

Planning Committee

Date: **4 February 2026**

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

Contact: **Shaun Hughes**
Acting Democratic Services Manager
01273 290569
shaun.hughes@brighton-hove.gov.uk

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AGENDA

166 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.

167 MINUTES OF THE PREVIOUS MEETING

7 - 16

Minutes of the meeting held on 3 December 2025.

168 CHAIR'S COMMUNICATIONS

169 PUBLIC QUESTIONS

Written Questions: to receive any questions submitted by the due date of 12 noon on 29 January 2026.

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

171 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

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

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

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

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

MAJOR APPLICATIONS

- | | | |
|---|--|----------------|
| A | BH2025/00532 - Land North of Swanborough Drive, Brighton - Full Planning | 17 - 58 |
|---|--|----------------|

MINOR APPLICATIONS

- | | | |
|---|---|------------------|
| B | BH2025/02499 - Longhill School, Falmer Road, Rottingdean, Brighton - Full Planning | 59 - 90 |
| C | BH2025/02297 - The Pinnacle (formerly Rayford House), 8 School Road, Hove - Removal or Variation of Condition | 91 - 110 |
| D | BH2025/02344 - 89 Holland Road, Hove - Removal or Variation of Condition | 111 - 120 |
| E | BH2025/02379 - 297 Cowley Drive, Brighton - Full Planning | 121 - 134 |
| F | BH2025/01886 - 21 Chailey Avenue, Rottingdean - Householder Planning Consent | 135 - 146 |

G	BH2025/02255 - Basement Flat, 99 Buckingham Road, Brighton - Full Planning	147 - 162
H	BH2025/02114 - 3 Ridgewood Avenue, Saltdean - Householder Planning Consent	163 - 178
I	BH2025/02302 - 48B Ventnor Villas, Hove - Full Planning	179 - 188

INFORMATION ITEMS

172 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE **189 - 192**

(copy attached).

173 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

None for this agenda.

174 APPEAL DECISIONS **193 - 198**

(copy attached).

Members are asked to note that plans for any planning application listed on the agenda are now available on the website at: [Brighton & Hove City Council](#)

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) or email democratic.services@brighton-hove.gov.uk

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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.

BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

2.00pm 3 DECEMBER 2025

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

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

Officers in attendance: Matthew Gest (Planning Manager), Katie Kam (Lawyer), Liz Arnold (Planning Team Leader), Ben Daines (Planning Team Leader), Michael Tucker (Senior Planning Officer), Wayne Nee (Principal Planning Officer) and Shaun Hughes (Democratic Services)

PART ONE

148 PROCEDURAL BUSINESS

a) Declarations of substitutes

148.1 There were none for this meeting.

b) Declarations of interests

148.2 The Chair noted that the committee had been emailed as a group regarding items A, B and C.

c) Exclusion of the press and public

148.3 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.

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

d) Use of mobile phones and tablets

148.5 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 'aeroplane mode'.

149 MINUTES OF THE PREVIOUS MEETING

149.1 **RESOLVED** – The minutes of the meeting held on 5 November 2025 were agreed.

150 CHAIR'S COMMUNICATIONS

150.1 The Chair congratulated the planning team upon achieving a Gold Standard service and noted that the majority of planning applications over the last year, and some 1700 were dealt with under delegated powers.

151 PUBLIC QUESTIONS

151.1 There were none.

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

152.1 No site visits were requested.

153 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

153.1 The Democratic Services officer noted that items A and B were both majors agenda items and minor items C and F had speakers: therefore, they were automatically called for discussion. The committee did not call minor applications D, G and H. The applications not called for discussion were therefore agreed as per the officer recommendations set out in each report. The updated running order would be A, B, C, F and E.

A BH2025/02142 - Patcham Court Farm - Removal or Variation of Condition

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

Speakers

2. Rebecca Mintrim addressed the committee as a resident and stated they had serious concerns and noted 1500 people had objected to the application. The concerns raised in the objections needed to be listened to and the application should be refused. The amendments applied for are not minor. Royal Mail were putting profits over resident considerations. HGV will be loading 10m from the closest property, with an expected 28 deliveries a day, with some at night, which is against planning policy. The impact on residents would be like a torture method. The inconsistency by Royal Mail is alarming, with other sites receiving more consideration than Patcham Court Farm. Trees and boundary foliage are to be removed, which will worsen the scheme for residents. Transparency is requested in the public interest.

3. Ward Councillors McNair and Meadows sent a speech, as follows: Residents in Patcham are very dismayed to see that the Royal Mail's plans have been changed for the worse. We strongly object to the HGV operational yard being relocated to the south of the site. It will be significantly closer to residents, particularly 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 will cause significant disturbance through noise and air pollution. It is also deeply disappointing to see the removal of the green roof, two

of the swales and the wildflower meadows along the eastern boundary and the side of the building itself. The roof as it is will not be an attractive feature viewed from the South Downs. This quiet corner of Patcham is going to have significant air and noise pollution from HGVs. Water pollution and increased flooding is highly likely. The Royal Mail hardly conducted a thorough public consultation in the first place, and now the plans change – to the detriment of residents and wildlife. We hope the planning committee agree that these changes go too far and the Royal Mail should put up with the plans as originally approved.

4. Paul Bridson addressed the committee on behalf of the applicant and stated that the Royal Mail would be retracting from two town centre sites, and the new site would improve deliveries. Paul Derry also addressed the committee as the agent and stated that they had been working on this project for years with Royal Mail and they considered the matters objected to, remained unchanged. The access and vehicle movements remain the same. The lowering of the ground level will improve residents' views. Reversing alarms will be cut off by condition. There are no objections from consultees.

Answers to Committee Member Questions

5. Councillor Shanks was informed that solar panels have been removed from the scheme. Councillor Shanks requested that other users be considered to use the roof space.
6. Councillor Robinson was informed that the acoustic walls, submitted in the original planning application, were to be retained in the scheme. It was noted that sound increases would be the same as the original scheme application and that 4db was acceptable.
7. Councillor Sheard was informed that Royal Mail were open to discussions regarding the use of the roof space by other companies as solar panel holders. The green wall is for screening and will face south. The green wall be maintained by condition. It was noted that the Environment Agency found the aquifer to be 15m below ground level and by condition there were to be no ground works. Royal Mail vehicles would be tested at the Gatwick distribution centre and daily tests were not required.
8. Councillor Cattell was informed that the green wall will be planted in rows to assist growth, with details to be agreed by condition.
9. Councillor Theobald was informed that condition 30 needs to be updated to include the new noise report. The green roof is part of the holistic design of the site, and the small front extension is no longer needed. The green meadows have been removed from the scheme following the realignment of the car park.
10. Councillor Earthey was informed that the access for HGVs would be directly from the A23/A27 junction, with the deliveries coming from the Gatwick distribution centre. It was noted that the loss of biodiversity was 59% in the original scheme and 57% now.
11. Councillor Thomson was informed that the bat survey was accepted by the County Ecologist. The agent stated the application was not a cost cutting exercise and the development would be below lower and behind a tree screen. It was noted that condition 47 prevented reversing noise from HGVs, and different sounds would be used when required by law.

Debate

12. Councillor Theobald considered that seven conditions to be amended was a lot. The moving of HGVs to the south part of the site was not good, as reversing vehicles make noise. The loss of the green roofs, and some screening was not good. The new frontage will be very visible and therefore worse. There will also be a risk of flooding. The councillor was against the application.
13. Councillor Robinson considered the site was now lower and less visible. It was a shame about the loss of the green roof. The noise levels have been explained; there is stronger screening and the HGVs will be safer. The councillor supported the application.
14. Councillor Sheard was concerned at the impact on the aquifer and the loss of solar panels. The councillor considered on the whole the scheme meets the levels of sustainability, and solar panels could be added to the roof later. The loss of the green roof was a concern. The councillor supported the application. It was noted that an informative could be added to the scheme, requesting that Royal Mail look into solar panels.
15. Councillor Parrott did not consider the changes to be significant. The councillor was disappointed at the loss to the solar panels. The councillor supported the application.
16. Councillor Nann considered the changes did not justify a refusal. The noise levels of 4db were acceptable. The councillor supported the application.
17. Councillor Shanks considered the Brighton Energy Co-Ops should be considered to place solar panels on the roofscape.
18. Councillor Earthey considered that the roof should support solar panels.
19. Councillor Cattell considered the details regarding the green wall were good and Building Research Establishment Environmental Assessment Method (BREEAM) was acceptable. The councillor supported the application.
20. Councillor Thomson regretted the losses.

Vote

21. A vote was held, and by 9 to 1 against the committee agreed to grant planning permission.
22. **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 as set out in the report, and subject to the S106 agreement for planning application BH2022/02232 which also applies to this S73 application.

B BH2025/00834 - Saltdean United Football Club and Playing Fields, Saltdean Vale, Saltdean, Brighton - Removal or Variation of Condition

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

Answers to Committee Members Questions

2. Councillor Earthey was informed by the agent that the Building Research Establishment Environmental Assessment Method (BREEAM) rating was 'excellent' when considering the clubhouse only and 'good' when the football pitches were included. It was noted that the club undertook the BREEAM submissions.
3. Councillor Sheard was informed that the 2021 planning permission has been slow to implement as the conditions have taken time to agree, however, the scheme was making good progress now.
4. Councillor Shanks was informed that it was not possible to support community groups to achieve BREEAM rating, however, Environment officers could advise.
5. Councillor Thomson was informed that a rating of 'very good' was not achievable as paperwork had not been supplied.

Debate

6. Councillor Cattell stated that they had been through BREEAM training and considered it expensive and complicated, and therefore difficult for community groups. The councillor did not consider that Council staff are qualified to assist.
7. Councillor Theobald was satisfied with the application and considered that a BREEAM rating of 'good' was good enough. The councillor supported the application.
8. Councillor Earthey noted that the club could not improve the BREEAM rating. The councillor supported the application.
9. Councillor Robinson supported the application.

Vote

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

C BH2025/01881 - Withdean Sports Complex, Tongdean Lane, Brighton - Full Planning

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

Speakers

2. Simon Farncombe addressed the committee as a neighbouring resident and stated that they were not against the pool but the additional traffic. Is the park-and-ride still active, or not. Signage was removed in November. Is the park-and-ride, formal or informal. Is

there to be an application for a two-storey car park to accommodate the additional planning requirements. The proposed walkway doesn't go anywhere. Pedestrians will use other access points. The proposed access will increase flooding to Toldean Lane. Please defer the application to discuss the parking intensification, coach and bus access, pedestrian access, facility creep, the need for a two-storey car park and consideration of the Buxton report sent via email to the committee.

3. Tom Cox addressed the committee as the agent on behalf of the applicant and stated that the park and ride at the site was not formal. Discussions are currently being held with Highways regarding car park opening times. The pool is a great addition to the community.

Answers to Committee Members Questions

4. Councillor Shanks was informed by Principal Transport Development Officer that the lane from the train station to the site was not deemed accessible for all. The Transport Strategy Manager stated that the car park charges are free for 3 hours, £3 per day and £10 overnight.
5. Councillor Earthey was informed by the Transport Strategy Manager that 'park and ride' would usually follow the Oxford City model, however, here that is not possible. There is a lack of integrated ticketing. The Falmer campus trial results are being looked at. The case officer stated the parking numbers were relevant.
6. Councillor Theobald was informed that there was seating at the poolside, however, no competitions were held at the pool, and the pool was for community use. There is no provision for coach parking presently, however, this would be introduced into the new car park. The Principal Transport Development Officer confirmed that coaches currently drop off on Toldean Lane and Withdean Lane, on double yellow lines. The number of coaches is not known. Two small trees are to be removed.
7. Councillor Parrott was informed that there was disabled access to the building with the addition of both external and internal ramps. Access to the pool is already in place with wide corner stairs. A hoist is also available. The agent confirmed that all consultees fully endorsed the facilities.
8. Councillor Sheard was informed by the agent that flooding on site had been assessed under the 1/100-year model. Storm water attenuation has been introduced with a permeable paving system. The case officer confirmed that water collection details would be provided by condition. Currently water runs off to the side boundary swale.
9. Councillor Thomson was informed that the biodiversity net gain would be 10% and this would be onsite provision by landscaping and off-site units. The Ecology team are happy with the application and the condition to provide updates. 34 small trees are to be introduced across the site with, details to be provided by condition. Two trees are to be lost from the overflow car park. The majority of trees are to be retained.
10. Councillor Winder was informed that the landowner will maintain the new trees, with details by condition.

Debate

11. Councillor Theobald considered the building design to be bland. It was a shame that trees would be lost, as well as parking spaces. The swimming pool is good for the community as training in the city is good for safety and a healthy lifestyle. The councillor supported the application.
12. Councillor Sheard considered that teaching residents to swim was good and the pool will be a benefit to the area, which outweighs the loss of parking. The councillor supported the application.
13. Councillor Shanks noted that getting around the city actively via buses and bikes, was good.
14. Councillor Robinson considered the new pool to be fantastic and will add little pressure to parking. Visitors should use buses and bikes.
15. Councillor Earthey considered it was good to use public transport. The councillor supported the application.
16. Councillor Thomson noted that it had been 40 years since a new pool was built in the city and considered that parking was important. The councillor supported the application.

Vote

17. A vote was held, and the committee agreed unanimously to grant planning permission.
18. **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 BH2025/02421 - 54 Auckland Drive, Brighton - Full Planning

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

E BH2025/01397 - 70 North Street, Portslade - Full Planning

1. The planning Manager introduced the application to the committee.

Answers to Committee Member Questions

2. Councillor Robinson was informed that the single storey extension was set back from the boundary with the neighbours.
3. Councillor Sheard was informed that the collection parking had been added, and this would allow vans to park on the site. There is no parking at the moment.
4. Councillor Earthey was informed that the collection point was on the south side of the building.

5. Councillor Theobald was informed that the building was 22m wide.

Debate

6. Councillor Sheard considered parking was an issue in the area, and the on-site parking would be good. The councillor supported the application.
7. Councillor Robinson considered the application would tidy up the site and was, overall, an improvement. The councillor supported the application.
8. Councillor Thomson noted the proposed single storey extension was away from neighbours. The councillor supported the application.

Vote

9. A vote was held, and the committee voted unanimously to grant planning permission.
10. **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 BH2025/01832 - 4 Benett Drive, Hove - Householder Planning Consent

1. The Planning Manager introduced the application to the committee.

Speakers

2. Colin Hawkins addressed the committee as a neighbour and stated that they lived at no.2 for the past 27 years. They object to the application as the first-floor terrace proposed will be overwhelming. The terrace will be a massive increase and lead to an invasion of privacy for the neighbour. The terrace will give a grandstand view of the neighbouring garden. The development will result in overlooking, loss of privacy and noise. A first-floor balcony has previously been refused. Planning needs to be consistent. The proposals are an extreme over development of the site, which has been objected to by the neighbours. Previous applications were considered an invasion of privacy.

Answers to Committee Members Questions

3. Councillor Sheard was informed that the difference between this application and the 2014 application was the enlargement of the front elevation middle dormer, however, the rear roofscape is the same. The 2014 application had larger dormers to the rear and an additional single storey extension.
4. Councillor Robinson was informed that the balconies proposed in the 2019 application were Juliet style. The single storey extension proposed in the application is 1m larger than the 2019 application, and 3.5m beyond the original building. It was noted that overlooking is subjective. The roof terrace has been reduced and considered acceptable with the addition of privacy screens. The privacy of the gardens near to the property are protected.

5. Councillor Earthey was informed that the roof dormers are to be extended. The proposed balcony is to include 1.5m privacy screens, however, there will be some overlooking.
6. Councillor Theobald was informed that the development is bigger than 2019 proposals and the screens can be looked over.
7. Councillor Shanks was informed that the issues raised by the neighbour were looked at by the case officer on the site visit.
8. Councillor Thomson was informed that the privacy screens would be 1.5m high. 1.8m screens is usually the highest.

Debate

9. Councillor Sheard expressed concerns that the proposed balcony is not suitable for the area. The privacy screens make the development worse.
10. Councillor Theobald stated they did not like the proposed balcony as it was unfair on neighbouring properties. The councillor was against the application.
11. Councillor Winder considered the property a jumble of extensions. The councillor was against the application.
12. Councillor Robinson considered the property already a jumble and larger screens would be better.
13. Councillor Shanks was against the application.
14. Councillor Thomson was not happy with the application.
15. Councillor Earthey considered the proposals were an overdevelopment of the site and was against the application.

Vote

16. A vote was held and by 3 to 6 the committee did not agree with the officer recommendation. (Councillor Cattell had left the meeting and took no part in the discussions or decision-making process).
17. A motion to refuse the application was made by Councillor Sheard and seconded by Councillor Earthey on the grounds that the scheme was an overdevelopment and invasion for privacy with loss of neighbour's amenities under policies CP12 and DM21.
18. A recorded vote was held and the following councillors voted for the motion to refuse: Sheard, Shanks, Earthey, Theobald, Winder and Thomson. The following councillors voted against the motion to refuse: Nann, Robinson and Parrot.
19. **RESOLVED:** That the committee refuse the application for the reasons set above, the wording to be agreed between the planning officers and the proposer and seconder.

G BH2025/01647 - Garages 1 to 6 Rear of 187 Kingsway, Hove - Full Planning

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

H BH2025/01008 - Land East Of 5 Nolan Road Brighton - Full Planning

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

154 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

155 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

- 155.1 There were none for this agenda.

156 APPEAL DECISIONS

- 156.1 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 6.14pm

Signed

Chair

Dated this

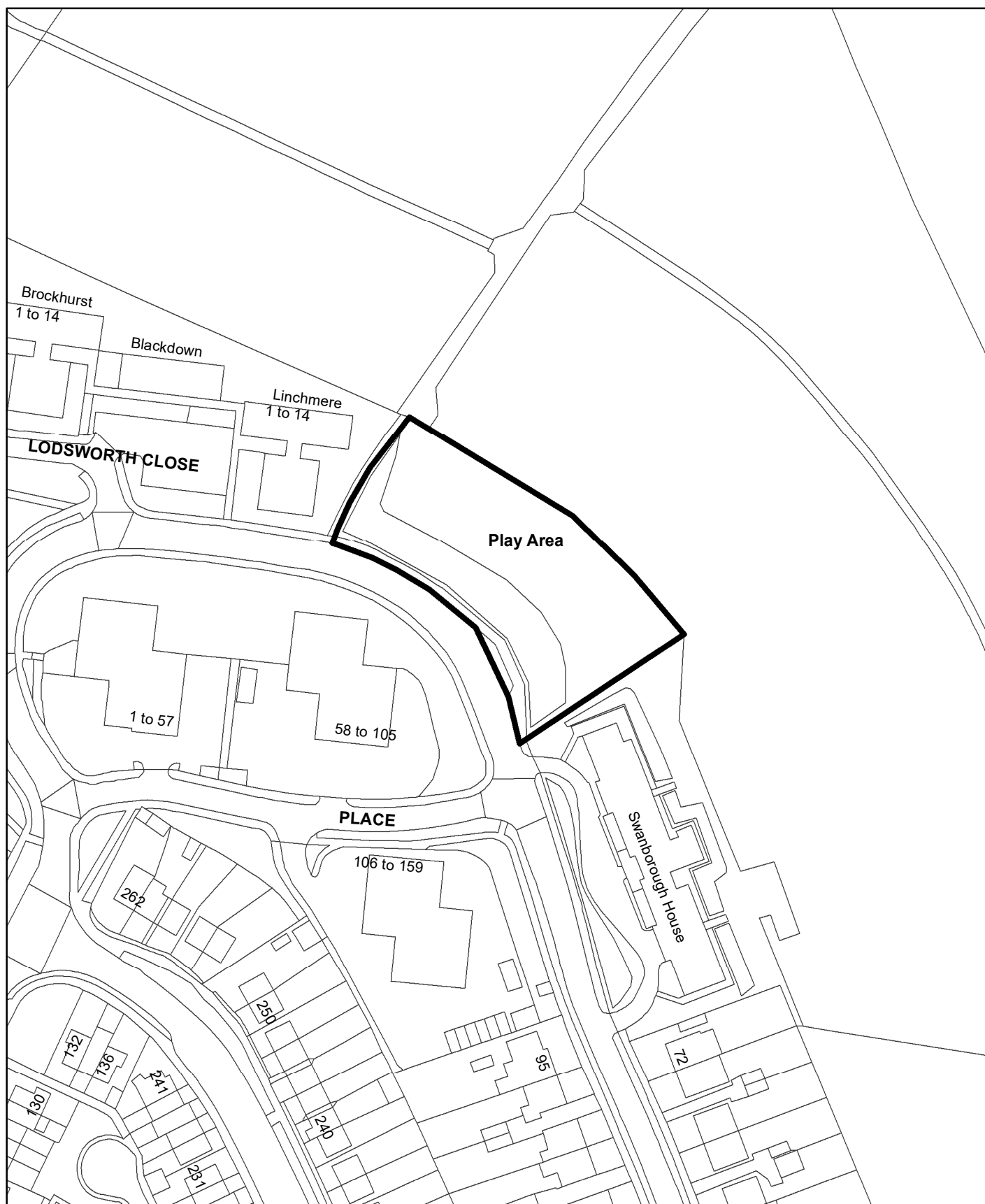
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ITEM A

**Land North of Swanborough Drive
BH2025/00532
Council Development (Full Planning)**

DATE OF COMMITTEE: 4th February 2026

BH2025 00532 - Land North Of Swanborough Drive



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2025/00532	<u>Ward:</u>	Whitehawk & Marina Ward
<u>App Type:</u>	Council Development (Full Planning)		
<u>Address:</u>	Land North of Swanborough Drive Brighton		
<u>Proposal:</u>	Erection of 2no residential blocks incorporating a community space, landscaped public frontage and associated works. (For information: The proposed residential blocks incorporate 36no flats (C3).		
<u>Officer:</u>	Ben Daines,	<u>Valid Date:</u>	20.03.2025
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	19.06.2025
<u>Listed Building Grade:</u>	N/A		
	<u>EOT:</u>		
<u>Agent:</u>	Mackellar Schwerdt Architects Lyell House Davey's Lane Lewes BN7 2BQ		
<u>Applicant:</u>	Brighton And Hove City Council Hove Town Hall Norton Road Hove East Sussex 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 be **MINDED TO GRANT** planning permission subject to the applicant entering into a Memorandum of Understanding or a decision taken by the Cabinet/Director of Property and Finance of the council to ensure delivery of the Heads of Terms set out below, and also subject to the following Conditions and Informatives as set out hereunder.

