

# Planning Committee

Date: **3 December 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

## 148 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.*

## 149 MINUTES OF THE PREVIOUS MEETING

7 - 16

Minutes of the meeting held on 5 November 2025.

## 150 CHAIR'S COMMUNICATIONS

## 151 PUBLIC QUESTIONS

**Written Questions:** to receive any questions submitted by the due date of 12 noon on 27 November 2025.

## 152 TO AGREE THOSE APPLICATIONS TO BE THE SUBJECT OF SITE VISITS

## 153 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](mailto: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 | BH2025/02142 - Patcham Court Farm - Removal or Variation of Condition  | <b>17 - 58</b> |
| B | BH2025/00834 - Saltdean United Football Club and Playing Fields, Saltdean Vale, Saltdean, Brighton - Removal or Variation of Condition | <b>59 - 78</b> |

### MINOR APPLICATIONS

- |   |   |                  |
|---|---|------------------|
| C | BH2025/01881 - Withdean Sports Complex, Tongdean Lane, Brighton - Full Planning | <b>79 - 114</b>  |
| D | BH2025/02421 - 54 Auckland Drive, Brighton - Full Planning                      | <b>115 - 130</b> |
| E | BH2025/01397 - 70 North Street, Portslade - Full Planning                       | <b>131 - 144</b> |
| F | BH2025/01832 - 4 Benett Drive, Hove - Householder Planning Consent              | <b>145 - 158</b> |

- |   |  |                  |
|---|--|------------------|
| G | BH2025/01647 - Garages 1 to 6 Rear of 187 Kingsway, Hove - Full Planning | <b>159 - 176</b> |
| H | BH2025/01008 - Land East Of 5 Nolan Road Brighton - Full Planning        | <b>177 - 196</b> |

### **INFORMATION ITEMS**

<b>154</b>	<b>LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE</b>	<b>197 - 200</b>
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(copy attached).

<b>155</b>	<b>INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES</b>
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None for this agenda.

<b>156</b>	<b>APPEAL DECISIONS</b>	<b>201 - 204</b>
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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>

The City Council actively welcomes members of the public and the press to attend its meetings and holds as many of its meetings as possible in public. Provision is also made on the agendas for public questions to committees and details of how questions can be raised can be found on the website and/or on agendas for the meetings. The closing date for receipt of public questions and deputations for the next meeting is 12 noon on the fourth working day before the meeting.

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](mailto:shaun.hughes@brighton-hove.gov.uk)) or email [democratic.services@brighton-hove.gov.uk](mailto:democratic.services@brighton-hove.gov.uk)

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Therefore, by entering the meeting room and using the seats in the chamber you are deemed to be consenting to being filmed and to the possible use of those images and sound recordings for the purpose of web casting and/or Member training. If members of the public do not wish to have their image captured, they should sit in the public gallery area.

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- You should proceed calmly; do not run and do not use the lifts;
- Do not stop to collect personal belongings;
- Once you are outside, please do not wait immediately next to the building, but move some distance away and await further instructions; and
- Do not re-enter the building until told that it is safe to do so.

Date of Publication - Tuesday, 25 November 2025



**BRIGHTON & HOVE CITY COUNCIL**

**PLANNING COMMITTEE**

**2.00pm 5 NOVEMBER 2025**

**COUNCIL CHAMBER, HOVE TOWN HALL**

**MINUTES**

**Present:** Councillors Cattell, Earthey, Nann, Parrott, Pickett (Substitute), Robinson, Sheard, C Theobald and Winder

**Apologies:** Councillor Thomson, Councillor Shanks

**Officers in attendance:** Matthew Gest (Planning Manager), Alison Gatherer (Lawyer), Steven Dover (Planning Officer), Chris Swain (Planning Team Leader), Charlotte Tovey (Planning Officer) and Shaun Hughes (Democratic Services)

**PART ONE**

**139 PROCEDURAL BUSINESS**

**a) Declarations of substitutes**

139.1 Councillor Pickett substituted for Councillor Shanks.

**b) Declarations of interests**

139.2 Councillor Nann stated they had been involved in discussions regarding item A: BH2025/01414 – Site of Sackville Road Trading Estate and would withdraw from the chamber for the length of the discussions and decision-making process.

**c) Exclusion of the press and public**

139.3 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.

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

**d) Use of mobile phones and tablets**

139.5 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’.

**140 MINUTES OF THE PREVIOUS MEETING**

140.1 **RESOLVED** – The minutes of the meeting held on 1 October 2025 were agreed.

**141 CHAIR'S COMMUNICATIONS**

141.1 Councillor Sheard (Deputy Chair) stated that they were chairing the meeting as Councillor Thomson was not available and had sent apologies.

**142 PUBLIC QUESTIONS**

142.1 There were none for this meeting.

**143 TO AGREE THOSE APPLICATIONS TO BE THE SUBJECT OF SITE VISITS**

143.1 There were none for this meeting.

**144 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS**

144.1 The Democratic Services officer noted that item A was a major and items B, C, D, E had speakers, and were therefore automatically called. The committee did not call minor applications F, G and H. The applications not called for discussion were therefore agreed as per the officer recommendations set out in each report.

**A BH2025/01414 - Site of Sackville Road Trading Estate, Sackville Road, Hove - Full Planning**

1. The case officer introduced the report to the committee and updated the committee stating that one more representation had been received, which covered the same issues as other representations.

Speakers

2. Neighbouring Ward Councillor Bagaeen addressed the committee and stated that they had some core concerns regarding the development relating to infrastructure demands, highway and transport, and community health. The development also needed to be sustainable and requested extra conditions to cover this. The councillor requested that the highways junction improvements be completed before occupation, the bin's location be resolved and a GP surgery be included in the scheme.
3. Benjamin Wilkinson addressed the committee as the agent and stated that there had been no objections from consultees and significant public support for the scheme, which was broadly in line with the previous scheme on this brownfield site. Sarah Poulter of Hyde Housing addressed the committee as the applicant and stated that the development was 50/50 scheme between Hyde Housing and Brighton and Hove City Council. Two previous projects have been completed in the city and this was the third. The homes will be 100% affordable with 183 for rent and remainder for shared ownership. The project is going forward with funding milestones and will support the housing applications made to the city, and essential workers in this fair and inclusive scheme.



4. The Planning Manager stated that there was no Community Infrastructure Levy (CIL) on this site, and the proposals did not include a GP surgery and there is no policy requirement for such

Answers to Committee Member Questions

5. Councillor Earthey was informed that there will be incentives to use sustainable transport such as reduced bus tickets and car club membership. By condition a travel plan will need to be submitted by the applicant, including encouraging the use of sustainable transport. It was noted there was not enough room for large PV panels, however, all units would benefit from those in the development.
6. Councillor Pickett was informed that there was an obligation on the applicant of £200,000 to cover modelling for the Sackville Road junction improvements, and there was no overall scheme for the junction developed as yet. The monies would cover testing and findings. The s106 contributions will support the improvements to cycle lanes, car club bays and bus lanes improvements as part of the overall junction improvements. No safety risk has been established with the buses and refuse collection lorries sharing the bus lane. The bins will be stored within the development. It was noted that the refuse collections will be time restricted.
7. Councillor Robinson was informed by the applicant that the undercroft parking would have resulted in the loss of 16 units and increased the cost of fire and safety undertakings. The total build costs would have been increased by the parking. Removing the parking allows for better landscaping at ground level. The removal of the undercroft parking was broadly supported by consultees. It was noted that the applicant was the freeholder, and the PV panels will benefit all the units, not just the one's beneath the panels. It was noted that there was the potential for a pedestrian and cycleway cut through in the development. A new travel plan will be required by condition. The site is not within a Parking Zone (CPZ) and the parking survey showed capacity for overspill parking in the area.
8. Councillor Parrott was informed that the 5% of parking bays would be for disabled drivers. The applicant confirmed that analysis showed that one loading bay would be sufficient and there will be three dedicated mail rooms across the development. The applicant's transport consultant stated that an exercise had been undertaken for deliveries, the there was little chance of two deliveries taking place at the same time. It was noted that there was no specific planning policy for a doctor's surgery to be included in the scheme.
9. Councillor Sheard was informed by the applicant's transport consultant that deliveries at the bus stop could be prevented by traffic regulation orders.
10. Councillor Theobald was informed that a road safety audit had been undertaken, and no risk was found. Southern Water objected as it was considered that there was not enough contamination information. The contamination was considered to be the same as the previous approved scheme and it would be unreasonable to do more prior to determination. There will be no piling without agreement by condition, and the Environment Agency are to be consulted. It was noted that the flats at lower ground level would receive less light however, the addition of balconies is considered an

improvement and is on balance acceptable. The inclusion of a community space is not a planning policy requirement. It was stated that it was too early in the process to see the finalised the junction improvements for Sackville Road. The BHCC Highways officer noted that cycleway improvements were required. This would be after modelling and surveys. The s106 monies would go towards design.

11. Councillor Cattell was informed that the travel plan for the adjoining development has been very successful and has been used to incentivise sustainable transport. Residents will access to the mail rooms to collect and deliver.

#### Debate

12. Councillor Theobald considered the area to be shabby, and they hoped the design would be better. They considered the loss of the undercroft parking, health care support, and the Sackville Road junction improvements, to be a shame. The current road is not wide enough. The council could have taken the community space. The councillor was glad for the affordable housing and supported the application.
13. Councillor Robinson noted the lack of parking as they considered it was needed, as was the community space. Not having a GP surgery was not good. The councillor suggested the City Plan should be reviewed regarding community spaces. The councillor agreed the housing was needed and supported the application.
14. Councillor Pickett considered the low-rise design was good, however the ecological enhancements could have been better. The councillor considered the undercroft parking would have been good and the refuse collection arrangements not to be good. The councillor considered that the basic plan is good and supported the application.
15. Councillor Winder considered the housing was needed and the scheme not all bad. However, the public realm design was not good. The scheme was considered disappointing but needed. The councillor supported the application.
16. Councillor Earthey stated they had concerns and public transport should be looked at, but they supported the application.
17. Councillor Parrott supported the application as the housing was needed, however, the scheme seemed to be only achieving minimum requirements.
18. Councillor Sheard considered the loss of the undercroft parking not to be good; however, this is a city centre location. The loss of the community space was also not good compared to the previous scheme. The City Plan therefore needs to be reviewed. The councillor supported the application.

#### Vote

19. A vote was held, and the committee agreed unanimously to grant planning permission.
20. **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 in the report and the Conditions and Informatives as set out in the report, **SAVE**

**THAT** should the s106 Planning Obligation not be completed or significantly advanced, on or before the **18 February 2026** the Head of Planning is hereby authorised to refuse planning permission for the reasons set out at the end of the report.

**B BH2025/00877 - 13-14 Sydney Street, Brighton - Full Planning**

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

Speakers

2. Hugo Butterworth addressed the committee as a resident and stated that they represented the residents of Tidy Street, and they considered the proposals to be an overdevelopment and against policy. The two-storey extension is too big, and more than others in the area, which encroaches on 38, 39 and 40 Tidy Street to the rear. The development will result in a lack of privacy and will be out of character. Zoe Robinson addressed the committee as a resident, and they considered the development to be out of character in amongst the back-to-back houses. The three storeys with pitch roof are unprecedented in the area and will obstruct views. The development will offer a faceless wall to the rear. The scale and massing will be disproportionate to the area. The front elevation will be detrimental to the neighbours.
3. Ward Councillor McLeay addressed the committee and stated that they supported the residents, and they considered the shop front changes were not enough, out of scale and character. The extra storey is inconsistent with the small-scale neighbours. The existing flat roofed rear extension is being used to extend this development other three storeys. The pattern of the hill means the height and the bulk are not good in this conservation area. The scale is disproportionate, and it is not the case that there have been no complaints about the noise and smells from the current use. The committee are requested to refuse the application. If the committee agree to grant planning permission, then please add a condition to prevent the building being used as a house of multiple occupancy (HMO).
4. Nick Stickland addressed the committee as the agent acting on behalf of the applicant and stated that they had been working together with the planning officers since the pre-application was submitted. The applicant wants to improve the current building, bringing back consistency. The proposal increases density, however, that is fitting for the city centre. The natural light will be good for future occupiers. The development is set back from the rear boundary with the first-floor roof terrace set back as well. The daylight assessment has been undertaken and the proposals match others. The design has been carefully considered.
5. The case officer informed the committee that the development was set back from the rear boundary. The terrace was also set back, with screening to prevent overlooking. Views are not protected, and on balance are not significant enough to warrant a refusal. With regard to noise and smells, the Environmental Health officer has been involved, and the proposals include a new flue. There could be a condition regarding short terms lets if Councillors so wished, which would then require planning permission.

Answers to Committee Member Questions

6. Councillor Theobald was informed that there are some three storey buildings in the area. The proposed frontage will include bay windows, sash windows and two shop fronts.
7. Councillor Earthey was informed that the original building was demolished and replaced sometime in the 1960s and there was no original building left. The proposals are recommended for approval as the existing detracts from the conservation area. It was not considered that the development was setting a precedent for more than two storeys in the street.
8. Councillor Pickett was informed that the proposals were designed to have the least impact on the buildings to the rear. The application has been found to have no significant impacts on light and outlook. The terrace screen is considered acceptable. The roof lights to be added will have sky views only and are considered acceptable under policy. The privacy screening will be as high as a regular garden boundary fence limiting views. It is considered that there will be some overshadowing at sunrise, and in the early morning but not after. The chimney height will be increased on neighbouring property, and the flue will be extended into third floor roof. Any changes to the flue will require planning permission.
9. Councillor Nann was informed that the roof terrace by condition cannot be increased, and the privacy screening needs to be in place before use.
10. Councillor Robinson was informed that the roof lights will in the top section of the roof.

#### Debate

11. Councillor Cattell noted the daylight/sunlight report recorded minimal/little loss of light and balcony screening was good. The North Laine roofscapes are a key part of the views in the area. The proposed shop fronts are good. The councillor supported the application.
12. Councillor Nann considered the current building to be a blot-on-the-landscape and the development a restoration. The councillor supported the application.
13. Councillor Theobald stated they were divided over the development. There is other three storey buildings and the rear of the proposals has been pushed back. It was noted that the Heritage team were happy with the development. The councillor was sorry if the scheme affects the properties to the rear in Tidy Street.
14. Councillor Pickett considered the current building to be ugly; however, they understood resident's issues. The councillor supported the application.
15. Councillor Robinson noted the Heritage and sunlight discussions. The councillor supported the application.
16. Councillor Earthey considered when weighing up the scheme they supported the application.
17. Councillor Sheard considered it was natural to have two and three storey buildings in the area. There is currently a notable gap in the street. The councillor felt sorry for the

residents of Tidy Street however, they considered the development added to the area and supported the application.

Vote

18. A vote was held, and the committee agreed unanimously to grant planning permission.

19. **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.

**C BH2025/01792 - First Floor and Second Floor Flats, 7 St Johns Place, Hove - Full Planning**

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

Speakers

2. Bruce Warren addressed the committee a resident and stated they represented the neighbours. The loss of amenity was an issue, with concerns regarding the sound and how this will travel around neighbours. The proposed outside space is large and will be used for large gatherings. Even low speech levels will be too high for neighbours. The balcony will overlook first avenue properties. The proposals could set a precedent, and the building is listed in a conservation area has been neglected. The resident was against the application.
3. Megan Smith addressed the committee as the agent acting on behalf of the applicant and stated that the building has suffered over time and detracts from the area. The original windows are to be restored. The proposed terrace has been set back to reduce overlooking. The use of the balcony will be seasonal with no overlooking increase on the existing situation. All the alterations being undertaken will be for the new owner, who wishes to restore the building. The development aligns with policy in this well considered scheme. The committee were requested to approve the application.

Answers to Committee Member Questions

4. Councillor Cattell was informed that it was considered that there was no loss of parking as the garage is currently not used for parking.
5. Councillor Nann was informed by the resident that currently conversations can be heard, like a whispering gallery and conversations will bounce off the wall some 7m away.
6. Councillor Theobald was informed that hours of use would not be appropriate for a dwelling house. The planning manager noted that such a condition on a residential property would be unenforceable. The party walls will have sound proofing by condition, and any unreasonable use of the balcony can be enforced through the Environmental Protection Act.
7. Councillor Pickett was informed that there were no other balconies in the mews block.

8. Councillor Sheard was informed that it appears that other roofs are used for amenity space in the nearby area. The planning manager noted there had been some enforcement actions in the area but could not confirm if the raised terrace at 54 First Avenue was in lawful use or not.
9. Councillor Robinson was informed that the balconies are usually encouraged in new builds, however, they can be refused if considered to directly overlook neighbouring properties.
10. The Planning Manager provided the verbal update that the conditions to secure the retention of interior historic features had been removed from the recommended conditions.

#### Debate

11. Councillor Robinson understood resident's concerns and as balconies can be noisy. The councillor requested that the residents work together to reduce the harm.
12. Councillor Cattell supported the application.
13. Councillor Theobald considered the application to be a heritage gain.
14. Councillor Pickett noted that officers had worked hard with the applicant. The councillor supported the application.
15. Councillor Sheard considered the development to be good and noted that other flat roofs were being used by residents as outdoor space. The councillor supported the application.

#### Vote

16. A vote was held, and the committee agreed unanimously to grant planning permission.
17. **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.

#### **D      BH2025/01793 - First Floor and Second Floor Flats, 7 St Johns Place, Hove - Listed Building Consent**

1. The Listed Building Consent application was discussed at the same time as the planning application. For minutes, please see BH2025/01792.

#### Vote

2. A vote was held, and the committee agreed unanimously to grant listed building consent.
3. **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.

**E BH2025/01442 - 22A Wilbury Crescent, Hove - Full Planning**

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

## Answers to Committee Members Questions

2. Councillor Robinson was informed that the neighbouring residents had expressed concerns regarding loss of amenities from overlooking.
3. Councillor Sheard was informed that the development is for three-bedroom flat. The fourth room is below space standards and cannot be used as a bedroom.

## Debate

4. Councillor Cattell noted that if the application were for a house and not two flats then the development could be constructed under permitted development. The councillor found no reason to object to the scheme and supported the application.
5. Councillor Theobald noted there were a number of dormer and Velux windows in the area and they did feel they could turn down the application.
6. Councillor Earthey did not consider the scheme to be out of keeping with the area and they supported the application.
7. Councillor Sheard considered the size of the rear garden to be irrelevant and the development to be nice.

## Vote

8. A vote was held, and the committee agreed unanimously to grant planning permission.
9. **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.

**F BH2025/01655 - Corn Exchange, Church Street, Brighton - Listed Building Consent**

1. This application was not called for discussion. The officer recommendation was therefore taken as having been agreed unanimously.

**G BH2025/01654 - Corn Exchange, Church Street, Brighton - Full Planning**

1. This application was not called for discussion. The officer recommendation was therefore taken as having been agreed unanimously.

**H BH2025/02245 - 28 Herbert Road, Brighton - Full Planning**

1. This application was not called for discussion. The officer recommendation was therefore taken as having been agreed unanimously.

**146 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE**

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

**147 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES**

- 147.1 There were none for this agenda.

**148 APPEAL DECISIONS**

- 148.1 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 5.21pm

Signed

Chair

Dated this

day of



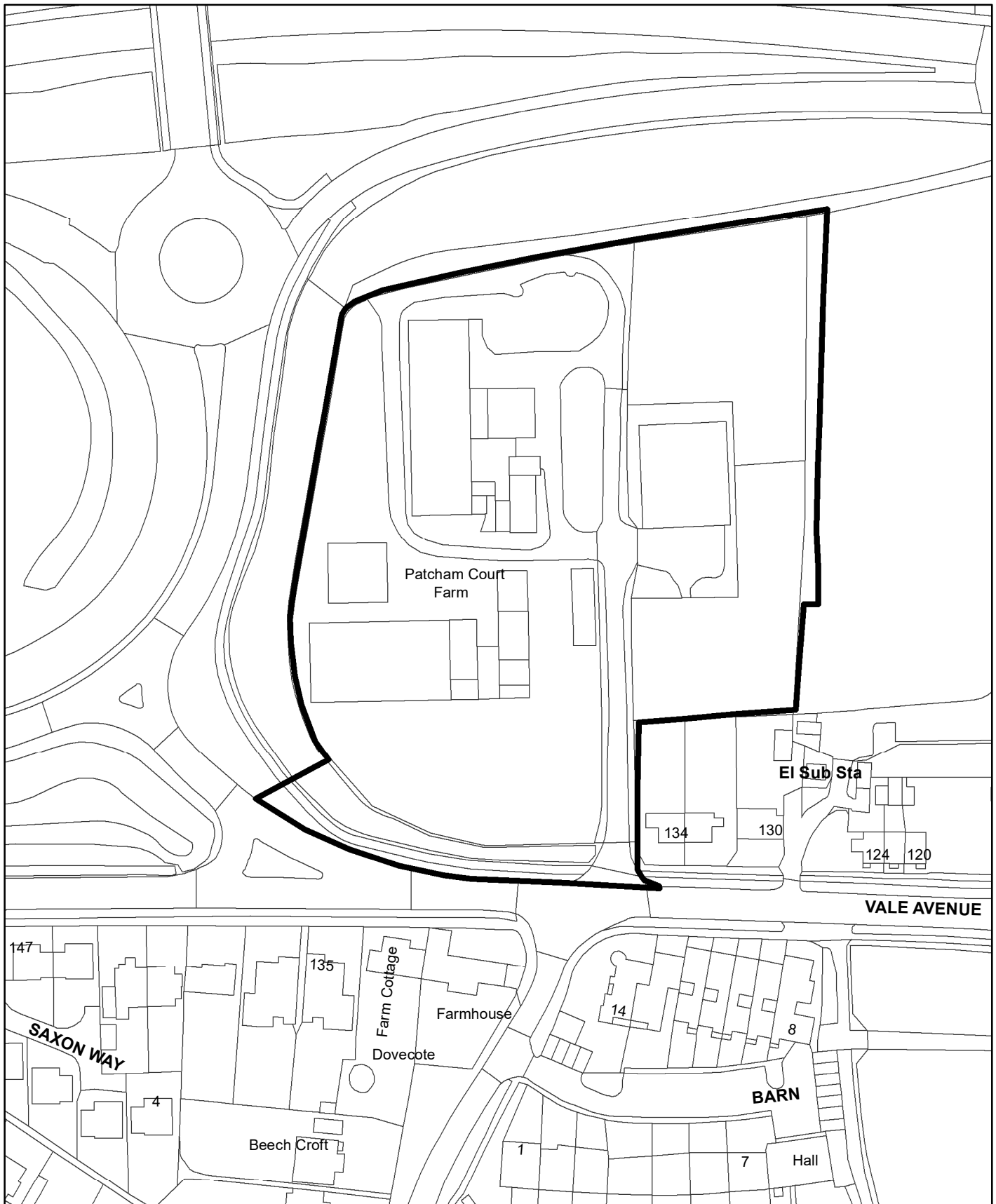
# **ITEM A**

**Patcham Court Farm, Vale Avenue  
BH2025/02142  
Removal or Variation of Condition**

**DATE OF COMMITTEE: 3<sup>rd</sup> December 2025**



# BH2025 02142 - Patcham Court Farm, Vale Avenue



**Brighton & Hove  
City Council**



**Scale: 1:1,250**



<b><u>No:</u></b>	<b>BH2025/02142</b>	<b><u>Ward:</u></b>	<b>Patcham &amp; Hollingbury Ward</b>
<b><u>App Type:</u></b>	<b>Removal or Variation of Condition</b>		
<b><u>Address:</u></b>	<b>Patcham Court Farm Vale Avenue Brighton BN1 8YF</b>		
<b><u>Proposal:</u></b>	<b>Application to vary conditions 1, 9, 10, 11, 12, 13 and 30 of planning permission BH2022/02232 (as amended by BH2025/01893) to allow for revisions to approved storage and distribution building and site layout.</b>		
<b><u>Officer:</u></b>	<b>Ben Daines,</b>	<b><u>Valid Date:</u></b>	<b>29.08.2025</b>
	<b>tel:</b>		
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	<b>28.11.2025</b>
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	<b>Stantec 50/60 Station Road Cambridge CB1 2JH</b>		
<b><u>Applicant:</u></b>	<b>Royal Mail Group C/O Stantec 50/60 Station Road Cambridge CB1 2JH</b>		

## 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 as set out hereunder, and subject to the S106 agreement for planning application BH2022/02232 which also applies to this S73 application.

### Conditions

1. The development hereby permitted shall be carried out in accordance with the approved drawings listed below.  
**Reason:** For the avoidance of doubt and in the interests of proper planning.

Plan Type	Reference	Version	Date Received
Proposed Drawing	12-1441-01-BDO-HLM-00-00-D-A-00101 P01		29-Aug-25
Proposed Drawing	12-1441-01-BDO-HLM-00-00-D-A-00001 P07		17-Nov-25
Proposed Drawing	12-1441-01-BDO-HLM-00-00-D-A-00102 P01		29-Aug-25
Proposed Drawing	12-1441-01-BDO-HLM-00-00-D-A-0014 P07		17-Nov-25
Proposed Drawing	12-1441-01-BDO-HLM-01-ZZ-D-A-0031 P01		29-Aug-25
Proposed Drawing	12-1441-01-BDO-HLM-00-ZZ-D-A-00200 P01		29-Aug-25

Proposed Drawing	12-1441-01-BDO-HLM-01-00-D-A-0011 P07		17-Nov-25
Proposed Drawing	12-1441-01-BDO-HLM-01-00-D-A-00012 P02		29-Aug-25
Proposed Drawing	12-1441-01-BDO-HLM-01-LG-D-A-00012 P07		17-Nov-25
Proposed Drawing	12-1441-01-BDO-HLM-01-LG-D-A-0011 P07		17-Nov-25
Proposed Drawing	12-1441-01-BDO-HLM-01-R1-D-A-0011 P02		29-Aug-25
Proposed Drawing	BDO-MMD-XX-00-DR-C-0001 P08		29-Aug-25
Proposed Drawing	BDO-HLM-00-00-D-L-0002 P03		29-Aug-25
Proposed Drawing	BDO-HLM-00-00-D-L-0003 P04		29-Aug-25
Report/Statement	BARN OWL REPORT		29-Aug-25
Report/Statement	BADGER SURVEY REPORT		29-Aug-25
Report/Statement	ARBORICULTURAL METHOD STATEMENT		29-Aug-25
Report/Statement	BIODIVERSITY NET GAIN REPORT		29-Aug-25
Report/Statement	ECOLOGICAL IMPACT ASSESSMENT		29-Aug-25
Report/Statement	FLOOD RISK ASSESSMENT		29-Aug-25
Report/Statement	NOISE IMPACT ASSESSMENT		29-Aug-25
Report/Statement	TRANSPORT ASSESSMENT		29-Aug-25

2. The development hereby permitted shall be commenced before 13 January 2028.

**Reason:** To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

3. 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 of all brick, render and cladding/veneers (including details of the colour) to be used, including details of their treatment to protect against weathering
- b) samples/details of all hard surfacing materials
- c) samples/details of the proposed window, door and balcony treatments
- d) 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, DM21 and DM26 of Brighton & Hove City Plan Part 2 and CP12 and CP15 of the Brighton & Hove City Plan Part One.

4. No development shall take place (including any demolition, ground works, site clearance) until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.  
**Reason:** To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with policies DM31 of Brighton & Hove City Plan Part 2, and CP15 of the Brighton & Hove City Plan Part One.
5. The development hereby permitted shall not be occupied until the archaeological site investigation and post-investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) for that phase has been completed and written details submitted to and approved in writing by the Local Planning Authority. The archaeological site investigation and post-investigation assessment will be undertaken in accordance with the programme set out in the written scheme of investigation approved under condition 4.  
**Reason:** To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with policies DM31 of Brighton & Hove City Plan Part 2, and CP15 of the Brighton & Hove City Plan Part One.
6. The development hereby permitted shall not be occupied until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out and provided in full accordance with the approved details prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.  
**Reason:** To ensure the provision of satisfactory facilities for the storage of refuse and to comply with Policies DM18 and DM21 of Brighton & Hove City Plan Part 2, policy CP8 of the Brighton & Hove City Plan Part One and Policy WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.
7. No tree shown as retained on the approved drawings shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the development phase and thereafter within 5 years from the date of occupation of the building for its permitted use, other than in accordance with the approved plans and particulars or as may be permitted by prior approval in writing from the local planning authority. 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 provide ecological, environmental and biodiversity benefits and to maximise the quality and usability of open spaces within the development in compliance with policies DM22 and DM37 of Brighton & Hove City Plan Part 2, and CP8, CP10, CP12 and CP13 of the Brighton & Hove City Plan Part One.

8. Notwithstanding any of the details shown on the approved plans, 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 (including security fencing) to include type, position, design, dimensions and materials;

Any trees or plants which 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 provide ecological and sustainability benefits, to comply with policies DM22 and DM37 of Brighton & Hove City Plan Part 2, and CP8, CP10, CP12 and CP13 of the Brighton & Hove City Plan Part One.
9. The scheme to protect retained trees shall be undertaken in strict accordance with the approved Arboricultural Method Statement dated August 2025 (WSP) that forms part of this consent.
 

**Reason:** As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area and for biodiversity and sustainability reasons, to comply with policies DM22 and DM37 of Brighton & Hove City Plan Part 2, and CP8, CP10 and CP12/CP13 of the Brighton & Hove City Plan Part One and SPD06:Trees and Development Sites.
10. All tree protection monitoring and site supervision shall be undertaken in strict accordance with the approved Arboricultural Method Statement dated August 2025 (WSP) that forms part of this consent.
 

**Reason:** As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area and to provide ecological and sustainability benefits, to comply with policies DM22 and DM37 of Brighton & Hove City Plan Part 2, and CP8, CP10 and CP12 and CP13 of the Brighton & Hove City Plan Part One and SPD06:Trees and Development Sites.
11. The development hereby approved shall be carried out in accordance with the CEMP Biodiversity report approved under application BH2025/00114 unless otherwise approved in writing by the Local Planning Authority.
 

**Reason:** To protect habitats and species identified in the ecological surveys from adverse impacts during construction and to avoid an offence under the



Wildlife and Countryside Act 1981, as amended, and the Protection of Badgers Act 1992.

12. The development hereby approved shall be carried out in strict accordance with the Biodiversity Method Statement approved under application BH2025/00114 unless otherwise approved in writing by the Local Planning Authority.

**Reason:** To protect habitats and species identified in the ecological surveys from adverse impacts during construction and to avoid an offence under the Wildlife and Countryside Act 1981, as amended, and the Protection of Badgers Act 1992.

13. The development hereby approved shall be carried out in strict accordance with the Ecological Design Strategy approved under application BH2025/00114 unless otherwise approved in writing by the Local Planning Authority.

**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 provide a net gain for biodiversity as required by Section 40 of the Natural Environment and Rural Communities Act 2006, paragraphs 174 and 180 of the National Planning Policy Framework, Policy CP10 of the Brighton & Hove City Council City Plan Part One and Policy DM37 of the City Plan Part Two.

14. A landscape and ecological management plan (LEMP) shall be submitted to, and approved in writing by the Local Planning Authority prior to the occupation of the development. The LEMP shall include details on the offsite reptile receptor site and its content shall include the following:

- a) description and evaluation of features to be managed;
- b) ecological trends and constraints on site that might influence management;
- c) aims and objectives of management;
- d) appropriate management options for achieving aims and objectives;
- e) prescriptions for management actions, together with a plan of management compartments;
- f) preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period;
- g) details of the body or organisation responsible for implementation of the plan;
- h) ongoing monitoring and remedial measures.

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

**Reason:** Biological communities are constantly changing and require positive management to maintain their conservation value. The implementation of a

LEMP will ensure the long-term management of habitats, species and other biodiversity features in accordance with policy CP10 of the City Plan Part One and policy DM37 of the City Plan Part Two.

15. No development shall take place (including any demolition, ground works, site clearance) until an updated survey for the presence of badgers has been undertaken, in accordance with best practice. Where the survey results indicate that changes have occurred that will result in ecological impacts on badgers not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the local planning authority prior to the commencement of development. Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.

**Reason:** As badgers are a mobile species whose activities/patterns varies across the year and in reaction to a range of influencing factors, it is important that the surveys reflect the situation at the time on any given impact occurring to ensure adequate mitigation and compensation can be put in place and to ensure no offences are committed. The condition would also comply with policy CP10 of the City Plan Part One and policy DM37 of the City Plan Part Two.

16. Notwithstanding any of the details shown on the approved plans, prior to first occupation of the development hereby permitted, details of secure cycle parking facilities for the occupants of the development shall have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.

**Reason:** To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy DM33 of the Brighton & Hove City Plan Part Two.

17. Notwithstanding any of the details shown on the approved plans, prior to first occupation of the development hereby permitted, a car park layout plan shall have been submitted to and approved in writing by the Local Planning Authority. This should include the entire site access, details of existing and proposed cycle parking, motorcycle parking, car parking, fleet (van) parking, electric vehicle parking and charging, scooter parking and charging, disabled parking, visitor parking, loading bays, service and delivery areas and signage (markings and signs) for the management (such as numbered spaces and Department for Transport approved names and symbols (e.g. for a disabled bay) inside and outside of the space) of all forms of parking and stopping as appropriate. This should also include details of how the proposal complies with SPD14 Parking Standards and how vehicles safely and conveniently turn to leave the site in a forward gear. This should also include dropped kerbs from footways, tactile paving and crossing treatments where appropriate for pedestrians, cyclists, the mobility and visually impaired including adults with child buggies. The approved scheme shall be fully implemented and made

available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.

**Reason:** To ensure the development provides for the needs of all occupants and visitors to the site, to ensure the provision of satisfactory facilities for all users of the car park including pedestrians and the mobility and visually impaired and to comply with policies SPD14 Parking Standards and CP9 of City Plan Part One & DM33 of City Plan Part Two.

18. Notwithstanding any of the details shown on the approved plans, no development (including any demolition, ground works, site clearance) shall commence on site until a Scheme of Management of the vehicle and any other forms of parking and stopping in the car park area has been submitted to and approved in writing by the Local Planning Authority. The scheme must include details of how each car parking space will be allocated and managed.

**Reason:** To ensure the development maintains a sustainable transport strategy and to comply with CP9 of the City Plan Part One, DM33 of the City Plan Part Two and SPD14 Parking Standards.

19. Prior to commencement of the development hereby permitted a plan detailing existing and proposed boundary treatments and internal site vehicular gate positions, height, design, materials, type, and construction method including of any mechanisms that might make them temporary and movable shall have been submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be provided in accordance with the approved details prior to first occupation of the development and shall thereafter be retained at all times.

**Reason:** In the interests of highway safety and to enhance the appearance of the development in the interest of the visual and residential amenities of the area and to comply with policies SA6, CP7, CP9, CP12, CP13 and CP15 of the City Plan Part One, and DM33, DM35 of City Plan Part Two and the 1980 Highways Act.

20. No development shall commence until full details of the retaining boundary wall structure, including location (above or below the adopted (public) highway), land drainage from behind the wall, surface water drainage away from the highway, cross sections, depth of footings, retained height, thickness of wall, construction materials, method of construction and design drawings and calculations have been submitted to and agreed in writing by the Local Planning Authority. The approved details shall thereafter be implemented in full prior to first occupation of the development.

**Reason:** To ensure the stability and safety of the adjacent pavement and to comply with Policy SA6, CP7, CP9, CP12, CP13 and CP15 of the City Plan Part One and DM33 of City Plan Part Two.

21. Vehicular access to/from the site for all fleet vehicles (operational vans) shall be to/from Vale Avenue junctions with the A27, Warmdene Avenue, Court Close, and Ladies' Mile Road only.

**Reason:** In the interests of highway safety and to comply with policies SA6, CP7, CP9, CP12, CP13 and CP15 of the City Plan Part One & DM33 of City Plan Part Two.

