the floor of the room in which the window/rooflight is installed, and thereafter permanently retained as such.

- The window serving 'Bed 1' on the east elevation.
- The window serving 'Bath' on the east elevation.
- The window serving 'En suite' on the east elevation.
- The three rooflights on the north roof slope serving 'Bed 1', it's ensuite, and 'Bed 3'.
- The rooflight serving 'Bed 2'.

Reason: To safeguard the privacy of the occupiers of the surrounding properties and to comply with policy DM20 of the Brighton & Hove City Plan Part Two.

3. Access to areas of flat roof hereby approved shall be for maintenance or emergency purposes only and no area of flat roof shall be used as a roof garden, terrace, patio or similar amenity area.

Reason: In order to protect surrounding properties from overlooking and noise disturbance and to comply with policy DM20 of the Brighton & Hove City Plan Part Two.

4. The development hereby permitted (including any demolition or excavation) shall not commence until full details of existing and proposed ground levels (referenced as Above Ordnance Datum) within the site and on land and buildings adjoining the site by means of spot heights and cross-sections, proposed siting and finished floor levels of all buildings and structures, have been submitted to and approved in writing by the Local Planning Authority. The development shall then be implemented in accordance with the approved level details.

Reason: As this matter is fundamental to the acceptable delivery of the permission to safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, in addition to comply with policies CP12 of the Brighton & Hove City Plan Part One, and DM18 and DM20 of Brighton & Hove City Plan Part Two.

5. No extension, enlargement, alteration of the new dwellinghouse or provision of hardstandings etc. incidental to the enjoyment of the dwellinghouse within the curtilage of the dwellinghouse as provided for within Schedule 2, Part 1, Classes A, B, C, E and F 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) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties, the water environment, and to the character of the area and for this reason would wish to control any future development to comply with policies CP11 and CP12 of the

Brighton & Hove City Plan Part One, and DM18, DM20, DM21, DM42 and DM43 of the Brighton & Hove City Plan Part Two.

6. The development hereby permitted shall not be commenced (including demolition and all preparatory work) until the protection measures identified in the submitted arboricultural method statement (received on the 03/04/2025) are in place. The fences shall be erected in accordance with British Standard BS5837 (2012) Trees in relation to design, demolition and construction - Recommendations and shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences.
Reason: As this matter is fundamental to protecting the trees which are to be retained on and around the site during construction works in the interest of the visual amenities of the area and to comply with policies CP10 and CP12 of the Brighton & Hove City Plan Part One, DM22 and DM37 of the Brighton & Hove City Plan Part Two; and SPD06: Trees and Development Sites.
7. The approved landscaping and boundary treatments shall be implemented in accordance with the approved details in the first planting season after completion or prior to first occupation of the development, whichever is the sooner.
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; to safeguard the residential amenities of local residents; to ensure that the development is accessible for all persons; and to comply with policies CP10 and CP12 of the Brighton & Hove City Plan Part One; and DM18, DM20, DM22, DM37 and of the Brighton & Hove City Plan Part Two.
8. No development above ground floor slab level of any part of the development hereby permitted shall take place until details of the construction of the green roofs have been submitted to and approved in writing by the Local Planning Authority. The details shall include a cross section, construction method statement, the seed mix, and a maintenance and irrigation programme. The roofs shall then be constructed in accordance with the approved details and shall be retained as such thereafter.
Reason: To ensure that the development contributes to ecological enhancement on the site and in accordance with policies CP10 of the Brighton & Hove City Plan Part One, and DM37 of the Brighton & Hove City Plan Part Two.
9. Other than demolition works, the development hereby permitted shall not be commenced until the following information has been submitted:
 - a) A surface water drainage strategy
 - b) Foul water drainage plans
 - c) Evidence that any drainage infrastructure proposed for re-use has the available capacity and is in an acceptable condition
 - d) Evidence that the sewer has available capacity for the development

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

Reason: As this matter is fundamental to the acceptable delivery of the permission to prevent the increased risk of flooding and to prevent pollution of controlled waters by ensuring the provision of a satisfactory means of surface water disposal and to comply with policies DM42 and DM43 of the Brighton & Hove City Plan Part Two.

10. No development, including demolition and excavation, shall commence until a Site Waste Management Plan, setting out how waste to landfill will be minimised, 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 policies 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.