Heads of Terms:

Employment and Training

- Submission and approval of an Employment & Training Strategy

Ecology

- A fee for the Council to monitor BNG provision over a 30 year period (fee TBC).

Transport

- A fee for the Council to monitor the Travel Plan (fee TBC).

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	9177 - MSA - XX - XX - DR - A 01	06	26-Feb-25
Proposed Drawing	9177 - MSA - Z1 - GF - DR - A 30	14	13-Jan-26
Proposed Drawing	9177 - MSA - Z1 - 01 - DR - A 31	15	13-Jan-26
Proposed Drawing	9177 - MSA - Z1 - 02 - DR - A 32	12	11-Aug-25
Proposed Drawing	9177 - MSA - Z1 - 03 - DR - A 33	11	26-Feb-25
Proposed Drawing	9177 - MSA - Z1 - 04 - DR - A 34	11	26-Feb-25
Proposed Drawing	9177 - MSA - Z1 - 05 - DR - A 35	11	26-Feb-25
Proposed Drawing	9177 - MSA - Z1 - 06 - DR - A 36	10	11-Aug-25
Proposed Drawing	9177 - MSA - XX - ZZ - DR - A 06	08	13-Jan-26
Proposed Drawing	9177 - MSA - XX - ZZ - DR - A 20	09	26-Feb-25
Proposed Drawing	9177 - MSA - XX - ZZ - DR - A 21	04	26-Feb-25
Proposed Drawing	9177 - MSA - XX - ZZ - DR - A 22	04	26-Feb-25
Proposed Drawing	9177 - MSA - XX - ZZ - DR - A 23	04	26-Feb-25
Proposed Drawing	9177 - MSA - Z1 - ZZ - DR - A 45	11	29-Aug-25
Proposed Drawing	9177 - MSA - Z1 - ZZ - DR - A 46	09	26-Feb-25
Proposed Drawing	9177 - MSA - Z1 - ZZ - DR - A 47	09	26-Feb-25
Proposed Drawing	9177 - MSA - ZZ - ZZ - DR - A 65	09	26-Feb-25
Proposed Drawing	9177 - MSA - Z3 - GF - DR - A 50	13	13-Jan-26
Proposed Drawing	9177 - MSA - ZZ - 01 - DR - A 51	14	13-Jan-26
Proposed Drawing	9177 - MSA - Z2 - 02 - DR - A 52	11	26-Feb-25
Proposed Drawing	9177 - MSA - Z2 - 03 - DR - A 53	11	26-Feb-25
Proposed Drawing	9177 - MSA - Z2 - 04 - DR - A 54	12	11-Aug-25
Proposed Drawing	9177 - MSA - Z2 - 05 - DR - A 55	07	26-Feb-25
Proposed Drawing	9177 - MSA - ZZ - GF - DR - A 10	17	13-Jan-26

Proposed Drawing	9177 - MSA - ZZ - 01 - DR - A 11	18	13-Jan-26
Proposed Drawing	9177 - MSA - ZZ - 02 - DR - A 12	14	11-Aug-25
Proposed Drawing	9177 - MSA - ZZ - 03 - DR - A 13	12	26-Feb-25
Proposed Drawing	9177 - MSA - ZZ - 04 - DR - A 14	11	11-Aug-25
Proposed Drawing	9177 - MSA - ZZ - ZZ - DR - A 15	14	11-Aug-25
Proposed Drawing	9177 - MSA - XX - GF - DR - A 25	11	29-Aug-25
Proposed Drawing	9177 - MSA - ZZ - ZZ - DR - A 40	10	29-Aug-25
Proposed Drawing	9177 - MSA - ZZ - ZZ - DR - A 41	09	26-Feb-25
Proposed Drawing	9177 - MSA - ZZ - ZZ - DR - A 42	09	26-Feb-25
Proposed Drawing	9177 - MSA - ZZ - ZZ - DR - A 43	08	26-Feb-25
Proposed Drawing	9177 - MSA - ZZ - ZZ - DR - A 44	08	26-Feb-25
Proposed Drawing	9177 - MSA - ZZ - ZZ - DR - A 60	08	26-Feb-25
Proposed Drawing	9177 - MSA - ZZ - ZZ - DR - A 61	10	26-Feb-25
Proposed Drawing	9177 - MSA - ZZ - ZZ - DR - A 62	10	26-Feb-25
Proposed Drawing	9177 - MSA - ZZ - ZZ - DR - A 63	09	26-Feb-25
Proposed Drawing	9177 - MSA - XX - GF - DR - A 08	04	26-Feb-25
Proposed Drawing	9177-P-26	01	13-Jan-26

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 of all cladding to be used, including details of their treatment to protect against weathering
 - c. samples/details of all hard surfacing materials

- d. samples/details of the proposed window, door and balcony treatments
- e. samples/details of all other materials to be used externally

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

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

- 4. Notwithstanding the details shown on the approved plans, no development above ground floor slab level shall take place until typical bay studies showing full details of doors, windows and their reveals and cills, and balconies, including 1:20 scale elevational drawings and sections have been submitted to and approved in writing by the Local Planning Authority. 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 policy DM18 of the Brighton & Hove City Plan Part 2 policy CP12 of the Brighton & Hove City Plan Part One.

- 5. No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any elevation facing a highway.

Reason: To safeguard the appearance of the building and the visual amenities of the locality and to comply with policies DM18 of the Brighton & Hove City Plan Part 2 and CP12 of the Brighton & Hove City Plan Part One.

- 6. 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 the Brighton & Hove City Plan Part 2, and CP8, CP10, CP12 and CP13 of the Brighton & Hove City Plan Part One.

7. The development hereby permitted shall not be occupied until a scheme for the storage and collection 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 DM36 of the 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.
8. The development hereby permitted shall not commence until full details of existing and proposed ground levels (referenced as Above Ordnance Datum) within the site and on land and buildings adjoining the site by means of spot heights and cross-sections, proposed siting and finished floor levels of all buildings and structures, have been submitted to and approved 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.
9. 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.
10. 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.
11. Within 6 months of first occupation of the community building hereby permitted a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the building 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.

12. 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 include any proposed lighting, lamps and luminaires erected as part of the development and shall:
- a) identify those areas/features on site that are particularly sensitive for bats 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;
 - 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.

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

13. The wheelchair accessible dwelling(s) hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4(3)(2b)

(wheelchair user dwellings) prior to first occupation and shall be retained as such thereafter. All other dwelling(s) hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) prior to first occupation and shall be retained as such thereafter. Evidence of compliance from the appointed Building Control body shall be submitted to the Local Planning Authority prior to first occupation.

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 City Plan Part 2.

14. The development hereby permitted shall not be commenced (including demolition and all preparatory work) until the protection measures identified in the submitted Tree Protection Drawing RCo500/03 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.

15. No development, including demolition, shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:
- (i) Timescales for the Proposed Development including the forecasted completion date;
 - (ii) Details of how the contractors will liaise with local residents 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) Measures to minimise disturbance to neighbours regarding issues such as noise and dust management, vibration, site traffic, and deliveries to and from the site;
 - (iv) Measures to prevent mud/dust from tracking onto the highway;
 - (v) Details of hours of construction including all associated vehicular movements
 - (vi) Details of the construction compound including plant and material storage and manoeuvring areas;
 - (vii) A plan showing construction traffic routes.

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

Reason: As this matter is fundamental to the protection of amenity, highway safety and managing waste throughout development works and to comply with policies DM20, DM33 and DM40 of Brighton & Hove City Plan Part 2, policy CP8 of the Brighton & Hove City Plan Part One, and WMP3d of the East

16. The development hereby permitted shall not be occupied until a Travel Plan to promote sustainable transport to and from the site has been submitted to and approved in writing by the Local Planning Authority. The Scheme should include but not be limited to:
- Discounted bus tickets for residents
 - Cycle and electric bike vouchers
 - Commitment to provide car club space and explore car club membership options

The Travel Plan measures shall be implemented in accordance with the approved Travel Plan.

Reason: To ensure the development maintains a sustainable transport strategy and to comply with policies SA6, CP7, CP9, CP12, CP13 and CP15 of the City Plan Part One and DM35, DM33 of the Brighton & Hove City Plan Part Two.

17. Notwithstanding the details on the plans hereby approved, 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.

18. The community space hereby approved shall not be used outside the hours of 08.00 to 22.00 Monday to Saturday and 10.00 to 16.00 on Sundays.

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

19. Any plant or machinery associated with the development, including air source heat pumps and similar, shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest noise sensitive premises, shall not exceed a level equal to 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.

Reason: To protect the amenity of future residents and to comply with policies DM20 and DM40 of the City Plan Part Two.

20. The noise mitigation measures set out in Section 5 of the submitted Noise Impact Assessment dated February 2025 shall be implemented prior to the first occupation of the development and shall thereafter be retained as such.

Reason: To protect the amenity of future residents and to comply with policies DM20 and DM40 of the Brighton & Hove City Plan Part Two.

21. The development hereby permitted shall not be commenced (other than demolition works) until a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods has been submitted to and approved in writing by the Local Planning Authority, in consultation with Southern Water. The approved drainage system shall be implemented in accordance with the approved detailed design and thereafter retained.
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.
22. 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. This strategy shall also set out a method for how the rate of foul water entering the sewer will be controlled to reduce discharge rates and ensure it do not exceed sewer capacity. 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 capacity in the network and to comply with policy DM42 of Brighton & Hove City Plan Part 2.
23. The development shall not be brought into use until the windows on the southern elevation of the south-east block shown as obscurely glazed and fixed shut (other than those parts of the windows which are 1.7m above the floor of the room in which the windows are installed) on drawing number 9177-MSA-ZZ-ZZ-DR-A-40 Rev 10) shall thereafter be retained.
Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with Policies DM20 and DM21 of Brighton & Hove City Plan Part 2.
24. No development shall take place 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.
25. No phase of the development hereby permitted shall be brought into use until the archaeological site investigation and post-investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) for that phase has been completed and approved in writing by the Local Planning Authority. The archaeological site investigation and post - investigation assessment will be undertaken in accordance with the programme set out in the written scheme of investigation approved under condition.

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework and in accordance with Policy DM31 of the City Plan Part 2.

26. Notwithstanding the provisions of Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no communications infrastructure shall be installed on any of the buildings hereby approved without planning permission being obtained from the local planning authority.

Reason: The Local Planning Authority considers that further development could cause detriment to the character of the area and for this reason would wish to control any future development to comply with policy DM18 of the Brighton & Hove City Plan Part 2 and CP12 of the Brighton & Hove City Plan Part One.

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

Reason: To safeguard the health of future residents or occupiers of the site and to comply with policies DM41 and DM20 of the Brighton & Hove City Plan Part 2.

28. The development hereby permitted shall not exceed ground floor slab level until a written scheme has been submitted to the local planning authority for approval which demonstrates how and where ventilation will be provided to each flat within the development including specifics of where the clean air is drawn from and that sufficient acoustic protection is built into the system to protect end users of the development. The approved scheme shall ensure compliance with Building Regulations as well as suitable protection in terms of air quality and shall be implemented before to occupation and thereafter retained.

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

29. No development above ground floor slab level of any part of the development hereby permitted shall take place until details of the construction of the green roofs have been submitted to and approved in writing by the Local Planning Authority. The details shall include a cross section, construction method statement, the seed mix, and a maintenance and irrigation programme. The roofs shall then be constructed in accordance with the approved details and shall be retained as such thereafter.

Reason: To ensure that the development contributes to ecological enhancement and sustainability on the site and in accordance with Policy DM37 of Brighton & Hove City Plan Part 2, Policies CP8 and CP10 of the

30. All ecological measures and/or works, including a pre-commencement check for badger setts, precautionary vegetation clearance and general precautionary construction working methods relating to excavations, materials etc, shall be carried out in accordance with the details contained in the Ecological Impact Assessment (CSA Environmental, July 2025, Rev A), as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

Reason: To ensure that the measures considered necessary as part of the ecological impact assessment are carried out as specified, and to provide a net gain for biodiversity as required by paragraphs 187 and 193 of the National Planning Policy Framework 2024, Section 40 of the Natural Environment and Rural Communities Act 2006, Policy CP10 of the Brighton & Hove City Plan Part One and Policy DM37 of City Plan Part Two.

31. Prior to the commencement of any development hereby permitted a Reptile Mitigation Strategy and programme of works for the creation of a receptor site (including surveys to confirm carrying capacity) and translocation of reptiles shall be submitted to and approved in writing by the local planning authority. The content of the Reptile Mitigation Strategy shall include:

- a) purpose and objectives for the proposed works;
- b) evidence that the HGBI (1998) requirements for receptor sites have been followed;
- c) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
- d) extent and location of proposed works shown on appropriate scale maps and plans;
- e) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- f) persons responsible for implementing the works;
- g) initial aftercare and long-term maintenance of receptor site (including an annual work plan);
- h) disposal of any wastes arising from the works.

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

Reason: To protect 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.

32. No development shall take place until details of the construction of a biodiverse green roof, in general accordance with the Ecological Impact Assessment (CSA Environmental, July 2025, Rev A) and Biodiversity Net Gain Assessment: Design Stage (CSA Environmental, July 2025) have been submitted to and approved in writing by the local planning authority. As far as possible the roof shall be designed to replicate lowland calcareous grassland and to support an invertebrate assemblage characteristic of this habitat. The details shall include a cross section, construction method statement,

seed/planting mix, substrate type/s and depths, features to meet additional criteria of the Statutory Biodiversity Metric's condition assessment, irrigation details (where required during establishment and drought conditions) and a maintenance programme. The roof shall then be constructed in accordance with the approved details and shall be retained as such thereafter and maintained in accordance with the approved scheme.

Reason: To ensure that any adverse environmental impacts of development activities on Habitats and Species of Principal Importance under Section 41 of the NERC Act 2006 can be mitigated, compensated and restored and that the proposed design, specification and implementation can demonstrate this.

33. No development shall take place until an ecological design strategy (EDS) in general accordance with the Ecological Impact Assessment (CSA Environmental, July 2025, Rev A) and including details of compensatory onsite habitat for chalk grassland invertebrates including grassland and green roof creation and a minimum of 36 No. swift nesting cavities, 36 No. bee bricks, 2 No. bat boxes, 2 No. invertebrate boxes and 2 No. log piles has been submitted to and approved in writing by the Local Planning Authority. The EDS shall include the following:

- a) purpose and conservation objectives for the proposed works;
- b) review of site potential and constraints;
- c) detailed design(s) and/or working method(s) to achieve stated objectives;
- d) extent and location /area of proposed works on appropriate scale maps and plans;
- e) type and source of materials to be used where appropriate, e.g. native species of local provenance;
- f) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- g) persons responsible for implementing the works;
- h) details of initial aftercare and long-term maintenance;
- i) details for monitoring and remedial measures;
- j) details for disposal of any wastes arising from works;
- k) Details for monitoring of invertebrates in years 1, 3 and 5 (following completion of habitat creation), including:
 - Appropriate success criteria, thresholds, triggers and targets against which the effectiveness of the work can be measured;
 - Methods for data gathering and analysis;
 - Location, timing and duration of monitoring;
 - Review, and where appropriate, publication of results and outcomes, including when monitoring reports will be submitted to the local planning authority; and
 - How contingencies and/or remedial action will be identified, agreed with the local planning authority and implemented so that the original aims/objectives of the approved scheme are met.

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

Reason: To ensure that any adverse environmental impacts of development activities on habitats and species can be mitigated, compensated and restored

and that the proposed design, specification and implementation can demonstrate this.

34. Deemed Biodiversity Gain Plan Condition: No development (including any demolition, site clearance or enabling works) shall take place until:
- A) A Biodiversity Gain Plan (BGP) has been prepared in broad accordance with the Biodiversity Net Gain Assessment and Ecological Impact Assessment, both dated July 2025 and prepared by CSA Environmental); and
 - B) The BGP has been submitted to and approved in writing by the Local Planning Authority.

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

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

Reason: To ensure the development delivers biodiversity net gain in accordance with Schedule 7A of the Town and Country Planning Act, Policy DM37 of Brighton & Hove City Plan Part 2, Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

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

Reason: To ensure the development delivers biodiversity net gain in accordance with Schedule 7A of the Town and Country Planning Act, Policy DM37 of Brighton & Hove City Plan Part 2, Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

37. The development hereby permitted shall not be commenced until the scheme for the provision of affordable housing has been submitted and approved by the Local Planning Authority. The scheme shall demonstrate that a minimum of 40% of the residential accommodation to be provided will be affordable housing and will include details regarding the exact numbers, type, tenure and location of the affordable housing units.

Reason: To ensure the development delivers affordable housing in accordance with Policy CP20 of the Brighton & Hove City Plan Part One

38. 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 practical completion (unless otherwise agreed) of the development
 - v. The monitoring methodology and frequency in respect of the created or enhanced habitat
 - vi. Provision for the identification, agreement and implementation of contingencies and/or remedial actions where the results from monitoring show that the conservation aims and objectives of the HMMP are not being met.

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

Reason: To ensure the development delivers biodiversity net gain in accordance with Schedule 7A of the Town and Country Planning Act, Policy DM37 of Brighton & Hove City Plan Part 2, Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

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 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.

3. 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.
4. The applicant is advised that Part L – Conservation of Fuel and Power of the Building Regulations 2022 now requires non-residential development to have achieved a 27% improvement on the carbon emissions against Part L 2013.
5. 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).
6. The applicant is advised under Part S of the Building Regulations that new dwellings providing a parking space now require an EV charging point.
7. The applicant is advised that Part O of Building Regulations 2022 has been introduced. This standard is aimed at designing out the need for mechanical air conditioning systems in dwellings that would otherwise be prone to overheating and limiting unwanted solar gains. There are optional methods to demonstrate compliance through the Building Regulations.
8. 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 provisions of the Environmental Protection Act 1990, should any complaints be received.
9. 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
10. The Biodiversity Gain Plan must relate to development for which planning permission is granted, and specify as a minimum the following matters:
 - i) Information about the steps taken or to be taken to minimise the adverse effect of the development on biodiversity,
 - ii) A completed Metric tool calculation
 - iii) The pre-development biodiversity value of the onsite habitat (shown on scaled plans),
 - iv) The post-development biodiversity value of the onsite habitat (shown on scaled plans),
 - v) Any registered offsite biodiversity gain allocated to the development and the biodiversity value of that gain in relation to the development,
 - vi) Any biodiversity credits purchased for the development.
 - vii) Any such other matters as the Secretary of State may by regulations specify including the requirements of Article 37 C of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended)

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

2. SITE LOCATION

- 2.1. The application site comprises a 0.27 hectare plot of land on the northern edge of Whitehawk. To the west and south of the site are residential flat blocks, to the south-east is Swanborough House (a brain injury rehabilitation centre), and to the north are allotments and community orchards set within the Whitehawk to Race Hill Local Nature Reserve and Nature Improvement Area. The South Downs National Park is located further to the north and north-east.
- 2.2. The site itself is located within but on the edge of the Built Up Area Boundary and formerly incorporated a playground which was relocated in 2015. Since that time the site has had some biodiversity interventions including the creation of an invertebrate bank. Whilst the site is designated as open space, this designation has been superseded by an allocation for 39 homes in policy H1 of the City Plan Part Two.
- 2.3. The topography of the site slopes steeply upward from south to north/east to west. The site is located within an archaeological notification area.
- 2.4. The site is relatively remote in terms of services and facilities and some way from the City Centre, but there is a local shop (Kestrel Mini Market) within walking distance of the site and a primary school (City Academy Whitehawk) about 0.6 miles from the site. There is also a bus stop immediately adjacent the site and another just to the south of the site which is served by a number of buses including the 1 and 21 bus services, both frequent services that go through the City Centre and as far west as Portslade and Hove respectively.
- 2.5. The part of Swanborough Drive that the site is located on is one way for vehicular traffic with double yellow lines and the aforementioned bus stop on the north side of the road, and predominantly on street parking taking place on the south side.