22. The development hereby permitted shall not be used/occupied until a Delivery & Service Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Delivery and Service Management Plan shall include the following details:
- Types of vehicles
  - Site maintenance
  - Speed limits
  - Driver training including measures to minimise door slams, tailgate drops and trolley/cage noise during sensitive hours (23:00 to 07:00); and signage and briefings for staff/contractors on quiet-hours conduct.
  - A complaints response protocol with logging and corrective actions
- Reason:** In order to ensure that the safe operation of the development and the protection of the amenities of nearby residents, in accordance with policies DM20, DM33, and DM40 of Brighton & Hove City Plan Part 2.
23. The development hereby approved shall achieve a minimum Energy Performance Certificate (EPC) rating 'B'.
- Reason:** To improve the energy cost efficiency of existing and new development and help reduce energy costs to comply with policy DM44 of the Brighton & Hove City Plan Part Two.
24. Within 6 months of first occupation of the development hereby permitted a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the development has achieved a minimum BREEAM New Construction rating of Excellent shall be submitted to, and approved in writing by, the Local Planning Authority.
- Reason:** To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy CP8 of the Brighton & Hove City Plan Part One.
25. Prior to first occupation of the development hereby approved, details of the photovoltaic array 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.
- 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.
26. The development hereby permitted shall not be first occupied or brought into use until an External Lighting Design Strategy has been submitted to and approved in writing by the Local Planning Authority. The Strategy shall:
- a) identify those areas/features on site that are particularly sensitive for bats and dormice and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
  - b) show how and where external lighting will be installed and light spill minimised (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that

areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places, and that impacts on neighbouring residents have been minimised.

- c) 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, design and appearance and details of maintenance, and;
- d) include evidence to demonstrate that the predicted illuminance levels have been tested by a competent person to ensure that the illuminance levels agreed in part c) 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 c);
- e) demonstrate that the external lighting installations comply with the recommendations of the Institution of Lighting Professionals (ILP) Guidance Notes for the Reduction of Obtrusive Light (2011), or similar guidance recognised by the Council;
- f) demonstrate that the lighting has had regard to, and will not unduly impact, the South Downs National Park Dark Skies Reserve status.

The external lighting shall be installed, operated and maintained in accordance with the approved details and thereafter retained, unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To safeguard the amenities of the occupiers of adjoining properties and to safeguard the setting of the South Downs National Park and its Dark Skies Reserve status to comply with policies CP10 and CP16 of the Brighton and Hove City Plan Part One and DM40 of the City Plan Part Two and to protect species and wildlife habitats as many species active at night (e.g. bats and badgers) which are sensitive to light pollution. The introduction of artificial light might mean such species may be disturbed and /or discouraged from using their breeding and resting places, established flyways or foraging areas. Such disturbance can constitute an offence under relevant wildlife legislation and would be contrary to policies CP10 of the Brighton and Hove City Plan Part One and policies DM20, DM40, and DM37 of the Brighton and Hove City Plan Part Two.

27. No development,(including any demolition, ground works, site clearance) 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) The phases of the proposed development including the forecasted completion date(s)
  - (ii) A scheme of how the contractors will liaise with local residents to ensure that residents 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) A scheme of how the contractors will minimise disturbance to neighbours regarding issues such as noise and dust management, vibration, site traffic and deliveries to and from the site
  - (iv) Details of hours of construction including all associated vehicular movements
  - (v) Details of the construction compound

- (vi) A plan showing construction traffic routes
- (vii) Management of pollution (including to groundwater) during construction
- (viii) The storage of plant and materials used in constructing the development
- (ix) Wheel washing facilities

The construction shall be carried out in accordance 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.

28. 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.

29. All HGV loading and unloading shall take place only at the dock levellers shown on the approved plans. External yard loading, cargo tipping or cage handling is prohibited except in an operational emergency. Dock doors/shutters shall be kept closed except for ingress/egress of vehicles and personnel.

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

30. Prior to the development hereby permitted being brought into use, details of the noise barriers set out in Figures 6-1 and 6-2 of WSP report no 70086336-RP-AC-006 shall be submitted to and approved by the Local Planning Authority, including the materials to be used and their source, heights above ordnance datum, drainage and planting details. The development shall not be brought into use until the noise barriers are implemented fully in accordance with the approved details and shall be retained as such thereafter.

**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.

31. No development shall commence (including demolition, ground works, site clearance) 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.

32. The development hereby permitted shall not commence (including any demolition, ground works, site clearance) until a remediation strategy to deal with the risks associated with contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:
1. A preliminary risk assessment which has identified:
    - all previous uses;
    - potential contaminants associated with those uses;
    - a conceptual model of the site indicating sources, pathways and receptors; and
    - potentially unacceptable risks arising from contamination at the site.
  2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
  3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. This shall include a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such a scheme shall include nomination of a competent person to oversee the implementation of the works.
  4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance, and arrangements for contingency action. Any changes to these components require the written consent of the Local Planning Authority. The scheme shall be implemented as approved.

**Reason:** To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution inline with paragraph 174 of the National Planning Policy Framework (NPPF). This development is sited in Source Protection Zone 1 for Southern Water's public water supply at Patcham, which are connected by adits which run within 150m to the north of the site.

33. Prior to occupation of the development hereby permitted a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

**Reason:** To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the

approved verification plan have been met and that remediation of the site is complete in line with paragraph 174 of the NPPF, and to safeguard the health of future residents or occupiers of the site and to comply with policy DM41 of City Plan Part 2.

34. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

**Reason:** To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with paragraph 174 of the NPPF, and to comply with policy DM41 of the City Plan Part 2.

35. No below ground construction works are to take place outside of the months April to September of any year. Prior to the commencement of development, a schedule of works to demonstrate how below ground construction works will be phased shall be submitted to and approved by the Local Planning Authority.

**Reason:** As this matter is fundamental to the acceptable delivery of the permission to prevent pollution of groundwater and to comply with policies DM42 of the City Plan Part 2.

36. No infiltration of surface water drainage into the ground is permitted other than with details being approved in advance and in writing by the Local Planning Authority, and implemented thereafter in accordance with the approved details.

**Reason:** As this matter is fundamental to the acceptable delivery of the permission to prevent pollution of groundwater and to comply with policies DM42 of the City Plan Part 2.

37. No development (other than demolition) shall take place until details of the foundations and measures to ensure the protection of the aquifer have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details.

**Reason:** To safeguard the fresh and foul water infrastructure in the vicinity of the site, in accordance with Policy DM42 of Brighton & Hove City Plan Part 2.

38. The development hereby permitted shall not be commenced until evidence has been submitted to demonstrate that all existing observation wells on the site have been decommissioned to the satisfaction of the Local Planning Authority in consultation with Southern Water.

**Reason:** As this matter is fundamental to the acceptable delivery of the permission to prevent pollution of groundwater and to comply with policies DM42 of the City Plan Part 2.



39. Notwithstanding any of the details shown on the approved plans, the development hereby permitted shall not be commenced (including any demolition, ground works, site clearance) until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, as well as a management and maintenance plan, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented and maintained 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 City Plan Part and CP11 of the Brighton & Hove City Plan Part One.

40. Notwithstanding any of the details shown on the approved plans, the development hereby permitted (including any demolition, ground works, site clearance) shall not take place until a drainage strategy detailing the proposed means of foul water disposal and an implementation timetable, has been submitted to and approved in writing by the Local Planning Authority in consultation with the sewerage undertaker. the anticipated peak discharge rates, and a management and maintenance plan. This strategy shall also set out a method for how the rate of foul water entering the sewer at manhole TQ30092102 will be controlled, through the use of attenuation, flow control, measures to reduce discharge rates overall, or an additional connection to another sewer. The development shall be carried out in accordance with the approved scheme and timetable and thereby retained and maintained.

**Reason:** To ensure adequate foul sewage drainage /treatment is available prior to development commencing and to comply with policy DM42 of the Brighton & Hove City Plan Part 2.

41. Not used.

42. 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 and green walls 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 and walls 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 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.

43. The development hereby permitted shall not commence until full details of existing and proposed ground levels (referenced as Above Ordnance) 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 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 DM18 and DM20 of Brighton & Hove City Plan Part 2 and CP12 of the Brighton & Hove City Plan Part One.

44. Prior to the commencement of the development of the substation, further details regarding its appearance, materials and use shall be submitted to and approved by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

**Reason:** To ensure a satisfactory appearance to the development and safeguard the amenities of neighbouring properties to comply with policies DM18, DM20, DM26 and DM40 of the Brighton & Hove City Plan Part 2 and CP12 of the Brighton & Hove City Plan Part One.

45. No more than ten HGV trips (including both arrivals and departures) to the development hereby permitted shall take place between the hours of 23:00 and 07:00 on Mondays to Sundays. There shall be no more than one HGV trip (including both arrivals and departures) between the hours of 03:00 and 04:00 on Mondays to Sundays.

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

46. This permission is hereby granted only for a mail storage and distribution centre and no other purpose within Use Class B8 (Storage or distribution) of the Town and Country Planning (Use Classes) Order 1987 (as amended).

**Reason:** To enable the Local Planning Authority to control the development in detail as the scheme has been assessed and approved on the basis of this specific type of development and to comply with policies CP3 and CP9 of the City Plan Part One and DM20, DM33, DM35, DM36 and DM40 of the City Plan Part Two.

47. No tonal “bleeper” type reversing alarms or audible horn tests shall be used on the site. Where reversing alarms are required by law, only broadband (“white noise”) alarms, set to the minimum practicable level, may be used. No external public-address (PA) systems are permitted.

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

48. Unless otherwise agreed in writing, within 3 months of first operation, the operator shall submit a verification survey by a competent person confirming that site-attributable external LAFmax from HGV movements at the most exposed NSR does not exceed 60 dB more than ten (10) times in any night (23:00–07:00) under typical operating conditions (free-field, façade correction stated, weather-screened data). Where exceedance is evidenced and attributable to site operations, a remedial scheme (e.g., further barrier

optimisation, yard speed control, brake practice, scheduling) shall be submitted within 2 months and implemented as approved.

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

49. Unless otherwise agreed in writing, within 3 months of first use, the operator shall submit a BS 4142 compliance survey (including methodology, raw/time-history data, meteorology, feature corrections and uncertainty) demonstrating that the site-wide rating level from combined fixed plant and typical vehicle movements does not exceed the representative background level at the façades of the nearest dwellings during:

- Night-time: 01:00–02:00 and 03:00–04:00 (15-min assessments); and
- Daytime: 07:00–08:00 (1-hr assessment).

Where exceedance is identified, a mitigation scheme and programme shall be submitted within 2 months and implemented as approved.

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

50. No external PA systems, tannoy announcements, or music amplification shall be installed or operated on the site without prior written approval of details (including sound power, directivity, usage windows, controls) by the LPA.

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

51. All acoustic measures and equipment (including barriers, dock door seals, door closers, yard surfacing and any plant acoustic enclosures) shall be maintained in an effective condition for the life of the development. Any defects that could materially reduce acoustic performance shall be made good within 28 days of discovery.

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

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 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, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel 0330303 0119), or [www.southernwater.co.uk](http://www.southernwater.co.uk)
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. This shall include a detailed scheme for remedial works and

measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such a scheme shall include nomination of a competent person to oversee the implementation of the works.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance, and arrangements for contingency action. Any changes to these components require the written consent of the Local Planning Authority. The scheme shall be implemented as approved.

**Reason:** To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 174 of the National Planning Policy Framework (NPPF). This development is sited in Source Protection Zone 1 for Southern Water's public water supply at Patcham, which are connected by adits which run within 150m to the north of the site.

5. The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to (amongst other things): deliberately capture, disturb, injure or kill great crested newts; damage or destroy a breeding or resting place; deliberately obstruct access to a resting or sheltering place. Planning approval for a development does not provide a defence against prosecution under these acts. Should great crested newts be found at any stages of the development works, then all works should cease, and Natural England should be contacted for advice.
6. The applicant is advised of the possible presence of bats on the development site. All species of bat are protected by law. It is a criminal offence to kill bats, to intentionally or recklessly disturb bats, damage or destroy a bat roosting place and intentionally or recklessly obstruct access to a bat roost. If bats are seen during construction, work should stop immediately and Natural England should be contacted on 0300 060 0300.
7. The CL:AIRE Definition of Waste: Development Industry Code of Practice (Version 2) provides operators/developers with a framework for determining whether or not excavated material arising from site during remediation and/ or land development works are waste or have ceased to be waste. Under the Code of Practice:
  - Excavated materials that are recovered via a treatment operation can be re-used
  - on-site providing they are treated to a standard such that they fit for purpose and unlikely to cause pollution.
  - Treated materials can be transferred between sites as part of a hub and cluster
  - project.
  - Some naturally occurring clean material can be transferred directly between sites.
  - Developers should ensure that all contaminated materials are adequately

- characterised both chemically and physically, and that the permitting status of any proposed on-site operations are clear. If in doubt, we should be contacted via our National Customer Contact Centre (see details below) for advice at an early stage to avoid any delays: Telephone number: 03708 506 506 (Monday to Friday 8am to 6pm) Email: enquiries@environment-agency.gov.uk.
8. Contaminated soil that is (or must be) disposed of is waste. Therefore, its handling, transport, treatment and disposal are subject to waste management legislation, which includes:
- Duty of Care Regulations 1991
  - Hazardous Waste (England and Wales) Regulations 2005
  - Environmental Permitting (England and Wales) Regulations 2016
  - The Waste (England and Wales) Regulations 2011
- Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, we should be contacted for advice at an early stage to avoid any delays. The details about how to contact our National Customer Contact Centre are shown above.
- If the total quantity of hazardous waste material produced or taken off-site is 500kg or greater in any 12 month period, there will be a need to register with us as a hazardous waste producer. Refer to the hazardous waste pages on GOV.UK for more information.
9. The applicant is advised to contact the Council's 'S278 team' initially by e-mail (s278@brighton-hove.gov.uk) at their earliest convenience to avoid any delay and obtain all necessary highway approval including design, materials, and construction method from the Highway Authority prior to any works commencing on and adjacent to the adopted (public) highway to satisfy the law and requirements of the conditions above.
10. The applicant is advised to contact the Council's Streetworks Team (permit.admin@brighton-hove.gov.uk 01273 290729) at their earliest convenience to avoid delay and obtain all necessary highway approvals from the Highway Authority prior to any works commencing adjacent (at least within 3.66m) to the public highway to be lawful.
11. The applicant is advised that requirement Part S of Building Regulation 44 "Infrastructure for the charging of electric vehicles" applies to this application. For non-residential developments the general requirements are 1 EVCP per building and 1 in 5 parking spaces require a cable route. Where provided, at least one accessible parking space should have access to either a future connection location, or an EVCP.
- There are many requirement details, for example, specifications where there are more than 10 parking spaces, or where covered parking spaces are provided, for equipment standards, and a cost cap etc. The applicant should refer to the full Part S document.

12. The applicant is advised that details of the BREEAM assessment tools and a list of approved assessors can be obtained from the BREEAM websites ([www.breeam.org](http://www.breeam.org)).
13. 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 Engineers (ILE) 'Guidance Notes for the Reduction of Light Pollution (2011)' or similar guidance recognised by the council. A certificate of compliance signed by a competent person (such as a member of the Institution of Lighting Engineers) should be submitted with the details. Please contact the council's Pollution Team for further details. Their address is Environmental Health & Licensing, Bartholomew House, Bartholomew Square, Brighton, BN1 1JP (telephone 01273 294490 email: [ehlpollution@brighton-hove.gov.uk](mailto:ehlpollution@brighton-hove.gov.uk) website: [www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk)).
14. Noise survey methods: Post-completion surveys should follow good practice: competent person, Class 1 meters, windshield, weather screening (gusts <5 m/s), free-field with façade adjustments stated, feature corrections applied where present, and uncertainty addressed (see WSP Appendix E approach).
15. The operator is encouraged to maintain a 24/7 contact for residents, log all complaints, investigate within 5 working days, and report outcomes to the LPA on request.

## **2. SITE LOCATION**

- 2.1. The application site comprises approximately 1.57 hectares of land and is located on the northern edge of Patcham. It is within the defined built-up area of Brighton and Hove and is located on the northern side of Vale Avenue from which access is currently taken. The site is allocated in Policy CP3 of City Plan Part One as a strategic site for 'B Use Class employment floorspace', with supporting table 4 noting that for Patcham Court Farm the allocated provision relates to B1a and B1b office requirements (now use class E(g)).
- 2.2. The site is bounded to the north by the A27 trunk road, separated from it by a thick landscaped border of trees. This landscaped border also runs around the western and southern boundary. Further north of the site, beyond the A27 is the South Downs National Park. To the west is the A27 link road linking the A27 to the A23.
- 2.3. To the south-east of the site is a pair of two-storey semi-detached houses (132 and 134 Vale Avenue) and a two-storey detached house (130 Vale Avenue, currently being used by a fencing company). Each of these three properties have elongated rear gardens, which back directly onto the site. Further east is a short terrace of new residential properties, and immediately to the east of the site are allotments.

- 2.4. The site formed part of a wider agricultural holding that was separated from the main farm in 1989/1990 as a result of the construction of the A27. It contains a number of buildings of varying ages, in various states of disrepair, which have been vacant for a number of years. Only one building is currently in use, by a fencing company (which also occupies 130 Vale Avenue). The remainder of the site predominantly comprises scrub and hardstanding.
- 2.5. The gradient of the site rises from south to north and falls again immediately adjacent to the A27.
- 2.6. A public bridleway on the western side of the site runs northwards to the South Downs National Park.
- 2.7. To the south of the site is Patcham Conservation Area which includes a number of listed buildings including the grade II\* listed All Saints Church near the top of Church Hill, the surviving farm complex buildings of the Patcham Court Farmhouse (immediately south of the site), and the Dovecot within the grounds of Patcham Court Farmhouse together with the boundary walls (all listed grade II). The Dovecot is also a Scheduled Monument. The site also falls within an Archaeological Notification Area.
- 2.8. The site lies wholly within flood zone 1 (low probability of flooding) but is located within a conveyance zone (a potential flow path) due to the gradient of the land being steeper than 1 in 20. There is a known aquifer below the site and accordingly the site is within Groundwater Source Protection Zone 1.
- 2.9. Access to Vale Avenue from the road linking the A27 to the A23 is via a left turn only access.

### 3. RELEVANT HISTORY

- The planning history directly relevant to this S73 application is as follows:
- 3.1. **BH2025/01893:** Non-material amendment to application BH2022/02232 to amend the description of the approved development to read 'Demolition of existing buildings and erection of storage and distribution building (B8) with associated access, parking, landscaping, re-grading of land, enclosures and infrastructure works'. **Approved** 5 September 2025
  - 3.2. **BH2025/00114:** Application for approval of details reserved by conditions 11 (CEMP - Biodiversity), 12 (method statement for protection of certain species & habitats) and 13 (ecological design strategy) of application BH2022/02232. **Approved** 19 February 2025
  - 3.3. **BH2025/00087:** Application for approval of details reserved by conditions 9 (scheme for protection of retained trees) and 10 (tree protection monitoring) of application BH2022/02232. **Approved** 19 February 2025
  - 3.4. **BH2022/02232:** Demolition of existing buildings and erection of storage and distribution building (B8) with associated access, parking, landscaping, re-

grading of land, enclosures and infrastructure works and an express vehicle maintenance facility. **Approved** 13 January 2025

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

- 4.1. This planning application is submitted under S73 of the Town and Country Planning Act and proposes amendments to planning permission BH2022/02232 which had the following description:

*'Demolition of existing buildings and erection of storage and distribution building (B8) with associated access, parking, landscaping, re-grading of land, enclosures and infrastructure works and an express vehicle maintenance facility.'*

- 4.2. The proposed amendments to the above consent include the following:

##### **4.3. Site Layout**

- The HGV docking point is to be moved from the north end of the building to a location closer to the southern end of the building. A new visual barrier with a green wall is proposed to screen the HGV docking area.
- The operational parking area is to be reconfigured and regraded to ensure it is level.
- Alterations to levels around the site incorporating a general lowering of the site with an associated need for additional retaining walls.
- Relocation of 4 disabled spaces from the staff car parking area at the front of the site to the rear of the building.
- Realignment of accessible pedestrian access which enables green planting/screening between the site and Vale Avenue.
- Cycle storage centralised into one building located on the western side of the main distribution building and green roof added and
- Relocation of substation from west to east side of the main building.

##### **4.4. Design, scale and layout of building**

- A reduction in the overall height of the distribution building due to the lowering of ground levels across the site to create level access from the operational car park.
- Simplifications to the design of the building to include provision of a full pitch across the entire building and the removal of the front green-roofed projecting element and rear green-roofed canopy.
- Small northward extension of the main distribution building.
- Roof lights and external access stair removed.
- Reduced number of PV panels due to alterations to the electrical and mechanical strategy, and.
- Alterations to the internal layout so all the operations are on one floor (ground floor). The lower ground floor now only includes the proposed staircase and lift up to the ground floor.

##### **4.5. Other alterations**



- Extension of the secure fence line around the southern and western boundary and the vehicular access gate moved closer towards the Vale Avenue site access.
  - Omission of the back-up generator and wash/air/water points
  - Omission of swales adjacent the operational yard along the eastern boundary and other alterations to drainage strategy due to reconfiguration of operational yard, and
  - Removal of express maintenance vehicle facility and jet wash
- 4.6. Amendments are also proposed to the wording of conditions 9 and 10 (arboriculture), 11 (CEMP Biodiversity), 12 (Biodiversity Method Statement), 13 (Ecological Design Strategy) and 30 (Noise barriers) of the approved application. However, these amendments are all minor and are either to reference updated reports or to reflect that the conditions have already been discharged and therefore secure the development to be carried out in accordance with the approved details.

## 5. REPRESENTATIONS

- 5.1. **Seven (7)** representations have been received objecting to the application for the following reasons:
- The relocation of the HGV docking yard further south will bring it closer to properties on Vale Avenue and the Village Barn. HGVs will be manoeuvring through the day and night with loud engine noises as well as 'Vehicle Reversing' warnings.
  - Much of the design aesthetic has been stripped back to make this cheaper
  - The artist impression appears to show that the whole development will be much more visible from Vale Avenue.
  - Continue to object to the danger to life this development creates. The road is incredibly busy and the scheme ill thought through.
  - In the Design & Access Statement there is an image showing a painted crossing across the top of Church Hill. Has this been approved by the Local Highway Authority? Cars come round the top of Church Hill very quickly and visibility for pedestrians is not good. This visualisation is misleading in that it creates a false idea of the road safety of the surrounding area.
  - The huge metal gates and fence that will now be visible from the street are not in keeping with the conservation area, nor is the whole development.
  - Has the claim that everything will be more efficient so they only need a very small amount of solar to make it 'net zero' been validated? The solar in the original design could be used to power some of the electric vehicles.
  - The green wall only covers the loading bay and not the manoeuvring area.
  - The changes move the proposed development closer to the southern boundary and therefore more visible from the road.
  - Challenge the validity of the bat survey.
  - The lease of Patcham Court Farm appears to have been agreed far below local land values, raising questions about the compliance with the duty to

obtain best consideration under Section 123 of the Local Government Act 1972.

- 5.2. **Councillors McNair and Councillor Meadows** object to the proposal. Their representation is appended to this report.

## 6. CONSULTATIONS

### Internal

- 6.1. **Arboriculture:** No objection

- 6.2. **Economic Development:** No comment.

- 6.3. **Environmental Protection:** No objection subject to the conditions relating to the following:

- Installation and retention of two acoustic barriers
- Operational controls including no reversing alarms (or where legally required only broad band 'white noise' alarms set to the minimum practical level)
- Enclosed dock loading only
- A cap on night-time HGV movements
- Post completion verification surveys for both rating level and maximum event levels
- Maintenance of acoustic features and staff management plan to control human-factor noise.

- 6.4. **Heritage (verbal):** No objection:

The proposed amendments do not raise any significant additional heritage concerns but the proposed vegetative screen shown along the southern boundary should be retained in perpetuity to screen the development from Patcham Conservation Area and the grade II listed Patcham Court Farmhouse.

- 6.5. **Net Zero Team:** Further information required

A revised analysis should be provided using the updated solar PV layout and other implemented measures, to determine the projected CO<sub>2</sub> emissions reduction against Part L targets and projected final EPC rating.

- 6.6. **Planning Policy:** No comment

- 6.7. **Sustainable Drainage:** No objection

Despite the changes to the proposed drainage, it would appear that the amended plans will not significantly affect the development's flood risk characteristics or ultimately discharge rates to the sewers. Indeed, updated calculations have been provided which demonstrate this. We therefore have no objection to this application.

- 6.8. **Urban Design:** Neither objects nor supports but provides the following comments:

#### Scale and Massing

- 6.9. Amendments to the approved scheme are based principally upon an operational rationale and are broadly acceptable in urban design terms.
- 6.10. The natural landscape setting in this area has been adapted significantly by the diamond junction which cuts through the natural landscape (A27 Patcham Interchange). In this relatively new context, the lands' change of use is logical, and in almost all instances the amendments proposed can be supported.
- 6.11. It is understood that on site BNG will not be possible in context with the proposed change in land use. However, given the reported BNG shortfall, the omission / reduction in green roof area is a concern.
- 6.12. Building roof design- A GRO Green roof code compliant biodiverse roof system would provide a contribution to BNG, reducing the offsite programme requirements to some extent. A green roof of this typology would further reduce the aggregated development impacts perceived across the natural landscape and replace some of the loss of natural drainage capacity - with integrated SUDS infrastructure benefits.

#### Appearance and materiality

- 6.13. The DAS implies significant changes to the external material specification and with limited information and justification/rationale - and so it is not possible to support the application in full.
- 6.14. There is concern that the applicant is proposing to replace the translucent cladding which would provide daylighting to the workspace and reduce energy demand and running costs.
- 6.15. The proposed removal of much of the flint plinth is regrettable.
- 6.16. Details of materials need to be provided through the relevant condition.

#### **External**

- 6.17. **County Archaeologist:** No objection provided conditions 4 and 5 remain on any new planning consent.
- 6.18. **County Ecologist:** No objection but make the following comments:  
In summary, the proposed variation of conditions is acceptable from an ecological perspective, but we recommend the original commitment to deliver native species-rich hedgerows is honoured and current best practice guidance in regard lighting effects on ecology is followed.
- 6.19. **Sussex Police:** No objection
- 6.20. **East Sussex Fire and Rescue:** No comment:
- 6.21. **Environment Agency:** No objection

- 6.22. **Historic England:** No comment
- 6.23. **National Highways:** Comments yet to be received. (To be reported in late list)
- 6.24. **South Downs National Park Authority:** No comments  
No additional comments to make, other than to iterate the advice pertaining to dark night skies and lighting provided in our previous comments for BH2022/02232.
- 6.25. **Southern Water:** No objection  
Southern Water raise no objection to the variation of condition 1 and have no comment on the variation of conditions 9, 10, 11, 12, 13 and 30.
- 6.26. **Sustainable Transport:** No objection  
The Highway Authority finds the application to vary condition 1 acceptable for discharge subject to the retention of the conditions, informatives and obligations secured with the parent application (BH2022/02232).
- 6.27. The Highway Authority makes no comment on the application to vary conditions 9, 10, 11, 12, 13 and 30.
- 6.28. Full details of consultation responses received can be found online on the planning register, with the exception of the verbal responses noted above.

## **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 (March 2016);
  - Brighton & Hove City Plan Part Two (October 2022)
  - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
  - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
  - Shoreham Harbour Joint Area Action Plan (JAAP) 2019.

## **8. POLICIES**

The National Planning Policy Framework (NPPF)

Brighton and Hove City Plan Part One:

SA5            The Setting of the South Downs National Park  
CP2            Planning for Sustainable Economic Development

CP3	Employment Land
CP7	Infrastructure and Developer Contributions
CP8	Sustainable Buildings
CP9	Sustainable Transport
CP10	Biodiversity
CP11	Flood Risk
CP12	Urban Design
CP15	Heritage
CP18	Healthy City

#### Brighton and Hove City Plan Part Two

DM11	New Business Floorspace
DM18	High Quality and Design and Places
DM20	Protection of Amenity
DM22	Landscape Design and Trees
DM29	The Setting of Heritage Assets
DM31	Archaeological Interest
DM33	Safe, Sustainable and Active Travel
DM35	Travel Plans and Transport Assessments
DM36	Parking and Servicing
DM40	Protection of the Environment and Health – Pollution and Nuisance
DM43	Sustainable Drainage
DM44	Energy Efficiency and Renewables

#### Supplementary Planning Documents

SPD03	Construction and Demolition Waste
SPD06	Trees and Development Sites
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, design, layout, appearance, scale and heritage, impact on amenity, sustainable transport, sustainable drainage and contamination, biodiversity, air quality, landscape, arboriculture and sustainability.
- 9.2. The application is submitted under S73 of the Town and Country Planning Act and therefore this report focuses on consideration of the amendments to the original application.

### **Principle of Development**

- 9.3. The principle of development is clearly established on-site through the extant planning permission BH2022/02232 approved in 2024 for *‘Demolition of existing buildings and erection of storage and distribution building (B8) with*

*associated access, parking, landscaping, re-grading of land, enclosures and infrastructure works and an express vehicle maintenance facility.'*

- 9.4. In addition, the site is allocated in Policy CP3 of the City Plan Part 1 for B Class employment uses.
- 9.5. The current S73 application proposes amendments to the above approved application and the principle of amending a proposal via a S73 application is acceptable providing the amendments proposed do not require a change to the original development description. It is considered that all the amendments proposed as part of this application would still fall under the original development description and scope of development.

**Design, Layout, Appearance, Scale and Heritage**

- 9.6. Policy CP12 (Urban Design) of the City Plan Part 1 (CPP1) states, amongst other things, that all new development will be expected to:
1. *Raise the standard of architecture and design in the City;*
  2. *Establish a strong sense of place by respecting the diverse character and urban grain of the city's identified neighbourhoods;*
  3. *Achieve excellence in sustainable building design and construction;*
  4. *Conserve or enhance the city's built and archaeological heritage and its settings;*
  5. *Have regard to impact on the purposes of the National Park, where within the setting of the National Park;*
  6. *Protect or enhance strategic views into, out of and within the city;*
  7. *Be inclusive, adaptable and accessible;*
  8. *Ensure that the design of the external spaces is an integral element of the overall design approach, in a manner which provides a legible distinction between public and private realm; and*
  9. *Incorporate design features which deter crime or disorder and the fear of crime.*
- 9.7. Policy DM18 (High Quality Design and Places) of the City Plan Part 2 reinforces Policy CP12 and seeks to ensure that development considers and responds positively to the local context in respect of layout, scale of buildings, materials and architectural detailing.
- 9.8. As noted above, the site is located opposite Patcham Conservation Area and the Grade II Listed Patcham Court Farmhouse so it is within a historically sensitive area despite the site itself not being designated for heritage purposes.
- 9.9. Policy DM26 (Conservation Areas) states that *'development proposals within conservation areas will be permitted where they preserve or enhance the distinctive character and appearance of that conservation area, taking full account of the appraisal set out in the relevant character statement.'*
- 9.10. The policy goes on to state that *'where either substantial harm or less than substantial harm is identified, the council will expect the applicant to fully meet*

*the requirements set out in the NPPF, having regard to the significance of the conservation area/s affected.'*

- 9.11. 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.
- 9.12. Case law has held that the desirability of preserving a listed building or its setting or any features of special architectural or historic interest it possesses, and the desirability of preserving or enhancing the character or appearance of a conservation should be given "considerable importance and weight".
- 9.13. As set out above, the application proposes a number of changes to the site layout and the design of the main distribution building.
- 9.14. The proposed levels across the site would be lowered when compared to the extant planning permission as a consequence of changes to the operational yard and parking area which is being redesigned, regraded and flattened to improve operational safety. The lowering of levels would range from about 1.5m lower than the approved scheme at the south of the site to around 3m lower at the northern end of the site. The operational parking would be moved northwards and separated from the area used by HGVs which would then be located south of the operational parking area. The relocation of the HGV docking and turning area is considered further below.
- 9.15. As a result of the proposed lowering of the site, the proposed distribution building would also be lowered, with its overall height reduced by around 1.6m when compared to the extant consent, thereby helping to reduce the visibility of the building from outside of the site. This is considered to be a benefit of the proposal in regards to its visual impact.
- 9.16. As part of this application, the design of the main distribution building is simplified slightly so that the originally proposed flint projecting element with a green roof on the south (front) elevation that formed the main entrance of the building has been removed. However, in order to retain a similar appearance to the consented scheme, the elevational treatment including the flint, natural timber cladding and glazing has been retained but is now proposed to be flush with the front façade of the main building rather than projecting beyond it. It is therefore considered that the visual interest of the front elevation is retained through the use of the heritage sensitive materials.
- 9.17. The removal of the canopy area to the rear of the building results in the loss of a more substantial area of green roof which is regrettable and the amended proposed building would have less visual interest when viewed from the rear. However, given the limited visibility of this rear elevation, which cannot be viewed from the Conservation Area or any other public vantage points, and is screened in views from the South Downs National Park due to the building's relatively low profile and belt of trees along the northern boundary, the proposed changes at the rear are less sensitive than those to the front

elevation of the building and would not have a significant detrimental impact on the overall appearance of the building or the visual amenities of the area.

- 9.18. As a result of the loss of the rear canopy, the main distribution building has been extended to the north by approximately 10m, although it should be noted that the amended building still does not extend as far north as the previously proposed canopy area. This alteration is also not considered to have any significant detrimental impacts on the visual amenities of the area and would not be perceptible from the Conservation Area.
- 9.19. The proposal also includes a significant reduction in the amount of PV panels on the roof as well as the removal of the previously proposed translucent roof lights. Visually these alterations would have no harmful impacts on the appearance of the building and may also have the benefit of reducing potential glare when viewed from the National Park. The energy related impacts of these amendments are considered in the 'Sustainability' section of this report. Whilst the loss of the translucent rooflights would have an impact on the light available to the interior of the building, this is in part mitigated by the introduction of new windows on the east elevation of the building.
- 9.20. The HGV docking area is being relocated from the northern end of the building towards the southern end. To soften the visual impact of having HGVs loading and unloading in this area, which is closer to both residential properties and Vale Avenue, a green visual barrier with a living wall around 4.6m in height is proposed which would help to screen the HGVs whilst they are loading/unloading. Whilst it is acknowledged that these amendments would bring HGV activity/turning closer to the front of the site, there is still a significant distance between the HGV docking area and Vale Avenue (approximately 62m) so HGV movements would not be prominent when viewed from the streetscene and would be partially screened by both the proposed green wall and landscaping along the front boundary of the site. The amenity impacts (including noise) on nearby residential properties as a result of the relocated HGV docking area are considered in the 'Impact on Amenity' section of this report.
- 9.21. The reduction in levels across the site has also allowed for the pedestrian access into the site to be reconsidered. A shorter path is now required to provide accessible access which in turn allows for a greater amount of landscaping to be provided along the frontage of the site. This would help to further screen the overall development from Vale Avenue and the Patcham Conservation Area and is considered a benefit of the proposed amendments.
- 9.22. It was also proposed to amend the secure fence line of the development approved under the extant permission to provide a gate on the access road with a security fence continuing westwards around the staff car parking area. Following concerns raised by officers about the visual impact of this fence, the section of security fencing that would have been located on to top of the retaining wall at the southern side of the staff car park has now been removed. It is considered that the fence would have appeared as a particularly prominent feature when viewed from and near the vehicle access point into



the site and would have added an unwanted industrial appearance to the development. Instead, the retaining wall of the staff car park will form the main security barrier at this point. Whilst there may still be a need for some form of safety fencing in this location given the adjacent staff car park, this would be more likely to take the form of a low wooden fence. Full details will be secured by condition to ensure any boundary treatment is sympathetic to the development and the streetscene.

- 9.23. Part of the proposed security fence would still be clearly visible west of the retaining wall and at the pedestrian access point into the site from Vale Avenue, albeit for limited distances. Further details of this security fence will be required by planning condition to ensure that its appearance, in the most visible locations, is not overly industrial although it is expected that any security fence would be around 2.4m in height. The vast majority of the secure fencing would however be screened by existing and proposed landscaping/vegetation when viewed from outside the site. The relocated security fence is therefore, on balance, not considered so harmful as to warrant a refusal of planning permission. It is also acknowledged that the site currently incorporates some metal palisade security fencing around it so the addition of security fencing would not be an entirely new feature on the Vale Avenue streetscene.
- 9.24. It is not considered that the centralisation of the cycle storage area and the relocation of the substation would have any harmful impacts on the appearance of the site or the visual amenities of the area and the additions of green roofs to the cycle store and refuse store are welcomed.
- 9.25. It is not considered that the proposed amendments, individually or cumulative would have a significantly detrimental impact on the visual amenities of the site or nearby heritage assets including Patcham Court Farmhouse and the wider Patcham Conservation Area subject to planning conditions securing further details where necessary. The proposal would therefore not conflict with policies DM18 and DM26 of the City Plan Part Two and Policy CP12 and CP15 of the City Plan Part One.

#### **Impact on Amenity**

- 9.26. Policy DM20 of the CPP2 states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 9.27. There are residential properties immediately to the east of the site and also to the south on the opposite side of Vale Avenue.
- 9.28. The impacts of the proposed development on neighbouring properties were assessed as part of the previous planning application. This report only considers the additional impacts that could result from the proposed amendments.