11. The development hereby approved should achieve a minimum Energy Performance Certificate (EPC) rating 'B' (for new build residential development).

Reason: To improve the energy cost efficiency of existing and new development and help reduce energy costs and enhance sustainability, to comply with policies DM44 of the Brighton & Hove City Plan Part Two and CP8 of the Brighton & Hove City Plan Part One.

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. The applicant is advised that the application of translucent film to clear glazed windows does not satisfy the requirements of Condition 2.
3. The applicant is advised to refer to the information in Supplementary Planning Document 11: Biodiversity and Nature Conservation on how best to achieve a biodiverse roof. Habitat design and species mix should be selected to support diverse habitats of local relevance, such as chalk grassland species, rather than sedum monocultures which have immediate aesthetic appeal but limited value to biodiversity. The use of native species of local provenance is encouraged. Thin substrate sedum systems do not maximize the biodiversity potential of green roofs and would not merit Good condition within the DEFRA Biodiversity Metric. Brown roofs, landscaped with exposed substrates and a varied topography, supporting nectar and pollen rich flowering plants, are also a good alternative and can provide new habitat for invertebrates and other wildlife species such as birds.
4. The applicant should be aware that the site may be in a radon affected area. If the probability of exceeding the Action level is 3% or more in England and Wales,

basic preventative measures are required in new houses, extensions, conversions and refurbishments (BRE2011). Radon protection requirements should be agreed with Building Control. More information on radon levels is available at <https://www.ukradon.org/information/ukmaps>

5. The applicant is advised under Part S of the Building Regulations that new dwellings providing a parking space now require an EV charging point.
6. The applicant is advised that a formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (tel 0330 303 0119), or www.southernwater.co.uk.
7. The applicant is advised that following the simplified assessment method under Part O of the 2022 Building Regulations is unlikely to achieve the required standard unless it is a single dwelling. In addition, single façade flats, dwellings adjacent to noise and pollutants are unlikely to achieve the required standard of Part O.
8. The applicant is advised that assessment under the CIBSE TM59 Thermal Model option may be required to be submitted as part of a full Building Regulations application.

Biodiversity Net Gain

Based on the information available, this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements are considered to apply. These can be found in the Environment Act 2021.

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that, unless an exception or a transitional arrangement applies, the planning permission granted for the development of land in England is deemed to have been granted subject to the condition ("the biodiversity gain condition") that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

2. SITE LOCATION

- 2.1. The application site is a two-storey detached dwellinghouse, located on the west side of Dyke Road. The site has a relatively long back garden containing a swimming pool and paved area, enclosed by trees/foliage and fences.
- 2.2. Outline planning permission has been granted for a single dwellinghouse in the rear garden, with vehicle access running between nos.293 and 295.

- 2.3. A site visit was undertaken in February 2025 to the application site and both adjacent neighbours, nos.293 and 297 Dyke Road.

3. RELEVANT HISTORY

- 3.1. **BH2024/03098** Reserved Matters application pursuant to outline approval BH2021/04003 for the approval of (i) layout, (ii) scale, (iii) appearance, (iv) landscaping (including trees) relating to the erection of 1no single dwelling, including enlargement of existing vehicular crossover and creation of access driveway to southern boundary. Refused 6/6/25

1. The proposed dwellinghouse by reason of its scale, would represent an overdevelopment of the land, would be over-dominant within its setting and visually jarring. It would fail to appear as a subservient built form in relation to no.295 Dyke Road and would cause harm to the visual amenity of the built environment as viewed from surrounding properties. The proposal is therefore contrary to policies CP12 of the Brighton & Hove City Plan Part One and DM18 of the Brighton & Hove City Plan Part Two.
2. The proposed dwellinghouse by reason of its scale and its proximity with the neighbouring boundaries would appear as an over-dominant and overbearing form of development, affecting views both from the rear gardens and windows of properties nos.295 and 297 Dyke Road. It is also anticipated to cause loss of privacy for residents within the retained garden for no.295 Dyke Road. For these reasons the development is considered to cause harm to the amenities of local residents and would be contrary to policy DM20 of the Brighton & Hove City Plan Part Two.