3. RELEVANT HISTORY

- 3.1. There are no relevant planning applications relating to the site but there have been a number of pre-application discussions as follows:
- 3.2. **PRE2023/00128, PRE2024/00061, and PRE2024/00152** – Pre-application discussions took place between 2023 and 2024. A number of alterations to the scheme have been made during this time including the following:
 - The building mass has been reduced in height and broken up from one large building on the site to two separate buildings with a green corridor between the buildings.

- The amount of car parking on site has been reduced and relocated so that it does not dominate the frontage of the proposed development.
- The standard of accommodation has been improved significantly to ensure nearly all dwellings are dual aspect.
- The overall number of dwellings has reduced from 39 to 36 to allow for the provision of a community space on the site.

4. APPLICATION DESCRIPTION

- 4.1. The application seeks permission for 36 new affordable rented residential flats and a community space. The development takes the form of two residential blocks with the north-western block 4 storeys high and the south-eastern block 6 storeys high. However, due to the topography of the site and the fact the proposed building would be sunken into the site as the land level rises from south to north, the buildings would appear as 3 and 4 storey from the rear.
- 4.2. Cumulatively the two blocks contain the following mix of flats:
 - 12 x 1 bed 2 person flats
 - 15 x 2 bed 3 person flats
 - 1 x 3 bed 4 person flats
 - 8 x 3 bed 5 person flats
- 4.3. Each residential unit would have outdoor space in the form of internal balconies/terraces.
- 4.4. The proposed community space would have a gross internal area of 204sqm and would be located at the ground level of the north-western block, accessed via Swanborough Drive, with a separate pedestrian access to the residential component.
- 4.5. With regard to materials, the blocks would be comprised of a mix of red brick and buff brick to help break up the overall massing of the building. Coloured elements would also be incorporated into the development through the use of coloured fibre cement panels in the windows, window reveals and the soffits of the balconies.
- 4.6. A landscaped area comprising soft and hard landscaping would be provided across the frontage of the site with hedgerows to the site boundaries and a green corridor running between the two main blocks. There is also landscaped amenity green space to the rear of the site.
- 4.7. Access to the site would be via Swanborough Drive. The development would effectively be car free with the exception of six accessible parking spaces and 5 motorcycle spaces for residents within a ground floor undercroft car park. A car club space and accessible parking space would also be provided adjacent to the community space. 44 covered cycle spaces would be provided for residents along with external visitor cycle spaces and a bikeshare hub.

- 4.8. The bus stop at the front of the site would be relocated slightly further north-west to allow for the new access to be created and to allow for adequate visibility for cars exiting the new vehicular access.

5. REPRESENTATIONS

- 5.1. Objections were received from **13 individuals** and a **petition with 37 names** was also received. The objections relate to the following:

- Loss of biodiversity and green space. The site has naturally rewilded over the years into a thriving wildflower meadow.
- The existing space offers mental and physical health benefits to residents, especially those with limited access to private gardens or nature.
- Swanborough Drive is a narrow one-way residential street that already struggles with congestion and was not designed to handle the increased traffic that would result from the proposed development.
- No plans for additional parking provision. Parking is already scarce and often contested.
- The removal of the 1A bus has cut reliable links to key parts of the City and the 1X excludes Whitehawk altogether.
- The density and height of the proposed development is not in keeping with the residential blocks to the north of Swanborough Drive. The units are crammed together with little regard for space, character or community.
- The standard of accommodation is poor – there is no daylight on stairs and landings between floors and no daylight in toilets.
- Housing and community use do not mix and no need has been demonstrated for a community use.
- The proposal will adversely affect the Racehill Community Orchard to the rear.
- Impact on residents during build phase.
- There is already a lack of facilities and excessive demand on infrastructure in the area.
- Inadequate consultation and concerns raised by residents appear to have been ignored.
- The proposal, particularly during construction, will risk the recovery and wellbeing of residents at Swanborough House.
- Brownfield sites should be considered instead.
- The surrounding buildings are at risk of collapse and construction works will worsen this situation

6. CONSULTATIONS

Internal Consultees

- 6.1. **Arboriculture:** No objection
- 6.2. **Air Quality:** No objection

- 6.3. **Employment Strategy:** Comment. Local employment and training should be sought.
- 6.4. **Environmental Health:** No objection subject to planning conditions relating to contamination, noise mitigation and ventilation.
- 6.5. **Planning Policy:** No objection but make the following comments:
- The site is allocated City Plan Part 2 policy H1 for residential use. The principle of residential development has therefore been established and the loss of open space has been accepted through the allocation process.
 - Provision of a community use is considered acceptable in principle providing amenity impacts on adjacent residents are found acceptable. Opening hours of the community use should be secured by condition.
 - 36 affordable dwellings would make a welcome contribution towards the housing target, to local affordable housing need, would exceed density targets and is considered an acceptable amount based on the design input undertaken at pre-application stage.
 - The dwelling mix is considered acceptable and reflective of local needs
 - Standard of accommodation in terms of meeting DM1 requirements should be verified by the case officer
 - It is regrettable that the proposal would result in a net loss in biodiversity. Comments from the County Ecologist should be sought in this regard particularly in relation to securing off-site units from a site that is not yet registered as a formally Registered Site for off-site BNG.
- 6.6. **Strategic Housing and Development:** No objection but make the following comments:
- The scheme will be expected to meet Secure by Design standards.
 - Given that the scheme includes 24 flats that are likely to accommodate at least one child it would be good to see part of the outside area fenced for secure play for children living in the blocks or using the community space.
- 6.7. **Sustainable Drainage:** No objection subject to planning conditions relating to the following:
- A final drainage layout showing the location, size and specifications of all drainage elements proposed.
 - A maintenance and management plan for all proposed drainage elements.
 - Confirmation of foul discharge rates- showing that they will not exceed 0.33l/s.
- 6.8. **Urban Design:** No objection but makes the following comments:
- The proposed scheme improves upon the adjacent housing development by incorporating an undercroft parking strategy for blue badge holders and cyclists, allowing space for landscaping.
 - The inclusion of community facilities is welcomed.
 - New development should not inhibit future opportunities to improve the informal
 - footway to the allotments and beyond to the west of the site.

- The applicant is encouraged to scope out options, identify a preferred option and implement an alternative roof design to reduce the volume of plant on the roof.
- The internal circulation (staircases and hallways) are bereft of daylighting and outlook.
- The energy statement needs updating and should set out how the scheme performs against BREEAM v6.1 Residential standard and the incoming Future Homes and Building Standard 2025.
- The principle of south facing inset balconies is supported and works well.
- All materials and finishes should be secured by planning condition.

6.9. **Sustainable Transport:** Objection based on the following grounds:

The proposals do not adequately mitigate the lack of parking in this ‘car-lite’ scheme to an acceptable level, that is in an unrestricted area where parking demand has been surveyed previously to be high. Whilst it is acknowledged that there is data that suggests car ownership is lower in flats/ affordable housing and there are regular buses stopping outside of the site, this is unlikely to fully offset the relatively remote and hilly location in the city, and the 45% of residents that census data suggests will travel by/own a car or van.

- 6.10. Parking spaces that involve a charge, as proposed, are not considered to be a solution as residents can still park on-street free of charge. It is also unclear if these spaces will be available long term.
- 6.11. Previous surveys suggest that parking is in high demand and it has not been demonstrated that there won’t be significant impact on street with its resulting road safety issues. It is therefore not considered to be policy compliant with City plan policies DM33, CP9, SPD14 and NPPF.
- 6.12. The LHA is likely to support these proposals if the following were submitted as part of these proposals:
- Car parking spaces on site (or on another nearby site under their control) that are free of charge to residents and their number secured via condition. The amount of parking would need to be appropriate and justified by car ownership levels at similar sites in the city, and managed so as not to undermine the sustainable travel and ‘car-lite’ objectives.
 - A car club bay be located on site or on another nearby site. It is stated that the site has constraints, however there are two vehicle access points being proposed and no existing structures that will be retained on site that would create constraints. It is stated that the Housing department’s preference is for any car club provision to be located on the public highway rather than on Housing land. We would recommend this position to be reassessed.
 - A bikeshare docking station up to seven bikes be located on site near the community facility, or on another nearby site under the applicant’s control.
 - There is a firm commitment for cycle and electric bike vouchers/ bikeshare bundles /discounted bus tickets and car club membership discount to be provided to first residents. Due to the hilly topography of

the site motorised forms of transport are likely to be more attractive or only option for some residents.

6.13. Accident / collision data has not been provided and this would usually be detailed and discussed in the transport statement. Until this is received, we cannot fully accept that the increased trips on the highway network are acceptable, and this is requested prior to determination.

6.14. Amended plans have been received and updated comments from the Transport team will be updated in the Additional Representations list.

External Consultees

6.15. **County Archaeologist:** No objection subject to conditions securing the implementation of a programme of archaeological works in accordance with a written scheme of investigation and an archaeological site investigation.

6.16. **County Ecologist:** No objection subject to conditions relating to the following:

- Compliance with existing reports and plans
- Reptile mitigation strategy
- Biodiverse green roof
- Ecological Design Strategy
- Lighting design strategy for biodiversity

6.17. **Health & Safety Executive:** No comment

6.18. **Natural England:** No objection

6.19. **South Downs National Park:** No objection but make the following comments: The application is supported by a Landscape and Visual Impact Assessment which includes views of the South Downs National Park from publicly accessible areas within the site and in close proximity of the site.

6.20. The site is located in a valley slope with the land rising as it approaches the National Park boundary and beyond. The land form, alongside the context of other existing high rise buildings in the locality assists in mitigating impacts that could otherwise arise from the height and scale of the buildings. The breaking up of development into two buildings and varied presentation of the north-eastern elevations towards the countryside edge also assist in breaking up the appearance of their massing.

6.21. The LVIA identifies that bridleway BW B41a falls within the SDNP and assesses a single Viewpoint 05 from within the National Park. Whilst the assessment would have benefited from a larger range of viewpoints to demonstrate impacts, it is nonetheless the case that the building, albeit tall, would be seen within the context of other tall buildings in close proximity on the urban edge of the city. The Authority therefore agree that landscape character impacts upon the setting of the South Downs National Park would be relatively minor.

- 6.22. It is recommended that consideration be given to dark night skies, which are a special quality of the National Park. The South Downs National Park is a designated International Dark Sky Reserve and dark skies and tranquillity are a special quality of the National Park which need to be protected. The updated Lighting Assessment does not appear to assess potential impacts on the International Dark Skies reserve. The dark skies core or Intrinsic Zone of Darkness is located only 2km from the site. Paragraph 198(c) of the NPPF outlines that development should limit the impact of light pollution on intrinsically dark landscapes and nature conservation. Whilst there is likely to be pre-existing lighting associated with the residential and employment uses in the locality, the SDNPA would encourage any new development to have a sensitive approach to light. Rooflights and lighting columns should be avoided, and a sensitive scheme of external lighting and use of low transmission glazing should be secured via condition. Any external lighting should also take into account the biodiversity sensitivities of the site and not disturb or harm wildlife. The Council's biodiversity officer should be able to advise further in this regard.
- 6.23. **Southern Water:** No objection but require a formal application for a connection to the public sewer to be made by the applicant or developer.

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:

CP1 Housing Delivery

CP7 Infrastructure and Developer Contributions

CP8 Sustainable Buildings

CP9 Sustainable Transport

CP10 Biodiversity

CP11 Flood Risk

CP12 Urban Design
CP13 Public Streets and Spaces
CP14 Housing Density
CP16 Open Space
CP19 Housing Mix
CP20 Affordable Housing

Brighton and Hove City Plan Part Two

DM1 Housing Quality, Choice and Mix
DM9 Community Facilities
DM18 High Quality Design and Places
DM19 Maximising Development Potential
DM20 Protection of Amenity
DM22 Landscape Design and Trees
DM31 Archaeological Interest
DM33 Safe, Sustainable and Active Travel
DM35 Travel Plans and Transport Assessments
DM36 Parking and Servicing
DM37 Green Infrastructure and Nature Conservation
DM40 Protection of the Environment and Health – Pollution and Nuisance
DM43 Sustainable Drainage
DM44 Energy Efficiency and Renewables

Supplementary Planning Documents

SPD03: Construction and Demolition Waste
SPD11: Nature Conservation and Development
SPD14: Parking Standards
SPD17: Urban Design Framework

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the following: the principle of development; design, appearance, layout, scale and massing; housing mix and tenure; standard of accommodation; impact on residential amenity; sustainable transport; sustainability; landscape, arboriculture and biodiversity; and sustainable drainage.

Principle of Development Housing

- 9.2. Policy CP1 of the 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. The provision of 36 affordable dwellings would make a notable contribution to reducing the housing supply shortfall.
- 9.6. Although it is acknowledged that the site comprises designated open space, the principle of redevelopment of the site for residential use has been established through the allocation of the site for 39 homes in policy H1 of the City Plan Part Two (CPP2) and the loss of open space has therefore already been accepted through the adoption of the City Plan Part Two.
- 9.7. The principle of residential development on the site is therefore clearly established.

Community Space

- 9.8. Whilst there is no reference to the provision of community space within Policy H1, the applicant has stated that the proposal to incorporate community space into the development is a result of pre-application community consultation where the desire for such a space was expressed by a number of residents. Policy DM9 of the CPP2 supports delivery of new community facilities where the following criteria are met:
- a) the proposed use is compatible with adjoining and nearby uses;
 - b) the site is close to the community it serves and is readily accessible by walking, cycling and public transport; and
 - c) where feasible and appropriate, community facilities have been co-located to maximise their accessibility to residents and reduce the need for travel (for example at Community Hubs)
- 9.9. Criteria (c) is not considered to apply in this case due to the modest size of the community space. With regard to criteria (a) community uses are generally considered to be compatible with residential uses and in this case the community space has a separate entrance to the residential component of the development which would help to maintain a degree of separation between the two uses. Restrictions on operating hours of the community space would be secured by condition to protect the amenity of residents.
- 9.10. The principle of providing community space is therefore considered to be acceptable and would not conflict with policy H1 or DM9. Whilst the provision of community space does result in a slight under delivery of residential units on the site as measured against the 39 dwellings referenced in the policy, a potential reduction of three dwellings is considered negligible and, when

balanced against the benefits of providing a community space, is considered acceptable.

Design, Appearance, Layout, Scale and Massing

- 9.11. Policy CP12 (Urban Design) of the City Plan Part 1 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.
- 9.12. 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.
- 9.13. The proposed development is separated into two main blocks. The north-western block is 4 storeys in height and includes a community space at ground floor level with residential units above. The community space has a separate entrance to the main residential units. The south-eastern block is 6 storeys in height and is entirely residential. Due to the topography of the site, which slopes steeply from south to north, the buildings are partly sunken into the ground and the larger eastern block would appear as a four-storey building from the rear and the western building would appear as three storeys. Both blocks include some additional volume on the roof, housing lift overruns and access to the roof to allow for maintenance, as well as parapet walls around the perimeters of the roofs which further increase the height of the buildings.
- 9.14. The scale of the proposal has partly been informed by the high-rise buildings to the south, which includes Heron Court and Kestrel Court, the latter being 11 storeys high (but sitting on a notably lower ground level than the application site). The buildings on the northern and eastern side of Swanborough Drive are of a significantly lesser scale than the aforementioned high-rise blocks. Swanborough House to the east of the site is only three storeys in height and Linchmere to the west is 4 storeys. Therefore the proposal, particularly the eastern block, would represent a significant change in the scale and density of buildings on the north and east side of Swanborough Drive. However, given the siting of the high-rise blocks to the south of the site, it is considered that the scale of the proposed development would not appear incongruous in the

wider streetscene as this part of Swanborough Drive is very much characterised by tall buildings. The overall scale and density is therefore considered acceptable

- 9.15. The planning application is supported by both a Tall Buildings Assessment and a Landscape and Visual Impact Assessment (LVIA). The LVIA identifies eight key viewpoints and considers the impact of the development on them. The impact on four of these viewpoints is considered to be 'Negligible/Neutral'. These are the more distant viewpoints where it is difficult to see the proposed development due to the fact that the site is located on a valley slope and the land rises as it approaches the National Park. A 'Major/Adverse' impact is identified from viewpoints in closer proximity to the site such as from the Public Right of Way to the north-east and north-west of the site, south of the racecourse, and views from Swanborough Drive itself. However, this is mainly because the site doesn't currently have any built form on it so the impact of two substantial blocks would inevitably be quite high when compared with the baseline situation. Additionally, the LVIA notes that in these closer views, the surrounding context is defined by the high-rise buildings of Heron Court, Falcon Court, Kestrel Court and Kingfisher Court. The South Downs National Park Authority have also concluded that the impact of the proposed development on the National Park would be limited and have raised no objection to the application. It is therefore considered that the overall impact on the landscape as a result of the scale and design of the proposal is considered to be acceptable despite the fact that it would be highly visible in close views.
- 9.16. The front façade of the taller eastern block is stepped to address the curve of the site. The proposed buildings are contemporary in appearance and would incorporate a range of materials, including a combination of red and buff brick, to help break up the overall volume of the development so that each block is not viewed as a single mass. Elements of colour are added to the development through the use of coloured cement fibre panels in the windows, window reveals and the soffits of the balconies. Further details of materials would be secured by planning condition but the indicative materials shown are considered appropriate and would not appear incongruous within the streetscene which comprises a range of materials including brick and cladding.
- 9.17. The community space at ground level on the north western block is clearly differentiated from the residential component through the use of different brick types, colour and additional glazing.
- 9.18. The two blocks are separated by a green corridor linking the soft landscaping at the front and rear of the site and providing a degree of visual permeability to allow some views of the allotments/community gardens to the north and help provide a sense of place. The retaining wall between the buildings that forms part of the green corridor comprises flint filled gabions filled with material from the site.

- 9.19. Both blocks would incorporate green roofs. A combination of soft and hard landscaping would be provided at the front of the site, hedgerows at the boundaries and grassland and tree planting to the rear.
- 9.20. Car parking on site has been kept to a minimum and an undercroft parking area is located at ground floor level to reduce its prominence on the streetscene and to prevent the development appearing dominated by private cars.
- 9.21. Whilst the location of the substation so close to the pavement is not considered to be ideal and would give it undue prominence, opportunities to relocate the substation are limited. Additionally, access by UKPN is required at all times so it has to be sited in a readily accessible location. The appearance of the substation would be partially softened by vegetative screening. It is therefore not considered so harmful as to warrant a refusal of planning permission.
- 9.22. The scale, design and layout of the proposed development and its impact on the landscape is therefore considered to be acceptable and it is not considered that the proposal would conflict with policies CP12 of the City Plan Part One or DM18 of the City Plan Part Two.

Housing Mix and Tenure

- 9.23. Policy DM1 (Housing Quality, Choice and Mix) of the CPP2 states that 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. This is supported by policy CP19 (Housing Mix) of the CPP1 which aims to improve housing choice and ensure an appropriate mix of housing is achieved across the City.
- 9.24. Policy CP20 (Affordable Housing) of the CPP1 states that on sites of 15 or more (net) dwellings, 40% affordable housing will be required.
- 9.25. The proposed development forms part of the Council's New Homes for Neighbourhoods programme. The application proposes 100% affordable rented housing which, given the significant need for affordable housing in the City, is strongly supported. A minimum of 40% affordable housing (15 units) would be secured via a planning condition in line with Policy CP20.
- 9.26. Having regard to the housing mix, the proposal would provide the following:
- 12 x 1 bed 2 person flats (33%)
 - 15 x 2 bed 3 person flats (42%)
 - 1 x 3 bed 4 person flats (3%)
 - 8 x 3 bed 5 person flats (22%)
- 9.27. This mix closely reflects the preferred affordable housing mix for the City in Policy CP20 of the CPP1 which requires 30% one bed units, 45% two bed units and 25% 3+ bedroom units and is therefore supported.