- 9.29. The closest property to the application site is 134 Vale Avenue which is located immediately to the east and south of the application site. The main potential additional impact resulting from the proposed amendment relates to the relocation of the HGV docking bays which would as a result be significantly closer to No.134 (approximately 57m closer).

Impacts upon Outlook

- 9.30. The relocated docking bays would, at their closest point, be approximately 25m from the rear boundary of No.134 and approximately 48m from the dwellinghouse at No.134. Therefore there is still a significant distance between the docking bay and No.134 so in terms of the impact on outlook from No.134 as a result of the increased proximity of HGVs loading/unloading and turning, it is not considered that it would be so harmful as to warrant a refusal of planning permission, even when taking into account that the docking bay and turning area would be located on a higher ground level than the dwelling No.134. The impact on other nearby properties has also been considered but given No.134 is the closest property and is not considered to be unacceptably impacted in respect of outlook, impacts on other residential properties are therefore also not considered to be unacceptable.
- 9.31. With regard to the other main alterations proposed as part of this S73 application, the overall lowering of the site and resulting reduction in height of the main building by 1.6m would slightly reduce the impact of the development on nearby residential properties in respect of outlook. None of the other alterations proposed are considered to have any notable impacts on the amenity of nearby residential properties.

Noise Impacts

- 9.32. A key consideration in relation to the relocated HGV docking area is the noise impact on nearby residential properties with No.134 potentially being the most impacted due to its proximity.
- 9.33.
- 9.34. A revised noise impact assessment has been undertaken and submitted by the applicant. The noise assessment states the following in respect of loading and unloading activities:  
*'Loading and unloading of vehicles will occur at the loading docks. The lorries will dock with the building at dock levellers, essentially creating an enclosed space where loading and unloading occurs. A wall adjacent to the loading docks which is required for safety reasons will act as a screen between the loading area and the noise sensitive receptors. For these reasons it has been assumed that the noise levels from these operations would be so low such at the receptor locations that they would not affect the predictions of noise from the HGV movements.'*
- 9.35. The above relates specifically to loading/unloading so overall lorry sound sources (including HGV turning/manoeuvring) have also been assessed and the assessment concludes that the noise impacts from the revised scheme would be no greater than those identified with the previous scheme in relation to all properties assessed – 134 Vale Avenue, 132 Vale Avenue, 130 Vale Avenue, the Village Barn, and Patcham Court Farmhouse. However, the

above conclusions are subject to an eastwards extension of the proposed green noise barriers which would run adjacent to the western boundary of No.134 and the northern boundary of both 134 and 132 Vale Avenue, ranging from 2.5 to 3.1m in height.

- 9.36. The noise assessment has been reviewed by the Council's Environmental Health department who accept the conclusions of the report and do not object to the application subject to the attachment of conditions to any planning consent securing the following:
- Installation and retention of the two acoustic barriers
  - Operational controls including no reversing alarms (or where legally required only broad band 'white noise' alarms set to the minimum practical level)
  - Enclosed dock loading only
  - A cap on night-time HGV movements
  - Post completion verification surveys for both rating level and maximum event levels
  - Maintenance of acoustic features and staff management plan to control human-factor noise.
- 9.37. It is therefore considered that, subject to the recommended conditions securing the above mitigation measures, the relocation of the HGV docking bay would not have unacceptable additional noise impacts and would not conflict with policies DM20 and DM40 of the City Plan Part Two.
- 9.38. Overall, it is considered that, subject to appropriate planning conditions, the proposed amendments would not have any additional significant impacts on the amenities of neighbouring properties, above and beyond the extant proposal that would warrant a refusal of planning permission. The proposal is therefore not considered to conflict with policy DM20 or DM40 of the City Plan Part Two.

### **Sustainable Transport**

- 9.39. City Plan Policy CP9 states that the Council will work with partners, stakeholders and communities to provide an integrated, safe and sustainable transport system that will accommodate new development; support the city's role as a sub-regional service and employment hub; and improve accessibility. The policy seeks to ensure developments promote and provide measures that will help to manage and improve mobility and lead to a transfer of people and freight onto sustainable forms of transport to reduce the impact of traffic and congestion, increase physical activity and therefore improve people's health, safety and quality of life.
- 9.40. Policy DM33 requires that new developments are designed in a way that is safe and accessible for all users and encourages the greatest possible use of sustainable and active forms of travel. DM35 sets out the standard and scale of information required in assessing Highways impacts. DM36 sets standards for parking and servicing of new development.

- 9.41. It is not considered that the proposed amendments to the approved scheme would have any notable impacts on the highway network. The vehicular access would remain the same, and whilst the accessible pedestrian access would be relocated, it would still remain on Vale Avenue and would have no discernible impacts on the highway. The number of staff parking spaces remains at 85. Whilst the number of fleet spaces in the operational car park would be reduced by 7 spaces, from 132 spaces to 125 spaces due to a slight increase in the size of the fleet yard parking spaces, this is considered to be a negligible decrease.
- 9.42. The overall changes to the operational parking area and HGV docking area would also have no impact on the public highway. The Local Highway Authority have raised no objection to the application, subject to the same conditions on the previous consent being attached to any new S73 consent.

### **Sustainable Drainage and Contamination**

- 9.43. Policy DM42 (Protecting the Water Environment) of the CPP2 states, amongst other things, that *'development proposals will not be permitted if they have an unacceptable impact on the quality and potential yield of local water resources used for public water supplies.'* The policy goes on to state that *'planning permission may be refused if relevant site investigations and risk assessment have not been undertaken and if necessary mitigation measures are not provided.'*
- 9.44. Policy DM43 (Sustainable Drainage) states that *'The design and layout of all new buildings, and 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.'*
- 9.45. As a result of the reconfiguration of the operational parking layout, the drainage strategy submitted as part of the previous planning application has been amended slightly. This includes the removal of a swale located to the east of the main building and some alterations to the proposed permeable parking areas. Additionally, the green roofs on the rear canopy and front projecting entrance area which formed part of the drainage strategy are now being removed but to help mitigate this loss, green roofs are being added to the cycle and bin stores. Whilst this would still result in a net loss of green roof area, the Council's Sustainable Drainage team have reviewed the updated drainage strategy and confirmed that they have no objection to the proposed amendments as they will not significantly affect the previously approved development's flood risk characteristics or the discharge rates to the sewers. Updated calculations have been provided by the applicant to demonstrate this.
- 9.46. Significant concerns were raised during determination of the previous application (BH2022/02232) that the proposed development, which is located within Source Protection Zone 1, could result in contamination of the water supply. Whilst it is not considered that the proposed amendments would

increase this risk, it should be emphasised that all previous conditions recommended by Southern Water, the Environment Agency and the Council's Sustainable Drainage team to protect the aquifer would be added to any new S73 consent. The Environment Agency have also raised no objection to the proposed amendments.

- 9.47. It is therefore considered that the proposal would be acceptable in terms of its impact on the water environment and drainage and would not conflict with policies DM42 and DM43 of the City Plan Part Two.

#### **Biodiversity, Landscape and Arboriculture**

- 9.48. Policy CP10 of the CPP1 states, amongst other things, that *'all development proposals should provide net gains for biodiversity wherever possible, taking account of the wider ecological context of the development and of local Biosphere objectives'*.
- 9.49. Policy DM22 (Landscape Design and Trees) states, amongst other things, that *'development proposals will be required to retain, improve and wherever possible provide appropriate landscape elements/landscaping, trees and planting as part of the development...'*.
- 9.50. It should be noted that the extant permission on the site was calculated to result in a net biodiversity loss on site of 59.27%, in large part due to the significant areas of car parking proposed on site for staff and operational requirements. In order to achieve a 10% biodiversity net gain, a requirement to provide off-site compensatory habitat was secured by condition.
- 9.51. There are a number of alterations proposed to the landscaping and ecology on site. Some of these would have a negative impact such as the net loss of green roofs on the site; an increase in the area allocated for operational car parking and the resultant removal of a swale and landscaping to the east of the building which included wildflower meadow and some proposed trees, and a decrease in the amount of native hedgerow proposed.
- 9.52. However, these impacts would be offset by the additional green walls (trellis planting on the acoustic fencing) and an increase in the number of medium sized trees planted along the site frontage, and as a result of the amendments the biodiversity loss on site would actually decrease from 59.27% to 56.79%. The County Ecologist has reviewed the ecological information submitted with the current application and has raised no objection to the revised proposal. Notwithstanding this, a requirement for further landscaping details will be secured by condition in order to seek further opportunities to maximise the ecological benefits of any proposed landscaping.
- 9.53. The Council's Arboricultural Officer has also reviewed the amendments and is satisfied that the proposed amendments, including the additional excavation and new retaining walls on the edges of the site, have no significant implications for the trees proposed to be retained around the edges of the site.

- 9.54. It is therefore considered that the proposed alterations would not conflict with policy CP10 of the City Plan Part One or DM22 of the City Plan Part Two.

### **Sustainability**

- 9.55. Policy CP8 of the City Plan Part 1 and DM44 of the City Plan Part Two require that all developments incorporate sustainable design features to avoid expansion of the City's ecological footprint and mitigate against and adapt to climate change. The policies also require all major non-residential developments to achieve BREEAM Excellent standard and EPC rating 'B'.
- 9.56. Two amendments are being made to the previous permission with regard to sustainability. The first is a significant reduction in the number of PV panels on the roof of the main building. The BREEAM Pre-Assessment has been amended to reflect this change but confirms that the policy requirement of BREEAM Excellent remains achievable with the PV reduction. Whilst this reduction in PV is disappointing, the scheme would still be compliant with Policy CP8 which requires BREEAM Excellent, and the planning conditions securing BREEAM Excellent and EPC rating 'B' attached to the extant planning consent would also be attached to any new S73 consent.
- 9.57. It is also proposed to reduce the level of EV Charging points on site so that approximately 50% of the fleet parking spaces have EV charging points rather than 100%. It should be noted that the entire fleet will still remain electric, but the applicant considers that given the fleet vehicles do not require recharging every day, 1 EV charging point per space is not necessary. Given that the fleet vehicles will all be electric it is not considered that reduction in the number of EV charging points would have any significant impact on air quality within the area.

## **10. CONCLUSION**

- 10.1. Paragraph 11 of the NPPF makes it clear that planning application decisions should apply a presumption in favour of sustainable development.
- 10.2. As set out in this report, both individually and cumulatively, it is not considered that the proposed amendments would have unacceptable impacts on design, layout, appearance, scale, and heritage; impact on neighbouring amenity; sustainable transport; sustainable drainage and contamination; biodiversity; landscape and arboriculture; and sustainability.
- 10.3. Whilst the relocation of the HGV docking area, expanded security fencing, reduction in PV panels, and net loss of green roof and other landscaping features are considered to have negative impacts on the overall scheme, the degree of these impacts is limited and not considered to justify a refusal of planning permission. Any impacts are balanced against the more positive amendments proposed including the lowering of the site and a reduction in the height of the main distribution building, and the changes to the location and length of the accessible path from Vale Avenue which allows for a greater amount of landscaping/vegetative screening along the front boundary.

- 10.4. The proposal would therefore, on balance, not conflict with national or local policies and is recommended for approval, subject to the proposed planning conditions, and the S106 agreement for application BH2022/02232 which also applies to this application.

## **11. COMMUNITY INFRASTRUCTURE LEVY**

- 11.1. Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23 July 2020 and began charging on all CIL liable planning applications on and from the 5 October 2020. The exact amount will be confirmed in the CIL liability notice which will be issued as soon as practicable after the issuing of planning permission. However, B8 uses in the City are not CIL rated so it is anticipated that there will be no CIL charge for the development.

## **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 through an Equalities Impact Assessment that the proposal would not give rise to unacceptable material impact on individuals or identifiable groups with protected characteristics.
- 12.3. The proposed development has been designed to be accessible with a disabled access ramp into the site from Vale Road, a level access and a lift within the building.
- 12.4. 4 Blue Badge car parking spaces are proposed as part of the development. Whilst the minimum requirement under SPD14: Parking Standards is 5 spaces, an additional space will be secured by a Car Park Layout Plan condition and Disabled Parking condition.

## **13. S106 AGREEMENT**

- 13.1. A S106 agreement was signed for the previous application BH2022/02232. It is set out within the S106 agreement that it also applies to any subsequent Section 73 consent. It is not considered that any of the proposed amendments

would require a revision to the S106 agreement so the existing S106 agreement remains valid for this application.





## PLANNING COMMITTEE LIST

**Brighton & Hove** COUNCILLOR REPRESENTATION  
**City Council**

**Cllr. Alistair McNair & Cllr Anne Meadows**

**BH2025/02142 – Patcham Court Farm, Vale Avenue**

### **25<sup>th</sup> October 2025:**

Please accept this letter as our objection to the above planning application. We have two key objections to this proposed development: the relocation of the operational yard; the removal of the green roof and swales.

Residents will be disappointed in the HGV operational yard being relocated to the south of the site, significantly closer to the resident in 133 Vale Avenue and the residents in The Village Barn and along Vale Avenue. With at least twenty-eight movements of large HGVs per day, this is likely to cause significant disturbance through noise and air pollution.

It is also disappointing to see the removal of the green roof and two of the swales and wildflower meadows along the eastern boundary and along the eastern side of the building itself. Why can't the swales and wildflower meadows be retained? And why can't the whole roof be designed to be green? The roof as it is will not be an attractive feature viewed from the South Downs.

Overall, we are disappointed to see such significant changes being made to this site after planning permission has been granted, especially changes that bring HGVs and the subsequent noise and pollution closer to residential dwellings.

Should the Local Planning Authority consider granting these variations to conditions, we request that it is brought to Planning Committee for determination where we reserve our right to speak to our letter and the application.

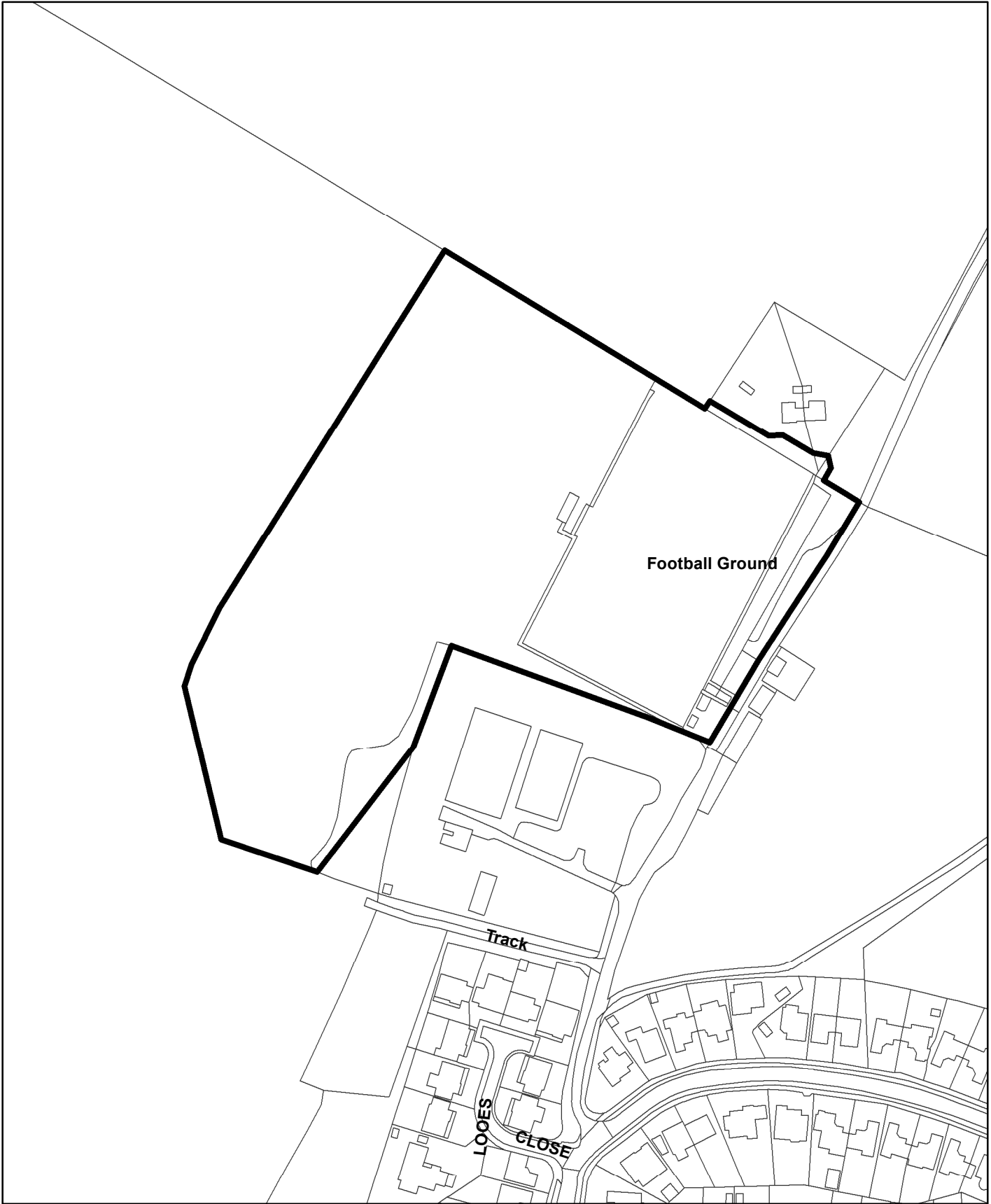


# **ITEM B**

**Saltdean United Football Club,  
Saltdean Vale  
BH2025/00834  
Removal or Variation of Condition**

**DATE OF COMMITTEE: 3<sup>rd</sup> December 2025**





**Brighton & Hove  
City Council**



**Scale: 1:2,000**



<b><u>No:</u></b>	<b>BH2025/00834</b>	<b><u>Ward:</u></b>	<b>Rottingdean &amp; West Saltdean Ward</b>
<b><u>App Type:</u></b>	<b>Removal or Variation of Condition</b>		
<b><u>Address:</u></b>	<b>Saltdean United Football Club and Playing Fields Saltdean Vale Saltdean Brighton BN2 8HE</b>		
<b><u>Proposal:</u></b>	<b>Application to vary Conditions 21 (BREEAM Certificate) and 26 (Clubhouse Operation Hours) of planning permission BH2021/04508 (as amended by BH2023/02164). (Part Retrospective)</b>		
<b><u>Officer:</u></b>	Michael Tucker, tel: 292359	<b><u>Valid Date:</u></b>	27.03.2025
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	26.06.2025
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	11.11.2025
<b><u>Agent:</u></b>	ECE Planning Limited 64-68 Brighton Road Worthing BN11 2EN		
<b><u>Applicant:</u></b>	Saltdean United Football Club C/o ECE Planning 64-68 Brighton Road Worthing BN11 2EN		

## 1. RECOMMENDATION

### 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
Other	Noise Management Plan		03-Nov-25
Proposed Drawing	DR-A-01020	P12	01-Aug-23
Proposed Drawing	DR-A-01100	P08	31-Aug-23
Proposed Drawing	DR-A-01200	P09	31-Aug-23
Proposed Drawing	LLD2845-ARB-DWG-001	01	24-Feb-23
Location Plan	XX-DR-A-01000	P03	27-May-22
Proposed Drawing	ZZ-DR-A-01110	P03	18-Aug-22
Proposed Drawing	2476-LAN-DWG-001	08	18-Aug-22
Other	Cover Letter		27-Mar-25
Report/Statement	BREEAM Appraisal		23-Oct-25

- Not used.

3. The construction shall be carried out in accordance with the Construction Environmental Management Plan (CEMP) approved under application BH2023/02265.  
**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.
4. The development shall be carried out in accordance with the Site Waste Management Plan approved under application BH2023/02265.  
**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.
5. The development shall be implemented in accordance with the details of existing and proposed ground levels approved under application BH2023/02265.  
**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 DM18 and DM20 of Brighton & Hove City Plan Part 2 and CP12 of the Brighton & Hove City Plan Part One.
6. The development shall be implemented in strict accordance with the tree protection plan(s) (TPP) and the Arboricultural Method Statement (AMS) details approved under BH2023/00323.  
**Reason:** As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area and for biodiversity and sustainability reasons, to comply with policies DM22 and DM37 of Brighton & Hove City Plan Part 2, and CP8, CP10 and CP12/CP13 of the Brighton & Hove City Plan Part One and SPD06:Trees and Development Sites.
7. Not used.
8. Development shall be carried out in accordance with the details of external materials approved under application BH2023/02265.  
**Reason:** To ensure a satisfactory appearance to the development and to comply with policies DM18/DM21/DM26 of Brighton & Hove City Plan Part 2 and CP12/CP15 of the Brighton & Hove City Plan Part One.
9. The scheme for landscaping approved under application BH2023/02265 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.  
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 provide ecological and sustainability benefits, to comply with policies DM22 and DM37 of Brighton & Hove City Plan Part 2, and CP8, CP10, CP12 and CP13 of the Brighton & Hove City Plan Part One.

10. A landscape and ecological management plan (LEMP) shall be submitted to, and approved in writing by, the local planning authority prior occupation of the development. The content of the LEMP shall include the following:
- a) description and evaluation of features to be managed;
  - b) ecological trends and constraints on site that might influence management;
  - c) aims and objectives of management;
  - d) appropriate management options for achieving aims and objectives;
  - e) prescriptions for management actions, together with a plan of management compartments;
  - f) preparation of a work schedule (including an annual work plan capable of being rolled forward over a five year period;
  - g) details of the body or organisation responsible for implementation of the plan;
  - h) ongoing monitoring and remedial measures.

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

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

11. 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 to comply with policies DM20 and DM40 of Brighton & Hove City Plan Part 2.

12. Prior to occupation, a Lighting Design Strategy for Biodiversity shall be submitted to and approved in writing by the local planning authority. The strategy shall:
- a) identify those areas/features on site that are particularly sensitive for bats and badgers and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
  - b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the planning authority.

**Reason:** 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. Such disturbance can constitute an offence under relevant wildlife legislation.

13. The development hereby permitted shall not be first occupied until:
- i) details of the internal lighting to the clubhouse function room and social room as well as 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. The lighting scheme shall include access and entrances to the clubhouse, approved formal parking spaces, the concourse and pedestrian and circulation routes in between.
  - ii) The internal and external lighting shall be installed, operated and maintained in accordance with the approved details and thereafter retained.

**Reason:** To ensure the safe access and movement of vehicles, pedestrians and spectators associated with the development hereby approved and members of the public during its use and to comply with Brighton and Hove City Plan Part 1 Policy SA5 and Brighton and Hove City Plan Part 2 policy DM33.

14. The development hereby permitted shall not be first occupied until the existing temporary storage containers on the east side of the bridleway shown on the approved plans for removal have been removed from the site and the land restored to the satisfaction of the local planning authority.

**Reason:** In order to enhance the appearance of the site and the setting of the National Park and to protect and enhance biodiversity and the adjacent Local Wildlife Site in accordance with Brighton and Hove City Plan Part 1 Policy SA5 and Brighton and Hove City Plan Part 2 policy DM37.

15. Prior to occupation, a scheme shall be submitted in writing to the satisfaction of the local planning authority showing the numbers and layout of the informal parking areas shown on the approved plans together with the installation of 900mm high timber bollards with reflective strips alongside the boundary of the Local Wildlife Site and the South Downs National Park Authority. The scheme shall be implemented thereafter and retained.  
**Reason:** In order to provide a safe parking layout and to protect and enhance the natural landscaping and ecology and the setting of the National Park and to comply with policies SA5 of Brighton and Hove City Plan Part 1 and Brighton and Hove City Plan Part 2 policies DM20; DM22; DM36 and DM37.
16. The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.  
**Reason:** To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with Policies DM18 and DM21 of Brighton & Hove City Plan Part 2, policy CP8 of the Brighton & Hove City Plan Part One and Policy WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.
17. The development hereby permitted shall not be occupied until details of the secure cycle parking facilities for the occupants of, and visitors to, the development have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.  
**Reason:** To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy DM33 of Brighton & Hove City Plan Part 2, and SPD14: Parking Standards.
18. Within three months of the date of first occupation a Travel Plan and Match Day Stewarding Plan for the development shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan and Match Day Stewarding Plan shall thereafter be fully implemented in accordance with the approved details.  
**Reason:** To ensure the promotion of safe, active and sustainable forms of travel and comply with policies DM35 of Brighton & Hove City Plan Part 2, and CP9 of the Brighton & Hove City Plan Part One.
19. Prior to commencement of use of the 3G pitch, a Management and Maintenance Scheme for the facility including management responsibilities, a maintenance schedule including measures to ensure replacement of the 3G pitch within a specified period and a mechanism for review shall be submitted to the Local Planning Authority after consultation with Sport England. The measures shall be applied in full, with effect from commencement of use of the ATP at Saltdean FC.  
**Reason:** To ensure that the new facility is capable of being managed and maintained to deliver a facility which is fit for purpose, sustainable and to ensure

benefit of the development to sport and to comply with policy CP17 of the Brighton & Hove City Plan Part One.

20. Prior to commencement of use of the 3G pitch, a Community Use Agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority. The agreement shall apply to the 3G pitch, ancillary facilities including changing and wc facilities, car parking and include details of pricing policy, hours of use, access by non-club members, management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement.

**Reason:** To secure well managed safe community access to the sports facilities to ensure sufficient benefit to the development of sport and to accord with policy CP17 of City Plan Part One.

21. Within 6 months of first occupation of the non-residential development hereby permitted a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the non-residential development built has achieved a minimum BREEAM New Construction rating of 'Good' shall be submitted to, and approved in writing by, the Local Planning Authority.

*In addition, it shall be demonstrated that the available mandatory credits required for a BREEAM rating of 'Excellent' as set out in Table 2.5 "Minimum BREEAM standards by rating level" of BREEAM UK New Construction Version 6.1 Technical Manual SD5079, and as identified in the submitted BREEAM appraisal as being targeted (Delta Green, received 23<sup>rd</sup> October 2025), have been achieved.*

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

22. No tree shown as retained on the approved drawings shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the development phase and thereafter within 5 years from the date of occupation of the building for its permitted use, other than in accordance with the approved plans and particulars or as may be permitted by prior approval in writing from the local planning authority. 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 provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development in compliance with policies DM22 and DM37 of Brighton & Hove City Plan Part 2, and CP8, CP10, CP12 and CP13 of the Brighton & Hove City Plan Part One.

23. All ecological measures and/or works shall be carried out in accordance with the details contained in Preliminary Ecological Appraisal and Landscape Use Assessment for Bats (BJ Collins Protected Species Surveyors, December 2021) and the Landscape Design Strategy (Lizard Landscape Design and Ecology,

12.08.22 Rev 06) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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

24. The development hereby permitted shall be implemented in accordance with the approved detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods as per the recommendations of the following approved documents:

- Flood Risk Assessment and Drainage Strategy Ref: E8388-RE001 Rev C Associated appendices including:
- Drainage Layout Sheet 1 Ref. E8388-201 Rev P2 & Sheet 2 Ref 2 E8388-201 Rev P2
- Exceedance Plan Ref. E8388-205 Rev P2
- Surface Water Flood Risk Map Overlay Ref. E8388-SK201 Rev P2
- Typical Details Ref. E8388-250 Rev P1
- FRA Addendum Ref. E8388-RE003 Rev A

**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.

25. 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 a level 5dB below the existing LA90 background noise level. The Rating Level and existing background noise levels are to be determined as per the guidance provided in BS 4142:2014 (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.

26. The first floor clubhouse hereby approved shall not be open to customers, including club members, between the hours of 23:00 to 07:00 on Mondays to Saturdays, and 22:30 to 07:00 on Sundays. After 21:30, use of the viewing balcony shall not be permitted except for viewing matches already in play.

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

27. No open storage except where shown on the approved plans shall take place within the curtilage of the site without the prior written approval of the Local Planning Authority.

**Reason:** To safeguard the amenities of the occupiers of adjoining properties, the visual amenity of the area, the setting of the National Park and protection of

wildlife and ecology and to comply with policy DM20 of the Brighton & Hove City Plan Part Two.

28. The hard surface hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.

**Reason:** To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policies CP8 & CP11 of the Brighton & Hove City Plan Part One.

29. Prior to occupation of the clubhouse, the accessible toilets on both floors shall be fitted with and include provision of changing facilities including fold down tables suitable for all and shelving for equipment. The facilities shall be retained and maintained thereafter.

**Reason:** To ensure inclusive, adaptable and accessible provision of suitable facilities to the clubhouse and ground for all visitors and spectators and to comply with policies CP12; CP16; CP17 of the Brighton & Hove City Plan Part One.

30. The first-floor clubhouse hereby approved shall be operated in strict accordance with the Noise Management Plan (Joynes Nash Acoustic Consultants, received 03/11/2025).

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

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 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, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel 0330 303 0119), or [www.southernwater.co.uk](http://www.southernwater.co.uk)

## 2. SITE LOCATION

- 2.1. The application relates to an area of some three hectares located to the north of the built-up area of Saltdean. The site is the main home of Saltdean Football Club, and comprises, on the eastern half, a full-sized grass pitch with two small spectator stands on each side; a large training pitch on a raised plateau to the west; and a smaller junior pitch to the south, also on a cut and fill raised plateau.

- 2.2. Planning permission (BH2021/04508) was granted for alterations and additions to the site including the installation of a 3G artificial football pitch, boundary fencing, a replacement spectator stand and a new clubhouse.
- 2.3. A subsequent application (BH2023/02164) varied condition 1 of BH2021/04508 to allow for amendments to the approved drawings, primarily to the design of the clubhouse building.

### **3. RELEVANT HISTORY**

- 3.1. **BH2023/02265** - Approval of Details reserved by Conditions 3 (construction environmental management plan), 4 (site waste management plan), 5 (ground levels), 7 (carbon emissions reduction), 8 (materials), and 9 (landscaping) of application BH2023/02164. Approved
- 3.2. **BH2023/02164** - Application to vary condition 1 of planning permission BH2021/04508 for changes to the roof ridge, omission of balcony to south elevation, amended glazing at first floor south elevation, relocation of ground floor entrance stair window from east to south elevation, relocation of first floor entrance window from south to east elevation, widening of escape stair door on north elevation and changes to first floor escape stair window on east elevation. Approved
- 3.3. **BH2023/00323** - Application for approval of details reserved by condition 6 (tree protection scheme) of application BH2021/04508. Approved
- 3.4. **BH2021/04508** - Installation of a 3G artificial football pitch, fencing, replacement spectator stand, external seating area, new clubhouse, car and cycle parking. (Revised plans to re-position clubhouse, revised landscaping and parking layout). Approved

### **4. APPLICATION DESCRIPTION**

- 4.1. The current application seeks to vary conditions 21 and 26 of BH2021/04508 (as varied by BH2023/02164) to allow for:
- A reduction in the required BREEAM rating from 'Excellent' to 'Good'
  - An extension to the permitted hours of use of the first floor of the clubhouse (containing the social and function room) for an additional 30 minutes in the evenings on Mondays to Thursdays. This would align with the already approved opening hours for Fridays and Saturdays.
- 4.2. The reasons for these changes are set out in the Considerations & Assessment section below. The application is part-retrospective as construction has commenced on site.

### **5. REPRESENTATIONS**

- 5.1. **Ten (10)** letters of objection, including the following points:
- Noise disturbance and anti-social behaviour
  - Additional traffic, blocking of bus route
  - Impact on wildlife including from light pollution
- 5.2. **Nineteen (19)** letters of support, including the following points:
- Valuable community resource that is considerably run
  - Lowered BREEAM target necessary to make the development achievable
  - Varied opening hours would align with the previous clubhouse and allow for use after evening matches
- 5.3. Full details of representations received can be found online on the planning register.

## **6. CONSULTATIONS**

- 6.1. **Environmental Health:** No objection  
Saltdean Football Club has a premises licence and should this application be approved the applicant must ensure that the hours on the licence are varied to permit this. The applicant should be aware that the more restrictive hours apply.
- 6.2. **Sustainability / Net Zero:** No objection  
Latest comment 28th October 2025:  
The updated material submitted demonstrates that it is no longer realistic for the development to obtain either an 'Excellent' or 'Very Good' rating.
- 6.3. It is encouraging to see efforts being made to secure additional credits, however it is also regrettable that many early-stage opportunities were missed due to the late submission of reports.
- 6.4. Full details of consultation responses received can be found online on the planning register.

## **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 Joint Area Action Plan (adopted October 2019).

## 8. POLICIES

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP8	Sustainable buildings

#### Brighton & Hove City Plan Part Two

DM20	Protection of Amenity
DM44	Energy Efficiency and Renewables

## 9. CONSIDERATIONS & ASSESSMENT

- 9.1. As this is an application under Section 73 of the Town and Country Planning Act, consideration is limited to those matters which vary compared to the extant permission. In this case this would be the sustainability credentials of the development and the impact upon neighbouring amenity.

### **Sustainability:**

- 9.2. The current wording of condition 21 is:  
*Within 6 months of first occupation of the non-residential development hereby permitted a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the non-residential development built has achieved a minimum BREEAM New Construction rating of 'Excellent' shall be submitted to, and approved in writing by, the Local Planning Authority.*  
**Reason:** *To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy CP8 of the Brighton & Hove City Plan Part One.*
- 9.3. The application seeks to vary this condition to lower the target BREEAM New Construction rating to 'Good'.
- 9.4. The BREEAM assessment regime operates by awarding credits for various actions and design features, many of which have to be undertaken and registered at certain stages of the project and cannot be obtained retrospectively. An 'Excellent' rating requires at least 70% of the available credits to be obtained. A score of 'Very Good' requires at least 55%, and 'Good' requires 45%.
- 9.5. Although the BREEAM Pre-Assessment submitted with the original application identified that BREEAM 'Excellent' was achievable, the supporting evidence submitted as part of the current application seeks to make the case that neither BREEAM 'Excellent' or 'Very Good' are now technically feasible for the scheme to achieve. The reasons given include:

- That 21 credits (out of a total of 144) linked to early design stage actions were not undertaken due to financial cost concerns and the risk of planning permission not being granted
  - That the scheme is subject to financial constraints as a community project funded by donations
  - Build costs have escalated since the original planning permission was granted
  - The clubhouse would in isolation be a 'minor' development and if assessed on this basis would only be required to achieve BREEAM 'Very Good' under Policy CP8
  - The scheme is maximising the remaining available credits where still possible, including achieving many of the 'Excellent' minimum standards.
- 9.6. Policy CP8 of the City Plan Part One sets the BREEAM target of 'Excellent' for Major non-residential development but does also allow for flexibility where it can be demonstrated that achieving 'Excellent' is not technically feasible and/or would make the scheme unviable.
- 9.7. Substantial additional information and clarification has been provided during the course of this application. The latest BREEAM appraisal (dated 22nd October 2025) identifies a current Targeted score of 47%, with a Potential score of 52.09%, and includes a detailed account of the credits that have been missed and the credits that can and cannot now be obtained.
- 9.8. Lowering the required BREEAM rating to 'Good' is a significant reduction and it is disappointing that the applicant and their consultant did not take the necessary actions to register the early-stage credits that could have enabled the original target of BREEAM 'Excellent', or even the intermediate rating of 'Very Good', to be achieved. It is stated within the application that this was due to cost concerns and this alone is not a satisfactory explanation, although it is recognised that the project is run by a community organisation.
- 9.9. In terms of viability, as the development is funded by donations it is difficult for the applicant to robustly demonstrate this aspect. Moreover, no quantitative evidence relating to increased build costs has been provided. Only limited weight is therefore given to this part of the applicant's justification.
- 9.10. Notwithstanding, it is welcomed that the scheme is doing what it can to achieve the remaining available credits. The scheme is also still targeting many credits that would have been mandatory to achieve BREEAM 'Excellent', including four credits relating to the reduction of energy use and carbon emissions. These are the largest category of mandatory credits and ensuring that these credits are achieved would further the Council's ambition to become carbon neutral by 2030. Moreover, the scheme would still include other sustainability measures such as Air Source Heat Pumps (ASHPs).
- 9.11. It is also recognised that, as a community facility, there is some public benefit arising from the proposal and lowering the BREEAM target as proposed would assist in the delivery of the project.