- 3.2. **BH2021/04003** Outline Application with some matters reserved for the erection of 1no single dwelling on land to the rear of existing dwelling, including enlargement of existing vehicular crossover and creation of access driveway to southern boundary. Approved 7/4/22.

Condition 3:

- a) Details of the reserved matters set out below ("the reserved matters") shall be submitted to the Local Planning Authority for approval within three years from the date of this permission:
 - (i) layout;
 - (ii) scale;
 - (iii) appearance;
 - (iv) landscaping (including trees)
- b) The reserved matters shall be carried out as approved.
- c) Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced.

4. RELEVANT HISTORY AT OTHER SITES

- 4.1. **BH2014/02755 - Land rear of no.285 Dyke Road** Erection of three bedroom detached bungalow with access from The Droveaway. Refused - Appeal Allowed

5. APPLICATION DESCRIPTION

- 5.1. Permission is sought for the Reserved Matters associated with outline permission BH2021/04003. These matters include layout, scale, appearance and landscaping. Access arrangements were approved at outline stage.
- 5.2. The proposed development is for a two-storey, four-bedroom detached dwelling with attached garage, with a pitched, tiled roof-form and finished in brickwork. It is similar to previously refused application BH2024/03098 however it is now reduced in scale in order to address concerns with visual dominance and impacts on the amenity of residents of nos.295 and 297 Dyke Road.
- 5.3. The refused proposal, under application BH2024/03098, had an eaves height of 5.8m and a maximum height of 9.3m. The proposal under this application initially featured an eaves height of 5.2m and maximum height of 7.7m, but this has been amended during the course of the application and further reduced to an eaves height of 4.4m and maximum height of 7.3m.

6. REPRESENTATIONS

- 6.1. **Nine (9)** representations have been received, objecting to the proposal on the following grounds:
- The principle of development
 - Too large
 - Too close to existing dwellings
 - Loss of privacy
 - Overbearing
 - Overshadowing
 - Overdevelopment
 - Loss of boundary planting
 - Detrimental impact on property value
 - Disturbance during construction works
 - Setting a bad precedent
 - Development should be similar to BH2014/02755 at 285 Dyke Road
 - Impact on the character of the area
 - The development does not help the housing shortage
- 6.2. Full details of representations received can be found online on the planning register.

7. CONSULTATIONS

- 7.1. **Arboriculture Team** No objection to the selection of tree species chosen.

7.2. **Local Highway Authority Comment**

According to SPD14: Parking Standards, the maximum car parking provision for this development would be 2 spaces (1 space per dwelling and 1 space per 2 dwellings for visitors). The applicant proposes 1 garage and 1 carport within the new development, retaining the existing 2 car parking spaces for 295 Dyke Rd.

7.3. The City Plan Part One (Policy CP9) promotes sustainable transport and sets maximum car parking standards across the city. While the site is located within the Outer Area Parking Zone, it benefits from good accessibility to public transport—being a 5-minute walk from the nearest bus stop, with journey times to the city centre taking approximately 20 minutes.

7.4. Given this level of accessibility, the proposed car parking provision is considered excessive and contrary to Policy DM36 of the City Plan Part Two. A reduction in car parking provision to meet the maximum standard is recommended, and we would expect revised plans to reflect this.

7.5. SPD14 requires a minimum of 2 cycle parking spaces per dwelling. The applicant proposes a well-located and accessible bike shed for 2 bikes, which is acceptable.

7.6. The proposed development is likely to increase the number of trips to the area. Considering the size of the development the highways impact would not be expected to be significant and would not therefore be grounds for objection under the National Planning Policy Framework.

Sustainable Drainage Team

7.7. No objection in principle, but further information is required prior to commencement, including

- A surface water drainage strategy
- Foul water drainage plans
- Proof that any drainage infrastructure proposed for re-use has the available capacity and is in an acceptable condition
- Proof that the sewer has available capacity for the development

7.8. Full details of consultation responses received can be found online on the council's Panning Register, with the exception of the Arboricultural Team response, which was verbal advice.

8. MATERIAL CONSIDERATIONS

8.1. 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.