- 9.28. Four of the units would meet Building Regulations M4(3) 'wheelchair accessible' standard and the remaining units would meet Building Regulations M4(2) 'accessible and adaptable' standard, in accordance with Policy DM1.

Standard of Accommodation

- 9.29. Policy DM1 (Housing Quality, Choice and Mix) of the CPP2 requires that all new residential units should meet the Nationally Described Space Standards (NDSS). The proposed residential units would comply with this policy and meet or exceed the minimum floor areas required by the NDSS.
- 9.30. All residential units would have dual aspect and would therefore benefit from an acceptable level of outlook.
- 9.31. Sunlight and Daylight assessments have been submitted with the planning application to assess the amount of light available to the proposed residential units. These assessments have been independently assessed by BRE and, following a number of revisions, are now considered to be robust. The findings of the assessments are set out below:
- 37 of the 69 (54%) proposed bedrooms would meet the daylight target for a bedroom. 22 of the 36 (61%) of the proposed living/dining/kitchen areas would meet the daylight target for a living room. 17 of these (47%) would meet the daylight target for a kitchen.
 - 27 of the 36 (75%) living areas would meet at least the minimum sunlight requirement and 29 of the 36 (80%) units would have at least one habitable room able to meet the recommendations.
- 9.32. Whilst the sunlight/daylight performance of these units on the whole is slightly disappointing, the majority of units (with the exception of the kitchens) do meet the BRE's sunlight/daylight targets. It is acknowledged that in large developments it is unrealistic to expect all units to be able to meet the BRE recommendations, particularly in respect of sunlight as there will usually be a number of north facing units. That said, this does weigh against the proposed scheme.
- 9.33. Given that all the proposed units have been designed to be dual aspect and all living/kitchen/dining areas are also dual aspect, there are limited options to improve the sunlight/daylight performance of the proposed development. The proposed internal balconies are likely to have some impact on the light available to the units but the removal of these balconies would have other detrimental impacts on the overall standard of accommodation and to amend the balconies to external uncovered balconies would impact their overall usability and leave them more exposed to the elements.
- 9.34. Other factors that may be reducing the light to the proposed units include the proposed blocks themselves and their proximity to each other, as well as the 11 storey Heron Court to the south. Given the limited size of the site and the desire to maximise affordable housing provision as well as get close to achieving the indicative allocation requirement of 39 units on the site, there

are limited opportunities to relocate or significantly reduce the height of the proposed blocks on the site.

- 9.35. Whilst the standard of accommodation does weigh against the proposal, having regard to the need for affordable housing and the fact that the balconies add to the reduced calculations, which in themselves improve the standard of accommodation by providing amenity space, it is not considered that the standard of accommodation in respect of the light received to the proposed units would warrant a refusal of planning permission.
- 9.36. Whilst, it is regrettable that the hallways and internal stairways do not benefit from windows or natural light, again it is not considered that this would warrant a refusal of planning permission, particularly given all the residential units themselves are dual aspect and reasonably lit.
- 9.37. Every property would benefit from a private terrace/balcony and the vast majority of the balconies provided would be internal to provide some degree of protection from the elements and increase their usability.
- 9.38. In addition to the private terraces / balconies there is also communal greenspace at the rear and centre of the development. The overall usability of this communal green space would be limited due to the fact that it would slope upwards significantly from south to north and would be in shade for much of the day due to its orientation north of the proposed blocks. Nevertheless, the space would provide some informal amenity benefits along with visual and ecology benefits.
- 9.39. The standard of accommodation is therefore considered to be acceptable and would accord with Policy DM1 of the CPP2.

Impact on Amenity

- 9.40. 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.
- 9.41. The closest properties to the proposed development are Linchmere to the north -west of the site, Swanborough House to the south-east, and Heron Court to the south and these properties are therefore likely to be most impacted by the proposed development.
- 9.42. Given that Swanborough House is located mainly to the south of the application site there would be no impact on the sunlight available to this property. The main outlook from Swanborough House is in an east-west direction rather than towards the application site so it is considered that impacts on the daylight and outlook available to Swanborough House would not be significant and would not warrant a reason for refusal of planning permission.

- 9.43. With regard to privacy, there are a number of windows proposed on the side elevation of the south-eastern block facing towards Swanborough House. It is proposed that a number of these windows, specifically those on the eastern end of the southern elevation that would otherwise overlook the rear amenity space of Swanborough House are obscurely glazed and fixed shut up to 1.7m above finished floor level. This would be secured by planning condition.
- 9.44. The eastern elevation of Linchmere features a number of windows serving habitable rooms that face directly towards the application site and as a result the outlook from a number of flats within Linchmere would be impacted. However, the proposed development is set off the boundary and is about 15.5m from Linchmere at its closest point, although the main bulk of the nearest building would be almost 17m from Linchmere. Additionally, the proposed building closest to Linchmere is the lower of the two buildings and at 4 storeys is a more comparable scale to Linchmere. It is therefore not considered that the impact on the outlook available to Linchmere would be so harmful as to warrant a reason for refusal.
- 9.45. The Sunlight and Daylight Assessment submitted with the planning application assessed the impact of the proposal on Linchmere to the west. The results show that daylight to two windows at Linchmere would be impacted and daylight available to these windows would therefore be below the BRE guidelines. These windows are to the east side of the south facing façade adjacent to the application site. The extent of the impact is considered to be 'minor adverse'. Whilst any impact is regrettable, a minor adverse impact on two windows is not considered to be sufficiently harmful to warrant a refusal of planning permission.
- 9.46. Having regard to privacy impacts on Linchmere, windows are proposed on the western elevation of the north-west block that would face Linchmere. However, these have been located to minimise impacts on privacy by avoiding a direct line of sight to the windows on Linchmere and the distance between the facing windows of the proposed development and Linchmere is just under 17m which is considered to be acceptable in this context.
- 9.47. Whilst there would be no outlook or privacy impacts on Heron Court due to the relative distances involved (approx.30m between the proposed buildings and Heron Court), the Sunlight and Daylight Assessment has identified a loss of daylight to four windows on the east elevation (3 at ground floor level and 1 at first floor level) and four windows on the north façade of Heron Court (two at ground floor level and two at first floor level). Whilst individually the impact on these windows is 'minor adverse', given a number of these windows are likely to serve the same flat there is the potential for the development to have a cumulative moderate adverse impact.
- 9.48. Overall, it is not considered that the impact of the proposed development would be so harmful as to warrant a refusal of planning permission. The impacts on the outlook and privacy available to neighbouring properties are not considered to be significant. Whilst there are some impacts identified in respect of loss of daylight, the vast majority of windows serving neighbouring

properties are unaffected, and the degree of harm on the impacted windows is not considered to be excessive. Any impact also needs to be weighed against the benefits of providing 36 new affordable residential units and a community space and this balance is considered further in the conclusion of this report.

Sustainable Transport

- 9.49. National and local planning policies seek to promote sustainable modes of transport and to ensure highway safety. In accordance with paragraph 109 of the National Planning Policy Framework, development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. The NPPF states that the use of sustainable modes of transport should be pursued (paragraph 102). Policy CP9 (2c) of the CPP1 is also relevant in that it requires all new major developments to submit a Transport Assessment to identify the likely effects of the demand for travel they create and include measures to mitigate their impacts by reducing car use, implementing agreed travel plans and making appropriate contributions towards sustainable transport measures.
- 9.50. The main vehicular access to the site would be via Swanborough Drive. This access leads to an undercroft parking area at ground floor level for residents of the proposed development comprising 6 accessible parking spaces and 5 motorcycle spaces.
- 9.51. Amendments to the proposed access have been made over the course of the application in order to ensure that visibility when exiting the site is not hindered by buses in the relocated bus stop. This has been achieved by extending the access/egress point further into Swanborough Drive as well as moving the bus stop slightly to the north-east. The Local Highway Authority have confirmed that the proposed amendments to the access are now acceptable as they provide sufficient visibility.
- 9.52. The Local Highway Authority have raised an objection to the amount of car parking provision on the site serving the residential units. Six accessible blue badge undercroft parking spaces are proposed on-site for residents. Whilst six blue badge spaces are sufficient to meet the needs of the four M4(3) units proposed and meet the requirements of SPD14: Parking Standards with regard to provision of accessible spaces, the Local Highway Authority consider that six spaces will not be sufficient to meet the overall parking requirements of the residential component of the development, particularly given the site is within the Outer Zone of City, remote from the City Centre. There are no parking controls on Swanborough Drive or in the immediate vicinity and a parking capacity survey of the area submitted with the planning application indicates that there is very limited capacity on-street to provide additional parking. The applicant has stated that there are available car parking spaces (16 in total) within the adjacent car parks serving the Council-owned housing surrounding the site. However, the Local Highway Authority do not give these available spaces significant weight as the Council charge a fee for these spaces to be used and the Local Highway Authority consider that residents are less likely to use them if there is a charge. However, the Local Planning Authority take

the view that the fact that such spaces are available to use does carry some weight when assessing the acceptability of the scheme in relation to parking provision.

- 9.53. An accessible parking space is also provided adjacent to the community centre.
- 9.54. Having regard to more sustainable forms of transport as an alternative to the use of a private car, 5 motorcycle spaces are provided within the undercroft parking area and 44 cycle spaces are also provided which is in accordance with SPD14: Parking Standards. The site also benefits from a bus stop directly outside it which is served by a number of buses including the 1 and 21 bus services, both frequent services that go through the City Centre and as far west as Portslade and Hove respectively. The site is therefore considered to be well connected in terms of sustainable transport, despite its relatively remote location.
- 9.55. In order to reduce parking demand further, the applicant has agreed to provide a car club space as requested by the Local Highway Authority. However, the use of this space for a car club is dependent on a car club provider being willing to take it on but this will be explored further following any grant of planning permission. A bikeshare hub would also be provided, details of which would be secured via planning condition.
- 9.56. A Travel Plan would also be secured by planning condition. This would include the provision of up-to-date public transport information within the proposed buildings, sustainable transport promotional material, and discounted bus tickets for residents.
- 9.57. Whilst the overall lack of parking on-site and limited off-site parking availability raises some concerns, the applicant is unwilling to increase the amount of parking on site as the provision of further undercroft parking is likely to impact the viability of the scheme and the provision of further parking at ground floor level outside of the undercroft area would result in a reduction in the amount of residential units proposed and available space for landscaping. Additionally, as set out above, alternative forms of travel are readily available. The NPPF states that 'development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.' It is not considered that lack of parking and potential overspill would result in an unacceptable impact on highway safety or have a severe impact on the road network. Additionally, any impacts on the highway network would need to be weighed against the benefits of providing 36 affordable residential units and this balance is considered further in the conclusion of this report.

Sustainability

- 9.58. Policy CP8 of the City Plan Part One requires that all developments incorporate sustainable design features to avoid expansion of the City's ecological footprint and mitigate against and adapt to climate change. This

policy is partly expanded upon and updated via DM44 of the City Plan Part Two.

- 9.59. In addition to meeting Part L of the Building Regulations, which requires a 31% reduction in carbon emissions against Part L 2013 standards, the proposed development will also provide Air Source Heat Pumps on the balconies of every property. Whilst PV panels are not shown on the submitted drawings, the submitted energy statement states that the roof will be designed to accommodate a future solar photovoltaic system.
- 9.60. Conditions would also be added to any planning consent to ensure that the residential units and community space achieve a minimum EPC rating 'B', the residential units achieve an indoor water efficiency standard of no more than 110 litres per person per day, and the community use achieves BREEAM 'Very Good Standard'.

Biodiversity, Landscape and Arboriculture

- 9.61. Policy DM37 (Green Infrastructure and Nature Conservation) of the CPP2 states that 'development proposals will be required to demonstrate that they safeguard or and/or contribute positively to the existing multifunctional network of Green Infrastructure that covers all forms of green and open spaces; the interrelationship between these spaces and; ensure that the natural capital of the area is retained, enhanced and complements UNESCO Biosphere objectives.'
- 9.62. The policy goes on to state that 'where practicable, green infrastructure should be integral to the design and layout of the scheme ensuring it is planned and managed to realise current and potential value to communities and to support the widest delivery of linked environmental, social and economic benefits.'
- 9.63. The policy also states that all development should seek to conserve and enhance biodiversity and to ensure that a net gain in biodiversity is achieved.
- 9.64. Given the proposed development is classified as a 'major' development, there is a requirement to provide 10% Biodiversity Net Gain (BNG).
- 9.65. Policy DM22 (Landscape Design and Trees) of the CPP2 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.'
- 9.66. The site comprises lowland calcareous grassland which is a Habitat of Principal Importance under Section 41 of the NERC Act 2006. The site was also assessed in relation to the following species:
- Bats: No bat records were returned within the search area. There are no buildings or trees on site, and it therefore offers no opportunities for roosting bats. The Ecological Impact Assessment submitted with the application considers the site to offer moderate value as a foraging resource for bats, being relatively small and impacted by surrounding urban development but likely to be rich in insect prey.

- Hazel Dormouse: there are no local dormouse records and patches of bramble and buddleia scrub in the northern part of the site are considered too small and fragmented to provide suitable habitat.
 - Badgers: The Ecological Impact Assessment states that no signs of badgers were found onsite although they are likely to be present in the wider landscape.
 - Great crested newt: The scrub and grassland on site provide some suitable terrestrial habitat for Greater Crested Newts, however there are no local records and the site lies within an area indicated to have low suitability and low probability of Greater Crested Newt presence.
 - Reptiles: surveys in 2024 confirmed the presence of a high population of slow worms and a medium population of common lizard.
 - Invertebrates: a total of 244 invertebrate species were identified to be using the site, of which 23 are species with some level of conservation status including three Species of Principal Importance under Section 41 of the NERC Act.
 - Breeding birds: The scrub on the site has potential to support breeding birds although it is acknowledged that the site is largely unsuitable for ground-nesting species due to its small size and relatively high levels of recreational disturbance.
 - Other species: The site is unlikely to support any other species although the County Ecologist states that it should be assumed hedgehogs are on the site given the site's urban fringe location.
- 9.67. The proposed development would result in a loss of 77% of the habitat on the site, even when factoring in proposed soft landscaping for the site and green roofs. This therefore requires the provision of 4.16 units of Low Calcareous Grassland off-site to achieve a 10% net gain in biodiversity. The intention is to provide this through a new Council owned habitat bank located in the north-western section of the Whitehawk / Race Hill LNR. The County Ecologist raises no in-principle objection to the use of this location to provide BNG.
- 9.68. Given the reptiles present on site and the loss of reptile habitat, all reptiles will be translocated to an off-site receptor site located within the adjacent LNR.
- 9.69. Therefore, subject to the provision of appropriate off-site BNG and suitable conditions to ensure it is delivered, along with relevant conditions to maximise on-site biodiversity where possible, the proposal is considered to be acceptable on ecological grounds.
- 9.70. Having regard to the proposed soft landscaping on site, the application proposes a combination of tree planting (incorporating fruit trees), native hedgerows and species rich grassland areas to the front and rear of the proposed buildings, native trees and hedgerows to the north-western boundary, and mixed species, native shrubs and trees to the south-east boundary. Both blocks would also incorporate green roofs, further details of which would be secured by planning condition.
- 9.71. In respect of hard landscaping, contrasting paving would be used at the front of the site to delineate the main access routes to the community space and

residential entrances from the general paving to the remainder of the frontage area.

- 9.72. The proposed approach to landscaping is considered acceptable but further details would be secured by planning condition. The proposal is therefore not considered to conflict with policies DM22 and DM37 of the CPP2.

Sustainable Drainage

- 9.73. 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.'*
- 9.74. The site is located within Flood Zone 1 and is considered to be at negligible risk of flooding from all sources. No flooding has been reported on the site.
- 9.75. The proposed drainage system is for surface water to be captured, attenuated and treated by a proposed basin, green roofs, permeable paving and filter strips. It is proposed to be infiltrated by a deep borehole soakaway at the front of the site. Raingardens are also proposed at the front of the site.
- 9.76. Foul water is proposed to be discharged to the adjacent public sewer in Swanborough Drive via new connection. Correspondence with Southern Water indicates that capacity is available in the drainage using an assumed discharge rate of 0.33l/s.
- 9.77. The Council's sustainable drainage team have raised no objection to the proposed drainage strategy which is considered to accord with policy DM43 of the CPP2.

10. PLANNING OBLIGATIONS

- 10.1. In order to appropriately mitigate the impacts of the development and to comply with planning policy, the council's Developer Contributions Technical Guidance and BNG legislation, payment of monitoring fees for BNG and the Travel Plan need to be secured, and an Employment and Training Strategy. See the Heads of Terms set out Section 1:Recommendation of this report.
- 10.2. As the applicant in this case is the Council itself, it is not possible for the Council to enter into a section 106 agreement with itself to secure such measures. Section 106 of the Town and Country Planning Act 1990 provides for any person interested in land to enter into a planning obligation with the local planning authority, enforceable as a deed executed between the parties. However, as both the applicant and the enforcing authority would be the Council, the statutory mechanism for a section 106 agreement cannot operate in its usual form.

- 10.3. In these circumstances, it is proposed that a Memorandum of Understanding (MoU) be entered into, or alternatively a decision is taken by the Cabinet/Director Property and Finance, which will secure the mitigation measures that would ordinarily be achieved by a s106 agreement. While such a Memorandum/Decision does not have the status of a planning obligation under s106 and cannot run with the land, it represents a clear and public commitment by the Council, in its capacity as applicant, to provide the necessary mitigation. The MoU/record of decision of Cabinet/Director will be appended to the planning permission and will specify the measures and delivery mechanisms to ensure that the development is carried out in accordance with the agreed mitigation, as would be the case with a s106 agreement. This approach, while not conferring the same statutory enforceability as a section 106 agreement, reflects good practice where the Council is both applicant and local planning authority.
- 10.4. The MoU/Decision will set out also that in the event the land with the benefit of planning permission resulting from this or any subsequent application is to be sold by the Council to a third party, the Council as landowner/seller will require any future purchaser to enter into an appropriate s106 agreement (or a covenant/unilateral undertaking) with the Council as local planning authority, to secure the required mitigation measures.

11. CONCLUSION

- 11.1. Paragraph 11 of the NPPF makes it clear that planning application decisions should apply a presumption in favour of sustainable development.
- 11.2. The principle of residential development on the site is clearly established through its allocation for 39 homes in policy H1 of the CPP2. Whilst the proposed community use is not specifically included in policy H1, it is considered to be complementary to the main residential use and has been proposed following community consultation where the desire for a new community space was clearly presented to the applicant.
- 11.3. The scale, design and layout of the proposal is considered to be acceptable given the significant need for housing in the district, the topography of the site, and the scale of surrounding buildings.
- 11.4. All the proposed residential units would be affordable rented which is welcomed as this would exceed the policy requirement of 40% affordable housing as set out in Policy CP20 of the CPP1.
- 11.5. The proposed housing mix closely aligns with the preferred affordable housing mix for the City as set out in Policy CP20.
- 11.6. The Standard of Accommodation is considered acceptable as all units would meet the Nationally Described Space Standards, would include private balconies, would have outlook, and would, on the whole, receive adequate light.

- 11.7. Although there would be a significant loss of biodiversity on site, 10% BNG can still be gained through the provision of off-site BNG and a suitable site for such provision has been identified. Monitoring of the BNG would be suitably secured.
- 11.8. Whilst it is acknowledged there would be some impact on the amenities of neighbouring properties including a loss of daylight, it is not considered that the impacts would be so harmful as to warrant a refusal of planning permission.
- 11.9. It is also acknowledged that the Local Highway Authority have raised concerns throughout the course of the planning application that insufficient on-site parking is being provided, particularly given the overall lack of available off-site parking. This impact has been partly offset through the potential provision of a car club and bike share hub which will help to reduce the parking demand, as well as the fact there is some available car parking capacity at other Council owned residential blocks in the immediate vicinity of the application site. A Travel Plan and associated monitoring would be suitably secured. An Employment and Training Strategy would also be suitably secured.
- 11.10. Any detrimental impacts and shortcomings of the proposal need to be weighed in the planning balance against the benefits of providing 36 new affordable houses and a community space in a City with a 1.4 year housing supply. As stated above, increased weight therefore needs to be given to housing delivery in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11) and in this case, it is considered that the benefits of the proposal, which are significant, outweigh the impacts of the proposal.
- 11.11. It is therefore considered that the proposed development would not conflict with national and local planning policies and planning permission is recommended subject to the conditions within the report.