- 9.12. The Council's Net Zero team have reviewed the justification provided with the application and, on the basis of the latest submitted evidence, have no objection to lowering the target rating to 'Good'. The Net Zero team have confirmed that it would no longer be realistic for the scheme to achieve 'Excellent' or 'Very Good'.
- 9.13. Taking all of the above into consideration, on balance the request to lower the required BREEAM rating to 'Good' would not be objectionable.
- 9.14. In light of the above, the updated wording of condition 21 would be:  
*Within 6 months of first occupation of the non-residential development hereby permitted a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the non-residential development built has achieved a minimum BREEAM New Construction rating of 'Good' shall be submitted to, and approved in writing by, the Local Planning Authority.*  
*In addition, it shall be demonstrated that the available mandatory credits required for a BREEAM rating of 'Excellent' as set out in Table 2.5 "Minimum BREEAM standards by rating level" of BREEAM UK New Construction Version 6.1 Technical Manual SD5079, and as identified in the submitted BREEAM appraisal as being targeted (Delta Green, received 23<sup>rd</sup> October 2025), have been achieved.*  
**Reason:** *To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy CP8 of the Brighton & Hove City Plan Part One.*
- Impact on Amenity:**
- 9.15. Policy DM20 of the City Plan Part Two states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 9.16. The current wording of condition 26 reads:  
*The first floor clubhouse hereby approved shall not be open to customers including club members outside the hours of 22.30 to 0700 Sundays to Thursdays and 2300 to 0700 on Fridays and Saturdays. Use of the viewing balcony shall not be permitted except for viewing matches in play after 9.30pm in the evening.*  
**Reason:** *To safeguard the amenities of the locality and to comply with policies DM20 and DM40 of Brighton & Hove City Plan Part 2.*
- 9.17. The first floor of the clubhouse contains social spaces including a function room, bar, and external viewing terrace. It is used in conjunction with the football pitch but is also a venue available for external hire.
- 9.18. The proposal would result in the permitted hours of use for the first floor being extended by an additional 30 minutes in the evenings on Mondays to Thursdays, with a closing time of 23:00 instead of 22:30. This would align with the already approved opening hours for Fridays and Saturdays. The Sunday closing time would remain unchanged at 22:30. After 21:30, the external viewing terrace would still only be permitted for use for viewing matches in-play.

- 9.19. The reason given in the application as to why this change is sought includes:
- To align with the established use of the pre-existing clubhouse
  - To align with the schedule of use of the pitch and to allow for evening matches going to extra time , and
  - As the function room is a source of revenue for the club
- 9.20. This condition relates only to the first floor of the clubhouse. The ground floor of the clubhouse (which contains changing rooms, W/Cs, and medical/admin spaces) and the football pitch(es) are not subject to restrictive planning conditions, nor was the (pre-) existing clubhouse which also included a function room and a bar.
- 9.21. The proposed increase to the hours of use of the first floor would therefore not affect noise generated from matches/practice sessions on the floodlit football pitches or from activity taking place within the ground floor of the building.
- 9.22. However, the function room/bar is also intended to be available for hire as a venue for use independent of football fixtures. Whilst it is recognised that the proposal is in some respects seeking a continuation of the pre-existing hours of use of the current clubhouse (which was not subject to restrictive planning conditions), there is some concern that the extended hours of use up to 23:00 on Sundays to Thursdays has the potential to result in a significant harmful impact on neighbouring amenity. The new clubhouse has a larger capacity, is at an elevated position, and has large openable windows and an external terrace. The new clubhouse is also closer to residential neighbours at Pickers Hill Farm Cottages than the existing clubhouse, albeit is still some 50m distant and moreover is further from dwellings on Looes Barn Close and Coombe Vale.
- 9.23. The original application BH2021/04508 included a noise management plan (NMP) for the clubhouse, however this was not secured by condition as part of the approval. The NMP includes measures such as keeping windows closed whilst amplified music is being played, noise monitoring during events and a complaints procedure.
- 9.24. The proposed extended opening hours are only considered acceptable on the basis of securing the NMP by condition.
- 9.25. It is noted that no objection has been raised by the Environmental Protection team, and that this application would not prevent an investigation under the Environmental Protection Act 1990, should any complaints be received.
- 9.26. Accordingly, extending the permitted opening hours for the first floor of the clubhouse is considered to be acceptable.
- 9.27. The proposed wording of condition 26 would be:  
*The first floor clubhouse hereby approved shall not be open to customers, including club members, between the hours of 23:00 to 07:00 on Mondays to Saturdays, and 22:30 to 07:00 on Sundays. After 21:30, use of the viewing balcony shall not be permitted except for viewing matches already in play.*

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

- 9.28. A new condition 30 would be worded as follows:  
*The first-floor clubhouse hereby approved shall be operated in strict accordance with the Noise Management Plan (Joyntes Nash Acoustic Consultants, received 03/11/2025).*

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

## 10. EQUALITIES

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.
- 10.1. 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.



# **ITEM C**

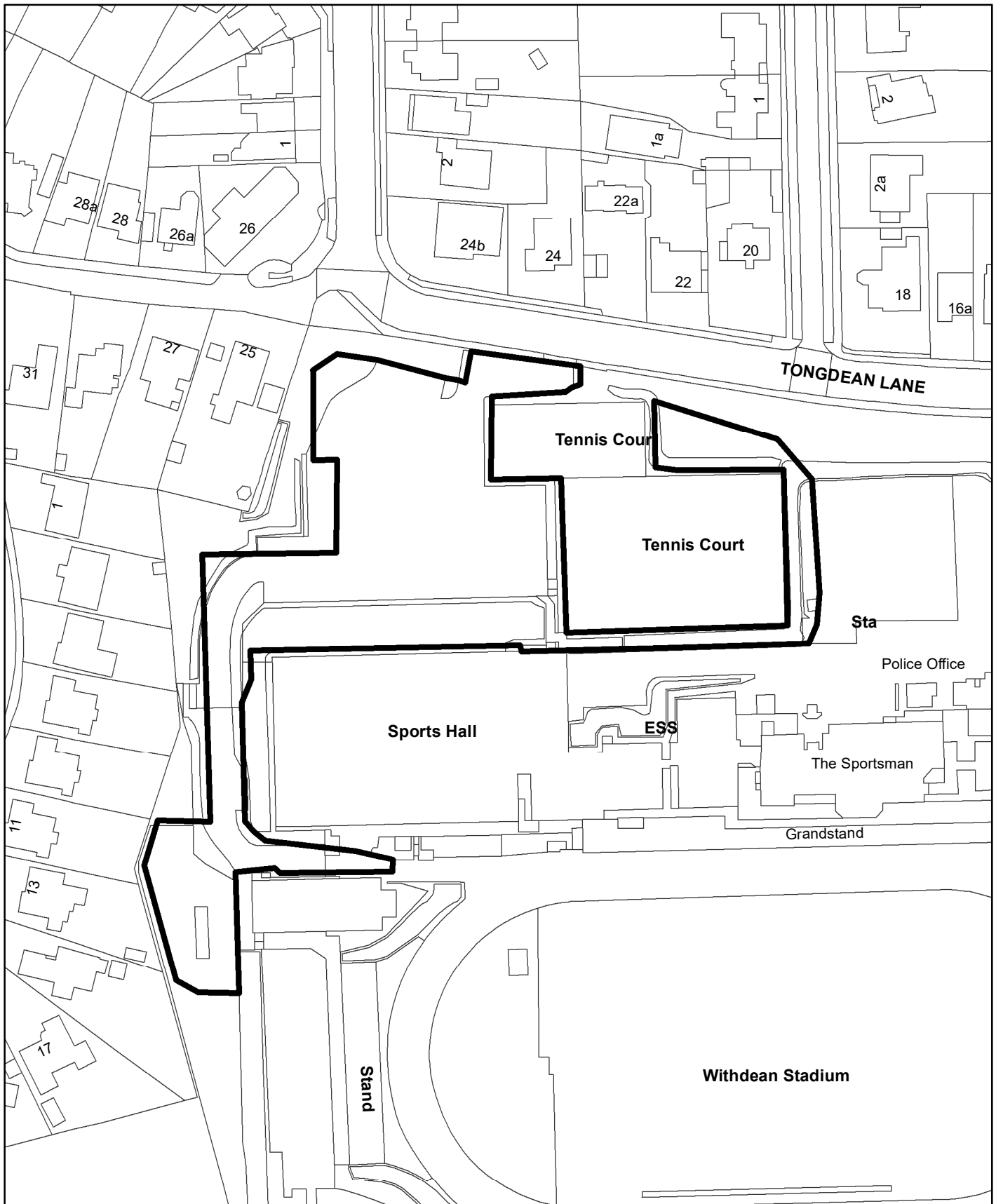
**Withdean Sports Complex,  
Tongdean Lane  
BH2025/01881  
Council Development (Full Planning)**

**DATE OF COMMITTEE: 3<sup>rd</sup> December 2025**





# BH2025 01881 - Withdean Sports Complex, Tongdean Lane



**Brighton & Hove  
City Council**

N



**Scale: 1:1,250**



<b><u>No:</u></b>	<b>BH2025/01881</b>	<b><u>Ward:</u></b>	<b>Westdene &amp; Hove Park Ward</b>
<b><u>App Type:</u></b>	<b>Council Development (Full Planning)</b>		
<b><u>Address:</u></b>	<b>Withdean Sports Complex Tongdean Lane Brighton BN1 5JD</b>		
<b><u>Proposal:</u></b>	<b>Extension to North elevation of existing sports complex to include new community swimming pool facility, accessible changing facilities, associated ancillary and plant spaces, overflow carpark, landscaping and refurbishment of reception area to create link to the swimming pool.</b>		
<b><u>Officer:</u></b>	Wayne Nee, tel: 292132	<b><u>Valid Date:</u></b>	14.08.2025
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	09.10.2025
<b><u>Listed Building Grade:</u></b>	N/A	<b><u>EOT:</u></b>	<b>10.12.2025</b>
<b><u>Agent:</u></b>	Box Architects 1 Foundry Square Leeds LS11 5DL		
<b><u>Applicant:</u></b>	Brighton And Hove City Council Hove Town Hall Norton Road Hove BN3 3BQ		

## 1. RECOMMENDATION

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

### Conditions:

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

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

Plan Type	Reference	Version	Date Received
Location Plan	WTH-BOX-03-XX-D-A-0305	C01	29-Jul-25
Block Plan	WTH-BOX-03-XX-D-A-0310	C03	22-Oct-25
Proposed Drawing	WTH-BOX-03-00-D-A-0300	C02	22-Oct-25
Proposed Drawing	WTH-BOX-03-B1-D-A-0301	C02	22-Oct-25
Proposed Drawing	WTH-BOX-03-RF-D-A-0302	C02	22-Oct-25
Proposed Drawing	WTH-BOX-03-XX-D-A-0320	C02	22-Oct-25
Proposed Drawing	WTH-BOX-03-XX-D-A-0321	C02	22-Oct-25
Proposed Drawing	WTH-BOX-SK-XX-D-A-0311	C03	22-Oct-25
Proposed Drawing	WTH-BOX-SK-XX-D-A-0330	C01	23-Sep-25
Proposed Drawing	200.22080-ACE-00-ZZ-D-C-3201	P01	14-Nov-25
Other	TREE PROTECTION PLAN		01-Aug-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 works of any part of the development hereby permitted shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods have been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design  
**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 Two and CP11 of the Brighton & Hove City Plan Part One and SPD16: Sustainable Drainage.
  
4. 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 DM18 of the Brighton and Hove City Plan Part Two, CP8 of the Brighton & Hove City Plan Part One, WMP3 of the Waste Plan (2013), and RM0 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan.
  
5. No development above ground floor slab level shall take place until a scheme setting out highway works to implement the new/extended footway across the verge on Tongdean Lane and new Highway Signs at the Tongdean Lane/Withdean Road junction, has been submitted to and approved in writing by the local planning authority. No part of the building hereby approved shall be occupied until the approved highway works have been carried out in accordance with the approved scheme.  
**Reason:** To ensure safe pedestrian, cyclist and vehicular access into, out of and past the site and road safety for all road users and to comply with policies CP9, CP11, CP13 of the City Plan Part One and DM33 of City Plan Part 2.
  
6. No development, including enabling works or demolition, shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. They shall include:
  - a). The phases (if applicable) of the development hereby permitted, including the forecasted completion date
  - b). A scheme setting out how the contractors will minimise disturbance to neighbours regarding issues such as noise and dust management vibration site traffic and deliveries to and from the site
  - c). Details of proposed site accesses and any pitlanes or loading / unloading areas within the highway, which shall be sufficient to allow all vehicles to enter and exit these in forward gear without reversing on the highway
  - d). Details of hours of demolition and construction including all associated vehicular movements

- e). Details of the demolition and construction compound
- f). A plan showing demolition and construction traffic routes and the type and the number of vehicles forecast to use these by phase of construction
- g). Details of measures to protect highway assets and to mitigate impacts on public transport and emergency services and provide for their continued operation during the works
- h). Details of vehicle cleaning facilities to prevent mud and dirt being trafficked onto the highway from the site or being washed onto it
- i). Details of any temporary traffic management and signage along the construction routes, at site access and elsewhere in the vicinity of the site
- j). Details of employee and contractor parking

The demolition and construction works shall be carried out in accordance with the approved CEMP and no part of the development hereby approved shall be occupied until the approved highway works have been carried out in accordance with the agreed details.

**Reason:** As this matter is fundamental to the protection of neighbouring amenity, highway safety and managing waste throughout development works and to comply with Policies CP8 and CP9 of the Brighton & Hove City Plan Part One, DM20, DM33 and DM40 of the Brighton and Hove City Plan Part Two, WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Revised Policies and SPD03.

7. No development (including any demolition, site clearance or enabling works) shall take place until:
  - (a) A Biodiversity Gain Plan (BGP) has been prepared in broad accordance with the Biodiversity Net Gain Assessment dated November 2025 and prepared by Pennine Ecological; and
  - (b) The BGP 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 1990 (as amended), policies CP10 of the Brighton & Hove City Plan Part One and DM37 of Brighton & Hove City Plan Part Two, and Supplementary Planning Document 11: Nature Conservation and Development.

8. 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 use of the development;
  - v) the monitoring methodology and frequency in respect of the created or enhanced habitat; and

- 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.

**Reason:** To ensure the development delivers biodiversity net gain in accordance with Schedule 7A of the Town and Country Planning Act 1990 (as amended), policies CP10 of the Brighton & Hove City Plan Part One and DM37 of Brighton & Hove City Plan Part Two, and Supplementary Planning Document 11: Nature Conservation and Development.

- 9. The development hereby permitted shall not be first occupied until a Completion Report, evidencing the completed 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 1990 (as amended), policies CP10 of the Brighton & Hove City Plan Part One and DM37 of Brighton & Hove City Plan Part Two, and Supplementary Planning Document 11: Nature Conservation and Development.

- 10. Habitat monitoring reports 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. The reports shall include (where the results from monitoring show that conservation aims and objectives of the HMMP are not being met) any contingencies and/or remedial action for agreement. Any agreed contingencies or remedial action shall thereafter be implemented in accordance with the approved details.

**Reason:** To ensure the development delivers biodiversity net gain in accordance with Schedule 7A of the Town and Country Planning Act 1990 (as amended), policies CP10 of the Brighton & Hove City Plan Part One and DM37 of Brighton & Hove City Plan Part Two, and Supplementary Planning Document 11: Nature Conservation and Development.

- 11. The development hereby permitted shall not be commenced (including demolition and all preparatory work) until the protection measures identified in the submitted Tree Protection Plan received on 01/08/2025 are in place and retained throughout the construction process. 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 the site during construction works in the interest of the visual amenities of the area and to provide ecological and sustainability benefits, to comply with policies DM22 and DM37 of Brighton & Hove City Plan Part 2, and CP8, CP10 and CP12 of the Brighton & Hove City Plan Part One and SPD06: Trees and Development Sites.

12. In the event that excavation within the root protection area of protected trees (as identified in the submitted Tree Protection Plan received on 01/08/2025) is required to take place, prior to any works to trees, a construction method statement for the no dig ground protection, to include details of proposed materials and installation measures, shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be implemented in strict accordance with the approved details.  
**Reason:** As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area and for biodiversity and sustainability reasons, to comply with policies DM22 and DM37 of Brighton & Hove City Plan Part 2, and CP8, CP10 and CP12/CP13 of the Brighton & Hove City Plan Part One and SPD06:Trees and Development Sites.
13. No development above ground floor slab level shall take place until a drainage strategy detailing the proposed means of foul water disposal, including swimming pool backwash water (and of the contents of the pool if these need to be drained to the sewer), and an implementation timetable, has been submitted to and approved in writing by, the Local Planning Authority in consultation with the sewerage undertaker.  
The development shall be carried out in accordance with the approved scheme and timetable.  
**Reason:** To ensure adequate foul sewage drainage/treatment is available prior to development commencing and to comply with policy DM42 of Brighton & Hove City Plan Part 2.
14. No development to the car parks shall commence on site until a Scheme of Management of vehicle and any other forms of parking and stopping in the car park area has been submitted to and approved in writing by the Local Planning Authority. The scheme must at least include the following measures:
- Details of how the proposal complies with SPD14 Parking Standards
  - Details of how each car parking space will be allocated and managed
- The above Scheme and associated parking plan must be implemented prior to the occupation of the building and thereafter be maintained as such.  
**Reason:** To ensure the development maintains a sustainable transport strategy and to comply with SPD14 Parking Standards and CP9 of the City Plan Part One and policy DM33 of City Plan Part Two.
15. No works to any external surfaces 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 of all cladding to be used, including details of their treatment to protect against weathering
  - b) samples/details of all hard surfacing materials
  - c) 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/DM21 of Brighton & Hove City Plan Part 2 and CP12 of the Brighton & Hove City Plan Part One.

16. The proposed development shall not be brought into use until a Management Plan, setting out noise management and safety measures associated with operation of the pool and car park(s) has been submitted to and approved in writing by the Local Planning Authority. The Plan shall include an acoustic assessment which takes into account cumulative impact, low-frequency control, and verification measures.

The development shall be operated in accordance with the approved management plans and thereafter maintained.

**Reason:** To safeguard the amenities of the locality and to comply with policy CP15 of the City Plan Part One and DM20 and DM40 of Brighton & Hove City Plan Part Two.

17. The proposed development shall not be brought into use until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out and provided in full in accordance with the approved details prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.

**Reason:** To ensure the provision of satisfactory facilities for the storage of refuse and to comply with Policies DM18 and DM21 of Brighton & Hove City Plan Part 2, policy CP8 of the Brighton & Hove City Plan Part One and Policy WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.

18. 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 part1 are achieved. Where these levels have not been met, a report shall demonstrate what measures have been taken to reduce the levels to those agreed in part i).

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

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

19. Prior to first occupation of the development hereby permitted, a Car Park Layout Plan shall have been submitted to and approved in writing by the Local Planning Authority.

This should include details of proposed (and any remaining existing), cycle parking, motorcycle parking, car parking, electric vehicle parking and charging, mobility scooter parking and charging, disabled parking, customer parking, parent and child parking, loading bays, taxi pick-up and drop off,



upgrade/expansion of bikeshare, and signage (markings and signs) for the management of all forms of parking and stopping as appropriate (such as numbered spaces and Department for Transport approved names and symbols (e.g. for a disabled bay) inside and outside of the space).

This should also include details of

- how vehicles safely and conveniently turn to leave the site in a forward gear
- dropped kerbs from footways and tactile paving where appropriate for the mobility and visually impaired including adults with child buggies.

The approved car parking layout scheme shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.

**Reason:** To ensure the development provides for the needs of all occupants and visitors to the site, to ensure the provision of satisfactory facilities for all users of the car park including pedestrians and the mobility and visually impaired and to comply with policies SPD14 Parking Standards and CP9 of City Plan Part One & DM33 of City Plan Part Two.

20. Prior to first occupation of the development hereby permitted, details of secure cycle parking facilities for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.

**Reason:** To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy DM33 of the Brighton & Hove City Plan Part Two.

21. The development hereby permitted shall not be brought into use until a Plan detailing the positions, height, design, materials and type of all existing and proposed boundary treatments shall have been submitted to and approved in writing by the Local Planning Authority. The Plan shall also include details of measures along the western, northern and southern boundaries of the new overflow car park to mitigate any noise impacts to neighbouring properties, which may include introduction of acoustic fencing. Section drawings may be required to establish land levels.

The boundary treatments shall be provided in accordance with the approved details prior to occupation of the development and shall thereafter be retained at all times.

**Reason:** To enhance the appearance of the development in the interest of the visual and residential amenities of the area and to mitigate noise impacts, to comply with policies DM18, DM20, DM21 and DM40 of Brighton & Hove City Plan Part 2, and CP12 and CP13 of the Brighton & Hove City Plan Part One.

22. The development hereby permitted shall not be brought into use until a scheme for landscaping has been 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, with nursery stock sizing of trees to be a minimum 12-14cm;
- c. details of all boundary treatments to include type, position, design, dimensions and materials;
- d. details of a maintenance regime, to include a three-year watering programme for any new trees from April to September;

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 provide ecological and sustainability benefits, to comply with policies DM22 and DM37 of Brighton & Hove City Plan Part 2, and CP8, CP10, CP12 and CP13 of the Brighton & Hove City Plan Part One.

- 23. The development hereby permitted shall not be brought into use until a Delivery & Service Management Plan, which includes details of the types of vehicles, how deliveries servicing and refuse collection will take place and the frequency of those vehicle movements has been submitted to and approved in writing by the Local Planning Authority. All deliveries servicing and refuse collection shall thereafter be carried out in accordance with the approved plan.

**Reason:** In order to ensure that the safe operation of the development and to protection of the amenities of nearby residents, in accordance with policies DM20, DM33, and DM40 of Brighton & Hove City Plan Part 2.

- 24. Prior to first occupation of the development hereby approved, details of the proposed photovoltaic array hereby approved, including details of the position, size, protrusion from the roof (when measured perpendicular with the external surface of the roof), fixing, colour and finish, associated equipment, and any minor strengthening works to the roof, 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. Once installed, the solar panels equipment shall be maintained/kept in good order and it/they shall be removed as soon as reasonably practicable when no longer operational or in 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.

- 25. The development hereby permitted shall not be brought into use until full details of level access around the site, by way of the outside ramp hereby permitted, shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.

**Reason:** To ensure the development provides for the needs of disabled staff and visitors to the site and to comply with policy DM33 of Brighton & Hove City Plan Part 2.

26. Within three months of the date of first occupation, a Travel Plan for the development shall have been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall reference and be integrated into the full site Travel Plan and shall be supported by a Travel Pack or Travel Packs for staff and centre users. The Travel Plan should have as objectives:

- to reduce single occupancy vehicle use for staff and users
- to encourage trips to the new development by active and sustainable modes for all
- to minimise the incidents and impact of overspill parking

It shall include as a minimum, the following measures, unless otherwise agreed:

- Production and distribution of travel information packs for staff and centre users, packs may be digital or hard copy
- Regular counts of vehicles parked on-site
- Active on-site activity timetable management to smooth peaks and troughs
- Live communication of current available parking spaces
- Special discounts or perks for active travel and public transport
- Provision of bicycle maintenance stands including pumps and basic tools
- Digital displays of bus departures on site
- Special discounts or perks for active travel and public transport users

And for staff the following measures, unless otherwise agreed:

- Establishment of a Bicycle User group (BUG)
- Appointment of an active travel champion to promote initiatives, provide induction to new staff
- Interest free loans for season ticket or bicycle purchases
- Cycle to work scheme (salary sacrifice)
- Maintenance of a car-sharing database and exploration of shared staff vehicles
- Preferential parking areas for those car sharing
- Free cycle training
- 3 x Dr Bike maintenance sessions per year to include a learning element
- Public transport buddy schemes (coordination of shift patterns for female staff to allow for safer travel together)
- Guaranteed taxi home for car sharers

The Travel Plan shall commit to regular surveys of staff, centre users, and of cycling infrastructure, and a regime of monitoring at years 1, 3, and 5 to be submitted to the LPA.

The Travel Plan shall thereafter be fully implemented in accordance with the approved details.

**Reason:** To ensure the promotion of safe, active and sustainable forms of travel and comply with policies CP9 of the City Plan Part One and DM35 of City Plan Part Two.

27. Within 6 months of first occupation of the Outdoor Sports Hub hereby permitted a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the non-residential development built has achieved a minimum BREEAM New Construction rating of 'Very Good' shall be submitted to, and approved in writing by, the Local Planning Authority.  
**Reason:** To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy CP8 of the Brighton & Hove City Plan Part One.
28. If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority), shall be carried out until a method statement identifying and assessing the risk and proposing remediation measures, together with a programme for such works, shall be submitted to the Local Planning Authority for approval in writing. The remediation measures shall be carried out as approved and in accordance with the approved programme.  
**Reason:** To safeguard the health of future residents or occupiers of the site and to comply with policy DM41 of City Plan Part 2.
29. 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.
30. The development hereby approved should achieve a minimum Energy Performance Certificate (EPC) rating 'B'.  
**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.
31. The use hereby permitted shall not be carried out except between the hours of 06:00 and 22:00 on Mondays to Fridays, and between 07:00 and 21:00 on Saturdays and Sundays, Bank or Public Holidays.  
**Reason:** To safeguard the amenities of the locality and to comply with policies DM20 and DM40 of Brighton & Hove City Plan Part 2.
32. Details of any green living roofs proposed shall have been submitted to and approved in writing by the Local Planning Authority, prior to their installation. 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 and sustainability on the site and in accordance with Policy DM37 of Brighton & Hove City Plan Part 2, Policies CP8 and 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 is advised that details of the BREEAM assessment tools and a list of approved assessors can be obtained from the BREEAM websites ([www.breeam.org](http://www.breeam.org)).
3. The applicant should ensure that the Trade Effluent discharge licence has been obtained, before the connection to the public sewerage network can be approved.
4. 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](mailto:ehlpollution@brighton-hove.gov.uk) website: [www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk)).
5. 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.
6. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this Act.
7. The applicant is advised to consult with Southern Water on the landscaping proposals in proximity of public apparatus prior to approving details of landscaping, in order to ensure the proposals are in accordance with Southern Water guidance.

## **2. SITE LOCATION & APPLICATION DESCRIPTION**

- 2.1. The application relates to the north-east/east section of the Withdean Sports Complex site. The existing land is used for parking and access associated with the existing leisure centre and other sports facilities on the wider Withdean Sports Complex site, as well as surrounding landscaped areas. The site includes one of two vehicular accesses to the Withdean Sports Complex to the north on Tongdean Lane. The north-west car park within the application site sits at a higher level to the existing reception entrance to the leisure centre, which are currently linked via a ramp.
- 2.2. Beyond the Sports Complex, there are residential properties on the opposite side of Tongdean Lane to the north, and on Tongdean Lane and Shepherds Croft to the west. The railway line embankment is to the far-east beyond Withdean Road, and the Withdean Woods Local Nature Reserve is to the far south, but in both cases with considerable separation from the site.
- 2.3. Planning permission is sought for an extension to the north elevation of the existing sports complex, to include new community swimming pool facility, accessible changing facilities, associated ancillary and plant spaces, overflow carpark, landscaping and refurbishment of reception area to create link to the swimming pool.
- 2.4. The details are as follows
  - Proposed extension containing circulation and changing, pool hall, and plant.
  - Pool extension is single-storey structure with double height pool hall within pitched roof.
  - External materials to include metal roof and wall cladding, brick plinth, metal copings, metal louvres, and aluminium for the windows.
  - Photovoltaic panels on pitched roof.
  - Proposed swimming pool consisting of 25m 5-lane pool.
  - Replacement of existing ramp from reception to carpark.
  - Alterations to existing carpark and proposed additional overflow carpark resulting in net loss of 12no. spaces.

### 3. RELEVANT HISTORY

- 3.1. **PRE2025/00099** New pool extension to the existing Withdean Leisure Centre and landscaped area with external plant room enclosure (Pre-application).  
Response:
  - The proposed swimming pool facility would expand and enhance access to Brighton & Hove's sports services, and would be supported in principle.
  - There is a significant public benefit to the proposals. To maximise this benefit through will require a high quality, sustainable design with durable materials and detailing which will ensure the quality of the building is retained over the long term.
  - There would not be an objection to footprint or massing.

- It is recommended that further consideration is made as to how increased glazing on the facades can help provide a more inviting and open & airy space for future users of the facility.
- 3.2. **BH2024/02477** Re-surfacing of tarmacadam MUGA (Multi Use Games Area) sports pitch. Replacement of existing 2700mm height chainlink fencing with 3000mm height 'duo-8' fencing. Painted line-markings and surface colour of pitch changes. Installation of new floodlights, mesh wind-screening, storage container and wheelchair access - Approved 11/02/2025
- 3.3. **BH2022/03439** Creation of a small-sided football facility with 4no. pitches, improved drainage and associated features including ball stop fencing and entrance gates, a storage container, 16no. LED floodlights, 3no. covered spectator shelters, cycle parking, hard-standing areas and vehicular access - Approved 08/06/2023
- 3.4. **BH2022/02972** Erection of 3no. canopy-covered padel tennis courts incorporating 12no. floodlights and associated works - Approved 06/07/2023

#### 4. REPRESENTATIONS

- 4.1. Representations have been received from **eight (8)** individuals, objecting to the proposed development for the following reasons:
- Lack of public consultation;
  - Lack of reasons given why a swimming pool is necessary;
  - Lack of detail of noise of overflow car park;
  - Operational hours until 11pm on weekdays is too late;
  - Lighting in car park would cause light pollution;
  - Removing the chalk bank, and introduction of hard landscaping could cause a knock on effect of flooding;
  - Lack of detail of proposed boundary fence details;
  - Proposed development would increase traffic and congestion in the area, including through parking overspill;
  - The Transport Assessment is flawed as it excludes future developments;
  - The design of the building is insensitive to the area and the massing is unsuitable, creating an adverse visual impact;
  - Increased traffic would in turn lead to greater air pollution in the surrounding area;
  - Pedestrian access to the site is poor and could lead to more accidents;
  - Coaches and buses park illegally, and increased traffic will make the danger to school children worse;
  - The new pedestrian gate will further encourage more coach drop-offs on double yellow lines;
  - Not enough space for the influx of cars this will bring, causing pressure on street parking in surrounding roads;
  - Lack of details of the sustainable and durable building materials to be used;
  - Building would overlook houses;
  - Withdean Stadium complex is already used to full saturation;

- The Ecological Report is flawed and lacks proper field work and is not a fair reflection of the impact on the western extent of the site;
  - No Environmental Impact Assessment (EIA) has been carried out;
  - Concern regarding removing any trees.
  - The development will make existing flooding issues worse by removing permeable areas and changing runoff patterns.
- 4.2. Representations have been received from **three (3)** individuals, supporting the proposed development for the following reasons:
- A hub for sport is exciting for the community;
  - Pool will greatly enhance the existing facilities;
  - Relocating parking will help relieve congestion;
  - The pool will also promote and encourage healthier lifestyle;
  - Especially accessible to north of the city.
- 4.3. Full details of consultation responses received can be found online on the planning register.

## 5. CONSULTATIONS

### Internal:

- 5.1. **Arboriculture Team: No objection**  
Two trees are proposed for removal, T7 and T8 on the supplied Tree Survey, although their loss is regretted, they are not of a condition to justify retention, their loss to be mitigated with replacement planting.
- 5.2. The overflow car park impacts upon three trees, T4, T5 and T6 on the survey, excavation within the root protection area (rpa) of T4 is proposed within the method statement, ground protection measures necessary for T5 and T6. BHCC Arboriculture have concerns over locating vehicular parking bays near existing trees, both for the construction requirements and post development. T5 and T6 (both Norway maples) due to their location are highly prominent within the street scene.
- 5.3. An option 2 has recently been received, this version avoiding excavation within the root protection areas of the adjacent trees, we would consider this to be a more appropriate design, it is compliant with BS 5837 and minimises root disturbance to retained trees; BHCC Arboriculture would wish to see this option confirmed within decision.
- 5.4. BHCC Arboriculture raise no objection to this application, however, should option 1 be preferred the team would require a condition for a construction method statement.
- 5.5. BHCC Arboriculture wish to see a landscaping condition for the replacement trees, this to include the provision of a three-year watering programme from April to September; nursery stock sizing to be a minimum 12-14cm. Watering within this timeframe is essential in ensuring successful establishment.



- 5.6. **Environmental Health:** Comment  
The Environmental Noise Assessment identifies external plant as the main noise source for the proposed extension. Mitigation measures are proposed to reduce noise to acceptable levels, including a large louvred enclosure for the external plant area, absorptive lining inside the plant enclosure, and atmospheric-side silencers for AHUs and other air-handling plant
- 5.7. Due to the history of complaints about noise generated from the Withdean Stadium, it is pertinent that the applicant can show that a robust acoustic design has been carefully incorporated into the proposed layout to prevent further impact on amenity.
- 5.8. Further details required on cumulative impact, low-frequency control, and verification measures.
- 5.9. **Sustainability Team:** No objection  
The development adopts a fabric-first approach with high insulation levels, LED lighting with occupancy controls, PV panels for renewable energy, and measures to minimise overheating. Circular economy principles are supported through sustainable material selection, though a Site Waste Management Plan should be required to ensure waste reduction. Water-saving fittings are also proposed to promote resource efficiency.
- 5.10. The development complies with Part L 2021, exceeding requirements by achieving an additional 15.35% CO<sub>2</sub> reduction beyond the baseline. It targets a BREEAM 'Very Good' rating with a score of 56.34%, though this is only slightly above the 55% threshold, requiring careful management to retain compliance. The applicant confirmed that hot water will be provided via an efficient air source heat pump, but evidence of the predicted EPC 'B' rating is still missing.
- 5.11. **Sustainable Drainage:** No objection  
According to the RoFSW (Risk of Flooding from Surface Water) map, parts of the site are indicated as being at risk from this source. However, no development appears to have been proposed for these areas. A Flood Risk Assessment has been submitted, and the applicant has indicated that the site is not at risk of groundwater flooding based on, in part, ground investigations undertaken in April and May 2025 to a depth of 20 metres. Groundwater levels in the city can fluctuate widely throughout the year, and that recorded levels during the period when investigations took place is well below the peak. Therefore, it is entirely possible that the site could be at risk of groundwater flooding. However, the nature of this development means that all below ground assets are of limited vulnerability. Therefore, the team will require no further information relating to groundwater flood risk.
- 5.12. The proposed drainage system is for all surface water to be captured by permeable paving and bioretention features. These and a proposed attenuation tank will be used to limit the discharge to an existing deep soakaway to 2.0l/s. Testing found that the made ground on site has negligible infiltration rates, and no new soakaways are proposed. The locations of raingardens and other bioretention features are also subject to final confirmation. The team therefore

will need a finalised version of the drainage layout when available. A maintenance and management plan should be updated to identify parties responsible for maintenance. If the water is proposed to be infiltrated, as is currently the case, confirmation that the drainage strategy offers sufficient treatment to prevent groundwater contamination is still required. As the site is located within a groundwater source protection zone, this is particularly important.

- 5.13. Foul waters are proposed to be discharged to the adjacent public sewer to the west of the site via an existing connection. Peak discharge rates have not been submitted, but Southern Water have confirmed that their sewer has the available capacity for 6l/s. Therefore, the team will need confirmation that the peak discharge rates are anticipated to be less than 6l/s, and that the infrastructure proposed for foul discharge is in an appropriate condition and, on site, has the available capacity.
- 5.14. **Sustainable Transport:** No objection  
The proposals are mostly within the site boundary and so have no boundary to the public highway. Exceptions are a new pedestrian access from Tongdean Lane and proposed new highway signage on Withdean Road. These works should be secured by a minor works S278 agreement.
- 5.15. The Highway Authority do not seek amendments to public transport access to support this application, but soft measures to promote more use of the existing services and routes should be provided via a Travel Plan.
- 5.16. The development proposes an additional 20 secure, covered and lit cycle parking spaces located close to the main building. This is welcomed to meet policy levels of centre user parking, but a further 3 spaces for staff are required. A location for the new cycle parking is indicated on the plans and is accepted, but further details of the enclosure and type of cycle parking should be secured by cycle parking scheme condition to ensure it meets policy standards
- 5.17. The proposed development will be built onto the existing car park and so will result in an overall modest loss of car parking spaces. Despite the provision of a new overflow parking area for 28 vehicles, the net result is an overall reduction of 12 regular car parking spaces.
- 5.18. Existing use parking demand surveys were undertaken and provide parking accumulation data 24 hours a day for all days between July 2024 and June 2025, which is considered excellent baseline data. Despite the modest reduction in spaces, the estimates show that for 98% of the surveyed time the parking provision is likely to meet demand. The analysis shows that incidents of parking overspill already occur occasionally. But with the addition of the swimming pool, they are likely to happen once per week and depending on the scenario this could lead to 30 or more cars overspilling once or twice a month. Whilst even the high scenario would not give grounds for an objection to the application by the Highway Authority, a Travel Plan, Car Park layout Plan and Car Park Management Plan are required to mitigate incidents of overspill parking and reduce them to a minimum.