8.2. 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; revised October 2024)
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017)
- Shoreham Harbour Joint Area Action Plan (adopted October 2019)

9. **RELEVANT POLICIES & GUIDANCE**

The National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

Brighton & Hove City Plan Part One (CPP1)

SS1	Presumption in Favour of Sustainable Development
SA6	Sustainable Neighbourhoods
CP1	Housing Delivery
CP8	Sustainable Buildings
CP9	Sustainable Transport
CP10	Biodiversity
CP11	Flood Risk
CP12	Urban Design
CP13	Public Streets and Spaces
CP14	Housing Density
CP19	Housing Mix

Brighton & Hove City Plan Part Two (CPP2)

DM1	Housing Quality, Choice and Mix
DM18	High quality design and places
DM20	Protection of Amenity
DM21	Extensions and alterations
DM22	Landscape Design and Trees
DM33	Safe, Sustainable and Active Travel
DM36	Parking and Servicing
DM37	Green Infrastructure and Nature Conservation
DM40	Protection of the Environment and Health - Pollution and Nuisance
DM42	Protecting the Water Environment
DM43	Sustainable Drainage
DM44	Energy Efficiency and Renewables

East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan (WMP)

WMP3	Implementing the Waste Hierarchy
RM0	Sustainable Use of Aggregates

Supplementary Planning Documents (SPD)

SPD03	Construction & Demolition Waste (2006)
SPD06	Trees & Development Sites (2006)

SPD11	Nature Conservation & Development (2022)
SPD14	Parking Standards (2016)
SPD16	Sustainable Drainage (2019)

10. CONSIDERATIONS & ASSESSMENT

- 10.1. The principle of development for the subdivision of the plot at 295 Dyke Road, and the provision of one new dwelling at the rear of the site, has been established via the approval of Outline application BH2024/03098. The main considerations in the determination of this application therefore relate to the scale, design and appearance of the proposed development; the standard of accommodation that would be offered to future residents; the landscaping associated with the scheme; and the potential impacts on the amenities of local residents, and on highway safety.

Principle of development

- 10.2. The principle of a new dwellinghouse in this location, and access to the site, has outline permission (BH2021/04003) and is not for consideration as part of this application.

Design and Appearance

Form, Scale & Massing

- 10.3. The dwelling appears as a 1.5 storey building that would be a sizable, yet acceptable addition within this back land setting. Compared with the previous refused design, there is an approximate 21% reduction in maximum height and a fully pitched roofscape (as opposed to including gable ends), which greatly reduces the scale and massing. The dwelling is also shown at a lower land level than that in either adjacent garden; the difference is 0.8m lower compared to the garden of no.293, and 1.5m compared to the garden of no.297.
- 10.4. It is considered the proposed dwelling (as now revised) would sit comfortably within its plot and would have sufficient space between its footprint and the edges of the curtilage. The hipped roof form also adds to the sense of spacing and prevents the building from appearing top-heavy.
- 10.5. Though larger than back-land development south of the site, it is considered that the proposal would still achieve a degree of subserviency to no.295 and the relationship between the two dwellings would, on balance, be acceptable. The submission of Above Ordnance Datum information is necessary prior to commencement (via condition) to ensure that land levels are correctly measured and the dwelling would be appropriately recessed as shown.

Materiality

- 10.6. The proposed materials are broadly considered to be acceptable and show warm earthy tones that are suitable within the garden setting. The LPA's Urban Design Officer, during the previous application, suggested an alternative material for fenestration frames in the interest of sustainability. Final details on the external materials are secured by condition under the outline permission.

Impact on Amenities

Overshadowing/Loss of Light

- 10.7. The proposed development would cast some shadowing, primarily across the rear gardens of nos.295 and 297 from midday into the afternoon. The harm caused as a result of shadowing of parts of the above two gardens is however considered to be mitigated by the dwelling being stepped off both boundaries, being on a lower ground level, having a pitched roof design, and the fact that the shadowing would affect only part of each garden for part of each day. It is not considered that the shadowing would be harmful enough to warrant refusal of planning permission on this ground.
- 10.8. There may be some morning shadowing falling across the tennis courts to the west of the site, but the LPA does not have any significant concerns in this regard given the morning-only impact, the separation distance between the dwelling and the courts, and the less sensitive use of the land.
- 10.9. Given the siting of the proposal and distance between properties, there would be no significant loss of light to rear windows of the closest neighbours.