12. COMMUNITY INFRASTRUCTURE LEVY

- 12.1. 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, the proposed development comprises affordable housing and community uses (both of which are exempt from CIL), it is anticipated that there will be no CIL liability for this proposed development.

13. EQUALITIES

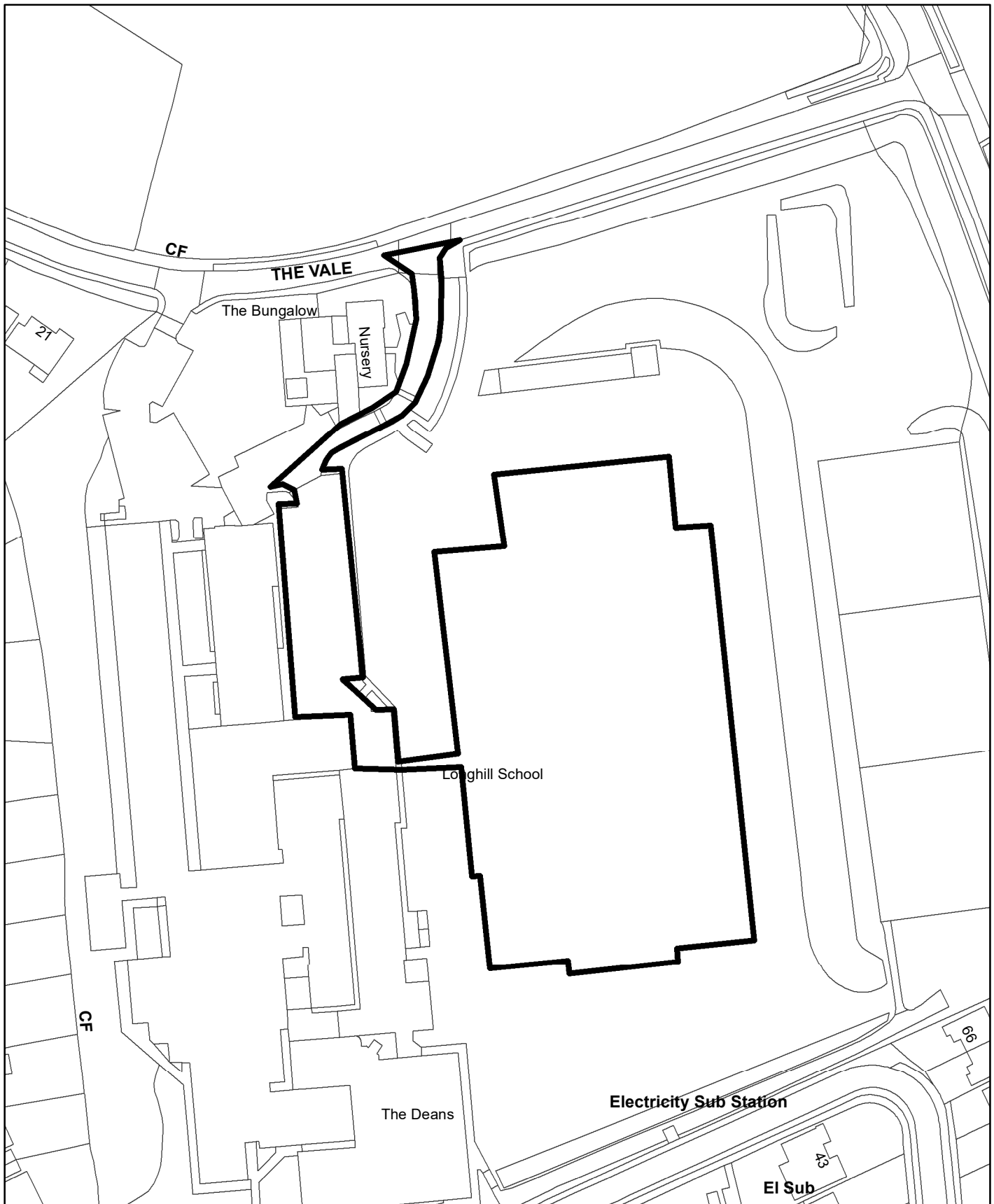
- 13.1. Section 149(1) of the Equality Act 2010 provides:

- 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.
- 13.2. 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.
- 13.3. Having regard to accessibility, level accesses are provided to the residential blocks as well as the community space. Three lifts are also provided – two in the south eastern block and one in the north-western block. Four of the units would meet Building Regulations M4(3) 'wheelchair accessible' standard and the remaining units would meet Building Regulations M4(2) 'accessible and adaptable' standard, in accordance with Policy DM1. In line with the Council's Parking Standards SPD, 1 accessible parking space would be provided for each M4(3) unit as well as two accessible visitor spaces.

ITEM B

**Longhill School, Falmer Road,
Rottingdean
BH2024/02499
Full Planning**

DATE OF COMMITTEE: 4th February 2026



**Brighton & Hove
City Council**

N



Scale: 1:1,250

<u>No:</u>	BH2024/02499	<u>Ward:</u>	Rottingdean & West Saltdean Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Longhill School Falmer Road Rottingdean Brighton BN2 7FR		
<u>Proposal:</u>	Installation of a new full size synthetic 3G pitch with floodlighting and fencing to replace the existing natural grass area.		
<u>Officer:</u>	Michael Tucker, tel: 292359	<u>Valid Date:</u>	05.11.2024
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	31.12.2024
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	11.04.2025
<u>Agent:</u>	Sports Labs Limited 1 Adam Sqaure Brucefield Industry Park Livingston EH54 9DE		
<u>Applicant:</u>	Longhill School Falmer Road Rottingdean Brighton BN2 7FR		

1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to be MINDED TO GRANT planning permission subject to the applicant entering into a Memorandum of Understanding or a decision taken by the Cabinet/Director of Property and Finance of the council to ensure delivery of the Head of Term set out below, and also subject to the following Conditions and Informatives as set out hereunder. :

Head of Term:

Ecology

- A fee for the Council to monitor BNG provision over a 30 year period (fee TBC).

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	010		05-Nov-24
Proposed Drawing	050		10-Oct-24
Proposed Drawing	100		21-Nov-24
Proposed Drawing	101		10-Oct-24
Proposed Drawing	200		10-Oct-24
Proposed Drawing	201		10-Oct-24
Proposed Drawing	300		05-Nov-24
Proposed Drawing	301		05-Nov-24
Proposed Drawing	310		05-Nov-24
Proposed Drawing	350		10-Oct-24

Proposed Drawing	400		10-Oct-24
Proposed Drawing	401		10-Oct-24
Proposed Drawing	402		10-Oct-24
Proposed Drawing	403		10-Oct-24
Proposed Drawing	HLS8992	1	17-Mar-25

2. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

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

3. No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:

- (i) Timescales for the Proposed Development including the forecasted completion date;
- (ii) Details of how the contractors will liaise with local residents 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) Measures to minimise disturbance to neighbours regarding issues such as noise and dust management, vibration, site traffic, and deliveries to and from the site;
- (iv) Measures to prevent mud/dust from tracking onto the highway;
- (v) Details of hours of construction including all associated vehicular movements
- (vi) Details of the construction compound including plant and material storage and manoeuvring areas;
- (vii) A plan showing construction traffic routes

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

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

4. No development shall take place until an ecological design strategy (EDS) addressing compensation and enhancement measures for habitats and species and broadly in accordance with the Preliminary Ecological Appraisal (Phlorum, 11/06/24) and Biodiversity Net Gain Assessment (Phlorum, 05/09/25, V2) has been submitted to and approved in writing by the local planning authority. The EDS shall include the following:

- a) purpose and conservation objectives for the proposed works;
- b) review of site potential and constraints;
- c) detailed design(s) and/or working method(s) to achieve stated objectives;
- d) extent and location /area of proposed works on appropriate scale maps and plans;

- e) type and source of materials to be used where appropriate, e.g. native species of local provenance;
- f) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- g) persons responsible for implementing the works;
- h) details of initial aftercare and long-term maintenance;
- i) details for monitoring and remedial measures;
- j) details for disposal of any wastes arising from works.

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

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

5. A landscape and ecological management plan (LEMP) shall be submitted to, and approved in writing by, the local planning authority prior to the commencement of the development. The LEMP shall be broadly in accordance with the Biodiversity Net Gain Assessment (Phlorum, 05/09/25, V2) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. 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.

6. The development hereby permitted shall not be commenced until confirmation has been provided to the Local Planning Authority for approval in writing:
 - to demonstrate that the proposed drainage strategy offers sufficient treatment to prevent groundwater contamination

- to provide a maintenance schedule for the proposed drainage elements

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.

7. Use of the 3G Artificial Grass Pitch shall not commence until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to the 3G Artificial Grass Pitch, the refurbished cricket nets and the indoor cricket facilities and ancillary facilities including change, toilets and parking and include details of pricing policy, hours of use, access by non-school users, management responsibilities and a mechanism for review. The Agreement will secure peak time access to the 3G pitch for rugby and other priority user groups and access to the cricket nets and indoor facilities for local cricket clubs. 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 Development Plan Policy CP17 and DM9.

8. All ecological measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Phlorum, 11/06/24) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. Supplementary to this and in accordance with advice from the Council's Ecologist (27/06/25) the following points shall also be complied with:

- Provided that the grassland within and immediately adjacent to the site is kept regularly mown short i.e. to c. 5cm height or less, up until the commencement of development, its clearance can be undertaken without ecological supervision; and
- Any spoil heaps created onsite during the soil stripping phase should be appropriately fenced and checked daily to avoid them being used by protected species such as badgers.

Reason: To ensure that the measures considered necessary as part of the ecological impact assessment are carried out as specified and that any adverse impacts on protected species from development activities are mitigated and works comply with the Protection of Badgers Act 1992, Wildlife and Countryside Act 1981, as amended and the Conservation of Habitats and Species Regulations 2017, as amended.

9. The development hereby permitted shall not be commenced until samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):
 - a) details of all pitch, hard surfacing and access path materials
 - b) details of all fencing
 - d) details of all floodlighting columns

c) details of the storage container

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

Reason: To ensure a satisfactory appearance to the development and to comply with policy CP12 of the Brighton & Hove City Plan Part One and policy DM18 of the Brighton & Hove City Plan Part Two.

10. Prior to first use of the floodlighting hereby approved, the predicted illuminance levels (indicated on drawing HLS8992 Rev 1 received 17/03/2025) shall be tested by a competent person to ensure that they are achieved. Where the predicted levels are met, confirmation shall be demonstrated to the Local Planning Authority for approval in writing. Where predicted levels have not been met, a report shall demonstrate what measures have been taken to reduce the levels to those indicated. 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 the Brighton & Hove City Plan Part Two.

11. Notwithstanding the submitted documents, the development hereby permitted shall not be brought into use until a Noise Management Plan, detailing the measures that will be taken to minimise potential disturbance arising from the development, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be operated in accordance with the provisions of the approved Noise Management Plan.

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.

12. The use of the 3G Artificial Grass Pitch shall not commence until the cricket nets have first been refurbished in accordance with a scheme to be submitted to and approved in writing by the LPA in consultation with Sport England.

Reason: To ensure that the loss of the cricket NTP is adequately mitigated in accordance with Development Plan Policy CP17 and that the facility is fit for purpose.

13. The 3G pitch hereby permitted shall not first be brought into community use until a scheme of Travel Plan measures to promote sustainable transport to and from the site has been submitted to and been approved in writing by the Local Planning Authority. The Scheme should include but not be limited to, the following measures:

- a. Providing public transport information to people when they book
- b. Promotion of sustainable transport travel for training staff trips including personal travel planning
- c. Sustainable transport promotional material being made available to both training staff and customers including cycle, bus routes and timetable brochure and car club information.

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.

14. Before the 3G pitch is brought into use, a Management and Maintenance Scheme for the facilities including management structure and responsibilities, a maintenance schedule for the 3G pitch and a mechanism for review shall be submitted to and

approved in writing by the Local Planning Authority after consultation with Sport England. The measures shall include the strategy to be put in place to ensure the replacement of the Artificial Grass Pitch within the specified period and for the recycling of the replaced carpet and for maintaining the cricket nets and for their refurbishment / replacement at the end of their operational lifespan. The measures set out in the approved scheme shall be complied with in full, with effect from commencement of use of the use of the 3G pitch

Reason: To ensure that the new facilities are capable of being managed and maintained to deliver facilities that are fit for purpose, sustainable and to ensure sufficient benefit of the development to sport and to accord with Development Plan Policy CP17 and DM9.

15. Within 3 months of the use of the 3G Artificial Grass Pitch commencing:
- (a) certification that the 3G Artificial Grass Pitch hereby permitted has met FIFA Quality Concept for Football Turf - FIFA Quality or equivalent International Artificial Turf Standard (IMS) and World Rugby Regulation 22 Standard and,
 - (b) confirmation that the facility has been registered on the Football Association's Register of Football Turf Pitches and has received WR Regulation 22 Certification shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development is fit for purpose and sustainable, provides multiple sporting benefits and to accord with Development Plan Policy CP17 and DM9.

16. The 3G pitch shall not be used other than for outdoor sport and play.

Reason: To protect the 3G pitch from damage, to maintain the quality of and secure the safe use of the 3G and to accord with Development Plan Policy CP17 and DM9.

17. The development hereby permitted shall not be used except between the hours of 09:00 and 21:00 on Mondays to Fridays, and except between the hours of 09:00 and 20:00 on Saturdays, Sundays and 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 Two.

18. The floodlighting hereby permitted shall not be in use except between the hours of 09:00 to 21:00 Monday to Friday and 09:00 to 20:00 on Sundays, Bank and Public Holidays.

Reason: To safeguard the amenities of the occupiers of the locality and to protect habitats and species from the development hereby approved and to comply with policies CP10 of the Brighton & Hove City Plan Part One and DM20 of the Brighton & Hove City Plan Part Two, and Supplementary Planning Document SPD11 Nature Conservation and Development

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

Reason: To ensure the development delivers biodiversity net gain in accordance with Schedule 7A of the Town and Country Planning Act, Policy DM37 of Brighton & Hove City Plan Part 2, Policy CP10 of the Brighton & Hove City Plan Part One

and Supplementary Planning Document SPD11 Nature Conservation and Development.

20. 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 September 2025 and prepared by Phlorum; and
 - (b) The BGP has been submitted to and approved in writing by the Local Planning Authority.

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

21. 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 practical completion (unless otherwise agreed) of the development
 - (v) The monitoring methodology and frequency in respect of the created or enhanced habitat
 - (vi) Provision for the identification, agreement and implementation of contingencies and/or remedial actions where the results from monitoring show that the conservation aims and objectives of the HMMP are not being met.

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

Reason: To ensure the development delivers biodiversity net gain in accordance with Schedule 7A of the Town and Country Planning Act, Policy DM37 of Brighton & Hove City Plan Part 2, Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

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 pitches to be used for Step 1 and Step 2 level football matches should be built in accordance with FIFA Quality Concept for Football Turf - FIFA Quality Pro and Steps 3 to 6 should be built in accordance with FIFA Quality as a minimum and tested annually as per league rules. The World Rugby Regulation 22 test and certification must be renewed every two years.
3. Guidance on preparing Community Use Agreements is available from Sport England. <http://www.sportengland.org/planningapplications/>
4. The Biodiversity Gain Plan must relate to development for which planning permission is granted, and specify as a minimum the following matters:
 - i) Information about the steps taken or to be taken to minimise the adverse effect of the development on biodiversity,
 - ii) A completed Metric tool calculation
 - iii) The pre-development biodiversity value of the onsite habitat (shown on scaled plans),
 - iv) The post-development biodiversity value of the onsite habitat (shown on scaled plans),
 - v) Any registered offsite biodiversity gain allocated to the development and the biodiversity value of that gain in relation to the development,
 - vi) Any biodiversity credits purchased for the development.
 - vii) Any such other matters as the Secretary of State may by regulations specify including the requirements of Article 37 C of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended)

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

2. SITE LOCATION

- 2.1. The application relates to part of the grass playing field of Longhill School, to the west of Falmer Road. The existing playing field is marked out for multiple sports and is also used for occasional overspill car parking for school events. There are hard surfaced tennis courts on raised ground along the eastern boundary. The main school buildings are to the west of the field, with the nearest residential properties on Rowan Way to the south. The main site access is from The Vale to the north, with a secondary pedestrian access to the south from Rowan Way via a lockable gate.
- 2.2. The site is subject to various land use constraints, including designation as Open Space and as a Nature Improvement Area (NIA). The site is within a Source Protection Zone and is adjacent to an Archaeological Notification Area (ANA). The

boundary of the South Downs National Park (SDNP) lies some 80 metres distant on the opposite side of Falmer Road.

3. RELEVANT HISTORY

- 3.1. There have been various planning applications at Longhill School over the years. Of particular relevance to the current proposal:
- 3.2. **BH2006/02721** - Construction of a floodlit Synthetic Turf Pitch and associated landscaping. (Revised siting and scheme to that approved under application BH2005/00520/FP). Approved 03/11/2006 (not implemented)
- 3.3. **BH2005/00520/FP** - Construction of floodlit synthetic turf pitch with associated landscaping. Approved 12/08/2005

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for the installation of a new full size synthetic 3G sports pitch, with floodlighting and fencing around the pitch perimeter.
- 4.2. The proposed pitch would be located in the centre of the marked-out athletics track and would have dimensions of approximately 91m by 67m, with a sand and rubber crumb artificial surface that would be suitable for sports including football and rugby. There would be asphalted areas at the goal ends and along the western boundary, with a link across the athletics track. The existing cricket non-turf pitch (NTP) in the centre of the field would be removed.
- 4.3. In addition to usual school use, the proposed pitch is intended to also be available to non-school users such as community sports teams.
- 4.4. The proposed floodlighting would comprise six columns each of 15m height. The proposed fencing would rise to 4.5m in height.
- 4.5. The application has been subject to amendments to reduce the proposed hours of use and improve the proposed floodlighting design, discussed in more detail later in this report.

5. REPRESENTATIONS

- 5.1. **Ninety-eight (98)** letters of objection have been received from individuals and from organisations including Chris Wood Acoustics and the Ovingdean Residents and Preservation Society, summarised as follows:
 - Harm to neighbouring amenity due to increased noise disturbance & light pollution
 - Neighbours are already affected by activity on the school field
 - Topography of surrounding area increases noise impact
 - Excessive proposed hours of use of pitch & floodlighting

- Noise mitigations difficult to enforce
- Multiple shortcomings in the submitted Noise Impact Assessment
- Loss of views over the downs
- The gate from Eley Drive should remain locked
- Applicant has not involved local residents
- Loss of residential property values
- Loss of green space for school which is important for children
- Unclear if 3G pitch would be available during break times
- It is costly for the school to install and maintain a 3G pitch
- Not needed as other 3G pitches are available nearby and school has managed without until now
- Motivated by profit rather than by consideration of students
- Proposed pitch is of an inappropriate size
- Poor design, harm to setting of the South Downs National Park
- Inappropriate floodlight specification, upwards light spill into the South Downs National Park
- Additional traffic, not enough parking on site, overspill parking on Eley Drive should be avoided
- Loss of space for overspill parking on the field
- Rubber infill is not sustainable and has been banned in the EU
- Rubber surface has a higher risk of injury & holds more heat during summer
- Loss of biodiversity, harm to ecosystems from floodlighting and microplastic infiltration
- Increased flood risk and surface drainage problems
- Previous schemes refused
- Those in support likely do not live nearby

5.2. **One hundred and twenty-six (126)** letters of support have been received, summarised as follows:

- Community Benefit, improved facilities for school and community use including young people and women's and girls' participation in sports
- Supports Council objectives to increase participation in physical activity
- Similar projects elsewhere have had positive impacts on communities
- Existing natural turf pitches vulnerable to poor weather and poorly lit
- Lack of existing sports facilities in the area
- Source of revenue for school
- Accessible location
- Impact on neighbours mitigated: modern floodlights have effective light containment
- Some noise is to be expected living next to a school and impact over existing situation would not be significant
- Biodiversity gain welcomed

5.3. **Councillor Fishleigh** has objected to the proposal.

5.4. **Councillor Allen** and **Councillor Goddard** have separately written to support the application.

- 5.5. The Councillors' representations are appended to this Committee report.
- 5.6. Full details of all representations received can be found online on the planning register.