- 5.19. Peak parking demand is between 7pm and 9pm on Tuesday and Wednesday nights and there is a smaller lunch time peak. These peak demand times for the car park do not coincide with peak traffic on the nearby London Road as measured by camera counts (7-8am and 4-6pm peaks). We are content that the proposed development traffic will be supported by the existing road network.
- 5.20. The Local Highway Authority have indicated that Withdean is not identified as suitable for intensification of its Park & Ride use, and the parking data submitted with the present application was gathered whilst the Park & Ride has been in operation. Therefore, the presence of the Park & Ride does not give grounds for an objection to the present planning application.
- 5.21. The application is acceptable subject to the conditions relating to Car Park Layout & Management Plan, Travel Plan, Minor Works S278 condition, External Lighting and Floodlighting, Cycle Parking Scheme, and Construction Environment Management Plan.
- 5.22. **Urban Design Officer:** No objection  
 The applicant should clarify whether the pool is intended for future swimming competitions and training use by swimming clubs. The positioning of the new community pool is logical and responds well to the site constraints, the existing sports complex, and the budget of the scheme. The scale and built form relate well to the architectural character of the existing sports complex. Large-format windows providing daylight into the ramped circulation space linking the new pool with the main entrance are a positive feature. The proposed external materials are well chosen, successfully distinguishing the three functional elements of the building (circulation and changing, pool hall, and plant). The Design & Access Statement outlines positive community engagement.
- Updated Comment:
- 5.23. The applicant has confirmed Swim England's position on the 5-lane pool, which is positive and good to hear that all main parties are comfortable with the approach.
- External:
- 5.24. **County Ecology:** Comment  
Initial Comment:  
 Insufficient information regarding bats and BNG has been provided at this stage (*note this has since been provided and will be updated on the Late List*).
- 5.25. The majority of works covered by the application will take place to the north of the existing sports complex, furthest from the Withdean & Westdene Woods Local Nature Reserve (LNR) and ancient semi-natural woodland (ASNW) and separated from them by the sports complex building itself. An access road and area of overflow parking extends around the western elevation of the building and further south. To ensure that the LNR and ASNW are not impacted during the construction process, best practice measures relating to dust, water pollution

etc. should be included in a Construction Environment Management Plan (CEMP) which could be secured by condition.

- 5.26. Given the nature, scale and location of the proposed development, provided that best practice construction methods are secured, there are unlikely to be any significant ecological impacts on any designated sites or semi-natural habitats. Compensation for habitat losses will be addressed through the BNG process.
- 5.27. All trees with the potential to be impacted by the works should be subject to a ground-level tree assessment (GLTA).
- 5.28. As suitable habitat will be retained and enhanced on-site, the team consider that in this specific case the risk could be sufficiently mitigated through the application of precautionary, construction working methods such as phased and directional vegetation clearance. These could be detailed in a Biodiversity Method Statement (BMS) and secured by condition.
- 5.29. In terms of Biodiversity Net Gain, there is a lack of information on grassland but the final details do not need to be agreed until submission of a Biodiversity Gain Plan (BGP) post-determination, with a request that the applicant either support the BGP with improved survey information or assign habitat condition on a precautionary basis.

Further Comment: No objection following further information.

- 5.30. The PEA now refers to eight individual trees (as in the arb report) and states that none have any bat roost potential. It also states that the tree groups at either end of the proposed overflow car park have been treated as scrub (individual specimens are not sufficiently large to qualify as individual trees) and are therefore highly unlikely to have bat roost potential.
- 5.31. **Southern Water:** No objection  
There is currently adequate capacity in the local sewerage network to accommodate a foul flow of 6 l/s for the above development. The applicant should ensure that the Trade Effluent discharge licence has been obtained, before the connection to the public sewerage network can be approved.
- 5.32. The rate and times of discharge of swimming pool backwash water to the sewer and of the contents of the pool if these need to be drained to the sewer, would have to be agreed with Southern Water.
- 5.33. No new soakaways should be located within 5 metres of a public or adoptable gravity sewer, rising main or water main.
- 5.34. Full details of consultation responses received can be found online on the planning register.

## **6. MATERIAL CONSIDERATIONS**

- 6.1. 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.
- 6.2. 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. RELEVANT POLICIES & GUIDANCE

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part One:

SS1	Presumption in Favour of Sustainable Development
SA6	Sustainable Neighbourhoods
CP2	Sustainable economic development
CP5	Culture and tourism
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP11	Flood risk
CP12	Urban design
CP13	Public realm
CP16	Open space
CP17	Sports provision
CP18	Healthy city

#### Brighton & Hove City Plan Part Two:

DM9	Community facilities
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
DM35	Travel Plans
DM36	Parking and servicing
DM37	Green Infrastructure and Nature Conservation
DM38	Local Green Spaces
DM40	Protection of the Environment and Health - Pollution and Nuisance
DM42	Protecting the Water Environment
DM43	Sustainable Drainage
DM44	Energy Efficiency and Renewables

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD06	Trees & Development Sites
SPD11	Nature Conservation & Development
SPD12	Design Guide for Extensions and Alterations
SPD14	Parking Standards
SPD16	Sustainable Drainage
SPD17	Urban Design Framework

## **8. CONSIDERATIONS & ASSESSMENT**

- 8.1. The main considerations in the determination of this application relate to the principle of development, provision of sports facilities, the impact on the visual amenities of the surrounding area, and the impact on neighbouring amenity. Other main considerations include landscaping and impact on trees, the impact on highways, access, biodiversity, drainage/flooding and sustainability.

**Principle of the Development:**

- 8.2. The proposed development to create a new indoor swimming pool (Class Use F2) would not be a change of land use in planning terms as it would be an extension to the existing sports complex with existing indoor and outdoor community/sports facilities (Class Use E/F2). Policy DM9 clarifies that swimming pools are classed as 'local community uses'.
- 8.3. Policy CP17 (Sports Provision) seeks to facilitate the council's aspiration to increase participation in sports and physical activity, which includes expanding and enhancing access to Brighton & Hove's sports services, facilities and spaces. The policy recognises the importance of Withdean Sports Complex alongside other existing major sporting venues in order to seek their enhancement and more effective use. This includes, where possible, improving these existing facilities with greater public access and uses provided to promote physical activity and sport. The supporting text to the policy refers to the Council's adopted Sports Facilities Plan 2021-2031 which identified a need to expand and improve public facilities especially swimming pools, sports halls, health and fitness suites, artificial grass pitches. The Sports Complex is identified as the location of the 'North Hub' in the Brighton & Hove City Council Sports Facilities Investment Plan.
- 8.4. Policy CP18 (Healthy City) sets out that Planning will support programmes and strategies which aim to promote healthier lifestyles, which includes encouraging development that works towards promoting health and active living for all age groups, including healthy living options for older people and active space for children. Healthy urban environments are promoted by the policy which encompasses a need to facilitate access to sport facilities, recreation, cultural and community facilities, and health facilities.
- 8.5. Given the policy context outlined above, the proposed leisure use (i.e. swimming pool) and improved leisure offer on this site is welcomed in principle given that

it would deliver a sports based activity in the context of the sports complex on the wider site, and there is an identified shortage of swimming pools in the city. The Council's Sports facilities Investment Plan 2021-31 identifies that the current demand for pool water in the city exceeds supply. The proposal would contribute to the supply and would also contribute towards the council aspiration to promote healthier lifestyles. The submitted Design & Access Statement refers to consultation with local swimming clubs, local schools and Swim England, and that all parties were satisfied with the proposals. It has been set out that the facility is proposed as 5 lanes rather than 6 lanes to ensure providing swimming space for the community without it being a 'competitive' facility, given the future plans to propose a competitive facility elsewhere in the city (King Alfred).

- 8.6. Withdean Sports Complex is a large leisure centre providing a wide range of indoor and outdoor facilities for public use. The proposed pool use would add to the overall visitor offer of the wider sports complex. The provision of a new indoor sports facility would accord with policies CP17 and CP18. The positive benefits of a swimming pool development here are therefore given significant weight.
- 8.7. CPP1 Policy CP16 Open Space requires the retention of, and better, more effective use of all existing open space. Part of the site is classified as Open Space, and there would be some loss of green spaces replaced by the proposed extension. However, this is considered to be a small loss of open space overall, and these spaces are not utilised for public use and are instead areas of landscaping around access and buildings. The proposals would bring part of the open space land into more effective use (with the creation of the new indoor sports facility) that would complement other uses and spaces within the wider sports complex area. The proposal is therefore considered to not conflict with the requirements of Policy CP16.
- 8.8. Policy DM9 states that planning permission will be granted for new community facilities where the proposed use is compatible with adjoining and nearby uses, where the site is close to the community it serves and is readily accessible by sustainable transport, and where community facilities have been co-located to maximise their accessibility to residents and reduce the need for travel. The proposed swimming pool will be compatible with the existing leisure and sports facilities, and the site is well connected to public transport links and in walking distance to many nearby local residential areas. It is therefore considered that the proposal is in accordance with Policy DM9.
- 8.9. Given the above, it is considered that the proposal is considered acceptable in principle, subject to full consideration of the proposal as set out in the sections of the report below.

## **Design and Appearance**

### **Footprint/Massing**

- 8.10. The existing leisure centre building has a pitched roof form with extensive glazing facades including pink tinted frame, and other rendered/cladded walls. On the north elevation, there is an existing fire escape stair, and an existing fire escape access path. To the north of the building is a steep landscaped

embankment, which sits in between the existing building and the existing car park to the north.

- 8.11. The proposed extension would be sited on the north wall of the existing leisure centre building. It would be pulled back from the west end of the existing building and would extend north into the existing car park. The submitted Design & Access statement sets out the different options explored for the layout and external appearance of the extension, and the proposal was subject to pre-application discussions with the Local Planning Authority. The chosen design of the extension consequently would have a box shape with different proportions to the existing building. It is considered that a longer and thinner extension spanning the north elevation would have had the potential to sit more comfortably and align itself better with the existing building. However, the applicant has stated that a full width extension was not pursued primarily due to the buildability and difficulties that would entail with the foundations. Instead, the proposed footprint would enable retention of part of the existing landscaped bank, and the proposed extension would also have an overall lower ridgeline than the existing building. It is also noted that the proposed design would be sited further from the nearest neighbouring residential properties, which is considered to be a benefit. The Urban Design Officer has stated that the scale and built form relate well to the architectural character of the existing sports complex. Overall, it is considered that the positioning of the extension would work well alongside the existing building, and taking into account the constraints of the site
- 8.12. The proposed extension design results in an area of space (back-land area) retained in between and partly separating the extension from the existing building. It is understood that retaining the north elevation of the existing building allows for the existing fire strategy of 3no. fire escapes to be retained, as well as avoiding relocating existing servicing and vents along that wall. This space is proposed to be fenced off at lower level with new gate access, and this space would not be visible from the main entrance and east side. Given that this separation would be mostly hidden and taking into consideration the structural and fire safety implications, it is considered that this design is appropriate in this instance.
- 8.13. A new external plant room with acoustic enclosure is proposed in south-west corner, partially screened by proposed tree planting. This is considered an appropriate location for plant equipment, subject to further details required of the external materials of the structure, required as part of a condition requiring full details of external materials.

Appearance/Materiality

- 8.14. The proposed perforated metal roof would rise up to a ridge towards the west, with a ridge height substantially lower than the existing building roofline. This still allows for a higher roof height where it is required to gain height within the pool hall. The roof height would be at its lowest towards the east elevation which has the main entrance, and the 'link bridge' element would be lower than the rest of the extension which breaks up the bulk of the new addition. Overall, the



extension heights, levels and roof design are considered appropriate to its context.

- 8.15. The walls of the extension would consist of a metal cladding with a brick plinth at the base, with a perforated deck metal roof. The 'link bridge' and plant room area would consist of the same brick as the plinth on the main part of the extension. Other materials include, metal copings, metal louvres, and aluminium for the windows and the façade lettering. The Council Urban Design officer has stated that proposed external materials are well chosen, successfully distinguishing the three functional elements of the building (circulation and changing, pool hall, and plant).
- 8.16. There would be a large expanse of metal cladding on the facades, as the glazing on the main exposed elevations (north and east elevations) would be minimised. Large-format windows providing daylight into the ramped circulation space linking the new pool with the main entrance are considered to be a positive feature. At pre-application stage, it was requested that additional glazing was placed into the elevations of the indoor pool room in order to maximise natural light into the pool area. Activating elevations for the indoor swimming pool is however difficult, and must be weighed against privacy for users of the pool and also safety issues due to the reflection and glare onto the water affecting sight for lifeguards and users of the pool. A degree of additional glazing was however able to be added in order to enhance natural light and improve visual connection to the outside, whilst also providing privacy using obscure glazing. The windows are located on the north elevation which provides the best source of diffuse natural light without glare. It has been indicated that the introduction of further glazing would reduce thermal efficiency, result in excessive glare, and would impact on the viability of the project. Taking into account these issues, and given that the design has improved since pre-application stage with increased glazing and an improved visual connection to the outdoors, the design is considered appropriate in the context of the appearance of the existing building and the character of the surrounding area. Further details of the external materials are required by condition.
- 8.17. The proposal is therefore considered to comply with policies CP12 and DM18, and would represent good quality design.

**Accessibility:**

- 8.18. Currently, the existing leisure centre building is accessed via the east elevation main entrance from the car park or the existing pedestrian pathways. This would be retained as part of the proposals. However, it would include the refurbishment of the existing reception area, including new ramps and stair access internally and externally. The existing outside ramp is stated as being in poor condition with uneven surfacing. The proposal is to upgrade the access from the upper floor car park to existing entrance with a new gently sloping landscaped walkway. This would provide step-free access for all users including those using wheelchairs. It is stated in the submission that new landscaping would be designed at shallow gradients in order to make the site more accessible to wheelchair users.

- 8.19. The internal accessibility proposals have also been presented in the submission. It is understood that there will be use of colour contrast along access for the visually impaired. There would be a wheelchair ramped route to the pool, accessible changing cubicles and accessible shower room, as well as access into pool such as walk-in steps and pool pod lift for elderly, disabled or any persons who find access to pool difficult.
- 8.20. Overall, it is considered that the proposals would improve general access for pedestrians in and around the site, as well as improving accessibility with inclusive design for the mobility impaired, which is welcomed.

**Landscaping:**

- 8.21. Policy DM22 of City Plan Part 2 states that Development proposals will be required to retain, improve and wherever possible provide, appropriate landscape elements/ landscaping, trees and planting as part of the development.
- 8.22. Introduction of new greening of wild planting and trees around the perimeter would be successful in providing planting buffer for car-park/hard surfaces and help to provide privacy from any windows into the pool area. New soft landscaping is proposed to replace an existing ramp on the south-east corner (close to the main entrance) that is set around the existing tennis courts, as well as new landscaping adjoining the car park and path to entrance and retained/new landscaping in south-west corner. This will contribute to softening the appearance of the plant room on the west elevation. The other soft landscaping north of the extension would help enhance the visual appearance of areas that are mostly hardstanding as existing.
- 8.23. Overall, it is considered that, alongside the improved access routes to the leisure centre, the proposed soft landscaping would enhance the site in appearance whilst also softening the visual impact of the proposed extension. Full details of the proposed landscaping scheme, including maintenance programme, are required by condition.

**Ecology:**

- 8.24. Policies CP10 and DM37 of the Brighton & Hove City Plan state that all development proposals should conserve biodiversity, protecting it from the negative indirect effects of development; provide net gains for biodiversity wherever possible, taking account of the wider ecological context of the development and of local Biosphere objectives; and contribute positively to ecosystem services, by minimising any negative impacts and seeking to improve the delivery of ecosystem services by a development. The development would also be subject to a mandatory 10% Biodiversity Net Gain requirement.
- 8.25. The application site does not have a specific designation for its nature conservation interest. The nearest designated site is Withdean & Westdene Woods Local Nature Reserve (LNR) 25m to the south of the site, which incorporates ancient semi-natural woodland (ASNW) 70m south. Most of the works are proposed a significant distance away, however as the proposed overflow car park works would be nearer, a CEMP required by condition would need to have regard to potential dust and water pollution impact.

- 8.26. The proposed loss of bramble scrub, grassland and trees (see below) are proposed to be mitigated by enhancing remaining grassland areas as part of the Biodiversity Net Gain (BNG) proposals. Further information in this regard and a revised Metric has been submitted to address the initial comments of the County Ecologist. In order to provide Biodiversity Net (BNG) gain on site, the landscaping proposals around the existing tennis courts would replace existing grassland with tree planting, wildflower area and shrub beds. The proposals would result in an overall biodiversity net gain of 2.44%. In order for the proposal to achieve 10% net gain, 0.17 habitat units are required. The applicant proposes to deliver the remaining net gains through purchasing off-site habitat units from a habitat bank. Full details, including off-site habitat units, are secured by condition.
- 8.27. Given the application site's proximity to the LNR and ASNW, terrestrial species such as hedgehogs or widespread reptiles could access the site, and therefore details of precautionary construction working methods are required within a Biodiversity Method Statement required by condition. The Preliminary Ecological Assessment (PEA) has been updated and further assessment of the potential for bat roosts in trees has been provided. The PEA now refers to eight individual trees (and the other tree groups) and confirms that none have any bat roost potential.
- 8.28. The County Ecologist has confirmed that this is an acceptable approach and is to comment formally in advance of the planning committee (and any appropriate conditions will be recommended in the Late List).

**Impact on Trees:**

- 8.29. There are no Tree Protection Orders (TPOs) identified on site. However, the proposed overflow car park would be in close proximity to 8 no. individual trees and 2 no. mixed groups, located along the western boundary of the site to the south-west of the existing leisure centre building. 2 no. trees are proposed for removal, which are 'T7' and 'T8' in the submission, located close to the boundary of 13 & 15 Shepherds Croft). The Council Arboriculture Team state that the loss is regretted, however they are not of a condition to justify their retention, and consideration is given to the loss being mitigated with replacement planting.
- 8.30. The proposed overflow car park would impact on three other trees (T4, T5 and T6). The initial submission suggested that excavation would be required within the root protection area (RPA) of one of these trees (T4), which the Council Arboriculture Team raised concern about, including other potential construction and post-construction impact to the Norway maples that are highly prominent of the street scene (T5 and T6). During the application, it was clarified that there is a second favoured option, which would avoid excavation with the RPA of the adjacent trees, which would minimise root disturbance. This would be preferred by the Council Arboriculture Team, however if the excavation is required, a construction method statement would be required by condition. The submission includes details of the protective fencing required at construction stage, and would be secured by condition.

**Impact on Neighbouring Amenity:**

- 8.31. Policy DM20 of the City Plan Part Two 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. Policy DM40 seeks to ensure developments do not cause any undue noise or pollution.
- 8.32. The proposed pool facility would be able to be used by all in the community, and so overall the proposals would be considered a positive development for neighbouring residents and beyond. There are already several leisure uses in this wider sports complex location which generate activity. As an indoor facility, any noise from within the proposed extension is unlikely to be significantly audible from the nearest residential dwellings. There are generally considered to be no significant issues envisaged with the proposed footfall of pedestrian activity and any related noise or disturbance.
- 8.33. Any noise from the facility or general comings and goings of users to the swimming pool building (via the existing entrance) would generally not be unreasonable arising from an existing public leisure centre, particularly one that already has outdoor sports facilities. It is therefore considered that the proposed swimming pool development would not result in an increased noise impact compared to the activity that could take place on the site currently.
- 8.34. It is therefore considered that the proposal would be acceptable in terms of any resultant noise disturbance. It should however be noted that the council will retain the authority to investigate under the Environmental Protection Act 1990, should any noise complaints be received.
- 8.35. Subject to a condition for the floodlighting to be turned off at 10pm, and submission of a Noise Management Plan to set out noise management of customers and safety measures by the operator, the potential noise/disturbance impact here is not considered to be so significant as to warrant refusal of the application on this basis.
- 8.36. There is a reasonable distance between proposed building development and the nearest residential properties, which would limit impact on neighbouring properties in terms of outlook, overbearing development, loss of light and loss of privacy.
- 8.37. No significant details of lighting to the exterior of the extension or to the proposed overflow parking area have been provided, however a condition can ensure brightness is not excessive and ensure they are visually sympathetic and are designed to mitigate any impacts. Full details of the lighting scheme are required by condition
- 8.38. The proposed overflow car park would be closer to neighbouring residents than the proposed swimming pool building, and so the most noise and disturbance impact may emanate from associated activity (engines running, doors slamming, talking etc) within the overflow car park, especially in the evening when the swimming pool facility is still open.

- 8.39. New car parking spaces would be sited close to the western boundary and therefore close to the bottom of the gardens of neighbouring properties on Shepherds Croft. Although some noise and disturbance may occur, especially at busier times, a new timber fence is proposed around the overflow car park, which at the boundary would either replace or be in addition to the existing boundary treatment. Notwithstanding this, full details of the boundary treatments are required by condition, to ensure the boundary would provide some mitigation from any noise and disturbance that may occur (e.g. via an acoustic fence).
- 8.40. The proposed opening hours on the submitted application form are 06:00 and 23:00 on Mondays to Fridays, and between 07:00 and 20:00 on Saturdays and Sundays, however it is understood the existing leisure centre closes at 22.00 throughout the week. Given this, and the location of the site within a predominantly residential area, it is considered appropriate to restrict opening hours during the week until 22.00 by condition. The applicant has agreed to the reduced opening hours, and are secured by condition. .
- 8.41. A condition can secure a Construction Environmental Management Plan (CEMP) to mitigate construction impacts.

**Flood Risk:**

- 8.42. 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.
- 8.43. The Council Local Flood Authority have identified that parts of the site are indicated as being at risk from flooding from surface water, however no development is proposed in these areas of the site. A Flood Risk Assessment has been submitted which states that based on ground investigations, the site is not at risk of groundwater flooding. The Local Flood Authority confirm that the nature of this development means that all below ground assets are of limited vulnerability.
- 8.44. The applicant has submitted a surface water and foul water drainage strategy including drainage plans and accompanying information such as topographic surveys, site plans, existing sewer mapping, and a proposed maintenance and management plan. The proposed drainage system is for surface water to be captured by permeable paving and bioretention features, as well a proposed attenuation tank. This would limit the discharge to an existing deep soakaway, and this is considered appropriate by the Council Local Flood Authority, subject to further details of the drainage layout required by condition, which would include a SuDs assessment, updated maintenance plan, and an assessment to the risk of groundwater contamination.
- 8.45. In relation to foul water, Southern Water have confirmed that the sewer has the available capacity, providing peak discharge rates are suitable and that the infrastructure is in an appropriate condition. Details are required by condition.

- 8.46. The submission indicates potential for a green roof to contribute to surface water attenuation; however this is not presented in the submitted drainage layout or on the drawings. Details of any green roof proposed will be secured by condition.

**Sustainable Transport:**

- 8.47. The NPPF (2024) in general terms aims to promote a sustainable approach to development by balancing the transport system in favour of modes of sustainable transport and to give people a choice about how they travel.
- 8.48. In summary paragraph 110 advises that "...development should be focused on locations which are can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes". Paragraph 115 seeks to ensure that "sustainable transport modes are prioritised...safe and suitable access to the site can be achieved for all...and that any significant impacts from the development on the transport network or on highway safety can be cost effectively mitigated to an acceptable degree through a vision-led approach." Paragraph 116 advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or that the residual cumulative impacts would be severe.
- 8.49. DM33 (Safe, sustainable and active travel) of the CPP2 requires that "new developments should be designed in a way that is safe and accessible for all users, and encourages the greatest possible use of sustainable and active forms of travel." DM35 (Travel Plans and Transport Assessments) and DM36 (Parking and Servicing) and SPD14 Parking Standards are similarly relevant to the proposal and seek to promote sustainable forms of travel.
- 8.50. A Transport Assessment has been submitted and has been fully assessed in consultation with the Local Highway Authority. Overall, there is no objection to the content within the submitted Transport Assessment.

Vehicle Parking

- 8.51. The existing upper car provides 110 no. spaces. There are also 199 no. available in the lower car park. The on-site total of 17 no. accessible spaces is retained in the proposals, but their location may be changed to improve distance to main entrance, details of which are secured by a Car Park Layout Plan condition. Details of EV charging provision are also required in the Car Park Layout Plan. The plan will also require, if possible, 6 no. additional motorcycle spaces.
- 8.52. The proposed extension would result in the loss of some car parking spaces. The local Highway Authority consider the overall net reduction of 12 regular car parking spaces as a modest loss, as the proposed overflow car park recoups the loss of 28 other spaces. The submitted Transport Assessment indicates that the proposed swimming pool could lead to an extra demand for 34no. car parking spaces at peak swimming pool use times. Parking data for the existing car parks suggest that there is spare capacity during the day, although there is occasional high usage during some lunchtime hours and 7pm-9pm midweek. There is also some informal park and ride use of the car park, which has reduced in demand since parking charges were increased. It is noted that there are no Controlled Parking Zones that restrict on-street parking in the streets immediately north and

west of the site, and so at peak times, any overspill will be to parking in nearby streets, which has been raised as a concern by public objections to the application.

- 8.53. However, the estimates area that for 98% of the surveyed time, the parking provision reduced by 12no. spaces would still be likely to meet demand. The Highway Authority have analysed parking overspill to occur occasionally as existing, with 30 or more cars expected to overspill once or twice a month as proposed. However, even the high scenarios are not so significant as to warrant objection by the Highway Authority, and any incidents of overspill car parking can be reduced with the securing of a Travel Plan to monitor parking use and manage the swimming pool timetable, a car park layout plan to review further opportunities for on-site parking, and a car park management plan to ensure all available on-site parking is used.
- 8.54. The impacts of any additional trip generation or parking overspill are not considered to be so significant here and it is expected that the site and its surrounding transport network could adequately accommodate any increase in trips associated with the proposed development.

#### Other Highway Matters

- 8.55. The works to/adjoining the highway are limited to a new pedestrian access from Tongdean Lane following walking audit for desire lines, and new wayfinding/signage through site and to the rail/bus links on Withdean Road. These works are secured by a minor works (s278 agreement) condition.
- 8.56. The site is in a residential area on the outskirts of the city and so is not a highly accessible location for the majority of users who are likely to come from across the city. However, the site is served by bus routes including its own bus stop and other bus routes within a short walk from the site. Preston Park Train station is within 2km and has a direct pedestrian route. It would be expected that there would be an increase in trips because the development would provide for a new facility attracting new users to the leisure centre. It appears that, despite the site not being in a central location, there is a strong use of sustainable travel for users of the existing facilities. 'Soft' measures to promote more use of the existing sustainable transport services and routes are required in a condition for a Travel Plan.
- 8.57. Access for servicing is via existing vehicular access points on Tongdean Lane, used by refuse vehicles and emergency services. This is confirmed on the car park layout and is considered acceptable as retained. The existing 'emergency access' west of the existing leisure centre would be used to access the new overspill car park. There would be no change to the emergency access as a result of this. The Upper Car Park would now provide an informal drop-off point for the leisure centre, which is welcomed. Other deliveries & servicing can be acceptably operated from within the car park. A Delivery and Servicing Management Plan is required by condition to ensure operation can be made safely in a busy pedestrian environment.

- 8.58. An additional 20 no. cycle parking spaces are proposed (in addition to the 30 no. existing in close proximity to the leisure centre building). This is an acceptable provision and details, including of the secured enclosure, are required by condition. Details of the proposals to expand/upgrade the bikeshare hub are also required by Car Park Layout Plan condition.
- 8.59. A Construction Environment Management Plan detailing phases of development and associated vehicle movements, as well as details of how highway assets will be protected during construction, will be required by a CEMP condition.

**Sustainability:**

- 8.60. 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.
- 8.61. The Sustainability Checklist submitted indicates the proposed extension will aspire to meet 'Very Good' BREEAM standard. BREEAM standards shall be secured by condition. The submission indicates a 'Very Good' rating can be achieved. Policy DM44 also requires non-residential development to achieve at least a 19% reduction in carbon emissions over Part L. The applicant has indicated that the proposal goes further, with an additional 15.35% reduction beyond the Part L 2021 baseline. The proposal also requires submission of a minimum rating "B" Energy Performance Certificate, which is required by condition.
- 8.62. It is suggested that the roof height is minimised where possible in order to improve energy efficiency, reduce heat loss and optimise mechanical ventilation performance. In terms of proposed technologies, a heat recovery ventilation system is proposed to capture heat from outgoing air to warm incoming fresh air, which is intended to reduce energy consumption. It is indicated that high levels of insulation in the walls, roof, and floor would be incorporated, in order to minimise heat loss and reduce the demand for heating and cooling. Air source heat pumps are also proposed for heating and hot water. The installation of PV Panels to support on-site renewable energy generation is also welcomed. The drawings indicate a semi-automatic pool cover which would provide energy efficiency when the pool is not in use. The proposals overall would comply with policies CP8 and DM44.
- 8.63. Details of minimising waste will be required by condition through a Site Waste Management Plan.
- Land Contamination:**
- 8.64. There are no known land contamination sources on site. A land discovery condition is required should any contaminants be found during construction works.



**Other Matters Including Those Raised in Representations:**

- 8.65. Due to the nature, scale and location of the proposed development, the application being classed as a 'minor' (not major) application, and that this is an extension to an existing use, it is considered that the proposed development is not likely to have significant environmental effects within the terms of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The proposal is not located in a 'sensitive area' and would not meet the threshold of more than 1 hectare of urban development and thus would not be defined as 'Schedule 2' development where any further screening would be required.

**9. EQUALITIES**

- 9.1. 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.
- 9.2. 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.
- 9.3. The inclusion of ramp access, accessible changing area and pool steps/pod lift are welcome additions to ensure the facility is accessible to all users.

**10. COMMUNITY INFRASTRUCTURE LEVY**

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



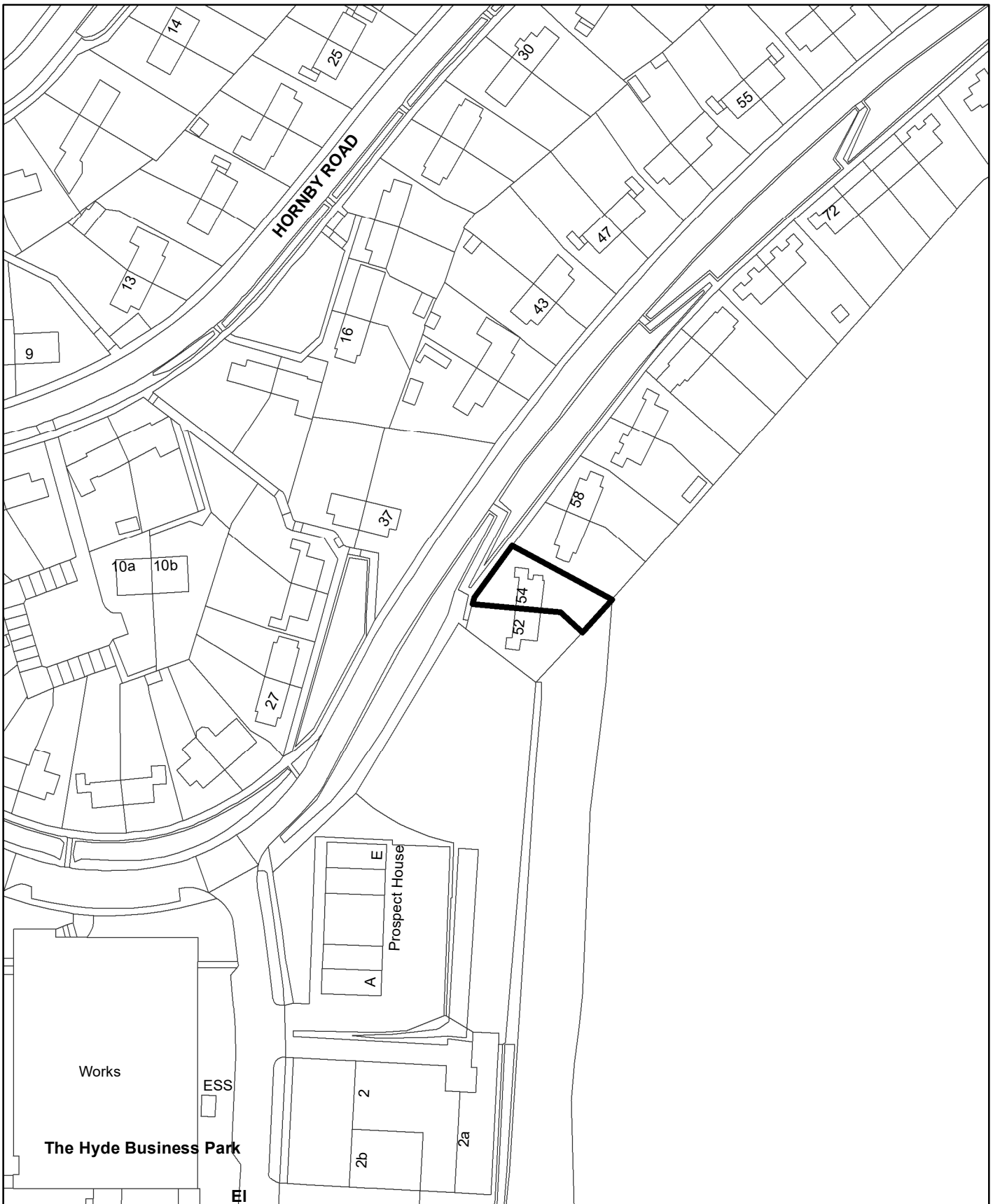
# **ITEM D**

**54 Auckland Drive  
BH2025/02421  
Full Planning**

**DATE OF COMMITTEE: 3<sup>rd</sup> December 2025**



# BH2025 02421 - 54 Auckland Drive



**Brighton & Hove  
City Council**



N

**Scale: 1:1,250**



<b><u>No:</u></b>	<b>BH2025/02421</b>	<b><u>Ward:</u></b>	<b>Moulsecoomb &amp; Bevendean Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>54 Auckland Drive Brighton BN2 4JF</b>		
<b><u>Proposal:</u></b>	<b>Change of use from residential dwelling (C3) to 6no bedroom small house in multiple occupation (C4) with associated alterations.</b>		
<b><u>Officer:</u></b>	Rebecca Smith, tel: 291075	<b><u>Valid Date:</u></b>	30.09.2025
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	25.11.2025
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	Lewis And Co Planning    Lewis & Co Planning    2 Port Hall Road Brighton    BN1 5PD    United Kingdom		
<b><u>Applicant:</u></b>	Rivers Birtwell    Unit 30    The Waterfront    Brighton Marina Village Brighton    BN2 5WA		

## 1. RECOMMENDATION

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

### Conditions:

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

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

Plan Type	Reference	Version	Date Received
Proposed Drawing	02		30-Sep-25
Location Plan	01		30-Sep-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. Unless otherwise shown on the drawings hereby approved, the external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.

**Reason:** To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies DM21 of City Plan Part Two and CP12 of City Plan Part One.

4. The HMO (six bedrooms/persons) hereby approved shall be implemented in strict accordance with the internal layouts detailed on the proposed floorplans 02 received on 30th September 2025. The internal layouts shall be retained as first implemented thereafter. No part of the communal area shall be used as a bedroom.

**Reason:** To ensure an acceptable standard of accommodation for future occupiers is provided and maintained thereafter and to comply with policy DM1 and DM7 of the Brighton and Hove City Plan Part Two.

5. Notwithstanding the approved plans, the development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. Rather than be installed in front of the property as shown on the plans, the cycle store (as drawn on drawing 02 received 30th September 2025) shall be installed to the side of the single storey existing single storey side extension behind the existing fence. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development at all times.

**Reason:** To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy DM33 of Brighton & Hove City Plan Part 2, and SPD14: Parking Standards.

6. The HMO use hereby permitted shall not be commenced until the sound proofing shown on drawing 02 submitted on 30th September 2025 has been fully installed in all of the places indicated on the floor plans. Once applied, the soundproofing shall be maintained and where necessary repaired to ensure maximum effectiveness for the lifetime of the small HMO use.

**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 Two.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.

**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 comprises a semi-detached two storey dwelling located on the eastern side of Auckland Drive in Bevendean. The property has brick walls and tiled roof, and the loft has been converted into further habitable space, with a rear dormer and front rooflights. The dwelling is set back from the road edge and has a stepped access from the elevated pavement.
- 2.2. The site is not a listed building and is not within a Conservation Area. There are also no locally listed buildings within the vicinity. The site backs onto fields and is a short distance from the Hyde Business Park.
- 2.3. The site is located within the citywide Article 4 Direction preventing permitted development rights to allow for dwellinghouses (C3) to change use to small HMOs (C4), such a restriction has been in place since 2013 at this location. The restriction means that such changes require planning permission and be determined in accordance with the development plan.