Loss of Privacy

- 10.10. The east-facing (front) first floor windows provide views over the gardens and the rears of nos.293, 295 and 297. With regards to no.293, the distance between the closest first floor windows is some 15m, and at an angle of some 40°. Due to the position of no.293, which has a rear building line set some 12m further back than nos.295 and 297, the windows of the proposed dwelling would provide only oblique views at the rear of the dwelling, and at an acceptable range, whilst views into the rear garden of no.293 would be even more angled. It is considered that the privacy of residents of no.293 would not be significantly impacted upon by the development. The single south-facing window to Bedroom 1 faces towards the curtilage of no.293 but is at a suitable enough distance (some 12.5m) that overlooking does not raise significant concerns. Impact on no.293 in this regard was also not reason for refusal of the previous application, which was for a larger-scale development.
- 10.11. With regards to no.295, the east-facing windows would face directly on the rear garden of this dwelling. The windows are between 20-25m from the rear façade of no.295, which is considered to be distant enough to prevent an unacceptable loss of privacy to rooms within this dwelling. However, the rear garden of no.295 is between 4-8m from these windows, and it is considered that there would be some perceived loss of privacy for residents of no.295 within their garden, somewhat reducing its desirability as a private amenity space. The number of proposed windows has been reduced from four (on the refused design BH2024/03098) to two, and the top cill height has been reduced from 5.3m to 4.7m, and the overall area of glazing reduced from 5m² to 1.6m². It is considered that some harm from perceived loss of privacy would still occur; however, it has been greatly mitigated by the reduction in height and scale of the windows. Both windows are also conditioned to have obscure glazing and be fixed shut to an internal height of 1.7m, further reducing the impact to an acceptable extent.

- 10.12. With regards to no.297, the rear facade of this dwelling is further away from the proposed dwelling than no.295, and the impact on the privacy within the dwelling is considered to be acceptable, particularly given the obscure glazing of the closest windows. The shallowest angle at which views into the neighbouring garden would be possible (notwithstanding the only windows with views would be obscure glazed) would be 25°, rising up to 60° to cover the main areas of the garden. There is anticipated to be some perceived overlooking given the visibility of the development from the curtilage of no.297; however, this was not considered great enough to warrant objection under the larger proposal BH2024/03098, and the impact for this reduced scheme is considered to be acceptable.
- 10.13. The dwelling also includes four side-facing rooflights serving the three bedrooms and an ensuite. The potential harm to neighbouring privacy caused by these rooflights would be successfully mitigated by conditioning each to be fixed shut and obscure glazed to an internal height of 1.7m.
- 10.14. The rear-facing windows direct views out over the tennis courts west of the application site. It is not considered that this impact on the privacy of court-users would be significantly harmful and would not warrant the application being refused.
- 10.15. The areas of flat roof could potentially be used as amenity spaces, which could cause a significant loss of privacy for neighbouring residents. A condition restricting access to the flat roof for anything other than maintenance or in the event of an emergency is therefore recommended to mitigate this.

Loss of Outlook

- 10.16. The proposed dwelling would be visible from the windows of nos.293, 295 and 297, but would be at a sufficient distance that significant loss of outlook is not anticipated. Some loss of views from upper floor windows would occur, but specific views are not protected under planning so should not be reason to refuse planning permission.

Overbearance

- 10.17. The proposed dwelling would be separated from the boundary with the curtilage of no.297 by some 4m. The eaves height is approximately 0.8m taller than the proposed boundary treatment (a reduction of 2.0m from the refused design BH2024/03098). The pitched roof angles away from the shared boundary. It is considered that the visual impact from the garden of no.297 has now been mitigated to an acceptable degree, and therefore no objection is raised on these grounds. The reduced scale, and in particular height, of the dwelling, and fully hipped roofscape, also reduces the visual impact from the rear windows of no.297 and it would no longer appear as an overly dominant addition to the built environment.
- 10.18. As abovementioned, the dwelling would be sited (at its closest) approximately 4m from the edge of the boundary with no.295, with the bulk of the dwelling set

back to 8m and presenting at full height a length of some 13.5m. It is considered that following the reductions in scale, in particular height, that it would now have an acceptable impact on the amenity of residents of no.295 and would no longer appear as a dominant or visually intrusive addition to the building environment.