6. CONSULTATIONS

Internal:

- 6.1. **Arboriculture:** No comment received
- 6.2. **Environmental Health:** No objection
Updated and additional floodlighting details and noise assessments have been received. Whistle use is proposed to be restricted after 7pm. Specific construction materials are proposed to be integrated into the design to mitigate impact sounds and there is a robust mitigation plan to further reduce the impact on amenity. Reduced hours of use until 9pm on weekdays and 8pm on weekends are suggested.
- 6.3. **Sports Facilities:** No objection
The proposal improves the provision of sports facilities in the city and the opportunity for engagement in sport and physical activity for school pupils, local clubs and residents.
- 6.4. **Sustainable Drainage:** No objection
The proposed drainage system is for all surface water to be infiltrated via a new soakaway. It is proposed to be captured by permeable paving (for paths) or pitch surfaces and attenuated by a stone sub-base. InfoDrainage calculations have been submitted, showing that the proposed drainage system is sufficient for a 1 in 100 year+40%CC design storm.
- 6.5. Details of maintenance and management for each drainage element, and confirmation that the proposed strategy offers sufficient treatment to prevent groundwater contamination, should be secured by condition.
- 6.6. **Sustainable Transport:** No objection
Conditions should be attached to secure a car park layout plan, a construction environmental management plan and an updated school travel plan and a package of travel plan measures.
- 6.7. **Tourism & Leisure:** No comment received

External:

- 6.8. **Brighton & Hove Archaeological Society:** No objection
The County Archaeologist should be consulted.
- 6.9. **County Archaeology:** No comment
- 6.10. **Ecology:** No objection
No objection to the loss of habitat on the existing school field, and there are unlikely to be any significant ecological impacts on any designated sites. There is however

growing recognition that 3G pitches are a significant source of microplastic pollution. The proposed containment measures are welcomed but are unlikely to fully address the issue.

- 6.11. An Ecological Design Strategy and a Landscape and Ecological Management Plan should be secured by condition.
- 6.12. Updated BNG assessments have been provided and demonstrate that a net gain of 21.24% is to be achieved through habitat creation and enhancement. As this is outside of the application red line, it should be secured by way of a legal agreement and added to the national Biodiversity Gain Sites Register to avoid double-counting.
- 6.13. **Rottingdean Parish Council: No objection**
Request for conditions to manage hours of use, noise and light pollution and ensure the south gate is closed from 6pm.
- 6.14. **South Downs National Park Authority:**
If minded to approve the application, the SDNPA recommend that full details of the proposed flood lighting are secured by an appropriate planning condition with the intention of limiting light pollution and disturbance to wildlife.
- 6.15. **Southern Water: No objection**
Standing advice relating to existing assets, soakaways and adoption of drainage systems.
- 6.16. **Sport England: No objection**
Following receipt of additional information and justification, Sport England was able to withdraw its initial objection to the proposals, subject to securing compliance with FIFA and World Rugby pitch standards, a management and maintenance plan, refurbishment of the school cricket nets and a Community Use Agreement by condition.
- 6.17. In subsequent comments (received 20th January 2026) Sport England noted that the draft Travel Plan (received November 2025) identified parking for up to 90 vehicles on the school playing field outside of the proposed 3G pitch.
- 6.18. Sport England requires that use of the field for car parking is limited to:
 - The four events referred to in the Plan being one school open evening in September/ October and 3 x SAMA grading days in February, June and November.
 - The plan to be amended to recognise the presence of the cricket nets and to retain access to them at all times
 - Parking to avoid the athletics track wherever possible in the summer season and the site to be surveyed and any repairs made immediately following its use for parking
 - The playing field not to be used for parking in very wet conditions
 - The parking not to be used during school core hours
- 6.19. Sport England also seek an additional condition to be attached to any grant of planning permission to require a parking management scheme for the field to ensure

that the use of the field for this purpose does not adversely impact on its availability or quality.

- 6.20. **Sussex Police Community Safety: No objection**
Reasonable hours of use should be secured by condition.

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).
 - Rottingdean Neighbourhood Plan

8. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
SA5	The Setting of the South Downs National Park
CP9	Sustainable transport
CP10	Biodiversity
CP11	Flood risk
CP12	Urban design
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
DM33	Safe, Sustainable and Active Travel
DM36	Parking and servicing
DM37	Green Infrastructure and Nature Conservation
DM40	Protection of the Environment and Health
DM43	Sustainable Drainage

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
SPD14	Parking Standards
SPD17	Urban Design Framework

Rottingdean Neighbourhood Plan:

S1	Spatial Framework
GOS2	Amenity Open Spaces
GOS3	Wildlife and biodiversity
H2	Design
CF1	Provision of Community Facilities

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the principle of the development, the visual impact of the proposals and the impact on the setting of the South Downs National Park, the impact on neighbouring amenity, sustainable transport matters, drainage and flood risk, and ecology and biodiversity net gain.

Principle of Development:

- 9.2. The proposal is for the creation of an all-weather, floodlit 3G sports pitch on an area of playing field at Longhill School. It is noted that the proposal is very similar in principle to a scheme approved previously under BH2006/02721, although this does not appear to have been implemented and is assumed to no longer be extant.
- 9.3. Policy CP17 of the City Plan Part One seeks the enhancement and more effective use of existing sports facilities and supports the provision of new sports facilities (including extensions to existing provision), particularly where they meet an identified need.
- 9.4. Policy CP18 of the City Plan Part One aims, inter alia, to promote healthier lifestyles through encouraging development that promotes active living.
- 9.5. Policy DM9 of the City Plan Part Two supports new community facilities, subject to the following criteria being met:
- a) the proposed use is compatible with adjoining and nearby uses;
 - b) the site is close to the community it serves and is readily accessible by walking, cycling and public transport; and
 - c) where feasible and appropriate, community facilities have been co-located to maximise their accessibility to residents and reduce the need for travel (for example at Community Hubs).

- 9.6. The proposal is considered to accord with the aims and objectives of Policies CP17 and CP18 of the City Plan Part One. The proposed 3G pitch would be an enhancement of the quality of sports facilities available at the school as the artificial surface would be useable in periods of inclement weather and the floodlighting would enable use during darker/winter afternoons and evenings.
- 9.7. It is considered that there is an identified need for the proposed facility. One of the key priorities of the Council's Sports Facilities Plan (currently under review) was to increase levels of community access to existing schools' facilities and to improve the quality and quantity of artificial grass pitches.
- 9.8. The proposed pitch would be located in the centre of the field, and it is recognised that in some respects the proposal is less flexible for use than the existing natural turf, as the changes in surface material and the boundary fencing result in a greater delineation of the overall field. An existing cricket NTP would also have to be removed to make way for the pitch and this formed part of the basis for Sport England's original objection to the proposals.
- 9.9. However, during the course of the application, updated and additional information has been provided to demonstrate that the proposed 3G pitch provides a suitable surface for multiple sports, and that there remains sufficient space on the remainder of the playing fields (which includes land to the north of The Vale) to not displace other users. The existing marked athletics track would be retained, surrounding the proposed pitch, and the existing cricket nets to the northeast of the site would be refurbished and upgraded. This is considered acceptable mitigation for the loss of the cricket NTP and Sport England have withdrawn their initial objection, subject to conditions. The additional representation from Sport England regarding overspill parking on the retained area of field is noted. Whilst it is acknowledged that the athletics track would be obstructed in these instances, this is comparable to the impact of the current use of the field for occasional overspill parking, which has been ongoing for many years. A condition precluding all use of the retained playing field for parking, as requested by Sport England, is not considered appropriate as there is some benefit in allowing occasional overspill parking demand to be accommodated on site and not diverted onto surrounding streets. At the same time, it is recognised that there are concerns regarding potential overly regular use of the field for car parking. An appropriate way forwards is considered to be to secure an updated School Travel Plan by condition to set out the frequency of these events and include any necessary stewarding measures.
- 9.10. The proposed 3G pitch is also intended to be made available for use by external (non-school) sports teams. This is welcomed in principle, subject to careful management of amenity impacts, and it is considered that the criteria of Policy DM9 are met, with the proposal compatible with adjoining uses, co-located with existing sports facility provision at Longhill Sports Centre (within the grounds of the school), and accessible by various modes of transport. A Community Use Agreement can be secured by condition.
- 9.11. No conflict with neighbourhood plan policies including CF1 and GOS2 & 3 has been identified.

- 9.12. Notwithstanding their many benefits, it is acknowledged that there are drawbacks to 3G sports pitches. The pitches have a limited lifespan and are costly to install and maintain. There can be a significant environmental impact arising from the quantity of material needed for the playing surface, and from the potential for the crumb surface material to escape into the local ecosystem. It is noted that the European Union has placed restrictions on new rubber crumb playing pitches, although these do not come into force for several years, and at the current time there are no such restrictions in force, or planned to come into force, in England at either the national level or local level. Sport England's latest (June 2025) position statement on 3G pitches is to explore sustainable alternatives to rubber as a pitch surface, to improve recycling capacity, and to encourage the use of containment measures whilst further research is undertaken.
- 9.13. The proposed 3G pitch would utilise a typical sand and rubber crumb (SBR) surface but would include infill containment measures such as barriers to the lower parts of the boundary fencing, and 'detox' areas at the access gates. The detox areas would comprise a 1m-deep area rubber mesh to collect SBR granules attached to player clothing/footwear.
- 9.14. The school playing fields are designated 'Open Space' of the School Grounds and Sports Pitches typology, and accordingly are protected under Policy CP16 of the Brighton and Hove City Plan Part One. In this case, given the nature of the development it is considered that there would not be any material loss of Open Space. The site would remain of an open character and would continue as part of the school grounds as a sports pitch.
- 9.15. Overall and on balance, it is considered that the benefits arising from the development, taken together with the proposed infill containment measures, are sufficient to enable the proposal to be supported in principle.

Design and Appearance:

- 9.16. The proposed 3G pitch would have dimensions of approximately 97m by 61m. The playing surface would be green, with painted markings in contrasting colours. The boundary fencing would be of an open-mesh design and up to 4.5m in height, finished in RAL6005 Moss Green to blend in with the grass and vegetation background. There would be areas of asphalt at the goal ends and along the western boundary for goal overruns and spectator areas/access control, with a link across the athletics track. There would be a storage container of 6m x 2.5m x 2.5m to the western side for secure storage of equipment.
- 9.17. The proposed floodlighting would comprise six columns each of 15m in height, with a luminaire fixed at the top.
- 9.18. The proposed pitch would be located in the centre of the established school playing fields and, whilst the proposed additions would be prominent within the site, they would not be incongruous additions in this context. The fencing would be lightweight and visually permeable, and the proposed colour palette would be appropriately muted in tone to minimise the visual impact of the development against the backdrops of school buildings and boundary planting. The floodlights would have

slender columns. Subject to securing final details of material finishes by condition, no material harm in terms of appearance is anticipated, and no conflict with Policy CP12 of the Brighton and Hove City Plan Part One or Policy DM18 of the Brighton and Hove City Plan Part Two is identified.

Setting of the South Downs National Park:

- 9.19. It is considered that the visual impact of the development on the setting of the South Downs National Park would be acceptable, for the reasons set out above. The use of the site would remain as part of the school playing fields and this is also considered not to result in an unacceptable impact on the setting of the South Downs National Park.
- 9.20. In terms of dark skies, the original floodlighting proposal was designed to an E3 (suburban) standard (using the Institute of Lighting Professionals *Guidance on the reduction of obtrusive light*). However, this was considered unacceptable and the proposals have now been designed to the more stringent E1 (natural) standard. This is considered acceptable in the context of the South Downs National Park Dark Sky Reserve, with the area of the SDNP closest to the site designated as an E1b 'transition zone' within the lighting technical guidance prepared by the South Downs National Park Authority. The hours of use of the floodlights would be controlled by the recommended conditions. Accordingly, the potential impact on the setting of the South Downs National Park in terms of light spill is considered to be acceptable. No conflict with Policy SA5 of the Brighton and Hove City Plan Part One is identified.

Impact on Amenity:

- 9.21. Policy DM20 of the Brighton and Hove 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.
- 9.22. The nearest sensitive uses to the proposed 3G pitch are residential dwellings on Rowan Way and Eley Drive to the south, within 15m of the existing playing field at the closest points. The southern boundary of the field is down an embankment, but some neighbouring dwellings, including nos. 66 and 64 Rowan Way, are nevertheless located on higher ground than the playing field. Other near neighbours are on Wanderdown Way / Wanderdown Drive to the western side of the school buildings, and on The Vale to the north, however these dwellings are at more significant distance (100m or more).
- 9.23. The proposed 3G pitch would be located in the centre of the existing school playing field, with a separation distance of approximately 50m at the closest point to the southern neighbours. This is moderately closer than the area currently marked out for football but is still well within the bounds of the overall playing field and within the perimeter set by the athletics track. It is noted that the existing tennis courts on the eastern boundary of the site are closer to neighbours. The positioning of the proposed 3G pitch within the field is therefore considered not to be uncomfortably or unreasonably close to neighbouring dwellings.

- 9.24. The proposal would not change the character of the use of the space, which would remain as an area for student play and for outdoor sporting activities. However, due to the artificial surface and floodlighting the proposal would have the potential to result in more intensive and prolonged activity than is currently possible on the existing natural turf field.
- 9.25. A more stringent floodlighting scheme has been sought during the course of the application and now includes a contour illumination map identifying a light spill of 5 lux within the southern boundary of the athletics track, which is well within the boundary of the site. The luminous intensity is indicated at the nearest neighbours to be within E1 zone ILP guidance and hours of use of the floodlights (to align with the hours of use of the pitch as below) can be secured by condition. It is considered that there would not be a significant harmful impact on neighbouring amenity in terms of light intrusion, subject to securing verification of the performance of the floodlighting by condition.
- 9.26. The hours of use of the 3G pitch are, as amended, proposed to be between 09:00 - 21:00 on weekdays and 09:00 - 20:00 on weekends. Although reduced compared to the original submission (initially proposed to start at 08.00 daily and cease at 22:00 on weekdays), this is still a significant increase, particularly in the winter months when limited daylight would entail use of the existing pitch ceasing several hours earlier than is proposed.
- 9.27. The proposals include noise mitigation built into the design such as the use of solid construction rebound boards and noise dampers on fencing to reduce rattling from ball impacts. The application was also accompanied by a Noise Impact Assessment (NIA) which concluded that, subject to mitigation measures and in the context of the existing sports field, the proposal would comply with relevant noise criteria including Sport England's *Artificial Grass Pitch Acoustics - Planning Implications* and World Health Organisation *Guidelines for Community Noise*.
- 9.28. Following initial comments from the Environmental Protection team, an addendum to the NIA was submitted. The addendum included more detailed modelling to account for local topography (as noise levels can increase if the receptor height is greater than the source height), a noise contour map and a noise management plan. The noise contour map demonstrated that predicted noise levels (equalised over one-hour periods) would comply with the 50dB limit set by the Sport England guidance at neighbouring facades and gardens. The noise management plan includes measures such as controlled access, supervision, a maximum capacity, controls on whistle use, a complaints procedure and enforcement measures for user non-compliance.
- 9.29. The addendum has been reviewed by the Environmental Protection team who have no objection to the proposals on noise grounds, subject to the recommended conditions.
- 9.30. The representations, including from Chris Wood Acoustics, are noted. The noise impact assessment addendum uses updated methodology that is considered to more closely follow established best practice and the Environmental Protection team are satisfied with the submitted document as outlined above.

- 9.31. It is recognised that whilst the Sport England noise guidance has been demonstrated to have been met, it does not follow that noise from the proposed pitch would be imperceptible from neighbouring dwellings. The Sport England 50dB guidance is an equalised noise criterion, meaning it is averaged over a period of time, in this case 1 hour. Accordingly, this must be treated with some caution as the character of the use of a sports pitch is one of shorter, louder sounds such as shouts, whistles and ball impacts which are likely to exceed 50dB when taken in isolation. However, it is also recognised that the Sport England noise guidance was designed specifically for assessing sports pitches and will have accounted for the character of the noise within the criteria it sets. The averaged period of one hour corresponds to a typical session of use of a 3G sports pitch.
- 9.32. In this case it is considered that there would be some increase in noise, and the hours in which noise occurs, for the near neighbours. However, in view of the existing active use of the playing field, the separation distance, the noise mitigation measures that are included within the design of the scheme and that can be secured by condition in a full noise management plan, and the overall compliance with established best practice guidance, it is considered that the impact on neighbouring amenity in terms of noise can be appropriately mitigated and would not be so significant as to outweigh the wider benefits of the scheme as identified previously.

Sustainable Transport:

- 9.33. It is not anticipated that the proposed floodlighting would significantly affect traffic on Falmer Road / The Vale as the light spill is well contained within the site.
- 9.34. The proposals would primarily be an enhancement of the facilities available at the school and is not a standalone sports facility. It would therefore not be appropriate to rigidly apply the parking standards within SPD14. However, the proposal may result in additional trip generation due to the intended community use of the facility. This would be outside of school hours and the school has an existing car park of circa 75 spaces. The comments of the Local Highways Authority (LHA) are noted, and it is not clear how many of these spaces would be available to community users of the pitch. However, it is not considered reasonable or necessary to secure a reconfiguration of the school car park as part of this application. It is however considered necessary to secure a package of travel plan measures to encourage sustainable travel for users of the proposed pitch and minimise the risk of overspill parking onto local streets.
- 9.35. The existing school travel plan is some years old and is out of date in many respects. As set out previously, it is considered necessary to secure by condition an update/addendum to this travel plan including but not solely so as to account for the change in the area available for occasional overspill parking on the retained area of playing field. The updated Travel Plan would then operate in tandem with the package of travel plan measures being secured for the non-school use of the 3G pitch.
- 9.36. A Construction Environmental Management Plan (CEMP) can be secured by condition to minimise disruption to the highway network during construction of the 3G pitch.

Drainage and Flood Risk:

- 9.37. Parts of the site are indicated to be at a high risk of surface water flooding. The submitted Drainage Strategy is for surface water flooding to be captured by the permeable pitch surface and paving and infiltrated via a soakaway.
- 9.38. The strategy has been reviewed by the Council's flood risk officers and no objection has been raised, subject to the recommended conditions securing detail of treatments to prevent groundwater contamination. The proposed development is not expected to increase flood risk on site or elsewhere and will add attenuation that may reduce the risk of flooding. The site's topography also makes it unlikely for any exceedance flows to cause flooding off site.

Ecology & Biodiversity Net Gain

- 9.39. The existing habitat to be lost as part of the development was assessed in the submitted Preliminary Ecological Appraisal (PEA) and identified as closely managed modified grassland. This habitat is of relatively limited biodiversity value and no objection was raised to its loss by the County Ecologist.
- 9.40. The submission includes a Biodiversity Net Gain (BNG) assessment calculating that a net gain of 21.24% can be achieved through the planting of 20 new oak trees and the enhancement of circa 1.3 hectares of grassland from 'poor' to 'moderate' condition.
- 9.41. The BNG proposals have been reviewed by the County Ecologist who has raised no objection to the principle of what is proposed. It is noted that the land to be used for BNG is outside of the application site red line and is therefore technically offsite. However, the BNG relates to adjoining land that is within the school grounds and under the applicant's control. The proposals do not relate to 'priority' habitats, but will require delivery and monitoring. The development would be subject to the 'deemed' Biodiversity Gain Plan condition and an Ecological Design Strategy (EDS) and Landscape and Ecological Management Plan (LEMP) would be secured by condition to ensure enforceability.

10. PLANNING OBLIGATIONS

- 10.1. In order to appropriately mitigate the impacts of the development and to comply with planning policy, the council's Developer Contributions Technical Guidance and BNG legislation, monitoring and payment of associated fees for BNG need to be secured.
- 10.2. As the applicant in this case is the Council itself, it is not possible for the Council to enter into a section 106 agreement with itself to secure such measures. Section 106 of the Town and Country Planning Act 1990 provides for any person interested in land to enter into a planning obligation with the local planning authority, enforceable as a deed executed between the parties. However, as both the applicant and the enforcing authority would be the Council, the statutory mechanism for a section 106 agreement cannot operate in its usual form.