## **3. APPLICATION DESCRIPTION**

- 3.1. Planning permission is sought for the change of use from a residential dwelling (C3) to a 6no bedroom small house in multiple occupation (C4), with associated alterations, including amendments to fenestration.

## **4. RELEVANT HISTORY**

- 4.1. **PRE2025/00081** - Change of use from (C3) dwelling to (C4) small HMO (three to six unrelated occupants).  
Pre-application advice summary:  
The proposed change of use would comply with policy CP21 of the City Plan Part One as there are not more than 10% of properties in use as HMOs within 50m of the site. The proposed change of use would comply with criterion a, b and c of policy DM7 Criterion d and e could not be assessed as no information was provided in the pre- application submission.
- 4.2. **BH2017/02817** - Certificate of lawfulness for proposed loft conversion incorporating rear dormer with front rooflights. Approved 16.10.2017

## **5. REPRESENTATIONS**

- 5.1. Representations have been received from **26 (Twenty Six)** individuals, objecting to the proposed development for the following reasons:
  - Family area does not need more HMOs

- Detrimental effect on property values
- Noise
- Impact on residential amenity
- Overdevelopment
- Overshadowing
- Additional traffic and highway stress
- Increased demand for parking
- Poor waste management with student properties/HMOs
- Antisocial behaviour and drug taking
- Council stated no more HMOs would be created.
- Negative impact on the wellbeing of existing residents
- Overcrowded and overdeveloped HMO accommodation.
- Impact on safety
- Not the right area for students to be housed
- Lack of ventilation
- Impacts on drainage
- Loss of dwelling for family occupation.
- Poor standard of accommodation internally.
- Noise and inconvenience from conversion works.
- Development is not for local people or those wanting to own a home of their own.
- Degradation of community
- Travel is not easy from this location.
- Too many HMOs within the Moulsecoomb & Bevendean ward
- Development will bring transient tenants
- Existing extension to the property was accepted on the basis a family lived there
- Loss of privacy
- Impacts on local schools
- Additional comings and goings of visitors to the occupants of the HMO
- Not close to universities.
- Not in accordance with Policy DM20

5.2. **Councillor Taylor** has objected to the application. A copy of their representation is attached to this report.

5.3. Full details of representations received can be found online on the planning register.

## 6. CONSULTATIONS

### Internal:

6.1. **Housing Strategy:** No comment received

6.2. **Private Sector Housing:** Comment

Should the application be approved then the applicant will be required to apply for an HMO Licence. This can be done online via the council's website.

- 6.3. **Sustainable Transport (verbal):** Awaiting comments  
Full details of consultation responses received can be found online on the planning register.

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

## 8. RELEVANT POLICIES & GUIDANCE

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part One:

SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP9	Sustainable transport
CP12	Urban design
CP21	Student housing and Housing in Multiple Occupation

#### Brighton & Hove City Plan Part Two:

DM1	Housing Quality, Choice and Mix
DM7	Houses in Multiple Occupation
DM18	High quality design and places
DM20	Protection of Amenity
DM21	Extensions and alterations
DM33	Safe, sustainable and active travel
DM36	Parking and servicing

#### Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD06	Trees & Development Sites
SPD09	Architectural Features
SPD11	Nature Conservation & Development
SPD12	Design Guide for Extensions and Alterations

## 9.      **CONSIDERATIONS & ASSESSMENT**

- 9.1.      The main considerations in the determination of this application relate to whether the creation of a C4 HMO would be acceptable in terms of the standard of accommodation, the impacts of the development on neighbour amenity and transport matters.

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

- 9.2.      Policy CP21 of the Brighton and Hove City Plan Part One specifically addresses the issue of changes of use to planning use class C4, a mixed C3/C4 use or to a sui generis House in Multiple Occupation (HMO) and states that:

*"In order to support mixed and balanced communities and to ensure that a range of housing needs continue to be accommodated throughout the city, applications for the change of use to a Class C4 (Houses in Multiple Occupation) use, a mixed C3/C4, or to a sui generis House in Multiple Occupation use (more than six people sharing) will not be permitted where:*

- *More than 10 percent of dwellings within a radius of 50 metres of the application site are already in use as Class C4, mixed C3/C4 or other types of HMO in a sui generis use."*

- 9.3.      A mapping exercise has been undertaken (November 2025), which indicates that there are 14 properties within a 50m radius of the application property, none of which have been identified as being in HMO use. The percentage of neighbouring properties in HMO use within the radius area is thus 0%.

- 9.4.      Based on the existing percentage of neighbouring properties in HMO use, the change of use from a dwellinghouse (C3) to a six-bedroom with a maximum occupation of six-persons HMO (C4 use) would not conflict with the aims of policy CP21.

- 9.5.      Policy DM7 of CPP2 includes additional criteria to those set out in Policy CP21, and states the following:

*"Applications for new build HMOs, and applications for the change of use to a C4 use, a mixed C3/C4 use or to a sui generis HMO use, will be permitted where the proposal complies with City Plan Part One Policy CP21 and all of the following criteria are met:*

- a)      fewer than 20% of dwellings in the wider neighbourhood area are already in use as HMOs;
- b)      the proposal does not result in a non-HMO dwelling being sandwiched between two existing HMOs in a continuous frontage;
- c)      the proposal does not lead to a continuous frontage of three or more HMOs;
- d)      the internal and private outdoor space standards provided comply with Policy DM1 Housing Quality, Choice and Mix;
- e)      communal living space and cooking and bathroom facilities are provided appropriate in size to the expected number of occupants."

- 9.6. Criterion a) has been assessed and the percentage of dwellings in the wider neighbourhood area used as HMOs has been calculated at 5.41% so it has been met. In relation to criterion b), the area has been assessed, and it is confirmed that the proposal would not 'sandwich' a non-HMO between two existing HMOs; and would not lead to a continuous frontage of three or more HMOs so the proposal also accords with criterion (c). Considerations regarding amenity space and communal living (criteria d) and e) are set out in the Standard of Accommodation section below.
- 9.7. On this basis, the proposal is considered to accord with parts a), b) and c) of Policy DM7 of the CPP2 and the CP21 of the CPP1 and the change of use of the site to a C4 HMO use is acceptable in principle.

**Standard of Accommodation:**

- 9.8. The proposed standard of accommodation for the HMO is being considered against Policy DM1 of the CPP2 which incorporates the minimum space standards within the Nationally Described Space Standard (NDSS) into the development plan. The requirement to meet these standards is further emphasised within d) and e) of Policy DM7 of CPP2.
- 9.9. The proposed HMO layout would have a kitchen/dining space and separate living space on the ground floor, collectively these spaces measure at 27.5sqm. The layout of these spaces is considered acceptable with regard to natural ventilation and outlook for future occupiers. The proposed communal space exceeds the minimum required of 4sqm per person (24sqm for six-person occupancy). The spaces are considered appropriate for the proposed occupancy in terms of their room sizes and shapes.
- 9.10. Overall, there would be six bedrooms, one on the ground floor, three on the first floor and two within the loft. Each bedroom would be for single occupancy. The bedrooms range from 7.5sqm (the minimum accepted for single occupancy) to 8.1sqm. It is considered that each room would be acceptable for single occupancy. The bedrooms are also considered acceptable in terms of width, overall shape and head height.
- 9.11. There are three shower rooms within the proposed layout. Bedrooms and living areas are either on the same floor as bathroom amenities or within one floor of them. It is considered that one shower room on the ground floor and two on the first floor is acceptable.
- 9.12. All bedrooms and communal areas within the property would have access to good outlook through windows which would allow light and ventilation to the habitable spaces.
- 9.13. The proposal has a rear garden with access provided from the kitchen/dining space. The size of the rear garden is considered sufficient for a C4 HMO use.
- 9.14. A condition, securing the layout as set out on the floor plan, is recommended to be attached to ensure that any changes to this layout do not diminish the

standard of accommodation assessed and recommended for approval in this application.

- 9.15. Overall, the small HMO would provide an acceptable standard of accommodation for three to six occupiers and does meet the requirements of policies DM7 and DM20 of the City Plan Part Two.

**Design and Appearance:**

- 9.16. The application proposes some minor amendments to the external appearance of the existing dwelling, specifically to the fenestration with windows being replaced and altered on the east elevation at first floor level. Currently there are three openings, this would reduce to a single opening. On the front elevation an additional window is added at first floor level and the existing middle window opening is reduced in size. At ground floor to the rear, the existing rear access from the kitchen area is changed from a door to a window and a window opening in the main rear elevation is extended to accommodate double doors into the garden.
- 9.17. This is considered acceptable, and a condition is applied to require the infilled windows to match the existing wall and that new windows match those existing within the property.
- 9.18. There are no changes to the access to the property. The proposed cycle store is shown as being located in front of the ground floor bedrooms, this is not considered to be an ideal relationship and would 'clutter' the front of the property. There is an existing side access to the rear garden, and it is considered that the cycle store should be provided behind the fencing adjoining the side extension, this would reduce clutter to the front of the property and increase the security of the cycle store. A condition is attached seeking the cycle store as proposed (in terms of style and number of parking spaces) but requiring relocation to the rear garden.
- 9.19. Overall, the minor alterations to windows within the property and the proposed cycle parking (subject to it being relocated) are considered acceptable alterations to the property and in accordance with policies DM21 and CP12.

**Impact on Amenity:**

- 9.20. Policy DM20 of City Plan Part Two states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 9.21. A change of use from a dwellinghouse to a C4 HMO could create more comings and goings from the property and in a different pattern to the existing C3 dwellinghouse use. However, it is not considered that the additional comings and goings from the C4 HMO use would amount to such demonstrable harm to neighbouring properties to warrant refusal of the application. As existing, the property has four bedrooms which are large and the ground floor is all communal space, so it is considered that a large family could be accommodated here,

therefore the difference in movements and noise between that a small HMO is not considered so significant as to warrant a refusal of planning permission.

- 9.22. Furthermore, the proposals would not sandwich any property between HMO uses or create a consecutive stretch of properties all within HMO use, which is in accordance with the requirements of DM7.
- 9.23. The applicant has noted within their planning statement and specified on the plans that the party wall with the adjoining neighbour would be sound proofed. Sectional details of the proposed soundproofing have been included on the proposed plans. It is considered of benefit to the neighbouring dwelling that this is in place prior to first occupation and that the sound proofing is maintained throughout the use to repair any defects which may occur.
- 9.24. There are some changes to windows at the property with the removal of opening on the side elevation and a new window to the front elevation and changes to openings at the rear on the ground floor. The new opening at first floor will overlook the street and is not considered to impact on privacy as the existing window opening (which is made smaller) would have similar views. The change of location of the rear doors to the garden and replacement of the existing door opening with a window is considered to have a neutral impact on neighbour amenity and privacy.
- 9.25. There are no proposed extensions to the property, so it is not considered that there are any overbearing or overshadowing impacts to consider.
- 9.26. The proposal is considered to be in accordance with policies DM20 and DM7 of the City Plan Part Two.

**Sustainable Transport:**

- 9.27. The dwelling has no off-street car parking as existing due to the steep bank to the front of the property. This is not changing as part of the application. It is noted that on-street parking is unrestricted. While there are concerns about increased parking demand from the proposal, the area is not considered to be under parking stress. There is also no residents parking permit scheme which is often an indicator of parking pressures.
- 9.28. The proposal includes cycle parking, and four spaces are proposed. The design section above sets out that the location on the plans is considered to 'clutter' the appearance and should be moved to the side of the property behind the existing fence. This has the added benefit of removing the cycle parking from public view and improving security. The cycle store would be timber and although it is open, it would provide some shelter for cycles from the weather. A condition is recommended to ensure that the cycle parking provision is constructed prior to first occupation to the side of the existing single storey extension and retained as such thereafter.
- 9.29. This section of Auckland Drive is not served by local buses; the nearest bus stop is on the 48-bus route and is located around the bend, past the industrial estate at the junction of Auckland Drive and Plymouth Avenue. This is a short walk, but

sustainable travel is still considered accessible. Through interchanges on Lewes Road, London Road or in the city centre future occupiers can make onward journeys all over the city. The 48-bus route also connects the site with Moulsecoomb train station.

- 9.30. Overall, subject to the cycle parking being revised, which is to be secured via condition, in an alternative location, the proposals are considered acceptable in relation to transport matters.

**Other Matters Including Those Raised in Representations:**

- 9.31. It is noted that objections received refer to the application being submitted by a property developer, however the identity of or the location of the applicant are not material planning considerations. The number of applications submitted by a specific applicant is also not a material planning consideration.
- 9.32. The proposed use would require the applicant to comply with other legislation. Private Sector Housing have noted that a licence would be required for a HMO in this location, their processes will consider aspects such as countertop space and plug sockets, as raised in the comments. These are not matters for the planning decision.

**Biodiversity Net Gain**

- 9.33. This scheme was considered exempt from the need to secure mandatory biodiversity net gain under Schedule 7A of the TCPA because it does not impact a priority habitat or habitat of more than 25sqm or 5m of linear habitat.

## **10. EQUALITIES**

- 10.1. 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.

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.





**Brighton & Hove  
City Council**

## PLANNING COMMITTEE LIST

### COUNCILLOR REPRESENTATION

**Cllr. Jacob Taylor**  
**BH2025/02421 - 54 Auckland Drive**

**Date of first comment:**

Stance: Customer objects to the Planning Application

Comment Reasons:

- Detrimental affect on property value
- Overdevelopment

Comment: As ward Councillor - I strongly object to this application for a 6 bed HMO. The house is well placed as a family home, and we need to retain these in the area.

I suggest that this application is in contravention of the existing planning policy relating to HMOs in Moulsecoomb & Bevendean, and should be rejected.



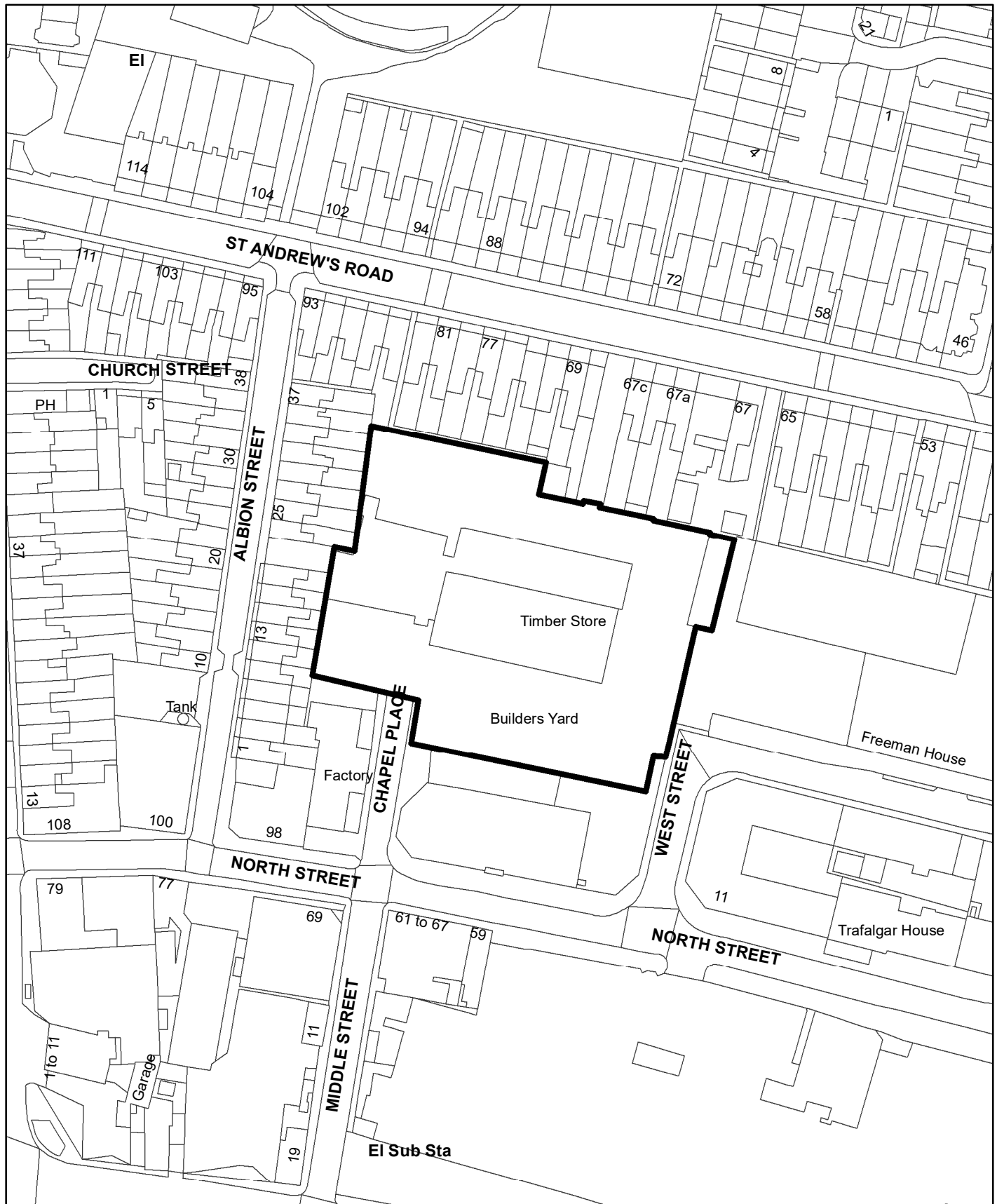
# **ITEM E**

**70 North Street, Portslade  
BH2025/01397  
Full Planning**

**DATE OF COMMITTEE: 3<sup>rd</sup> December 2025**



# BH2025 01397 - 70 North Street, Portslade



**Brighton & Hove  
City Council**



**Scale: 1:1,250**



<b><u>No:</u></b>	<b>BH2025/01397</b>	<b><u>Ward:</u></b>	<b>South Portslade Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>70 North Street Portslade BN41 1DZ</b>		
<b><u>Proposal:</u></b>	<b>Refurbishment of existing builders merchants including single storey extension to South elevation of customer service building and reconfiguration of site layout.</b>		
<b><u>Officer:</u></b>	Rebecca Smith, tel: 291075	<b><u>Valid Date:</u></b>	02.06.2025
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	28.07.2025
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	12.12.2025
<b>Agent:</b>	Rapleys LLP One Upper James Street Third Floor London W1F 9DE		
<b>Applicant:</b>	Stark Building Materials UK Ltd C/o Rapleys LLP One Upper James Street Third Floor London W1F 9DE		

## 1. RECOMMENDATION

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

### Conditions:

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan	101	A	02-Jun-25
Block Plan	103	G	10-Nov-25
Proposed Drawing	105	G	10-Nov-25
Proposed Drawing	106	A	02-Jun-25
Report/Statement	Design Statement	5.0	10-Nov-25
Report/Statement	Daylight and Sunlight Report	CC/25-02232	16-Oct-25
Report/Statement	Daylight and Sunlight Report Addendum		10-Nov-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. The material finish of the development hereby approved, shall be in accordance with the approved plans and page 13 of the Design Statement (V.5).

**Reason:** To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies DM18 and DM21 of City Plan Part Two and CP12 of City Plan Part One.

4. The development hereby permitted shall not be occupied until details of secure cycle parking facilities for the occupants of, and visitors to, the development have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.

**Reason:** To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy DM33 of Brighton & Hove City Plan Part 2, and SPD14: Parking Standards.

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.

**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 builder's merchants sited within an industrial estate on the northern side of North Street in south Portslade. The site has an access from North Street through Chapel Place and a secondary access from St Andrews Road at the rear. The existing builders merchant buildings are industrial in appearance mostly orientated in a west-east orientation with metal cladding. The buildings are sited in the north-western part of the estate in close proximity with the residential terrace on Albion Street, which backs onto the western boundary of the site. The yard also shares a boundary with residential properties on St



Andrews Road on the northern side, with the main structures set further away from this boundary by the merchant yard itself.

- 2.2. The site is not within a Conservation Area and there are no listed buildings in close proximity. There are no relevant Article 4 directions with regard to the development applied for.

### 3. RELEVANT HISTORY

None identified.

### 4. REPRESENTATIONS

- 4.1. Representations have been received from **13 (Thirteen)** people, objecting to the proposed development for the following reasons
- Inappropriate height of development
  - Overdevelopment
  - Overshadowing, particularly due to lower land level of neighbours
  - Loss of views
  - Loss of light/sunlight
  - Loss of property value for adjacent houses
  - Oppressive nature of proposed structure
  - Too close to the boundary
  - Construction noise and dust
  - Loss of privacy
  - No need to extend this branch
  - Additional traffic
  - Additional demand for parking in the vicinity of the site
  - Concerns about public consultation
- 4.2. **Councillor Robins** has objected to the proposals. A copy of their representation is attached to this report.
- 4.3. One representation received has been labelled 'support' but the content expresses an objection and it has therefore been considered as such.
- 4.4. Full details of representations received can be found online on the planning register.

### 5. APPLICATION DESCRIPTION

- 5.1. Planning permission is sought for the refurbishment of the existing builders' merchants, including a new single storey extension to the south elevation of the customer service building and reconfiguration of the site layout.
- 5.2. The building to be extended is located on an east/west orientation and borders the rear gardens of 19 and 21 Albion Street at the western end. The extension

proposed would be 4m in height and it would project forward of the main building by approximately 6.6m and be 22m in width. The siting would be such that the extension would be set away from the western boundary with Albion Street by approximately 4m. The extension and adjoining building would be finished in grey cladding with an insulated composite steel roof and a blue trim.

- 5.3. The proposal has been amended during the course of the application to reduce the size of the proposed extension, in order to create some separation further away from rear garden boundaries of the residential properties to the west, on Albion Street.
- 5.4. **Planning Policy:** No comments to make
- 5.5. **Sustainable Transport:** No objection  
The proposed development is considered acceptable; however, cycle parking for staff and visitors should be secured by a condition.
- 5.6. Full details of consultation responses received can be found online on the planning register.

## 6. MATERIAL CONSIDERATIONS

- 6.1. 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.
- 6.2. 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; 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. RELEVANT POLICIES & GUIDANCE

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part One:

SS1	Presumption in Favour of Sustainable Development
CP2	Sustainable economic development
CP3	Employment land
CP9	Sustainable transport
CP12	Urban design
DA8	Shoreham Harbour

Brighton & Hove City Plan Part Two:

DM18	High quality design and places
DM20	Protection of Amenity
DM21	Extensions and alterations
DM33	Safe, sustainable and active travel
DM36	Parking and servicing

Supplementary Planning Documents:

SPD12	Design Guide for Extensions and Alterations
SPD14	Parking Standards
SPD17	Urban Design Framework

## **8. CONSIDERATIONS & ASSESSMENT**

- 8.1. The main considerations in the determination of this application relate to the design and appearance of the proposed extension to the existing customer building at the site and the impacts of such an extension on the neighbours adjoining the site. Consideration will also be given to the wider site layout redesign which would reduce parking on site.
- 8.2. A site visit has been undertaken (November 2025) to consider the proposed siting and size of the extension, with particular consideration given to the relationship between the existing structures and Albion Street.
- 8.3. The application site is located within the Shoreham Harbour Development Area (DA8) and is a Protected Employment site within policy CP3. The proposals to expand the existing use are considered to support both the objectives of the Shoreham Harbour Development Area and employment policy CP3 which seeks to retain and enhance employment opportunities. Although there is no uplift in employment stated on the application form, the additional floor area would improve the vitality of the current site.

**Design and Appearance:**

- 8.4. As existing the site has four warehouses and a customer services/retail building. The proposed refurbishments include replacing and restoring cladding on the existing buildings as the existing finishes and signage no longer match the applicant's current branding. The existing structures would be visually upgraded to ensure a consistent appearance of dark grey metal cladding with a blue trim. The finishes are considered appropriate to the character of the site and would cause no visual harm.
- 8.5. The extension is proposed in the southwest corner of the site on land currently utilised for customer parking. This part of the site is close to the rear garden boundaries of the residential dwellings on Albion Street, located to the west. The properties on Albion Street have short and limited rear garden areas and they are set on a land level somewhat lower than the application site. A chain-link fence provides the existing boundary treatment.

- 8.6. The proposal has been amended since submission to reduce the size of the extension. The extension would have a flat roof and project from the southern elevation of the building into an area currently used for customer parking. As above, the extension would have a flat roof and be approximately 4m in height and project from the existing building by 6.6m. Further to amendments the extension would now be set in from the western boundary (rear of properties along Albion Street) by 3.8m. The extension would be 22.4m wide following the main building form to the east. The plans indicate that the existing chain link boundary fencing is to be retained.
- 8.7. The existing material racking will largely remain with some adjustment to accommodate an additional 3 parking spaces to the east of the exit.
- 8.8. Overall, the design of the proposals is considered acceptable, the existing metal clad appearance is being retained, and the overall appearance would be commensurate with the current use and would cause no harm to the character of the area. The siting of the extension is considered to be appropriately scaled and separated from the neighbouring western properties in design terms and is otherwise considered to be in accordance with policy DM21 of the Brighton and Hove City Plan Part Two and CP12 of the Brighton and Hove City Plan Part One.

**Impact on Amenity:**

- 8.9. Policy DM20 of City Plan Part Two 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.
- 8.10. An initial amendment to the scheme was supported by a Daylight and Sunlight Assessment (to demonstrate the impacts on the residents who adjoin the site). While the amendments addressed some of the harm, it was considered that it would continue to be harmfully overbearing.
- 8.11. The applicant has since further amended the design and increased the separation from the neighbouring western properties. The plans provided demonstrate the land level differences between the properties which has been considered in ensuring the impacts are suitably addressed.
- 8.12. The set in from the shared boundary with Albion Street is now 3.8m which has increased the separation and the extension would have a flat roof, which further reduces any overbearing impact. The set in of the extension is now considered supportable and an addendum to the Daylight and Sunlight Assessment has been submitted and confirms that the extension would not have any harmful impacts to windows of the properties on Albion Street. Whilst the properties of 15-19 Albion Street would have a view of the extension, the separation is not considered to result in any substantial harms over and above the existing situation.
- 8.13. An existing ground floor window in the southern elevation of the building would be removed as part of the proposal, which would reduce some overlooking and

perceived overlooking from within the existing building onto the garden/properties of Albion Street.

- 8.14. Following the amendments described above, the proposed extension is not considered to be overbearing or be in such close proximity to neighbouring properties to have a harmful impact upon sunlight/daylight or loss of outlook. No harm to privacy would occur over and above the existing situation and the development is considered to be in accordance with policy DM20 of the Brighton and Hove City Plan Part Two.

**Sustainable Transport:**

- 8.15. The existing entrance to the site is situated on the corner of Ellen Street and West Street, and the exit is through Chapel Place onto North Road. An additional access point leading from the northern part of the site to St Andrews Road is not in regular use. The application proposes to reconfigure the site layout and parking arrangements to accommodate the extension, and the site accesses will remain unchanged.
- 8.16. The site has 9 car parking spaces as existing for customer parking. Following the proposed extension, capacity for parking would be reduced to six spaces (although still large enough for van users) and would include a disabled parking space. The Council's Transport Officer has raised no concern with regards to the reduction in parking levels on site and have commented that if overspill parking were to occur in the future, then they do not consider it likely to result in parking stress within the locality.
- 8.17. The Transport Officer has noted that the proposals do not include cycle parking. The proposals do result in an increase to the commercial floor space coupled with a reduction in car parking; therefore, it is considered reasonable to add a condition requiring further details of cycle parking facilities which would be installed and available for use prior to the new extension being first used.
- 8.18. Overall, subject to the inclusion of a condition requiring cycle parking details prior to the use of the extension, the proposal is considered to have an acceptable impact upon the Local Highways network in accordance with policies DM33 and DM36 of the Brighton and Hove City Plan Part Two.

**Other Matters:**

- 8.19. It is acknowledged that the extension would change the overall outlook and views from the rear of properties on Albion Street. Whilst this is noted, views are not protected and their loss is not a material planning consideration in this context.

**Biodiversity Net Gain**

- 8.20. This scheme was considered exempt from the need to secure mandatory biodiversity net gain under Schedule 7A of the TCPA because it does not impact a priority habitat or habitat of more than 25sqm or 5m of linear habitat.

## **9. EQUALITIES**

- 9.1. 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.
- 9.2. 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.



**Brighton & Hove  
City Council**

## PLANNING COMMITTEE LIST

### COUNCILLOR REPRESENTATION

**Cllr. Alan Robins  
BH2025/01397 - 70 North Street**

#### **23<sup>rd</sup> July 2025:**

I'm writing to object to the above application and ask that it be considered by the planning committee who I would advise visit the site from the small terrace houses in Albion Street, the planned building would share a boundary with a number of these properties and completely overshadow and dominate these small houses, the houses in Albion Street are built considerably lower than Jewson's yard which backs on to them by at least 2.5mts, any building of 4mts would tower above by at least 6.5mts( 20ft) this is in my opinion unacceptable





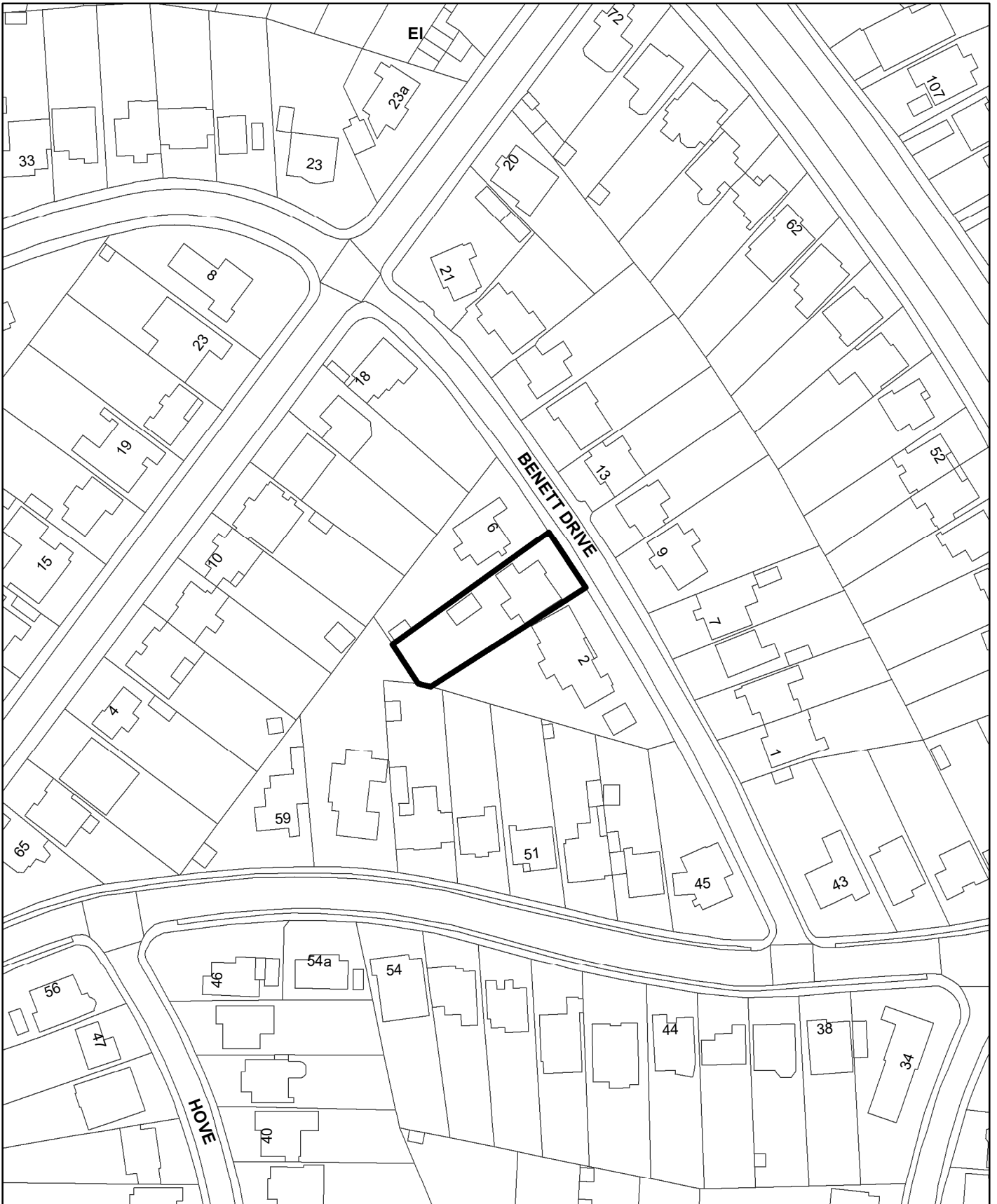
# **ITEM F**

**4 Benett Drive  
BH2025/01832  
Householder Planning Consent**

**DATE OF COMMITTEE: 3<sup>rd</sup> December 2025**



# BH2025 01832 - 4 Bennett Drive



**Brighton & Hove  
City Council**

N



**Scale: 1:1,250**



<b><u>No:</u></b>	<b>BH2025/01832</b>	<b><u>Ward:</u></b>	<b>Westdene &amp; Hove Park Ward</b>
<b><u>App Type:</u></b>	<b>Householder Planning Consent</b>		
<b><u>Address:</u></b>	<b>4 Benett Drive Hove BN3 6PL</b>		
<b><u>Proposal:</u></b>	<b>Erection of single storey rear extension, enlargement of rear first floor dormers and installation of rear terrace, and associated alterations.</b>		
<b><u>Officer:</u></b>	Vinicius Pinheiro, tel: 292454	<b><u>Valid Date:</u></b>	22.08.2025
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	17.10.2025
<b><u>Listed Building Grade:</u></b>	N/A	<b><u>EOT:</u></b>	10.12.2025
<b><u>Agent:</u></b>	Owen Powell Ltd 82 Gloucester Road Brighton BN1 4AP		
<b><u>Applicant:</u></b>	Mr M Herrington 4 Benett Drive Hove BN3 6PL		

## 1. RECOMMENDATION

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

### Conditions:

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

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

Plan Type	Reference	Version	Date Received
Location and block plan	2506/1		11-Nov-25
Proposed Drawing	2506/2	B	11-Nov-25
Proposed Drawing	2506/3	B	11-Nov-25
Proposed Drawing	2506/4	B	11-Nov-25
Proposed Drawing	2506/5	B	11-Nov-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. At least one bee brick shall be incorporated within the external wall of the development hereby approved and shall be retained thereafter.

**Reason:** To enhance the biodiversity of the site and to comply with Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

4. Unless otherwise shown on the drawings hereby approved, the external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.

**Reason:** To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies DM18 and DM21 of City Plan Part Two and CP12 of City Plan Part One.

5. Notwithstanding the details on the drawings hereby approved, the raised terrace hereby approved shall not be first brought into use until solid/opaque privacy screens of 1.5 metres in height (measured from the finished floor level of the terrace/balcony) have been installed on the south and north boundaries of the terrace. The screens shall thereafter be retained.

**Reason:** To protect the amenity of neighbouring occupiers, to comply with Policies DM20 and DM21 of the Brighton and Hove City Plan Part Two.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.

**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 relates to a single storey detached dwellinghouse located on the west side of Benett Drive. The street scene is predominantly residential, with detached properties, varying in design, materials and style. A number of rear extensions and rear roof terraces are present in the area.
- 2.2. The site is not within a conservation area and there are no Article 4 Directions covering the site relating to extensions or alterations.

### 3. APPLICATION DESCRIPTION

- 3.1. Planning permission is sought for the erection of single storey rear extension, enlargement of rear first floor dormers and installation of rear terrace, and associated alterations.
- 3.2. A single-storey rear extension is proposed to infill the area to the north of the existing rear extension. The enlargement of the existing rear dormer windows to form a single larger dormer with a pitched roof, and the installation of a rear terrace at loft level with associated privacy screens. The proposal also includes the replacement of the existing garage door on the front elevation with a new window and other associated external alterations. All the proposed works would be finished in materials to match the existing dwelling.
- 3.3. Amended plans have been submitted during the application to reduce the width of the terrace to be within the confines of the dormer, and to introduce side privacy screens.