- 10.19. The dwelling would be approximately 2.3m from the boundary with the curtilage of no.293, but this would be a single storey (garage) section which would not be significantly taller than the fencing. The full-height section of the dwelling would be approximately 5.3m from the shared boundary. The development is generally set away from this boundary, and (as abovementioned) would be visible from windows only at an angle of some 40°. It is considered that it would be less dominant in views from the rear garden and windows, and any overbearing impact would be minimal and is not be considered significant enough to warrant the refusal of the application.

Noise Nuisance

- 10.20. The potential impact caused by the building work itself associated with one single dwelling is not considered to be so significant as to warrant consideration of a Construction Environmental Management Plan. Although some level of disruption is very likely, this would be in the short-term only and is not reason to refuse (or condition) the application. The council would retain the authority to investigate under the Environmental Protection Act 1990, should any complaints be received.
- 10.21. Whilst the proposal would result in an intensification of the use of the site, it is not considered that this would result in any significant harm in regard to noise and disturbance for neighbouring properties, given it is for one dwelling and it is for residential use.

Impact on the Public Highway

Motor Vehicles

- 10.22. The proposed dwelling would benefit from the access approved under BH2021/04003. The ground floor plan drawing shows this access leading to a garage, and separate covered parking area. It is considered that the provision of on-site parking would be acceptable for a single dwelling and the development is unlikely to generate overspill parking. Nevertheless, Dyke Road has double-yellow lines nearby to the site, and there are Controlled Parking Zones covering the nearby carriageways that will automatically manage any potential overspill parking, if any. There are no significant concerns in this regard.
- 10.23. The Local Highway Authority's concern regarding the number of parking spaces is noted; however, the provision is the same as that assessed under BH2024/03098, to which no objection was raised. It is not considered that it would be reasonable to raise an objection in this instance and the level of parking proposed is comparable with other dwellings in the locality.

Cycles

- 10.24. The ground floor plan drawing shows space for cycles within a covered store adjacent to the vehicle parking area. This exceeds the minimum requirements

for a dwelling of this size as required under SPD14: Parking Standards and is considered to be acceptable. Final details and installation is required by condition in the outline permission.

Pedestrians

- 10.25. The development is not anticipated to result in a significant uptake in foot traffic to and from the site, that would be beyond the capacity of the existing highway infrastructure to accommodate; there are no concerns in this regard.

Public Transportation

- 10.26. The development is not anticipated to result in a significant uptake in foot traffic to and from the site, that would be beyond the capacity of the existing highway infrastructure to accommodate; there are no concerns in this regard.

Standard of Accommodation

Area and Layout

- 10.27. The 'Nationally Described Space Standard' (NDSS) was introduced by the Department for Communities and Local Government in 2015 to establish acceptable minimum floor space for new build developments. This standard has been formally adopted into policy DM1 of the CPP2 and can now be given full weight.
- 10.28. The new dwelling is laid out as a four bedroom, seven-person dwelling over two floors and would provide a gross internal area (GIA) of approximately 225m²; this is in accordance with the NDSS.

Private Amenity Space

- 10.29. Residents of the new dwelling would benefit from a garden with an area of some 230m². It would be sizable and laid out in a usable configuration and would be of appropriate scale to serve to scale of dwelling proposed; there are no concerns in this regard.

Privacy

- 10.30. In terms of the garden space, this would be shielded from views from most neighbouring dwellings by the new dwelling itself, there are no significant concerns in this regard.
- 10.31. The shortest distance between the windows of the proposed dwelling and the closest existing dwelling (No.295) is approximately 20m. It is considered that such a distance is acceptable to maintain privacy, notwithstanding the fact the two closest bedroom windows of the proposed dwelling are annotated as being fitted with obscure glazing. Views into ground floor windows are likely to be prevented by the boundary fencing.

Outlook and Natural Light

- 10.32. The dwelling is detached and has decent separation distance from all its site boundaries and plenty of windows. Each room would benefit from natural light and have acceptable outlook; there are no concerns in this regard.

Accessibility

- 10.33. The new dwellinghouse will be required by condition within the outline permission to be built in accordance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings); this will ensure that the dwelling is equally accessible for all.