- 10.3. In these circumstances, it is proposed that a Memorandum of Understanding (MoU) be entered into, or alternatively a decision is taken by the Cabinet/Director Property and Finance, which will secure the mitigation measures that would ordinarily be achieved by a s106 agreement. While such a Memorandum/Decision does not have the status of a planning obligation under s106 and cannot run with the land, it represents a clear and public commitment by the Council, in its capacity as applicant, to provide the necessary mitigation. The MoU/record of decision of Cabinet/Director will be appended to the planning permission and will specify the measures and delivery mechanisms to ensure that the development is carried out in accordance with the agreed mitigation, as would be the case with a s106 agreement. This approach, while not conferring the same statutory enforceability as a section 106 agreement, reflects good practice where the Council is both applicant and local planning authority.
- 10.4. The MoU/Decision will set out also that in the event the land with the benefit of planning permission resulting from this or any subsequent application is to be sold by the Council to a third party, the Council as landowner/seller will require any future purchaser to enter into an appropriate s106 agreement (or a covenant/unilateral undertaking) with the Council as local planning authority, to secure the required mitigation measures

11. CONCLUSION

- 11.1. The proposal would enhance the sporting facilities available to the school and also provide wider community benefits, subject to a Community Use Agreement, in accordance with Policies CP17 of the Brighton and Hove City Plan Part One and DM9 of the Brighton and Hove City Plan Part Two. The design and appearance of the proposals are considered acceptable, as is the impact on the setting of the South Downs National Park and the transport and flooding/drainage implications of the scheme.
- 11.2. The potential impact on the amenity of nearby neighbours is acknowledged, as the proposed artificial surface and floodlighting would allow for more intensive and prolonged use than the existing turf playing field. However, the proposal incorporates suitable noise mitigation within its design and further mitigation can be secured by condition.
- 11.3. The sustainability and environmental impacts of 3G pitches are also acknowledged. However, there is currently no national or local policy in opposition to such facilities.
- 11.4. Accordingly, overall and on balance it is considered that the proposed development is acceptable subject to the recommended conditions.

12. EQUALITIES

- 12.1. Section 149(1) of the Equality Act 2010 provides:
- 1) A public authority must, in the exercise of its functions, have due regard to the need to—

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

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



PLANNING COMMITTEE LIST

Brighton & Hove City Council COUNCILLOR REPRESENTATION

Cllr. Bridget Fishleigh

BH2024/02499 – Longhill School, Falmer Road, Rottingdean

27th November 2024:

I am writing to object to the 3G pitch with floodlights being proposed at Longhill School. Please note that I have only received one direct message from a supporter of the plans and dozens from people who have concerns.

The issues I would like to raise with the planning committee are as follows:

Overcapacity

In BHCC's Sports Facilities Investment Plan 2021-31 there is no mention of a lack of 3G pitches in this part of the City.

Within a 5-10 min drive of Longhill there are 3G pitches at BACA, Stanley Deason, Manor Gym @ Whitehawk, Brighton University and Sussex University. Looking further east there are pitches in Seaford and Newhaven.

Both Saltdean United and Peacehaven/Telscombe FC are building 3G pitches. When I called every existing 3G venue listed above last week all pitches had availability for the weekend.

Financial Considerations

I met Longhill's business manager who told me that the school has set aside £300k for the pitch and will apply for an £800k grant from the Football Foundation which requires £25kpa to be put in a pot for pitch replacement. This equates to £2k a month plus maintenance and other costs that the pitch hire fees must cover.

Longhill School will have to cover any losses the pitch generates. Given today's economic environment, I do not think that Longhill should be taking on high-risk financial ventures.

In addition, I think that approaches to external funding bodies from Council-related organisations should be co-ordinated. For example, what if the Football Foundation only has funding for one more pitch in the City? Would it be beneficial for the City's footballers to have this money going to Longhill - or to other parts of the City where there are no or fewer 3G pitches?

There is, in fact, a precedent for a holistic view of funding across the City. Around a decade ago, BHCC asked the Saltdean Lido volunteers (including myself) to hold off submitting our lottery application for a few months as BHCC had submitted a bid for a separate project. This we did.

Alternative locations for a new pitch

Happy Valley – Around £200k has been allocated from 106 money generated by developments in Rottingdean to football facilities in this location. If a new 3G pitch is needed in the area (against the advice of BHCC's sports team) then it should be here.



PLANNING COMMITTEE LIST

Brighton & Hove COUNCILLOR REPRESENTATION **City Council**

Loss of amenities and inclusion for pupils at Longhill

Schools in the City that have 3G pitches - Patcham, Stringer, BACA, Blatchington Mill and Cardinal Newman – all have larger playing fields so there is still room for pupils to gather on grassed areas during breaks.

What is currently an open area for all Longhill pupils to utilise for a variety of games and activities will now be restricted to pupils who like football or rugby - and who can afford the specialist 3G boots.

This 3G pitch will not be inclusive - of course, not everyone enjoys playing football or rugby - and will mean this grassy area is not available for other sports that have, and could be, played in the future – rounders, hockey, cricket, sports track and field, to name a few.

Loss of amenities for residents

Of course, when people move near to a school they should expect some noise and, in 5.5 years of being a Councillor, I have never received a single complaint from Longhill's neighbours.

Noise from the pitches is currently generated:

- 0800 –1445 every school day
- After school clubs some days until 4pm
- Saturday mornings
- Saturday pm from 2pm to 4pm
- Sundays KO 11am or 2pm
- Easter and Summer holidays - football and outdoor summer camps

However, the proposed opening hours for the 3G pitch are:

- Monday to Friday: 08:00-22:00
- Saturday: 08:00-20:00
- Sun /Bank Holiday: 08:00-20:00

The proposed site is in a valley with homes to the west, south and north. This area is very quiet when school's out – and especially in the evenings.

People living across the area will be adversely affected by noise and light coming from the pitch despite the school's reassurances in its application.

I hope that planning officers and the planning committee agree that these blanket hours are unreasonable and should be shorter and more flexible (ie seasonal); because 6pm-10pm in February is an entirely different proposition to 6pm – 10pm on a sunny day in the summer.

Environmental Impact of 3G pitches

Prior to this application, I thought that 3G pitches were good things and I had never considered the adverse effects on the environment. I've changed my mind now and do not think that a city which prides itself on its environmental aspirations should allow any more 3G pitches to be built until the materials are eco-friendly.



PLANNING COMMITTEE LIST

Brighton & Hove City Council COUNCILLOR REPRESENTATION

Cllr. Jacob Allen

BH2024/02499 – Longhill School, Falmer Road, Rottingdean

20th September 2025:

I am writing to place my firm support behind the planning application for a 3G pitch at Longhill High School on Falmer Road in Rottingdean. Longhill High School is the catchment school for Woodingdean where many of my constituents send their children.

Access to high-quality sporting facilities is vital for young people, schools, and grassroots clubs across our city. A modern, all-weather 3G pitch at Longhill would provide a much-needed resource for both the school community and the wider local area, helping to increase participation in sport and physical activity throughout the year.

This investment would be of particular benefit to local clubs such as Woodingdean Wanderers FC, who provide opportunities for children and young people to play football in an accessible, inclusive, and community-focused environment. The rapidly increasing popularity of girls football in particular is putting stress on sites locally, and this development would help to alleviate that issue. A 3G surface would ensure that fixtures can go ahead reliably year-round, allowing the continuation of the sports and exercise through difficult weather for instance in the winter.

Beyond football, the new pitch would open opportunities for a range of sports and activities, encouraging healthier lifestyles and supporting social cohesion within our community. It would also strengthen Longhill High School's role as a hub for sport and wellbeing in the east of the city.

This plan tries to minimise the impact on local residents and represents a pragmatic approach that puts young people and the local community at its heart. Having met with the Business Manager at Longhill High School, I am content that adequate measures have been considered to mitigate potential impacts on the amenity of neighbouring residents.

Finally, I would like to take this opportunity to counter some of the claims made by Councillor Fishleigh in her letter of objection. She states there is overcapacity in the east of the city, noting how all other educational institutions within a ten-minute drive of the school have this kind of facility. A PE lesson is an hour long and therefore a 20-minute round trip drive would erase a 1/3 of the lesson. That is unacceptable and would negatively impact educational outcomes of pupils. Parking that aside, the Football Foundation are confident that demand is present to make this development sustainable even when considering existing sites.

Councillor Fishleigh's also objects based on the environmental impact of 3G pitches. BHCC already specifies that all new 3G pitches must meet the latest EU and UK safety standards. In consultation with Sport England and environmental regulators, the council will continue to monitor the regulatory position and act if national guidance changes. Environmental regulations do not support giving this argument significant material weight.



**Brighton & Hove
City Council**

PLANNING COMMITTEE LIST

COUNCILLOR REPRESENTATION

I therefore strongly support this proposal and urge its approval so that we Longhill High School can provide the facilities our community want and deserve.



PLANNING COMMITTEE LIST

Brighton & Hove COUNCILLOR REPRESENTATION
City Council

Cllr. Ty Goddard

BH2024/02499 – Longhill School, Falmer Road, Rottingdean

18th November 2024:

I am aware of the progress of Longhill High School and its ambition and care for its pupils. The school is also deeply rooted in its local community.

I wish to write in support of the planning application for the synthetic 3G pitch. This new facility, which many schools already take for granted, will benefit pupils and the local community.

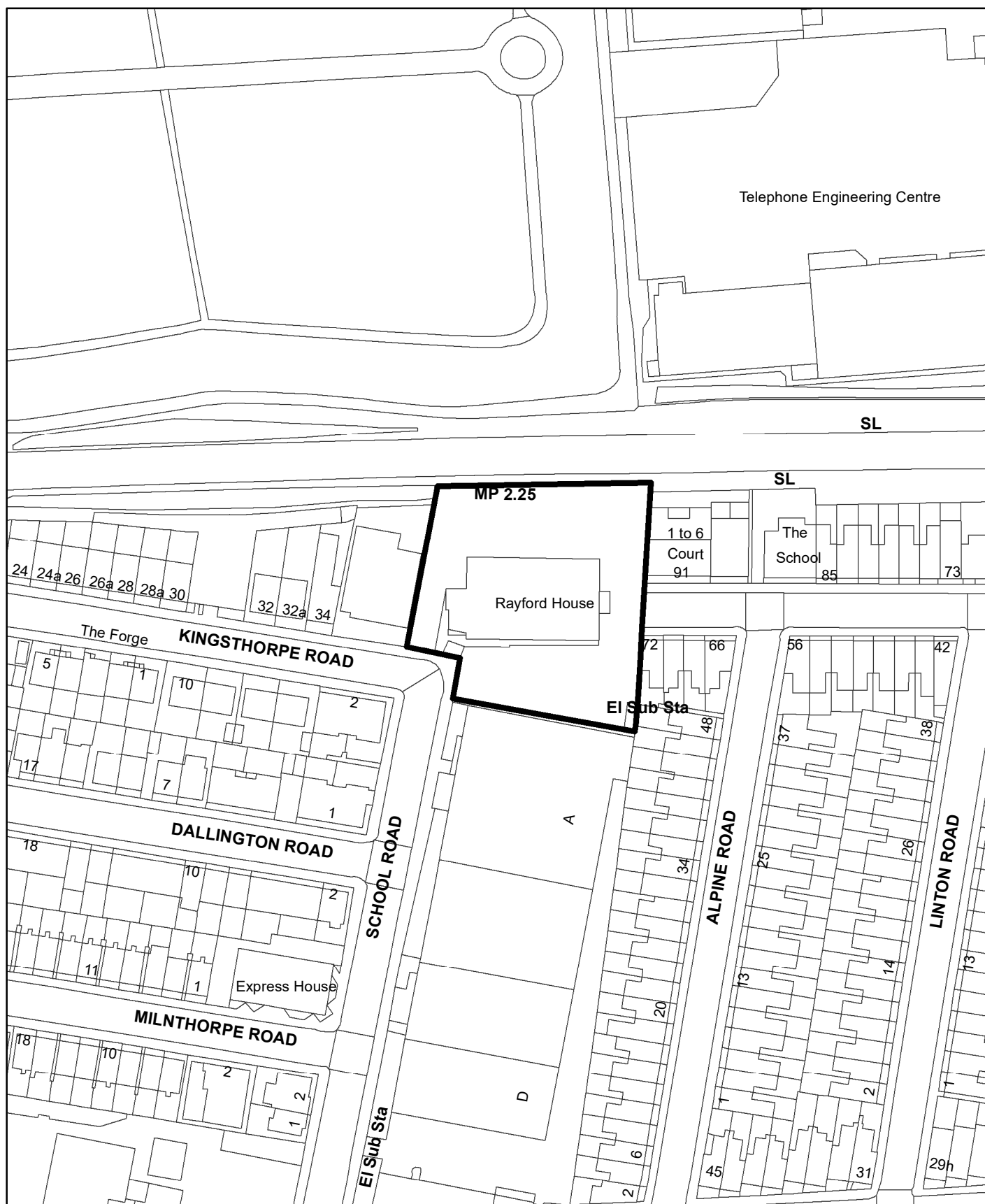
Sport and the active participation of all pupils is important to the school and this facility will deepen and broaden the curriculum offer at the school. Girls football is a growing strength within the school and this facility will also help underpin this welcome development.

ITEM C

**The Pinnacle (formerly Rayford House)
8 School Road
BH2025/02297
Removal or Variation of Condition**

DATE OF COMMITTEE: 4th February 2026

The Pinnacle (formerly Rayford House), 8 School Road



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2025/02297	<u>Ward:</u>	Wish Ward
<u>App Type:</u>	Removal or Variation of Condition		
<u>Address:</u>	The Pinnacle (formerly Rayford House) 8 School Road Hove BN3 5EU		
<u>Proposal:</u>	Application to vary conditions 1 and 11 of BH2023/00009 (allowed on appeal) to allow for the provision of one controlled access gate in eastern boundary for use by all residents in The Pinnacle only and removal of second access.		
<u>Officer:</u>	Sonia Gillam, tel: 292265	<u>Valid Date:</u>	13.10.2025
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	08.12.2025
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	11.02.2026
<u>Agent:</u>			
<u>Applicant:</u>	The Pinnacle Freehold Ltd 42 Roman Road Hove BN3 4LA		

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
Block Plan	Proposed		13-Oct-25
Proposed Drawing	Parking Site Plan		13-Oct-25
Location Plan	6778-2P01		30-Mar-20
Proposed Drawing	6778-2P03	C	12-Jun-20
Proposed Drawing	1:200 Site Plan		16-Sep-25
Proposed Drawing	Gate Elevation/ Detail		16-Sep-25

2. The landscaping scheme approved under BH2022/00241 shall be maintained hereafter. 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

3. Two bee bricks shall be retained within the external wall of the development.
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.
4. The type, number, location and timescale for implementation of the compensatory bird and bat boxes shall be carried out in strict accordance with the details approved under BH2021/01156 and thereafter retained.
Reason: To safeguard these species from the impact of the development and ensure appropriate integration of new nature conservation and enhancement features 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.
5. The sedum roof shall be retained in accordance with details approved under application reference BH2021/01156.
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.
6. Any hard surfacing at the site shall be retained as either porous materials or provision made 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
7. Four car parking spaces (two for residents and two for visitors) allocated within the car parking area pertaining to The Pinnacle shall be retained for use by the the occupants of, and visitors to, the four dwellings hereby approved.
Reason: To ensure that adequate parking provision is retained and to comply with policy CP9 of the Brighton & Hove City Plan Part One, policy DM33 of Brighton & Hove City Plan Part 2, and SPD14: Parking Standards.
8. The vehicle parking spaces shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved and shall be maintained so as to ensure their availability for such use at all times.
Reason: To ensure that adequate parking provision is retained and to comply with policy CP9 of the Brighton & Hove City Plan Part One, policy DM33 of Brighton & Hove City Plan Part 2, and SPD14: Parking Standards.
9. The cycle parking facilities hereby permitted shall be retained as shown on the approved plans 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 priority road signs approved under BH2021/01156 shall not be internally illuminated, endanger persons using the car park or obscure the ready interpretation of any traffic sign, and shall be retained as approved thereafter.

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 controlled pedestrian access gate to the eastern boundary of the site for the development hereby approved, shall be retained in accordance with the approved plans, for use by occupiers of The Pinnacle dwellings.

Reason: To encourage safe, active and sustainable forms of travel, other than private motor vehicles, to and from the development, and to ensure that this is retained in compliance with policies DM33 of Brighton & Hove City Plan Part 2, and CP9 of the Brighton & Hove City Plan Part One.

12. Ventilation provided to each flat within the development shall be maintained in accordance with the details approved under BH2021/01156 and be retained as such thereafter.

Reason: To safeguard the amenities of the occupiers of the development 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. SITE LOCATION

- 2.1. The application relates to a four-storey extension to the eastern elevation of The Pinnacle, a five-storey residential block comprising 57 dwellings. The extension was constructed following permission granted in 2020. It is now occupied.
- 2.2. The Pinnacle was converted from offices (Class E) in recent years and has been extended to the front, sides and upwards. The building is set centrally within the site and there is off-road car parking around it, with vehicle access from the School Road/ Kingsthorpe Road junction to the west. Two pedestrian access points are provided at the eastern boundary, providing access from the site to Payne Road to the east.

- 2.3. The property is not listed, nor within a conservation area. The railway line and Hove Cemetery lie to the north of the site. The site is within a Controlled Parking Zone (CPZ).

3. RELEVANT HISTORY

- 3.1. There is an extensive planning history for the site. The following applications are most relevant:
- 3.2. **BH2023/00009** Application to vary Condition 1 and remove Condition 13 of planning permission BH2020/00955, which required provision of two points of pedestrian access to the eastern boundary and retention thereafter with no means of preventing access installed. Refused 09.02.2023 for the following reason:
1. *The proposed removal of Condition 13 and consequential variation of Condition 1 would result in the loss of the two pedestrian access points approved, which would fail to facilitate the council's aims of encouraging and enabling walking (including wheelchair access) and cycling, and would therefore be contrary to Policies CP9 of the Brighton & Hove City Plan Part One and DM33 of the Brighton & Hove City Plan Part Two.*
- 3.3. Appeal Allowed 28/7/23: The Planning Inspectorate (PINS) stated that condition 13 should be removed and substituted for [New Condition) 11 which reads:
- The two points of pedestrian access hereby approved, as shown on plan reference 6778-2PO2 Rev C to the eastern boundary of the site, shall be retained in accordance with the approved plan for use by occupiers of the four dwellings hereby approved.
- 3.4. **BH2022/00241** Approval of Details reserved by Conditions 3 (Landscaping) and 15 (Contamination) of application BH2020/00955. Approved 01.03.2023.
- 3.5. **BH2021/01156** Approval of Details reserved by Conditions 5 (Bird and Bat Boxes), 6 (Sedum Roof), 12 (Priority Road Signs) and 14 (Ventilation) of application BH2020/00955. Approved 25.05.2021.
- 3.6. **BH2020/00955** Erection of four storey extension to east side to form 4no additional 2-bedroom dwellings and associated works. Approved 22.06.2020.
- 3.7. **BH2016/02282** Prior approval for change of use from office (B1) to residential (C3) to create 32no residential units. Approved 11.08.2016.
- 3.8. **BH2015/04606** Erection of side extension and creation of additional floor to create 9no. residential units with associated parking and re-cladding. Approved 23.03.2016.

4. APPLICATION DESCRIPTION

- 4.1. Planning permission (BH2020/00955) was secured in June 2020 for the erection of a four-storey extension to the existing building to provide 4 flats. The permission was granted subject to condition 13 which stated:

The two points of pedestrian access hereby approved to the eastern boundary of the site shall be provided prior to the first occupation of the flats hereby approved, and shall retained thereafter with no means of preventing access installed.

Reason: To encourage safe, active and sustainable forms of travel other than private motor vehicles to and from the development, and to ensure that this is retained in compliance with Policies TR7 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One.

- 4.2. A subsequent s73 application (BH2023/00009) to remove / amend the conditions which ensured the provision of the pedestrian access to the eastern boundary, was refused by the Local Planning Authority (LPA). However, the appeal was allowed on appeal. The Planning Inspectorate (PINs) amended the condition to state that the pedestrian access should be retained for use only by occupiers of the approved four dwellings.
- 4.3. Planning permission is sought here under Section 73a of The Town and Country Planning Act to vary conditions 1 (plans) and 11 (access) of BH2023/00009 to allow for the provision of one controlled access gate in eastern boundary for use by all residents in The Pinnacle only and blocking of the second access point. The proposed steel gate is to be 900mm in width and 2080mm in height. The steel infill panel would be 900mm in width and 1950mm in height.
- 4.4. The application states that the reason for the proposal is to minimise the likelihood of anti-social behaviour and accidents. The application is retrospective insofar as the extension has already been constructed and is occupied, and the access points are in place.

5. REPRESENTATIONS

- 5.1. One hundred and twelve (112) representations have been received objecting to the proposal on the following grounds:
- Loss of established public amenity
 - Lengthen journeys
 - Increase in traffic
 - Increase in noise
 - Environmental/ pollution impact
 - Provides safe access to public transport and schools
 - Impact on local businesses
 - Impact on local cohesion/ community
 - Benefit few at expense of many
 - No evidence of anti-social behaviour
 - Improved lighting/ cameras could deter antisocial behaviour
 - Natural surveillance provided

- Impact on health/ wellbeing
- Equalities issues
- Goes against original consent/ design
- Contrary to planning policy
- Legal precedent for access over private land

5.2. **Thirty (30)** representations have been received supporting the proposal for the following reasons:

- Private land/ no public right of way
- Trespassing
- Safety hazard
- Liability for accidents
- Anti-social behaviour/ security issues
- Privacy issues
- Noise pollution/ disturbance
- Multiple other routes
- Flats sold on basis of secure private parking and controlled access
- Original condition did not reference 'public' access.