### 4. RELEVANT HISTORY

- 4.1. **BH2022/01543** Application for approval of details reserved by condition 4 (samples of materials) of application BH2019/00603. Approved 10.06.2022
- 4.2. **BH2019/00603** Erection of single storey rear extension and roof alterations including 2no new rear dormers to replace existing and new gable to front, with alterations to fenestration and cladding. Approved 05.07.2019
- 4.3. **BH2013/04372** Enlargement of existing first floor dormer on front elevation. Refused 17.02.2014  
Refused on the following grounds: "The proposed front dormer, by virtue its design and excessive size, would form an overly dominant and incongruous feature that would harm the character and appearance of the existing property, streetscene and wider surrounding area. The proposal is thereby contrary to policy QD14 of the Brighton and Hove Local Plan, and Supplementary Planning Document 12 Design Guide on Extensions and Alterations."
- 4.4. **BH2000/03054/FP** Proposed demolition of attached garage and formation of loft conversion with one front dormer, two rear dormers and extended bridge line. Approved 10.01.2001
- 4.5. **BH2000/02748/FP** Proposed loft conversion with two front dormers, one rear dormer and extended bridge line. Refused 14.11.2000  
Refused on the following grounds: "The proposed front and rear dormers, by virtue of their bulk and design, would be detrimental to the visual amenities of the locality and contrary to policies BE1 and BE19 of the Hove Borough Local Plan 1995 and QD1 and QD14 of the Brighton & Hove Local Plan First Deposit

Draft 2000 and to the provisions of Supplementary Planning Guidance Note SPGBH1: Roof Alterations and Extensions."

## 5. REPRESENTATIONS

- 5.1. **Eight (8)** comments have been received objecting to the proposal for the following reasons:
- Inappropriate Height of Development
  - Overdevelopment
  - Overshadowing
  - Restriction of view
  - Overlooking
- 5.2. **One (1)** comment has been received supporting the proposal for the following reason:
- Good Design
- 5.3. **Councillor Ivan Lyons** has objected to the proposal. A copy of their representation is attached to this report.
- 5.4. Full details of all representations received can be found online on the Planning Register.

## 6. CONSULTATIONS

- 6.1. **Sustainable Transport:** Acceptable 07.11.2025  
The proposed development is unlikely to have a significant impact on the highway network. We, therefore, find the proposal acceptable.

## 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).



## 8. RELEVANT POLICIES & GUIDANCE

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part One:

SS1	Presumption in Favour of Sustainable Development
CP8	Sustainable Buildings
CP9	Sustainable transport
CP10	Biodiversity
CP12	Urban Design

#### Brighton & Hove City Plan Part Two:

DM1	Housing Quality, Choice and Mix
DM18	High quality design and places
DM20	Protection of Amenity
DM21	Extensions and alterations
DM33	Safe, sustainable and active travel
DM36	Parking and Servicing
DM37	Green Infrastructure and Nature Conservation

#### Supplementary Planning Document:

SPD09	Architectural Features
SPD11	Nature Conservation & Development
SPD12	Design Guide for Extensions and Alterations
SPD17	Urban Design Framework

## 9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the design and appearance of the proposal, the impact to the street scene and the impact on neighbouring amenity. Transport impact is also a consideration.
- 9.2. An officer site visit has been undertaken in this instance, and the impacts of the proposal can be clearly assessed from the site visit, plans and from recently taken aerial imagery of the site.

#### Design and Appearance

- 9.3. The application proposes several alterations to the property, including works to the front and rear elevations, and to the roof.
- 9.4. To the front elevation, the proposal includes the replacement of the existing garage door with a new window and conversion of the garage to a workroom. The new window would match the existing fenestration of the property in terms of material and colour, ensuring visual consistency with the dwelling's appearance. This alteration is considered acceptable in design terms. No other changes are proposed to the front of the building.
- 9.5. Turning to the rear, a single-storey extension is proposed, partly replacing an existing sunroom. The extension would infill the space to the north side of the

property, adjacent to the existing rear projection, and would also extend beyond the current rear elevation. It would measure approximately 4 metres in height, 9 metres in width, and its depth would project about 3.5 metres from the rear wall of the main dwelling. The extension would incorporate a flat roof with a rooflight, and materials are proposed to match those of the existing dwelling.

- 9.6. It is noted that the flat roof of the proposed extension would sit slightly higher than the eaves of the main dwelling, which is regrettable, however, this design approach maintains internal ceiling height continuity. Given its position to the rear of the property, where it would not be visible from the public realm, the extension is considered to have an acceptable impact on both the host property and the wider streetscene.
- 9.7. The proposal follows a previously approved scheme under reference number BH2019/00603. The current extension would project approximately one metre further in depth than that earlier approval but would remain set in from the site boundaries. Given the substantial scale of the host property and the sizeable rear garden, it is considered the scale of the extension would be suitably subservient and it would not constitute an overdevelopment of the site. Ample amount of garden space would remain undeveloped, and the overall appearance would be acceptable.
- 9.8. The existing rear dormer windows are proposed to be replaced with a single, larger dormer featuring a pitched roof. The use of materials matching the existing dwelling is welcomed. The dormer would include doors providing access to the proposed terrace located above the roof of the proposed rear extension. The terrace (as amended) would be limited in width to that of the dormer and would have privacy screens to the north and south sides. A rooflight is proposed to the rear roofslope. As these alterations would be somewhat subservient to the main roof and as they would not be visible from the streetscene, they are considered to have an acceptable visual impact.
- 9.9. Two rooflights are also proposed, one to the north roof slope and one to the south roof slope. These are considered minor and acceptable in design terms.
- 9.10. Overall, the alterations proposed to the host building are considered to result in alterations that would not cause harm to the appearance of the building or character of the street scene. The proposal would accord with DM18 and DM21 of City Plan Part Two and CP12 of City Plan Part One.

#### Impact on Amenities

- 9.11. Policy DM20 of City Plan Part 2 states that planning permission for any development will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents or occupiers.
- 9.12. The impact on the adjacent properties has been fully considered in terms of overshadowing, daylight, sunlight, outlook and privacy and no significant harm as a result of the proposed development has been identified.

- 9.13. The proposed single storey rear extension would be set approximately 3.3 metres from the boundary with No. 2 Bennett Drive and around 4 metres from the side elevation of that property. Given this level of separation, the relationship with this neighbouring dwelling is considered acceptable.
- 9.14. On the opposite side, the extension would be positioned approximately 1.4 metres from the boundary shared with No. 6 Bennett Drive and around 4.6 metres from the side elevation of that property. This degree of separation is considered sufficient to prevent any undue loss of light, outlook, or privacy to that neighbour, and therefore no significant impacts are anticipated.
- 9.15. At ground floor level, the proposed openings would provide views similar to those already available from the existing property and garden area. As such, no additional overlooking or loss of privacy is expected, and this aspect of the proposal is considered acceptable.
- 9.16. The new dormer would replace 2 dormers with similar views to neighbouring properties. As it would be larger however it would increase potential overlooking to a degree. Due to the high density of residential properties and small rear amenity areas, the location is characterised by a high degree of mutual overlooking however, and the potential increase from these works is not considered excessive over that already exhibited.
- 9.17. The proposed terrace at loft level would be relatively small scale but would have potential to introduce additional overlooking of adjoining properties. However, the scheme has been amended since first submitted, to reduce its width and to include 1.5 metre privacy screens to both the north and south sides, and on balance both these changes are considered to effectively mitigate these impacts. The terrace would be centrally located on the property, with main views afforded towards the rear garden, and it would have sufficient separation distance to neighbours. It is also noted that the neighbouring property to the north already benefits from a first-floor terrace, indicating that a degree of overlooking exists.
- 9.18. On balance, it is considered that the proposed development would not cause an adverse level of harm to the amenity of neighbours and would comply with DM20 of the Brighton and Hove City Plan Part 2.

#### Standard of Accommodation

- 9.19. The proposal would enlarge the communal spaces and the existing bedrooms in the loft area. The bedrooms would meet the minimum floorspace standards and minimum widths required by policy DM1. All the accommodation provided and altered would benefit from sufficient outlook and natural light and would otherwise improve the overall floorspace and standard of accommodation complying with policy DM1 of the Brighton and Hove City Plan Part Two.

#### Sustainable Transport

- 9.20. As noted by the Transport Officer, the proposed development is unlikely to result in any significant impact on the local highway network. While the existing garage is proposed to be converted into habitable accommodation, this is considered

acceptable as the property benefits from an existing driveway to the front, which provides off-street parking. Furthermore, the number of bedrooms within the dwelling would remain unchanged, and therefore the proposal is not expected to generate an increase in vehicle trips or parking demand. The property has sufficient space to provide (alternative) cycle parking storage if required.

#### Biodiversity Gain Plan

- 9.21. This scheme was considered exempt from the need to secure mandatory biodiversity net gain under Schedule 7A of the TCPA because it is a Householder application.

## **10. CONCLUSION**

- 10.1. The proposed works are considered to have an acceptable impact on the host property and would not adversely affect the character or appearance of the wider area, as the majority of alterations are located to the rear. The proposal would maintain an acceptable relationship with neighbouring properties, and the standard of accommodation provided would meet relevant requirements. Overall, the scheme is considered to accord with the relevant policies of the Development Plan, and, having regard to all material considerations including the National Planning Policy Framework (NPPF), approval is recommended.

## **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.



**Brighton & Hove  
City Council**

## PLANNING COMMITTEE LIST

### COUNCILLOR REPRESENTATION

**Cllr Ivan Lyons**  
**BH2025/01832 - 4 Benett Drive**

#### **5<sup>th</sup> September 2025:**

As the local Councillor, I wish to call this Planning Application in – to the Planning Committee.

The basis being – over development. The application in 2019 & 2022 was granted with conditions which all parties are agreeable.

**BH2019/00603**|Erection of single storey rear extension and roof alterations including 2no new rear dormers to replace existing and new gable to front, with alterations to fenestration and cladding.

**BH2022/01543**|Application for approval of details reserved by condition 4 (samples of materials) of application BH2019/00603.

As noted by the Council Planning Officer from the last application:

'The applicant is advised that the approved works are considered to represent the limit of what the original dwellinghouse can reasonably be enlarged to and further increases in scale are unlikely to be supported.'

I therefore recommend that the previous application be extended if the resident applies, but not for additional works which will make the building out of sync with its neighbours.

I trust that you will liaise with the residents at Number 2, Benett Drive in good time, before the hearing.



# **ITEM G**

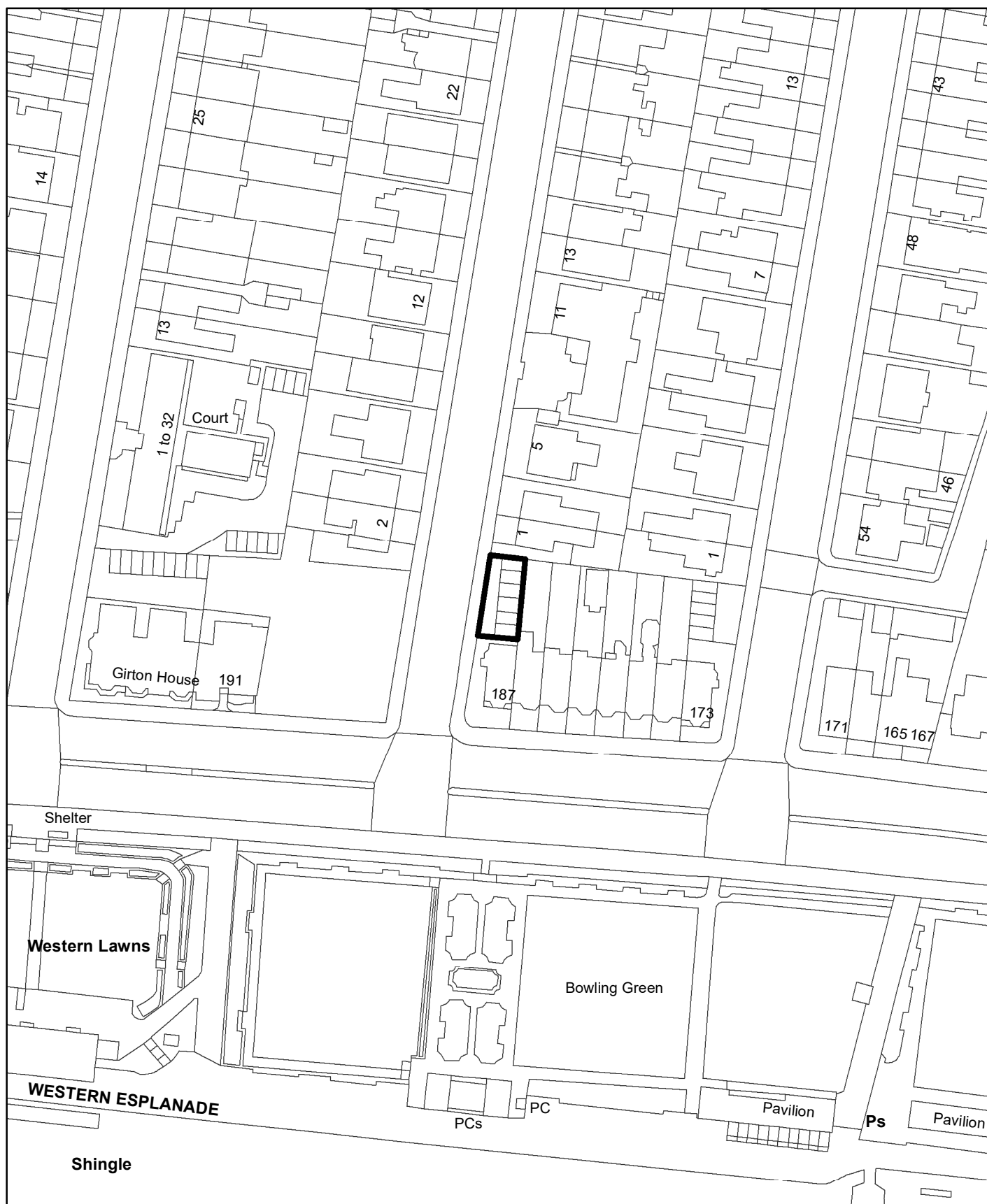
**Garages 1 to 6, Rear of 187 Kingsway  
BH2025/01647  
Full Planning**

**DATE OF COMMITTEE: 3<sup>rd</sup> December 2025**





# BH2025/01647 - Garages 1 To 6, Rear Of 187 Kingsway



**Brighton & Hove  
City Council**



**Scale: 1:1,250**



<b><u>No:</u></b>	<b>BH2025/01647</b>	<b><u>Ward:</u></b>	<b>Westbourne &amp; Poets' Corner Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Garages 1 To 6 Rear Of 187 Kingsway Hove</b>		
<b><u>Proposal:</u></b>	<b>Demolition of existing garage buildings and the erection of 2. No residential units</b>		
<b><u>Officer:</u></b>	Helen Hobbs, tel: 290585	<b><u>Valid Date:</u></b>	19.08.2025
<b><u>Con Area:</u></b>	Sackville Gardens	<b><u>Expiry Date:</u></b>	14.10.2025
<b><u>Listed Building Grade:</u></b>	<b><u>EOT:</u></b>		
<b><u>Agent:</u></b>	Mr Luke Carter 2 Port Hall Road 2 Port Hall Road Brighton Sussex BN1 5PD United Kingdom		
<b><u>Applicant:</u></b>	Matthew C/O Lewis & Co Planning 2 Port Hall Road Brighton Sussex BN1 5PD United Kingdom		

## 1. RECOMMENDATION

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

### Conditions:

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

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

Plan Type	Reference	Version	Date Received
Location and block plan	01		01-Jul-25
Location Plan	02		01-Jul-25
Proposed Drawing	06		01-Jul-25
Proposed Drawing	07 A		12-Nov-25
Proposed Drawing	08		01-Jul-25
Proposed Drawing	09 A		12-Nov-25
Proposed Drawing	10 A		12-Nov-25
Proposed Drawing	11		01-Jul-25
Proposed Drawing	12 A		12-Nov-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. Notwithstanding any details shown on the approved plans, no development above ground floor slab level of any part of the development hereby permitted

shall take place until details of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):

- a) Samples/details of all brick, render and tiling (including details of the colour of render/paintwork to be used)
- b) samples/details of all hard surfacing materials
- c) samples/details of the proposed window and door
- d) 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, DM21 and DM26 of Brighton & Hove City Plan Part 2 and CP12 and CP15 of the Brighton & Hove City Plan Part One.

4. The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.

**Reason:** To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with Policies DM18 and DM21 of Brighton & Hove City Plan Part 2, policy CP8 of the Brighton & Hove City Plan Part One and Policy WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.

5. No extension, enlargement, alteration of the dwellinghouses or provision of buildings etc incidental to the enjoyment of the dwellinghouse within the curtilage of the dwellinghouse(s) as provided for within Schedule 2, Part 1, Classes A - E 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 and to the character of the area and for this reason would wish to control any future development to comply with policies DM18 and DM26 of Brighton & Hove City Plan Part 2 and CP12 and CP15 of the Brighton & Hove City Plan Part One.

6. No development above ground floor slab level shall take place until full details of all new sliding sash windows and doors and their reveals and cills including 1:20 scale elevational drawings and sections and 1:1 scale joinery sections have been submitted to and approved in writing by the Local Planning Authority. The windows shall be painted timber double hung vertical sliding sashes with hidden trickle vents. The works shall be carried out and completed fully in accordance with the approved details and shall be retained as such thereafter.

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

7. The rooflights hereby approved shall have steel or cast metal frames colour-finished black or dark grey, fitted flush with the adjoining roof surface and shall not project above the plane of the roof.

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

8. 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 provide ecological and sustainability benefits, to comply with policies DM22 and DM37 of Brighton & Hove City Plan Part 2, and CP8, CP10, CP12 and CP13 of the Brighton & Hove City Plan Part One.

9. The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development at all times.

**Reason:** To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy DM33 of Brighton & Hove City Plan Part 2, and SPD14: Parking Standards.

10. The development hereby permitted shall not be occupied until the dwellings hereby permitted have been completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) and shall be retained in compliance with such requirement thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

**Reason:** To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy DM1 of Brighton & Hove City Plan Part 2.

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

**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.

12. None of the residential units hereby approved shall be occupied until each residential unit built has achieved as a minimum, a water efficiency standard of not more than 110 litres per person per day maximum indoor water consumption.

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

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

**Reason:** To enhance the biodiversity of the site and to comply with Policy DM37 of Brighton & Hove City Plan Part 2, Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

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 Part L – Conservation of Fuel and Power of the Building Regulations 2022 now requires each residential unit built to have achieved a 31% reduction in carbon emissions against Part L 2013.
3. The water efficiency standard required by condition is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.
4. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level and preferably adjacent to pollinator friendly plants.

### **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 relates to 6 post war, flat roofed garages with hardstanding sited at the rear of 187 Kingsway within the Sackville Gardens Conservation Area in close proximity to the junction with Sackville Gardens. The garages border the rear garden of 185 Kingsway to the east and are separated from 187 Kingsway by a small gap on the southern side. To the north of the site is No. 1 Sackville Gardens, which is three stories in height.

## **3. RELEVANT HISTORY**

- 3.1. The site has been subject to a recent pre-application enquiry. The general guidance provided supported the principal of the loss of the existing garages and replacement with two new dwellings.
- 3.2. **BH2017/03293** Demolition of existing garages and erection of 2no 2 storey plus basement residential dwellings. Refused 30.01.2018 for the following reasons and Appeal Dismissed 06.02.2019:
  - 1. The proposed dwellings, by reason of the proposed roof form and cramped design, the dense site coverage and the position in the streetscene projecting substantially forward of an established historic Sackville Gardens building line, would be uncharacteristic of the surrounding Sackville Gardens Conservation Area. Furthermore the lack of front gardens and the introduction of lightwells with bridged walkways are uncommon features of the streetscene which would fail to preserve or enhance its character contrary to policies CP12 & CP15 of the Brighton & Hove City Plan Part One and retained policy HE6 of the Brighton & Hove Local Plan.
  - 2. The proposed dwellings would provide accommodation over three floors with substantial areas of the floor space allocated to hallways, landing areas and staircases. In addition the basement bedrooms proposed

would suffer from poor and oppressive outlook and the bedrooms within the roof space would be dictated by sloping ceilings resulting in a sense of cramped accommodation. As such the proposed dwellings would provide inadequate accommodation to meet the likely needs of future occupiers contrary to Policy QD27 of the Brighton and Hove Local Plan.

3. The proposed amenity space to the most southern property by reason of its small size and the walkway above would suffer from poor levels of natural light, resulting in a poor quality of amenity space to future occupiers and thus the development does not comply with the requirements of retained policies HO5 and QD27 of the Brighton & Hove Local Plan.

3.3. **BH2016/00527:** Demolition of existing garages and erection of 2no two bedroom single storey houses. Refused April 2016.

3.4. **BH2014/01990:** Demolition of existing garages and erection of four storey building containing 4no one bedroom flats and 2 no two bedroom maisonettes. Refused December 2014 and Appeal Dismissed October 2015.

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

4.1. The application seeks permission for the demolition of the existing garage buildings and the erection of two 3no. bedroom dwellings. The dwellings would be set into the ground and have accommodation across basement and ground levels as well as incorporating rooms in the roof space. The dwellings would be finished in painted render with white painted timber sash windows and a slate roof.

4.2. Amendments have been made during the course of the application to reduce the height on the rear boundary (eastern side), in order to improve the relationship of the development with neighbouring properties to the east.

#### **5. REPRESENTATIONS**

5.1. In response to publicity, responses were received from **Seven (7)** individuals, objecting to the application for the following issues:

- Loss of light
- Loss of garages
- Increase in parking
- Overshadowing
- Overlooking
- Noise and disturbance
- Overdevelopment
- Unsuitable site family housing

5.2. In response to publicity, responses were received from **Fourteen (14)** individuals, supporting to the application for the following issues:



- Good design
  - Housing need
  - Loss of unsightly garages
  - Increase in parking spaces by removing the garages
  - Improvement to the conservation area
- 5.3. Full details of representations received can be found online on the planning register.

## 6. CONSULTATIONS

### Internal:

- 6.1. **Heritage:** No objection subject to conditions  
 The main issue to be addressed is whether the proposal would result in harm to the significance of the Sackville Gardens Conservation. Various design iterations have been considered at the pre-app stage and previous applications. The design has evolved to address previous concerns regarding scale, proportions and detailing. The overall height has been lowered, and the proposed roof form is now hipped and the parapet has been emphasised. Detailing and materials reflect the adjacent buildings and the surrounding area. Scale and proportions are appropriate, given the constrained nature of the site, subservient to existing historic buildings.
- 6.2. The information provided is satisfactory to determine that the development can be made acceptable in relation to the impacts on heritage provided the conditions relating to materials and window/door detailing are imposed.
- 6.3. **Sustainable Transport:** No comment received

### External:

- 6.4. **East Sussex Fire Authority:** Comment  
 The applicant should note advice from the fire authority that if there are any existing emergency exit routes from the rear gardens of the dwellings on Kingsway, these should not be obstructed. Building Control Regulations will also consider this matter.

## 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).

## 8. RELEVANT POLICIES & GUIDANCE

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP8	Sustainable buildings
CP10	Biodiversity
CP12	Urban design
CP15	Heritage

#### Brighton & Hove City Plan Part 2:

DM18	High Quality design and places
DM20	Protection of Amenity
DM22	Landscape Design and Trees
DM26	Conservation Areas
DM28	Locally Listed Heritage Assets
DM29	The Setting of Heritage Assets
DM40	Protection of the Environment and Health - Pollution and Nuisance
DM41	Polluted sites, hazardous substances & land stability
DM43	Sustainable Urban Drainage
DM44	Energy Efficiency and Renewables

#### Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD09	Architectural Features
SPD11	Nature Conservation & Development
SPD14	Parking Standards
SPD17	Urban Design Framework

#### Other relevant documents

Sackville Gardens Conservation Area Character Statement

## 9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the principle of development, design and impact on heritage assets, impacts on neighbouring amenity, highways, the proposed standard of accommodation, land contamination, sustainability and biodiversity matters.

Principle of the Development:

- 9.2. Policy CP1 in City Plan Part One sets a minimum housing provision target of 13,200 new homes for the city up to 2030. However, on 24 March 2021 the City Plan Part One reached five years since adoption. National planning policy states that where strategic policies are more than five years old, local housing need calculated using the Government's standard method should be used in place of the local plan housing requirement. The local housing need figure for Brighton & Hove using the standard method is 2,498 homes per year. A 20% buffer is applied to this figure to reflect the most recent Housing Delivery Test measurement (published in December 2024) for the council being less than 85%.
- 9.3. The council's most recent housing land supply position is published in the SHLAA Update 2024 which shows a five-year housing supply shortfall of 10,643. This is equivalent to 1.4 years of housing supply.
- 9.4. As the council is currently unable to demonstrate a five-year housing land supply, increased weight should be given to housing delivery when considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).
- 9.5. It is unclear from their appearance if the six existing garages are in active use. They appear to be in reasonable condition. It is also unclear who currently uses/used the garages however, this would be a matter for the owners to resolve privately with any users although it is noted within the application form that the garages are under the sole ownership of the applicant. Notwithstanding the above, there is no objection to the loss of the garages.
- 9.6. The provision of two dwellings at the site is given increased weight and makes an important, albeit minor, contribution to the city's housing land supply.

**Design and Impact on Heritage Assets:**

- 9.7. When considering whether to grant planning permission for development in a conservation area the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.
- 9.8. Case law has held that the desirability of preserving or enhancing the character or appearance of a conservation area should be given "considerable importance and weight".
- 9.9. The existing garages are not of historic or architectural significance and are considered to make a negative contribution to the existing character of the Sackville Gardens conservation area. However, it is noted that their ancillary and subordinate nature maintains a sense of openness and provides a visual break between the development along Sackville Gardens and the Kingsway buildings to the south.

- 9.10. The site has extensive planning history, and the design and scale of the development has evolved over time to address concerns previously highlighted by the LPA and Planning Inspectorate as noted in the relevant history section above. These concerns have always centred around the detailing, design, scale and height of the development and its impact on the streetscene and heritage assets.
- 9.11. The existing garages are proposed to be demolished, and two new two storey dwellings are proposed to be erected in their place.
- 9.12. The dwellings would be set within the plot, maintaining a 2.1m separation from both side boundaries to the north and south. Their frontages would be set back from the street by approximately 4m creating small front garden areas for each dwelling. The proposed siting would be slightly forward of the established building line along the eastern side of Sackville Gardens, but not beyond the line of the side elevation of 187 Kingsway. The siting forward of the Sackville Gardens building line was previously objected to within the previously refused applications in 2016 and 2017, however it was acknowledged that the lack of any set back from the streetscene along with the scale and design of the dwellings further exacerbated the dwellings positionings. It is now considered that the scale and design of the dwellings have been improved, and the creation of front garden areas now allows the dwellings to sit more comfortably within the street and as such their siting would not appear unduly dominant.
- 9.13. The proposed scale of the development, due to its single storey appearance and coverage of the site would appear appropriate and would not be overly dominant within the street scene. The proposal would still maintain a sense of openness and maintain the visual break created by the existing garage development.
- 9.14. The design of the proposed two storey dwellings is such that they would appear as single storey within the street scene due to the lower basement level which would not be visible from the public realm. Accommodation is also formed within the proposed hipped roof by way of two traditional style dormers. The dormers are considered to be appropriately scaled and detailed and would cause no harm to the character and appearance of the streetscene. The proposed detailing otherwise includes render, white painted timber sash windows and a grey slate roof. The proposed design treatments including eaves details and other sympathetic detailing are considered appropriate given the traditional and historical context of the site.
- 9.15. The proposed front boundary which is in the form of a traditional rendered low wall, ensures the proposal integrates successfully within the streetscene and the wider area and no objection is raised in this regard.
- 9.16. Overall, the proposal is considered to be an appropriate and sympathetic development which does not cause significant harm to the character and appearance of the site, streetscene or the surrounding conservation area. The design and appearance of the dwellings is considered to be in accordance

with policies CP12 and CP15 of the Brighton and Hove City Plan Part One and DM18 and DM26 of the Brighton and Hove City Plan Part Two.

**Proposed Standard of Accommodation:**

- 9.17. The proposed dwellings would have internal floor spaces of 112sqm and 117sqm and would both provide 3 bedrooms, suitable for 5 occupants across the three floors (lower ground, ground and roofspace). As such the minimum floor areas as required by policy DM1 and the NDSS for a unit of this type is 99sqm. Both units of accommodation would therefore exceed this minimum standard.
- 9.18. As a result of pre-application discussions, the constraints of the site dictate that the two of the bedrooms would be located at basement level. Basement side lightwells would enable the two bedrooms to have full height openings onto the basement patios. The front basement double bedrooms would also have a rooflight, positioned in the front gardens (the front building line of the ground floor is set further into the site than the front basement building line). Some overlooking into these rooflights could occur from people standing within the front gardens, however as these are not the only openings, blinds could be utilised to protect privacy from within the bedrooms. Whilst the levels of light and outlook would not be ideal, given these rooms are bedrooms (and not the only bedrooms in the new dwellings) and are not too dissimilar to the basement flats within the immediate vicinity, on balance in this context this is considered acceptable. The ground floor living accommodation and first floor bedroom would have acceptable levels of light and outlook. The general layout is also considered acceptable, and no further concerns are raised in this respect.
- 9.19. With regards to the provision of private amenity space, the dwellings would have small basement level external patios and also the front gardens. Whilst this is considered to be somewhat limited in its provision, given the scale of the dwellings and their central location, this is not considered uncommon within the vicinity and is considered on balance acceptable given the constraints of the site. It is noted that the residents will also benefit from being in a sustainable location, within easy walking distance of public amenities and public spaces, such as the seafront to the south of the site.
- 9.20. The proposed dwellings would therefore be in accordance with policies DM1 and DM20 of the Brighton and Hove City Plan Part Two.

**Impact on Neighbouring Amenity:**

- 9.21. The properties most likely to be impacted by the proposal are 187 Kingsway, to which the application site is located to the rear of and 185 Kingsway whose rear garden adjoins the rear boundary of the application site.
- 9.22. The scheme has been amended during the course of the application, to reduce the height and massing of the dwellings on the rear boundary. Whilst the overall maximum height of the dwellings remains very similar, the eaves height has been lowered by approximately 0.7m and the roofslopes above have been set away from the shared boundary.

- 9.23. The existing garages currently protrude above the existing boundary wall to the west (shared by 185 Kingsway) by approximately 1m. The proposed rear elevation of the dwellings would extend a further 0.8m upwards to the eaves level of the dwellings roof. This would result in a new boundary height of approximately 2.6m. Above the eaves level, the roofslope steps in from the shared boundary and slopes steeply up, away from east. Although the proposed development would be higher than the existing flat roofed garages, the main bulk of the dwellings and the height to eaves level would not be so significantly impactful as to warrant refusal. The neighbouring property (185 Kingsway which is converted into flats) has a single storey rear extension which would be sited alongside the development which features a rear window and patio doors. Whilst the increase in height would be evident from these openings, given the overall height of the development, some impact would occur, however is not considered so significant to warrant refusal. The orientation of the properties ensures that the development would not result in any significant loss of sunlight or overshadowing.
- 9.24. Directly to the south of the proposed development is No. 187 Kingsway (also converted into flats) which has a ground floor window facing the application site. This window was noted as being obscure glazed on site and therefore could be likely to serve a bathroom or a secondary room. It is also noted that the development would be set a further 2.1m further to the north, than that of the existing row of garages. As such it is not considered that any significant harm would result to this neighbouring occupier.
- 9.25. There is a basement flat at 187 Kingsway and whilst the proposed development would be greater in height than the existing garage development, the greater separation distance (2.1m), is considered to sufficiently negate any increase in impact from the additional height.
- 9.26. The property to the north of the site No. 1 Sackville Gardens is separated by the existing vehicular access. The ground and first floors of the proposed development are set a further 2.6m from the vehicular access. This neighbouring property has a number of side windows facing, however only one window is positioned at ground floor level. Given the separation of the new dwellings proposed, the development would not result in a harmful impact to the amenities of this neighbouring property.
- 9.27. No windows are proposed to the rear of the proposed properties, only rear rooflights which would provide oblique views to the rear. Whilst these would be new views towards the east, they would not overlook directly the nearest garden areas as they would be obscured by the angle of the window and the bottom of the roof. Therefore, any new longer views to the east would not be unusual when in a tight knit urban location. No upper floor side windows are proposed, only at ground level and basement level, which would be screened by boundary treatments. As such no increased levels of overlooking or loss of privacy would result to neighbouring properties to the east.

9.28. The applicant has submitted a daylight and sunlight report. The report assessed the impact of the development on the lowest positioned windows on the neighbouring properties at nos. 187 and 185. It concluded that these dwellings would not be likely to be harmfully impacted by overshadowing from the proposed development and the sunlight availability would not be significantly altered. It was concluded that the proposed development would not significantly reduce the amount of sunlight to the garden in 185 Kingsway, which is immediately to the east of the site, compared with the existing garage development.

9.29. Overall, the proposals would not result in any significant harm to neighbouring amenity in accordance with policy DM20 of the Brighton and Hove City Plan Part Two.

**Impact on Highways:**

9.30. The site is considered to be in a sustainable location close to local shops and services with bus stops served by several routes, including to Brighton train station.

9.31. The application does not include off-street car parking spaces. The erection of 2 residential units and the loss of the existing garages, which could have previously been used for vehicular storage, would mean that there may be parking overspill onto the highway. This site is located inside a Controlled Parking Zone (CPZ) H and therefore any increase in demand for parking would be controlled and managed by the parking team.

9.32. The applicant is proposing 2 cycle parking spaces per unit. Parking Standards SPD14 requires a minimum of 1 cycle parking space for 1 - 2 bedroom dwellings. A condition will be attached to secure the shown facilities are implemented prior to first occupation.

9.33. The plans indicate refuse and recycling bins in front of each residential unit. These facilities appear acceptable.

**Sustainability:**

9.34. Energy and water efficiency measures in accordance with Policy CP8 of the City Plan Part One and Policy DM44 of the City Plan Part Two can be secured by condition.

**Biodiversity and landscaping:**

9.35. Conditions requiring at least one bee brick has been attached to improve ecology outcomes on the site in accordance with the Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

9.36. The development includes planting to the front garden areas which is considered necessary to enhance the visual amenity of the development. Conditions will ensure the planting is carried out in accordance with the plans.

**Biodiversity Net Gain**

- 9.37. This scheme was considered exempt from the need to secure mandatory biodiversity net gain under Schedule 7A of the TCPA because;
- It does not impact a priority habitat or habitat of more than 25sqm or 5m of linear habitat.

### **Conclusion**

- 9.38. The proposed development is considered to be of an acceptable design and appearance and would not cause significant harm to the character and appearance of the site or the surrounding conservation area. It is not considered to result in any significant harm to neighbouring amenity, transport or biodiversity and the proposed two dwellings would provide a good standard of accommodation and would contribute towards the city's housing supply. Approval is therefore recommended subject to conditions as set out above.

## **10. EQUALITIES**

- 10.1. 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.
- 10.2. 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. The site has level access into the dwellings.
- 10.3. Level access would be provided to the ground floor level of the new dwellings and a condition regarding compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) is attached should the application be approved.