Biodiversity and Landscaping

Biodiversity Net Gain (BNG)

- 10.34. Based on the information available, this application is not considered to be one which would require the approval of a biodiversity gain plan before development is begun due to the fact that the application for outline planning permission was made before 12th February 2024 (prior to statutory BNG requirements).

Biodiverse Roof/Wall

- 10.35. The inclusion of two areas of green roof would be beneficial for biodiversity and visual appearance and is welcomed in principle. Further details on the makeup of these features will be sought by condition in the interest of ensuring that biodiversity improvements are maximised.

Bee & Swift Bricks

- 10.36. The Council has adopted the practice of securing minor design alterations to schemes with the aim of encouraging the biodiversity of a site, particularly with regards to protected species such as bumblebees and swifts. The installation of bee and swift bricks within the development is secured by condition within the outline permission.

Arboriculture

- 10.37. The development requires the removal of several trees within the site, including a 9m tall Weeping Ash. The concerns raised by the Council's Arboriculture Officer during the previous application are noted, however, no trees are formally protected via a Tree Preservation Order and the retention of the ash tree, which is quite central within the site, would prove a significant constraint to development – and its removal ensures the most effective use of the site is made. In addition, significant compensatory planting would be secured as part of the landscaping scheme.
- 10.38. Concerns have been raised that the development could result in the loss of third-party trees within the garden of no.297. These concerns are not evidenced and are not shared, as the footings of the dwelling itself are stepped away from the boundary by approximately 4m, and the tree protection plan (by David Archer Associates) includes a construction exclusion zone designed to protect the trees on the developer's side of the boundary, thus it should also safeguard the health of neighbouring trees that are further away. Finally, none of the trees within the curtilage of no.297 are subject to Tree Preservation Orders.

Landscaping

- 10.39. The proposed landscaping scheme is comprehensive and is considered to be acceptable. It would mitigate the loss of existing habitat and trees whilst providing a usable amenity space for residents of the new dwelling.

Sustainability

Energy & Water Efficiency

- 10.40. Policy DM44 requires new build residential buildings to achieve, as a minimum, an Energy Performance Certificate (EPC) rating 'B', and this is conditioned. New dwellings are also required to achieve a water efficiency standard of a minimum of not more than 110 litres per person per day – this was conditioned at outline stage.

Drainage

- 10.41. There is insufficient information to confirm that the development would be acceptable in terms of the impact it may have on the natural water environment; however, this information can be secured by condition and would not warrant refusal of the application.

Waste & Recycling

- 10.42. The proposed development shows an indicative location for refuse and recycling bins at the front of the site; this is considered to be acceptable in principle. Providing these facilities will ease the sorting of waste generated by the dwelling's operation into recyclables and non, reducing the amount of waste that would be sent into landfill in accordance with the waste hierarchy contained within the National Planning Policy for Waste. Final details, and installation of these facilities prior to occupation of the dwelling is secured by condition in the outline permission.
- 10.43. The proposed development includes significant excavation that may produce large volumes of waste; it is considered necessary for permission to be granted only subject to the submission of a site waste management plan, to minimise the amount of waste produced by the development.

Other Considerations

- 10.44. Concerns have been raised that by granting permission for the proposed development, a harmful precedent could be established. Each planning application is assessed on its own merits and the decision made in this regard to this application would not automatically set a precedent either for or against similar development in the area.
- 10.45. Concerns have also been raised that the proposed development would have a detrimental impact on property value, but this is not a material planning consideration.

Conclusion & Planning Balance

- 10.46. The proposed development as now revised is considered to have satisfactorily overcome previous concerns raised in regards of the recently refused proposal.
- 10.47. Significant amendments have been made, and it is considered to be acceptable in terms of scale, appearance, the standard of accommodation that would be offered to future residents, and the impacts it is anticipated to have on the

amenities of local residents, highway safety and biodiversity. Conditions can appropriately mitigate any negative impacts, as set out in this report.

- 10.48. For the foregoing reasons the proposal is considered to be in accordance with policies SA6, CP1, CP8, CP9, CP10, CP11, CP12, CP13 and CP14 of the Brighton and Hove City Plan Part One, and DM1, DM18, DM20, DM22, DM33, DM36, DM37, DM40, DM42, DM43 and DM44 of the City Plan Part Two.