## **11. COMMUNITY INFRASTRUCTURE LEVY**

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



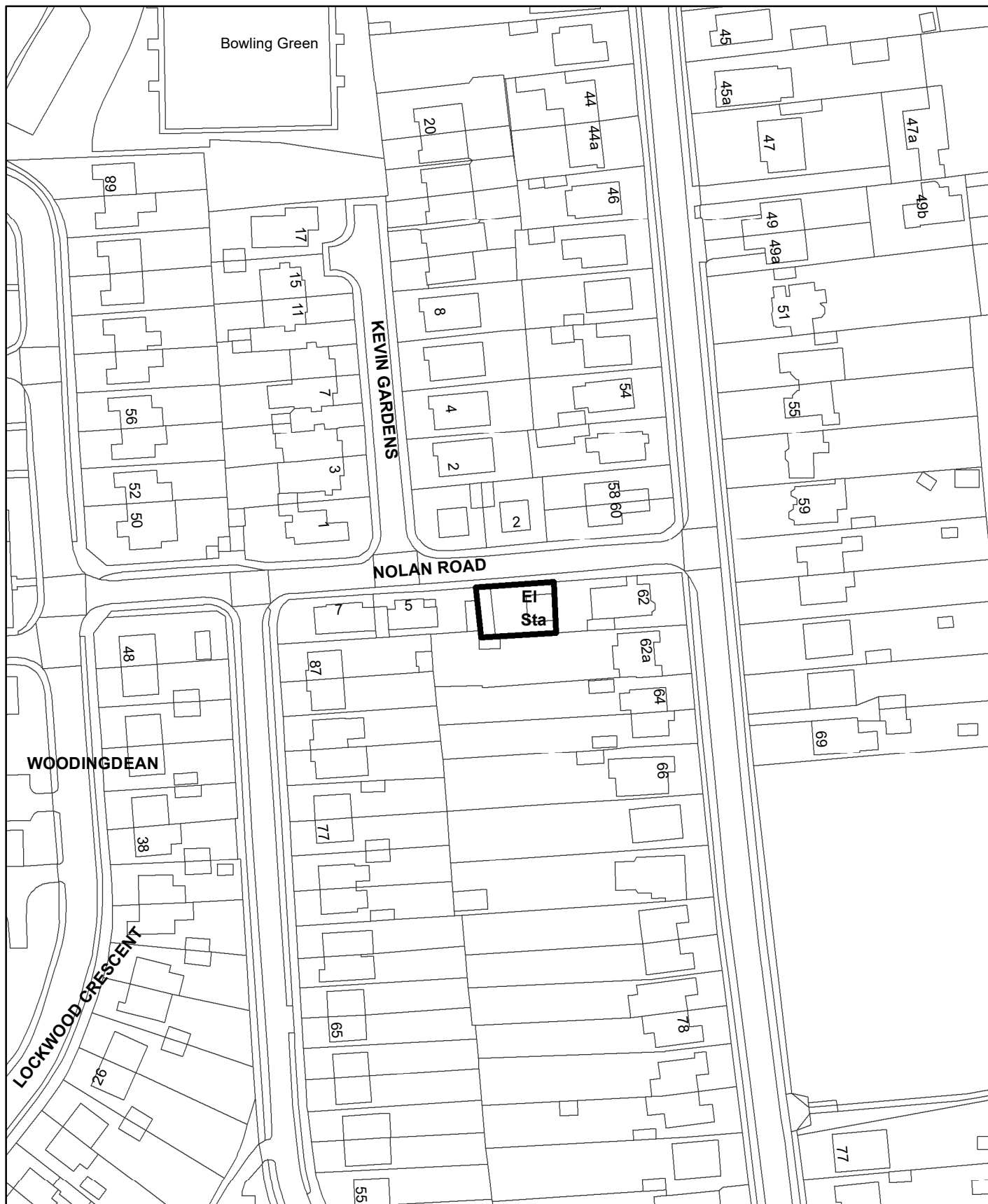
# **ITEM H**

**Land East of 5 Nolan Road  
BH2025/01008  
Full Planning**

**DATE OF COMMITTEE: 3<sup>rd</sup> December 2025**



# BH2025 01008 - Land East Of 5 Nolan Road



**Brighton & Hove  
City Council**



**Scale: 1:1,250**



<b><u>No:</u></b>	<b>BH2025/01008</b>	<b><u>Ward:</u></b>	<b>Woodingdean Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Land East Of 5 Nolan Road Brighton BN2 6RS</b>		
<b><u>Proposal:</u></b>	<b>Demolition of existing garage and erection of 1no. one storey, two bedroom dwelling (C3) with associated landscaping.</b>		
<b><u>Officer:</u></b>	Rebecca Smith, tel: 291075	<b><u>Valid Date:</u></b>	03.06.2025
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	29.07.2025
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	15.11.2025
<b><u>Agent:</u></b>	RSP Architects Ltd. RSP Architects Ltd 1 Westbourne Grove Hove BN3 5PJ		
<b><u>Applicant:</u></b>	C/O RSP Architects 1 Westbourne Grove Westbourne Gardens Hove East Sussex BN3 5PJ		

## 1. RECOMMENDATION

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

### Conditions:

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

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

Plan Type	Reference	Version	Date Received
Location and block plan	01	C	03-Jun-25
Proposed Drawing	05		10-Oct-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. 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):
- details of all brick, render and tiling (including details of the colour of render/paintwork to be used)
  - details of all cladding to be used, including details of their treatment to protect against weathering
  - details of all hard surfacing materials

- d) details of the proposed window, door and balcony treatments
- e) 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 and DM21 of Brighton & Hove City Plan Part Two and CP15 of the Brighton & Hove City Plan Part One.

- 4. The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.

**Reason:** To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with Policies DM18 and DM21 of Brighton & Hove City Plan Part 2, policy CP8 of the Brighton & Hove City Plan Part One and Policy WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.

- 5. No extension, enlargement, alteration of the dwellinghouse or provision of buildings etc incidental to the enjoyment of the dwellinghouse within the curtilage of the dwellinghouse as provided for within Schedule 2, Part 1, Classes A - E 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 and to the character of the area and for this reason would wish to control any future development to comply with policies DM18, DM20 and DM21 of Brighton & Hove City Plan Part Two, and CP12 of the Brighton & Hove City Plan Part One.

- 6. The dwelling hereby approved shall be implemented in strict accordance with the internal layouts detailed on the proposed floorplans 05 received on 10th October 2025. The internal layouts shall be retained as first implemented thereafter.

**Reason:** To ensure an acceptable standard of accommodation for future occupiers is provided and maintained thereafter and to comply with policy DM1 of the Brighton and Hove City Plan Part Two.

- 7. The hard surface of the external landscaping shall be made of porous materials and retained thereafter, or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.

**Reason:** To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policies CP8 & CP11 of the Brighton & Hove City Plan Part One and DM42 and DM43 of the Brighton & Hove City Plan Part Two and SPD16: Sustainable Drainage.

- 8. 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;
- d. a scheme of biodiversity and ecological measures to be incorporated into the landscaping design.

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 provide ecological and sustainability benefits, to comply with policies DM22 and DM37 of Brighton & Hove City Plan Part 2, and CP8, CP10, CP12 and CP13 of the Brighton & Hove City Plan Part One.

9. The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development at all times.

**Reason:** To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy DM33 of Brighton & Hove City Plan Part 2, and SPD14: Parking Standards.

10. The development hereby permitted shall not be occupied until the redundant vehicle crossover at the entrance to the site (adjacent to the substation on Nolan Road) has been converted back to a footway by raising the existing kerb and footway.

**Reason:** In the interests of highway safety and to comply with policies DM33 of Brighton & Hove City Plan Part 2, CP9 of the Brighton & Hove City Plan Part One.

11. The development hereby permitted shall not be occupied until the dwelling hereby permitted have been completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) and shall be retained in compliance with such requirement thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

**Reason:** To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy DM1 of Brighton & Hove City Plan Part Two.

12. The development hereby approved should achieve a minimum Energy Performance Certificate (EPC) rating 'B'.  
**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.
  
13. The dwelling hereby approved shall be occupied until each residential unit built has achieved as a minimum, a water efficiency standard of not more than 110 litres per person per day maximum indoor water consumption.  
**Reason:** To ensure that the development is sustainable and makes efficient use of water to comply with policy CP8 of the Brighton & Hove City Plan Part One.
  
14. Prior to the installation of any air source heat pump, details of the Microgeneration Certification Scheme (MCS) 020 assessment shall be provided to the Local Planning Authority for approval. Where the MCS020 assessment does not meet the noise criteria set out then full details of the proposed unit(s) and details of anti-vibration mounts and other noise attenuation measures shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved and thereafter maintained as such.  
**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.
  
15.
  1. No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the local planning authority:
    - (a) A desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with industry best practice guidance such as BS 10175:2011+A2:2017 - Investigation of Potentially Contaminated Sites - Code of Practice and BS 5930 Code of Practice for Ground Investigations;  
 And if notified in writing by the local planning authority that the desk top study identifies potentially contaminant linkages that require further investigation then,
    - (b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS 10175:2011+A2:2017;  
 And if notified in writing by the local planning authority that the results of the site investigation are such that site remediation is required then,
    - (c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such a scheme shall include nomination of a competent person to oversee the implementation of the works.
  2. The development hereby permitted shall not be occupied or brought into use until there has been submitted to, and approved in writing by, the local planning authority a written verification report by a competent person



approved under the provisions of condition (1)c that any remediation scheme required and approved under the provisions of condition (1)c has been implemented fully in accordance with the approved details (unless varied with the written agreement of the local planning authority in advance of implementation). Unless otherwise agreed in writing by the local planning authority the verification report shall comprise:

- a) built drawings of the implemented scheme;
- b) photographs of the remediation works in progress;
- c) certificates demonstrating that imported and/or material left in situ is suitable for use.

**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.

16. No development above ground floor slab level of any part of the development hereby permitted shall take place until a Noise Mitigation Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall demonstrate the current noise levels associated with the existing substation adjacent and shall include proposed noise mitigation measures to protect prospective residents of the dwelling hereby approved. The Plan shall demonstrate how the recommended noise criteria in noise sensitive spaces and external amenity areas of the development as contained within the World Health Organisation (WHO) (1999): Guidelines for Community Noise and in the BS8233:2014: 'Guidance on Sound Insulation and Noise Reduction for Buildings' has been taken into account, and shall consider and include where appropriate the following measures to meet the necessary noise levels in the habitable rooms within the development:

- Acoustic treatment to the boundary with the electricity sub station
- Acoustic treatment to the habitable rooms
- Details of any air source heat pumps/alternative ventilation

The agreed Plan and associated mitigation shall be implemented prior to first occupation of the dwelling and retained thereafter.

**Reason:** To safeguard the amenities of the new residents and to comply with policies DM20 and DM40 of the Brighton and Hove City Plan.

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

**Reason:** To enhance the biodiversity of the site and to comply with Policy DM37 of Brighton & Hove City Plan Part 2, Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

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 advice regarding permeable and porous hard surfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens'.
3. The applicant is advised to contact the Council's Streetworks Team (permit.admin@brighton-hove.gov.uk 01273 290729) for necessary highway approval from the Highway Authority prior to any works commencing on the adopted highway to satisfy the requirements of the condition.
4. The applicant is advised under Part S of the Building Regulations that new dwellings providing a parking space now require an EV charging point.
5. The water efficiency standard required by condition is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.
6. The applicant is advised that the above condition on land contamination has been imposed because the site is known to be or suspected to be contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer.  
To satisfy the condition a desktop study shall be the very minimum standard accepted. Pending the results of the desk top study, the applicant may have to satisfy the requirements of part (b) and part (c) of condition 16 above.  
It is strongly recommended that in submitting details in accordance with this condition the applicant has reference to Land contamination risk management (LCRM) - GOV.UK <https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm>
7. The applicant is advised to consult with the sewerage undertaker to agree a drainage strategy including the proposed means of foul water disposal and an implementation timetable. Please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel 0330 303 0119), or [www.southernwater.co.uk](http://www.southernwater.co.uk)
8. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level and preferably adjacent to pollinator friendly plants.

### **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 parcel of land located on the southern side of Nolan Road in Woodingdean. The surrounding area largely features suburban housing. The site currently contains a single storey garage structure, which is boarded up, but was in last known use for storage of building materials. The planning history shows a previous use of site included a garage used for vehicle repairs. There is currently a vehicle crossover and handstand to the front of the site.
- 2.2. The surrounding area is characterised by a mix of two-storey dwellings and chalet bungalows with small front gardens and driveways with predominantly good-sized rear gardens. There is a clear and established building line, with a reasonably uniform pattern of rear gardens and plot sizes.
- 2.3. There are no listed or locally listed buildings within the vicinity of the site, and the site is not within a Conservation Area. It is also not covered by any relevant Article 4 Directions. There is an electrical substation immediately adjacent between the proposed site and 5 Nolan Road.

## **3. RELEVANT HISTORY**

- 3.1. **BH2024/00983** - Demolition of existing garage and erection of 1no. two-storey, three-bedroom dwelling (C3) with associated landscaping. Refused 24.12.2024.  
*Reason for refusal:*
  - 1. *The proposed dwelling, by reason of its height, positioning, and proximity to boundaries, would represent an overbearing and unneighbourly form of development which would cause a pronounced increased sense enclosure, oppressive outlook and overshadowing to 62 Downs Valley Road. The development would significantly harm the residential amenity of the occupiers of this property and would therefore be contrary to policies DM20 of the Brighton and Hove City Plan Part Two.*
- 3.2. **BH2023/01969** - Demolition of existing garage and erection of 1no. two-storey, three-bedroom dwelling (C3) with associated landscaping and new vehicular crossover. Withdrawn 19.09.2023.
- 3.3. **BH2022/00903** Erection of 2no two-storey semi-detached dwellinghouses with associated landscaping. Refused 17.5.2022 for the following reasons:

1. *The proposed dwellings by virtue of their bulk, positioning and overall material appearance would present a poorly designed and sited development with a density that is significantly higher than its surroundings. The excessive density compounds the concerns regarding the overall design and appearance of the dwellings being out of character and an over-development of this plot on Nolan Road. This is contrary to policies CP12 and CP14 of the City Plan Part One, QD14 of the Local Plan, and policy DM18 of the emerging City Plan Part Two.*
  2. *The proposed dwellings, by reason of their overall positioning, density and proximity to boundaries, would result in a significantly harmful impact on the amenity of occupiers of the neighbouring property at 62 Downs Valley Road through an increased sense of overbearing and enclosure. There would also be a reduction in outlook and increased overshadowing from the development. This would be contrary to policies QD14 and QD27 of the Local Plan, and policy DM20 of the emerging City Plan Part Two.*
- 3.4. This application was the subject of an appeal to the Planning Inspectorate. The appeal was dismissed with the Inspector concurring with the Local Planning Authority on both grounds.
- 3.5. **BH2021/03760** Erection of 2no. new two-storey semi-detached dwellinghouses with associated landscaping. Refused 16.12.2021.
- Listed under 62 Downs Valley Road
- 3.6. **84/1109** - Continued use of the lock up garage for general car maintenance and repair. Approved 28.08.1984 (for two years).

#### 4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for the demolition of the existing garage and the erection of a single storey, two-bedroom dwelling (C3), with associated landscaping. The dwelling would be suitable for four occupiers and would comprise a single storey structure with a pitched roof and rear/side amenity area to the east of the main dwelling. The development would be set back from the pavement boundary and from the side and rear boundaries.
- 4.2. The scheme has been amended during the course of the application to reposition the dwelling and change the internal layout to address concerns related to:
  - Increasing separation from the substation,
  - Increased internal floor area to improve standard of accommodation,
  - Roof pitch increased,
  - Removal of parking within the site, and
  - Additional cycle parking, solar panels and an Air Source Heat Pump (ASHP) have been added to the proposal.

#### 5. REPRESENTATIONS

- 5.1. Representations have been received from **6 (six)** individuals, objecting to the proposed development for the following reasons:
- Inappropriate height of development
  - Overdevelopment
  - Overshadowing to no. 62
  - Poor design
  - Too close to the boundary
  - Consultation with Southern water is needed for a suitable connection
  - Site address does not match land registry title
  - Double yellow lines should be applied to the highway if development approved to prevent parking congestion
  - Additional traffic
  - Restriction of view
  - The site is not large enough for what is proposed.
  - Contaminated land
  - Substation not adequately considered
  - Drainage
  - Development has not addressed previous refusal reasons
- 5.2. A representation has been received from **1 (One)** individual, supporting the proposed development for the following reasons:
- Good and sensitive design
  - Site is currently an eyesore and is the perfect site for a new dwelling
  - Applicants have engaged with neighbours
  - Access to the site will be easy and there is always parking on Nolan Road
- 5.3. Full details of representations received can be found online on the planning register.

## **6. CONSULTATIONS**

### Internal:

- 6.1. **Environmental Health:** No objection  
Historically records are inconclusive about potential contamination and preliminary investigations should be undertaken prior to any development commencing.
- 6.2. Due to the close proximity of the site to an existing substation, there is a potential for new receptors to be exposed to low frequency noise. Reducing the impact on amenity requires careful design and extensive incorporation of appropriate mitigation systems, the actual effectiveness of on-site systems will have to be demonstrated to the Local Planning Authority. An acoustic design condition should be applied.
- 6.3. **Sustainable Transport:** Objection  
The transport team have objected to the proposals due to concerns with regard to the visibility from the proposed car parking space. Though the comments do acknowledge that the development would be acceptable without on-site car

parking, subject to the kerb being reinstated. A concern was also raised about the lack of cycle parking on the plans.

- 6.4. There was no concern in relation to the proposed dwelling use of the site, access to the site for pedestrians, trip generation or sustainable travel opportunities.

External:

- 6.5. **UK Power Networks:** Comment

UK Power Networks have commented on the application as there is a substation on the adjacent plot of land. The comments include details of expectations in terms of consultation with them and offering advice about the design of development adjacent to sub stations.

- 6.6. Full details of consultation responses received can be found online on the planning register.

## **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; revised October 2024);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
- Shoreham Harbour JAAP (adopted October 2019).

## **8. RELEVANT POLICIES & GUIDANCE**

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One:

SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP11	Flood risk
CP12	Urban design
CP14	Housing density
CP19	Housing mix

Brighton & Hove City Plan Part Two:

DM1	Housing Quality, Choice and Mix
DM2	Retaining Housing and residential accommodation (C3)
DM3	Residential conversions and the retention of smaller dwellings
DM7	Houses in Multiple Occupation
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 Noise
DM43	Sustainable Drainage
DM44	Energy Efficiency and Renewables

Supplementary Planning Documents:

SPD11	Nature Conservation & Development
SPD12	Design Guide for Extensions and Alterations
SPD14	Parking Standards
SPD17	Urban Design Framework

## **9. CONSIDERATIONS & ASSESSMENT**

- 9.1. The main considerations in the determination of this application relate to the principle of the development, design and its impact upon the character and appearance of the streetscene, the wider area, the impacts on the amenities of adjacent occupiers, the standard of accommodation to be provided, and sustainability, ecology and highways considerations.
- 9.2. Given the recent planning history for the site, the dismissed appeal for two houses on the site (see planning history), is a material consideration. Previous schemes put forward for this site have been refused owing to inappropriate design and/or impacts on neighbouring properties. The below sections will set out how this design has been considered in terms of the external appearance and positioning within the street scene and the impacts on neighbours. The proposal does meet the size and specification to be considered as a family dwelling.

**Principle of the Development:**

- 9.3. Policy CP1 in City Plan Part One sets a minimum housing provision target of 13,200 new homes for the city up to 2030. However, on 24 March 2021 the City Plan Part One reached five years since adoption. National planning policy states that where strategic policies are more than five years old, local housing need calculated using the Government's standard method should be used in place of the local plan housing requirement. The local housing need figure for Brighton & Hove using the standard method is 2,498 homes per year. A 20% buffer is applied to this figure to reflect the most recent Housing Delivery Test

measurement (published in December 2024) for the council being less than 85%.

- 9.4. The council's most recent housing land supply position is published in the SHLAA Update 2024 which shows a five-year housing supply shortfall of 10,643. This is equivalent to 1.4 years of housing supply.
- 9.5. As the council is currently unable to demonstrate a five-year housing land supply, increased weight should be given to housing delivery when considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).
- 9.6. The proposed development would result in the addition of a new build dwelling on the site. This net increase of one dwellinghouse must be given weight in the overall planning balance, in light of the city's housing supply shortfall.

**Design and Appearance:**

- 9.7. The proposed dwelling would replace the existing dilapidated single storey garage with hardstanding, with a single storey dwelling and landscaping.
- 9.8. The dwelling would be single storey with a pitched roof. The roof would be tiled with grey concrete tiles and rendered gable detail. The dwelling is otherwise proposed to be brick built with UPVC doors and windows. A condition is recommended to secure specific details regarding the proposed material finish which is considered to be in keeping and character with the street scene.
- 9.9. The proposed dwelling would be set in from all boundaries. It would be located at least one metre from the western boundary with the substation and at least 0.95m from the south boundary with garden of 62A Downs Valley Road, located to the rear. To the east it would be set in from the rear boundary of 62 Downs Valley Road. The rear side garden for the new dwelling would adjoin existing gardens at 62 and 62A Downs Valley Road.
- 9.10. The roof would have solar panels on the rear/side roof slopes. There would be four solar panels in total. There would be an Air Source Heat Pump beside the front door to the dwelling, which is to be located in the west facing elevation. Cycle parking would be on the east elevation.
- 9.11. The proposal is considered to sit comfortably within the overall streetscene, which features a mix of two-storey and single storey dwellings. Previous schemes have sought two-storey structures and multiple dwellings within the site. Those previous proposals were considered an overdevelopment of the site. This proposal would not result in an overdeveloped appearance, being a single storey, single dwelling and it has been designed as a single storey to assimilate into the downward slope of Nolan Road.
- 9.12. Whilst there are no concerns in terms of the general design as now amended, there are concerns in terms of both design and amenity if permitted development rights were left unrestricted. It is suggested that a condition is applied to remove



permitted development rights for further extensions and alterations to ensure that any future changes to the dwelling are acceptable in terms of design and impacts upon neighbouring properties.

- 9.13. The development of a single storey single dwelling is considered to be commensurate with the overall character of the area, and no concerns are held with regards to design and character and appearance of the proposal. The development is considered to be otherwise sited appropriately within the streetscene and overall plot in accordance with policies CP12 of the Brighton and Hove City Plan Part One and DM18 of the Brighton and Hove City Plan Part Two.

**Standard of Accommodation:**

- 9.14. Policy DM1 of CPP2 adopts the Nationally Described Space Standard (NDSS). The council will seek the delivery of a wide choice of high-quality homes which will contribute to the creation of mixed, balanced, inclusive and sustainable communities.
- 9.15. The proposed dwelling is a two-bedroom, four-person dwelling. The NDSS minimum for a property of this size is 70sqm and the floor area of the proposal would be 73.3sqm so the standard is met, and the proposed unit is considered acceptable with regards to overall floor space. The two bedrooms are both suitable for double occupancy being 13.75sqm and 12.25sqm respectively. The bedrooms exceed the minimum 11.5sqm floor area for a double occupancy room and exceed the minimum widths. The minimum floor to ceiling height internally (2.3m) is also exceeded throughout.
- 9.16. The living space would be as a single space as a combined kitchen/lounge area and sufficient circulation space would be provided. There would be a single bathroom within the proposed layout which is considered acceptable.
- 9.17. The layout of the dwelling includes windows to all habitable spaces which provide sufficient outlook and ventilation.
- 9.18. The proposed dwelling would have a side/rear garden and it is considered to be of a sufficient size for the proposed occupancy of the family dwelling.
- 9.19. The overall layout and siting of the dwelling have been amended since submission to address concerns that the building was located too close to the boundary with the substation and that a bedroom would be sited in such close proximity. In response to these concerns, the dwelling has been repositioned away from the boundary with the substation and the internal layout of the new dwelling reconfigured so that all habitable spaces are positioned as far away from the substation as practical. This has resulted in the second bedroom being situated at the front of the property, overlooking the street.
- 9.20. The amended proposed layout is now considered to be better suited for future occupiers, and it is noted that this has resulted in a slightly larger dwelling. The floor area has increased from 70sqm to 73.3sqm.

- 9.21. In addition to the layout amendments to move the bedroom, an acoustic design condition is recommended. This condition would ensure that the building of the dwelling suitably mitigates the effects of the substation in terms of low-frequency noise and vibration for the benefit of future occupiers.
- 9.22. Overall, subject to the conditions to retain the layout and acoustic design strategy, the proposal is considered to be in accordance with policy DM1 and DM40 of the City Plan Part Two.

**Impact on Amenity:**

- 9.23. Policy DM20 of City Plan Part Two states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 9.24. The proposed single storey dwelling would adjoin the gardens of 62 and 62A Downs Valley Road and some overlooking of the site could occur from 62 Downs Valley Road due to the sloping topography of Nolan Road.
- 9.25. The single storey nature of the dwelling would not give rise to any harmful overlooking of neighbouring dwellings and gardens as there are no rooflights or windows proposed above ground floor level. 1.8m high boundary fencing is proposed to the rear and sides of the site, which would also prevent any views to/from the dwelling to neighbouring occupiers. The proposal is also not considered to be overbearing to neighbours as the built form of the site is set to the western (substation) side of the plot rather than the boundary with 62 Downs Valley Road to the east. No adverse harm to the amenity of no. 5 Nolan Road is identified due to the positioning of the proposed dwelling in context with this western sited neighbour.
- 9.26. Representations to the application refer to the fact that the site/plot has been vacant for some time and reference the occasional use for storage at the site. Any new use of this site as a new dwelling would not introduce harmful levels of noise nor create additional comings and goings which would be out of character with the area sufficient to warrant refusal of the application.
- 9.27. Overall, the development is considered acceptable in relation to amenity impacts in accordance with policies DM20 and DM40 of the Brighton and Hove City Plan Part Two.

**Sustainable Transport:**

- 9.28. The application site is within a short walk of bus stops on Downs Valley Road and from Kipling Avenue/Lockwood Crescent. These links connect to the mainline station in Brighton and across the city.
- 9.29. There are a number of representations which are concerned about parking, particularly during school drop off/pick up times owing to the close proximity of Rudyard Kipling Primary School. While it is noted that the community have expressed concerns, parking is unrestricted currently and the Local Highway Authority have not raised parking stress or overspill parking as a concern in their

comments. The additional single dwelling in a residential area is not considered to increase parking stress to any harmful degree.

- 9.30. The Highway Authority have raised no objection to the amendments removing parking from within the site, noting that this would not cause harmful overspill parking. The plans state that the kerb and footway is to be reinstated, this is also secured by condition.
- 9.31. Cycle parking is proposed to be provided on the amended plans and a condition is recommended to ensure that this is implemented prior to first occupation.
- 9.32. Overall, it is not considered that the additional trips and parking generated from the new dwelling would have a harmful impact on the Local Highways network and the development is considered to be in accordance with policies DM33 and DM36 of the Brighton and Hove City Plan Part Two.

**Ecology, Biodiversity and Sustainability:**

- 9.33. The proposal seeks to redevelopment an existing garage and yard. There is no priority habitat on the site currently. The proposal presents an opportunity to increase the ecological outcomes and the biodiversity of the site. A landscaping scheme is recommended to be secured by condition to secure ecological outcomes.
- 9.34. A condition is applied to secure a bee brick within the external envelope of the building. a measure also aimed to improve ecological outcomes at the site, in accordance with polices CP10 of the Brighton and Hove City Plan Part One and DM37 of the Brighton and Hove City Plan Part Two.
- 9.35. The development would make a more efficient use of a site in a sustainable location. Policy CP8 of the Brighton and Hove City Plan Part One requires new development to demonstrate a high level of efficiency in the use of water and energy. CPP2 Policy DM44 requires a minimum Energy Performance Certificate (EPC) rating 'B' for new build residential. A condition is recommended in order to secure these outcomes.

**Other Matters Including Those Raised in Representations:**

- 9.36. There is concern that the site may be contaminated due to it's previous history for vehicle repairs. A condition is recommended to require studies and potential mitigation prior to the commencement of development on site in order to protect future occupiers.
- 9.37. Representations have cited that the application is not described appropriately and should be listed under a different address. The address is considered clear and the application is supported by a site location and block plan with a red line boundary around the application site. It is considered that the site is clearly identifiable with these details and specific address details would be a matter for Street Naming and Numbering once development is completed.
- 9.38. Concerns have been raised about the noise from a new dwelling (addressed above) and noise from the construction. For an application of this scale in this

location, it is not considered that a CEMP (Construction Environmental Management Plan) would be appropriate or necessary. It is considered that any harmful impacts during construction would be a matter under the Environmental Health Act 1990 in this context.

#### **Biodiversity Net Gain**

- 9.39. This scheme was considered exempt from the need to secure mandatory biodiversity net gain under Schedule 7A of the TCPA because it does not impact a priority habitat or habitat of more than 25sqm or 5m of linear habitat.

### **10. EQUALITIES**

- 10.1. 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.
- 10.2. 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.
- 10.3. Level access would be provided to the new dwelling and a condition regarding compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) is attached should the application be approved.

### **11. COMMUNITY INFRASTRUCTURE LEVY**

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

# PLANNING COMMITTEE

## Agenda Item 154

Brighton & Hove City Council

### NEW APPEALS RECEIVED BETWEEN

02/10/2025 - 05/11/2025

<b>Ward</b>	Hollingdean & Fiveways
<b>Appeal Ref</b>	APL2025/00073
<b>Appeal App Number</b>	BH2024/01585
<b>Address</b>	Birch Grove Nursing Home 1 - 3 Stanford Avenue Brighton BN1 6AD
<b>Development Description</b>	Application for removal of condition 17 of BH2022/00867 (minimum of 31 bedrooms used for elderly nursing care).
<b>Application Status</b>	APPEAL IN PROGRESS
<b>Appeal Received Date</b>	21/10/2025
<b>Application Decision Level</b>	Delegated

<b>Ward</b>	Hanover & Elm Grove
<b>Appeal Ref</b>	APL2025/00079
<b>Appeal App Number</b>	BH2025/01622
<b>Address</b>	62 Albion Hill Brighton BN2 9NX
<b>Development Description</b>	Application to vary condition 4 and 17 of planning permission BH2024/00507 relating to retained, replacement, repaired and reinstated tiles.
<b>Application Status</b>	APPEAL IN PROGRESS
<b>Appeal Received Date</b>	05/11/2025
<b>Application Decision Level</b>	Delegated

<b>Ward</b>	Kempton
<b>Appeal Ref</b>	APL2025/00076
<b>Appeal App Number</b>	BH2025/01470
<b>Address</b>	49 Rock Street Brighton BN2 1NF
<b>Development Description</b>	Conversion into habitable space and waterproofing of below pavement vaults with installation of new doors and windows.
<b>Application Status</b>	APPEAL IN PROGRESS
<b>Appeal Received Date</b>	31/10/2025
<b>Application Decision Level</b>	Delegated

<b>Ward</b>	Kempton
<b>Appeal Ref</b>	APL2025/00077
<b>Appeal App Number</b>	BH2025/01471
<b>Address</b>	49 Rock Street Brighton BN2 1NF
<b>Development Description</b>	Conversion into habitable space and waterproofing of below pavement vaults with installation of new doors and windows.
<b>Application Status</b>	APPEAL IN PROGRESS

<b>Appeal Received Date</b>	31/10/2025
<b>Application Decision Level</b>	Delegated
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<b>Ward</b>	Patcham & Hollingbury
<b>Appeal Ref</b>	APL2025/00075
<b>Appeal App Number</b>	BH2024/03140
<b>Address</b>	32 Wilmington Way Brighton BN1 8JH
<b>Development Description</b>	Demolition of existing garage and erection of a new detached one-bedroom dwellinghouse (C3).
<b>Application Status</b>	APPEAL IN PROGRESS
<b>Appeal Received Date</b>	31/10/2025
<b>Application Decision Level</b>	Delegated
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<b>Ward</b>	North Portslade
<b>Appeal Ref</b>	APL2025/00078
<b>Appeal App Number</b>	BH2024/00493
<b>Address</b>	Garages to the Rear Of 14 - 28 Broomfield Drive Portslade BN41 2YU
<b>Development Description</b>	Demolition of garages and erection of 2no two storey dwellings and 1no single storey dwelling (C3), with associated car parking, access and landscaping.
<b>Application Status</b>	APPEAL IN PROGRESS
<b>Appeal Received Date</b>	05/11/2025
<b>Application Decision Level</b>	Delegated
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<b>Ward</b>	South Portslade
<b>Appeal Ref</b>	APL2025/00074
<b>Appeal App Number</b>	BH2025/01206
<b>Address</b>	11 Dean Gardens Portslade BN41 2FW
<b>Development Description</b>	Erection of 1no two storey one bedroom dwelling house (C3) with associated landscaping, refuse, recycling & cycle storage and access.
<b>Application Status</b>	APPEAL IN PROGRESS
<b>Appeal Received Date</b>	27/10/2025
<b>Application Decision Level</b>	Delegated
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<b>Ward</b>	Westdene & Hove Park
<b>Appeal Ref</b>	APL2025/00071
<b>Appeal App Number</b>	BH2025/01132
<b>Address</b>	Land At Pavement North Of Dyke Road/The Upper Drive Junction Dyke Road Brighton BN3 6NT
<b>Development Description</b>	Installation of 20m high telecommunications monopole supporting 6no antennas, 1no dish, 4no equipment cabinets and ancillary works.
<b>Application Status</b>	APPEAL IN PROGRESS
<b>Appeal Received Date</b>	15/10/2025
<b>Application Decision Level</b>	Delegated
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<b>Ward</b>	Regency

<b>Appeal Ref</b>	APL2025/00072
<b>Appeal App Number</b>	BH2025/00995
<b>Address</b>	46 - 48 Kings Road Brighton BN1 1NA
<b>Development Description</b>	Retrospective application for the display of 2no internally illuminated fascia signs.
<b>Application Status</b>	APPEAL IN PROGRESS
<b>Appeal Received Date</b>	17/10/2025
<b>Application Decision Level</b>	Delegated
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# PLANNING COMMITTEE

## Agenda Item 156

Brighton & Hove City Council

### **APPEAL DECISIONS FOR THE PERIOD BETWEEN** **02/10/2025 - 05/11/2025**

<b>Ward name</b>	Hanover & Elm Grove
<b>Appeal Application Number</b>	APL2025/00065
<b>Address</b>	62 Albion Hill Brighton BN2 9NX
<b>Development Description</b>	Application for Approval of Details reserved by Conditions 3 (materials), 4 (photographic survey), 8 (windows), 9 (doors) and 17 (tiles) of application BH2024/00507.
<b>Appeal Type</b>	Against Non-determination
<b>Appeal Decision</b>	Appeal Allowed
<b>Planning Application Number</b>	BH2025/00347
<b>Application Decision Level</b>	Not Assigned
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<b>Ward name</b>	Kemptown
<b>Appeal Application Number</b>	APL2025/00063
<b>Address</b>	5 Grafton Street Brighton BN2 1AQ
<b>Development Description</b>	Change of use from single dwellinghouse (C3) to a seven-bedroom large house in multiple occupation (Sui Generis).
<b>Appeal Type</b>	Against Refusal
<b>Appeal Decision</b>	Appeal Allowed
<b>Planning Application Number</b>	BH2025/00126
<b>Application Decision Level</b>	Delegated
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<b>Ward name</b>	Regency
<b>Appeal Application Number</b>	APL2024/00087
<b>Address</b>	Flat 14 Thomas House Clifton Hill Brighton BN1 3EN
<b>Development Description</b>	Appeal against EN cease the use as short term visitor accommodation
<b>Appeal Type</b>	Against Enforcement Notice
<b>Appeal Decision</b>	Appeal Allowed
<b>Planning Application Number</b>	
<b>Application Decision Level</b>	

<b>Ward name</b>	Regency
<b>Appeal Application Number</b>	APL2025/00067
<b>Address</b>	30 Upper North Street Brighton BN1 3FG
<b>Development Description</b>	Change of use from residential flat (C3) and shop (E) to 6no bedroom small house in multiple occupation (C4) including new doors, rear lightwell and associated works.
<b>Appeal Type</b>	Against Refusal
<b>Appeal Decision</b>	Appeal Dismissed
<b>Planning Application Number</b>	BH2025/00484
<b>Application Decision Level</b>	Delegated
<b>Ward name</b>	Regency
<b>Appeal Application Number</b>	APL2025/00070
<b>Address</b>	Advertising Right Adjacent 56 Preston Street Brighton BN1 2HE
<b>Development Description</b>	Display of 1no non-illuminated wall-mounted billboard sign to side elevation.
<b>Appeal Type</b>	Against Refusal
<b>Appeal Decision</b>	Appeal Dismissed
<b>Planning Application Number</b>	BH2025/00385
<b>Application Decision Level</b>	Delegated
<b>Ward name</b>	Rottingdean & West Saltdean
<b>Appeal Application Number</b>	APL2025/00056
<b>Address</b>	98 Greenways Brighton BN2 7BL
<b>Development Description</b>	Removal of existing driveway front gates and erection of replacement timber gates and fence.
<b>Appeal Type</b>	Against Refusal
<b>Appeal Decision</b>	Appeal Dismissed
<b>Planning Application Number</b>	BH2024/02508
<b>Application Decision Level</b>	Delegated
<b>Ward name</b>	Round Hill
<b>Appeal Application Number</b>	APL2025/00064
<b>Address</b>	1 Mayo Road Brighton BN2 3RJ
<b>Development Description</b>	Erection of a new two-storey dwellinghouse (C3) to side of existing dwelling. Alterations to existing two-storey rear extension.
<b>Appeal Type</b>	Against Refusal
<b>Appeal Decision</b>	Appeal Dismissed

<b>Planning Application Number</b>	BH2025/00732
<b>Application Decision Level</b>	Delegated
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<b>Ward name</b>	Westdene & Hove Park
<b>Appeal Application Number</b>	APL2025/00057
<b>Address</b>	9 The Beeches Brighton BN1 5LS
<b>Development Description</b>	Application to vary condition 1 of planning permission BH2024/02569 to extend the ground floor accommodation to create a new study space and extend the living space plus removal of the parapet along the single storey roof element.
<b>Appeal Type</b>	Against Refusal
<b>Appeal Decision</b>	Appeal Dismissed
<b>Planning Application Number</b>	BH2025/00970
<b>Application Decision Level</b>	Delegated
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