11. EQUALITIES

- 11.1. Section 149(1) of the Equality Act 2010 provides:

- 1) A public authority must, in the exercise of its functions, have due regard to the need to—
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 11.2. Officers considered the information provided by the applicant, together with the responses from consultees (and any representations made by third parties) and determined that the proposal would not give rise to unacceptable material impact on individuals or identifiable groups with protected characteristics.

- 11.3. The new dwellinghouse is required by condition in the outline permission to be built in accordance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings); this will ensure that the dwelling is equally accessible for all.

PLANNING COMMITTEE

Agenda Item 118

Brighton & Hove City Council

NEW APPEALS RECEIVED 05/06/2025 - 02/07/2025

WARD **West Hill & North Laine**

BH2024/00328

45 Trafalgar Street Brighton BN1 4ED

Application to vary conditions 1, 3, 5, 6. of planning permission BH2020/03021 to amend the east facade to include a new front door in a revised location, replacement fenestration and recovering the main pitched roofs.

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

30/06/2025

WARD **Hangleton & Knoll**

BH2024/01886

114 Sunninghill Avenue Hove BN3 8JA

Retrospective application for the erection of single storey side extension, roof alterations (incorporating hip to gable roof extensions, front rooflights, side windows and rear dormer) and associated works to facilitate sub-division of property into 2no dwellings (C3).

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

23/06/2025

WARD **Goldsmid**

BH2025/00168

72 Goldstone Villas Hove BN3 3RU

Erection of 1no three storey, two-bedroom dwelling (C3) fronting Ethel Street.

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

19/06/2025

WARD **Goldsmid**

BH2025/00174

Larch House Wilbury Villas Hove BN3 6GS

Prior approval for erection of two additional storeys.

APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 18/06/2025

WARD **Central Hove**

BH2025/00380
25 Osborne Villas Hove BN3 2RD

Replacement of existing side and rear windows with UPVC windows.

APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 12/06/2025

WARD **Regency**

BH2024/03120
50 Kings Road Brighton BN1 1NA

Retrospective application for the display of internally illuminated fascia sign.

APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 10/06/2025

Planning Committee

Agenda Item 120 Brighton & Hove City Council

Appeal Decisions for the Period between 18/06/2025 and 22/07/2025

Ward	Regency
Appeal Application Number	APL2025/00031
Address	52 Norfolk Square Brighton BN1 2PA
Appeal Decision	Appeal Dismissed
Planning Application Number	BH2024/03065
Advert-against refusal P1FastTrack	

Ward	Westbourne & Poets' Corner
Appeal Application Number	APL2025/00022
Address	1 Princes Square Hove BN3 4GE
Appeal Decision	Appeal Allowed
Planning Application Number	BH2024/02841
Householder-against refusal P1FastTk	

Ward	Rottingdean & West Saltdean
Appeal Application Number	APL2025/00025
Address	St Margarets High Street Rottingdean Brighton BN2 7HS
Appeal Decision	Appeal Dismissed
Planning Application Number	BH2024/01723
Full Planning-against refusal	

Ward	Woodingdean
Appeal Application Number	APL2025/00008
Address	70 Downs Valley Road Brighton BN2 6RF
Appeal Decision	Appeal Dismissed
Planning Application Number	BH2024/02081
Full Planning-against refusal	

Ward	Hanover & Elm Grove
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Appeal Application Number **APL2025/00007**
Address 2A Shanklin Road Brighton BN2 3LQ
Appeal Decision Appeal Dismissed
Planning Application Number **BH2024/01860**
Full Planning-against refusal

Ward **Goldsmid**
Appeal Application Number **APL2025/00004**
Address 20 Denmark Villas Hove BN3 3TE
Appeal Decision Appeal Dismissed
Planning Application Number **BH2024/01649**
Full Planning-against refusal

Ward **Rottingdean & West Saltdean**
Appeal Application Number **APL2024/00093**
Address 47 Ainsworth Avenue Brighton BN2 7BG
Appeal Decision Appeal Dismissed
Planning Application Number **BH2024/01464**
Full Planning-against refusal

Ward **Regency**
Appeal Application Number **APL2024/00084**
Address Norwood House 9 Dyke Road Brighton
BN1 3FE
Appeal Decision Appeal Dismissed
Planning Application Number **BH2024/01489**
PriorApproval-against refusalP1FastTk