5.3. **Ward Councillors Bella Sankey and Paul Nann** object to the proposal. Their representations are attached to the report.

5.4. Objections relating to detrimental impact on property values are noted, however are not material planning considerations.

6. CONSULTATIONS

Internal

6.1. **Environmental Health:** No objection.

The proposed variation is a proportionate and necessary response to ongoing safety and security issues. It preserves the benefits of pedestrian access for residents while addressing significant risks.

6.2. **Local Highway Authority:** Comment.

Recognise that this is private land and there is no public right of way in place. Encourage a 'permissive path agreement' that would allow local residents the same rights to movement in the area as the occupants of this development.

6.3. **Private Sector Housing:** Assessed however no comments offered.

External

6.4. **East Sussex Fire and Rescue Service:** Comment will be made in due course during formal consultation with Building Control in accordance with procedural guidance and Building Regulations.

6.5. **Sussex Police Community Safety:** No objection.

The implementation of gates and a steel insert will be an effective crime prevention measure in reducing the incidents of crime to the area.

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)
- Hove Station Neighbourhood Plan (adopted February 2024)
- Rottingdean Neighbourhood Plan (adopted February 2024)
- 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

CP1 Housing delivery

CP8 Sustainable buildings

CP9 Sustainable transport

CP10 Biodiversity

CP12 Urban design

CP13 Public Streets and Spaces

CP14 Housing density

CP19 Housing mix

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

DM22 Landscape Design and Trees

DM33 Safe, Sustainable and Active Travel

DM36 Parking and servicing

DM37 Green Infrastructure and Nature Conservation

DM40 Protection of the Environment and Health - Pollution and Nuisance

DM44 Energy Efficiency and Renewables

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

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The merits of the scheme as a whole have been considered as part of the preceding permissions. The principle of the extension was justified and accepted. The approved development has been constructed, and the design, siting and scale are not proposed to be altered.
- 9.2. The assessment of this application will therefore relate to that aspect of the current scheme that differs from the previous application, namely the variation of conditions 1 (plans) and 11 (access) of BH2023/00009 to allow for the provision of one controlled access gate in the eastern boundary for use by all residents in The Pinnacle only, and with the other existing access point infilled by way of a steel insert panel.

Principle of Development

- 9.3. Planning permission was granted in 2020 (BH2020/00955) for the erection of a four-storey extension to the east side of the existing building, to form 4 additional dwellings. The plans included 2 proposed pedestrian access points to the eastern boundary of the site, and a condition was applied as such:

The two points of pedestrian access hereby approved to the eastern boundary of the site shall be provided prior to the first occupation of the flats hereby approved, and shall be retained thereafter with no means of preventing access installed.

Reason: *To encourage safe, active and sustainable forms of travel other than private motor vehicles to and from the development, and to ensure that this is retained in compliance with Policies TR7 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One.*

- 9.4. In 2023 a S73 planning application (BH2023/00009) to vary / remove the conditions regarding retention of the two pedestrian access points, to prevent public access, was allowed on appeal, however with PINS applying the following amended condition:

The two points of pedestrian access hereby approved, as shown on plan reference 6778-2PO2 Rev C to the eastern boundary of the site, shall be retained in accordance with the approved plan for use by occupiers of the four dwellings hereby approved.

- 9.5. Prior to the construction of the development, there were no access points to the eastern boundary of the site and therefore no public access through the site.
- 9.6. The Appeal Decision relating to application BH2023/00009 to remove both access points is a material planning consideration. The Inspector stated that: *“There is no substantive evidence before me to indicate that the development approved under the original permission, comprising an extension to provide four flats, has worsened access to sustainable transport or local services and facilities for local residents. As such, it is neither the role nor responsibility of this development to facilitate or improve access for existing local residents (other than those occupying the approved flats) to services and facilities in the area (including the nearest train station).*
- 9.7. The NPPF requires that planning conditions are ‘relevant to planning and to the development to be permitted’. The Inspector advised that the original condition did not meet this test for the reasons set out above; the requirement for public access through the site is not directly related to the development and is therefore unreasonable. The Inspector amended the condition to relate to ensure access for just the four flats of the approved development.
- 9.8. In reality, the condition as imposed by the Planning Inspectorate cannot be enforced as it is not possible to control who does access the site and use the access.
- 9.9. Given the above, the proposal to allow for provision of one controlled access gate for residents in The Pinnacle, and the removal of the other access point, is considered acceptable in principle, as it takes account of and does not frustrate the intentions of the appeal decision.
- 9.10. Furthermore, it must be noted that the current proposal would retain the access for all of the occupiers of the Pinnacle development, not just the 4 dwellings approved under the original application and this is considered a significant benefit over and above the most recent planning permission at the site (BH2023/00009) which was allowed on appeal.

Design and Appearance

- 9.11. There is no objection in design terms to the proposed steel gate and infill panel which would not harm the character and appearance of the site or surrounding area.

Impact on Amenity

- 9.12. Policy DM20 of City Plan Part 2 states that planning permission for any development or change of use will not be granted where it would cause unacceptable loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 9.13. The development approved under the original permission, comprising an extension to provide four flats, was not considered to cause significant harm to neighbouring amenity. There were no existing access points in the eastern elevation of the site prior to the development of the extension. Given this, PINS

stated that the development did not worsen access to sustainable transport or local services and facilities for local residents, over the previous situation.

- 9.14. The application states that the proposal to restrict public access through the site, seeks to minimise the likelihood of anti-social behaviour occurring. However, as PINs noted, there is no substantive evidence of there being any particular problem with crime occurring locally. In fact, natural surveillance can significantly reduce the risk of crime.
- 9.15. However, notwithstanding this, it is noted that Sussex Police has advised that the implementation of gates and a steel insert would be an effective measure in reducing the incidents of crime in the area. The Council's Environmental Health officer has advised that the proposal is a proportionate response to ongoing safety and security issues.
- 9.16. Given the above, the proposal is deemed acceptable in terms of the impact on residential amenity.

Sustainable Transport

- 9.17. The Local Highway Authority (LHA) has acknowledged that the land is private and there is no public right of way in place. Furthermore, given the Appeal Decision, the LHA recognises that it would not be appropriate to seek to secure public access through the site via the planning system in this instance. Instead, the applicant is encouraged to explore a 'permissive path agreement' that would allow local residents the same rights to movement in the area as the occupants of the development.
- 9.18. 9.18 The scheme would comply with City Plan policy DM33 in that it would provide good access to sustainable transport as well as safe, comfortable and convenient access to and from the proposed development for residents of The Pinnacle.

Other issues

- 9.19. It is noted that many objectors believe that the original permission for the extension lawfully provided for public access through the site, and/or that the wider residential development of the building was always intended to provide the through access in 'compensation' for disruption caused. The applicant maintains that the access points were not meant to facilitate public development and were proposed for the use of residents of The Pinnacle only.
- 9.20. It may be that discussions have taken place previously between the developer, local residents and local ward councillors; and certain assurances given. However, as PINS noted, e-mail correspondence during the course of the original application, between the Council and the applicant's architect, indicated that it was made clear to the Council that the applicant could not legally accept the access through the site, as a public thoroughfare, due to liability issues. This correspondence occurred when the LPA sought to confirm the acceptability of proposed planning conditions with the applicant. It resulted in the LPA removing any reference to 'public access' from the original condition.

Biodiversity Net Gain

- 9.21. This scheme was considered exempt from the need to secure mandatory biodiversity net gain under Schedule 7A of the TCPA because the original application was submitted before the 2 April 2024, when BNG became mandatory for non-major developments.

Conditions and Obligations

- 9.22. Relevant planning conditions, applied by PINs as per the previous permission, should be re-applied to the new decision notice with a slight amendment to condition 11.

10. CONCLUSION

- 10.1. The strength of feeling within the community regarding the benefits of the access through the site is acknowledged. However, the land is privately owned and there is no public right of way in place. The original development was for an extension to provide 4 flats, and the Planning Inspectorate clearly stated that it is neither the role nor responsibility of this development to facilitate or improve access for existing local residents, other than those occupying the approved flats. It must be recognised that prior to the above development, there was no access in place to the east of the site.

The current proposal to allow for the provision of one controlled access gate and the blocking up of the second access point would comply with City Plan policy DM33 in that it would provide good access to sustainable transport as well as safe, comfortable and convenient access to and from the proposed development for residents of The Pinnacle. Given the appeal decision, the Local Highway Authority has acknowledged that it would not be appropriate to seek to secure public access through the site via the planning system in this instance and therefore raises no substantive objection to the application.

- 10.2. The application is therefore recommended for approval.

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, for the reasons given above, the development would not give

rise to unacceptable material impact on individuals or identifiable groups with protected characteristics.



PLANNING COMMITTEE LIST

Brighton & Hove City Council COUNCILLOR REPRESENTATION

Cllr. Bella Sankey

BH2025/02297 – The Pinnacle (formerly Rayford House), 8 School Road

14th November 2025:

I believe the planning application contravenes policy CP9 of Brighton and Hove City Plan Part One which states:

CP9 Sustainable Transport

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.

It will 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.

I believe the planning application also contravenes: Paragraph 4.122 in the supporting text which states:

4.122 The council will continue to develop a coherent walking network and reduce the physical and mental barriers to walking and improve the links between key locations in the city such as the seafront and the city centre.

Measures will include:

- ensuring provision is pedestrian and wheelchair friendly;
- introduction of more pedestrian priority routes;
- better crossing facilities;
- continue to introduce raised crossings & dropped kerbs;
- decluttering streets and improving Way Finding signs;
- continue to introduce drop kerbs;
- maintain and improve footways; and
- provide informal crossing points

As has been made clear by the number and strength of resident objections to this planning application, the open access currently provided has become an integral part of the sustainable and active travel infrastructure of the surrounding area. Encouraging people out of vehicles and onto their feet is essential for health and wellbeing. This is especially the case close to schools as the Pinnacle access points are, with close proximity to the popular and large West Hove community primary school and also so close to a railway station, Aldrington, which services a wide catchment of travellers and commuters. Encouraging easy and accessible use of footways and public transport is essential to cut pollution and emissions and to create healthier, more active communities. It is also relevant that the railway line means access north and south across the line is difficult and infrequent, aside from Aldrington tunnel, the only pedestrian walkways are on



PLANNING COMMITTEE LIST

Brighton & Hove COUNCILLOR REPRESENTATION **City Council**

Sackville Road or Olive Road. Easy access to Aldrington Tunnel is therefore critical to maintain quality of life. The access points also save residents on the Eastern side of the Pinnacle valuable time in accessing Portslade station and access to bus stops on Portland Road.

Any concerns about Anti-Social Behaviour need to be evidenced and should then be dealt with in the normal way through policing and community safety measures. In any event, the proposed blocking of access points would not eliminate ASB that apparently arises from the fact the carpark appears secluded at night.

While I appreciate that the Inspector amended the original planning condition, my view is that the revised condition is unenforceable and is therefore not sound. In any event the revised condition does not mandate nor permit this application which would entirely block one access point, and the application fails to make the case that this is necessary nor reasonable. Rather it would deliver a loss of public amenity and connectivity and undermine planning principles of inclusivity and integration.

I request that this application is called in to Planning Committee.



PLANNING COMMITTEE LIST

Brighton & Hove COUNCILLOR REPRESENTATION **City Council**

Cllr. Paul Nann

BH2025/02297 – The Pinnacle (formerly Rayford House), 8 School Road

4th November 2025:

Stance: Customer objects to the Planning Application

Comment Reasons:

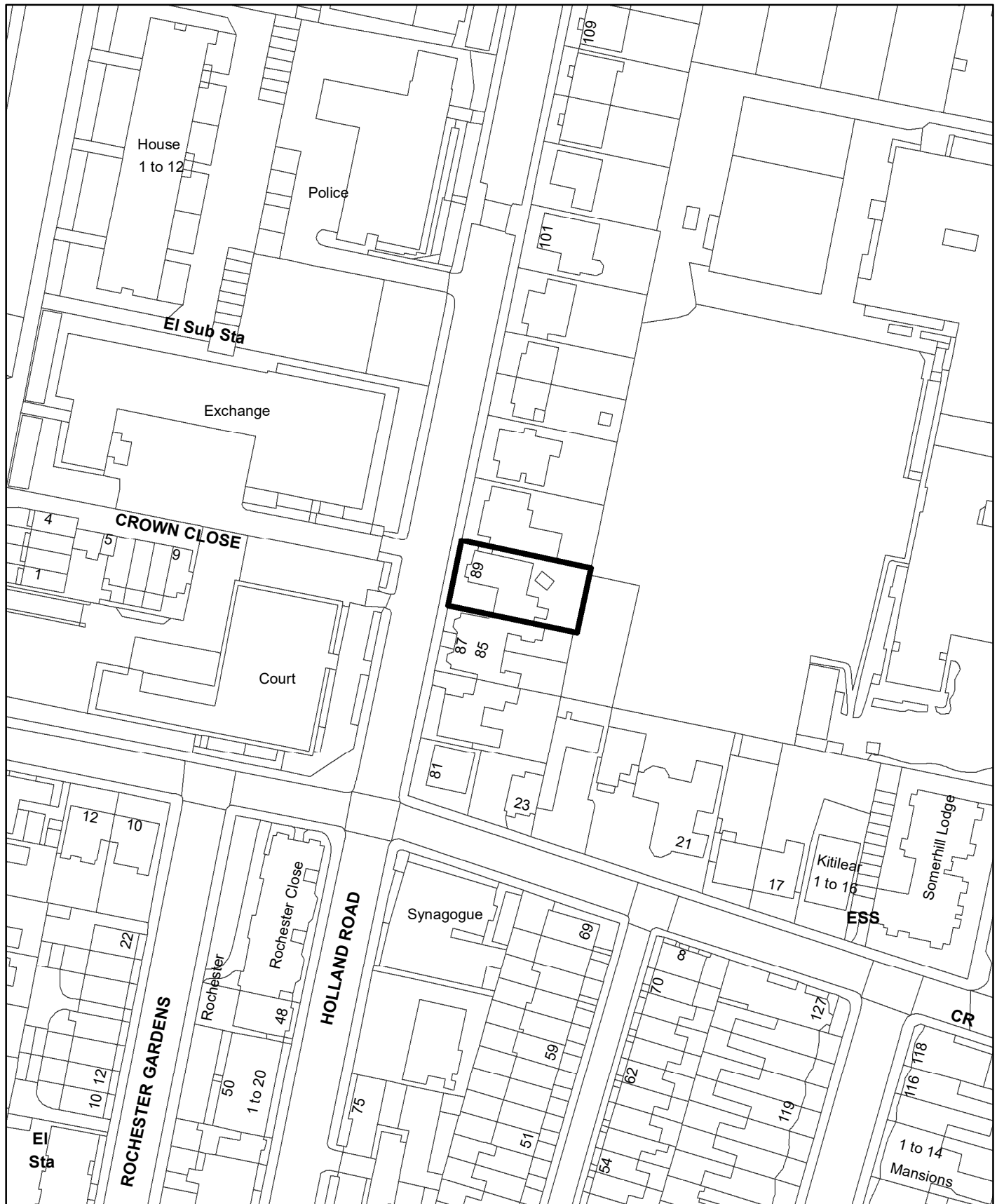
- Because of the Additional Traffic
- Residential Amenity

Comment: I would like to object to this and have it discussed at planning committee.

ITEM D

**89 Holland Road
BH2025/02344
Removal or Variation of Condition**

DATE OF COMMITTEE: 4th February 2026



**Brighton & Hove
City Council**

N



Scale: 1:1,250

<u>No:</u>	BH2025/02344	<u>Ward:</u>	Goldsmid Ward
<u>App Type:</u>	Removal or Variation of Condition		
<u>Address:</u>	89 Holland Road Hove BN3 1JP		
<u>Proposal:</u>	Application to vary condition 3 of planning permission BH2017/03438 to permit the number of children attending the day nursery to not exceed 70 at any time.		
<u>Officer:</u>	Michael Tucker, tel: 292359	<u>Valid Date:</u>	22.09.2025
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	17.11.2025
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	11.02.2026
<u>Agent:</u>	Lewis And Co Planning SE Ltd 2 Port Hall Road Brighton BN1 5PD		
<u>Applicant:</u>	Young Friends Nursery 89 Holland Road Hove BN3 1JP		

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	ADC566/LP		22-Sep-25
Noise Management Plan			8-Jan-26

2. Not used.
3. The number of children attending the day nursery use hereby permitted shall not exceed 70 at any time.
Reason: To safeguard the amenities of the locality and to comply with policies DM20 and DM40 of the Brighton & Hove City Plan Part Two.
4. The use hereby permitted shall not be operational except between the hours of 08:00 and 18:00 on Mondays to Fridays inclusive, with no use permitted on Saturdays, Sundays or Bank Holidays.
Reason: To safeguard the amenities of the locality and to comply with policies DM20 and DM40 of the Brighton & Hove City Plan Part Two.
5. The premises shall be used for the use described by this planning permission only and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in

any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: The local planning authority would wish to retain control over any subsequent change of use of these premises in the interests of safeguarding the amenities of the area and to comply with policy DM20 of the Brighton & Hove City Plan Part Two.

6. The operation of the nursery shall be carried out in strict accordance with the Noise Management Plan submitted on the 8 January 2026..

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.

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. SITE LOCATION

- 2.1. The application relates to a two-storey building on the eastern side of Holland Road. There is a garage on the southern side. There are residential properties on either side of the application site, but the character of the wider area is mixed, with Hove Junior School, a BT Telephone Exchange and Hove Crown Court on the western side of Holland Road. Originally a dwellinghouse, the building is currently in use as a nursery (Class E) with permission for this use having initially been granted under BH2009/02058.
- 2.2. Subsequent applications increased the number of children permitted to attend the nursery from 12 to 33 and then again to 51.
- 2.3. Planning permission has also been granted under BH2017/03438 for the change of use of the retained studio flat on the upper floor to nursery space, to be incorporated within the existing nursery.

3. PLANNING HISTORY

- 3.1. **BH2017/03438** - Change of use of first floor studio flat (C3) to nursery room (D1). Approved
- 3.2. **BH2013/04249** - Application for variation of condition 7 of application BH2010/03167 (Application for variation of conditions 6 and 8 of original permission BH2009/02058 (Conversion of single dwelling house to form child day care nursery at ground floor level and self-contained flat at first floor level (Retrospective)) to allow an increase in maximum child numbers being looked after on the site at any one time from 33 to 51. Approved

- 3.3. **BH2010/03167** - Application for variation of conditions 6 and 8 of application BH2009/02058, (Conversion of single dwelling house to form child day care nursery at ground floor level and self-contained flat at first floor level - Retrospective), to allow for an increased limit of children at the nursery at any time from 12 to 33 and to allow use of part of the first floor in connection with the nursery. Approved
- 3.4. **BH2009/02058** - Conversion of single dwelling house to form child day care nursery at ground floor level and self-contained flat at first floor level (Retrospective) Approved

4. APPLICATION DESCRIPTION

- 4.1. The application seeks to vary condition 3 of planning permission BH2017/03438 to permit the maximum number of children attending the nursery to increase from 51 as existing to 70 as proposed.

5. REPRESENTATIONS

- 5.1. **Six (6)** letters of objection have been received, summarised as follows:
- Noise disturbance, already excessive from the current number of children and proposal would make this worse
 - Additional traffic and parking stress
 - Numerous complaints have been made regarding the nursery
 - Commercial rubbish left in bins
 - The nursery is not inclusive
 - Footpaths blocked during pick up/collections
- 5.2. Full details of representations received can be found online on the planning register.

6. CONSULTATIONS

- Internal:
- 6.1. **City Early Years:** No comment received
- 6.2. **Environmental Health:** No objection
Original comment – There have been complaints from neighbouring residents regarding this premises. The applicant should be required to submit a comprehensive Noise Management Plan as part of this application.
- 6.3. Updated comment – the updated document addresses most of the recommended measures but should include contact details for neighbours to raise complaints.
- 6.4. **Sustainable Transport:** No comment received

External:
None

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
CP9	Sustainable transport

Brighton & Hove City Plan Part Two

DM9	Community Facilities
DM20	Protection of Amenity
DM33	Safe, Sustainable and Active Travel

9. CONSIDERATIONS & ASSESSMENT

- 9.1. As this application is made under Section 73 of the Town and Country Planning Act, consideration is limited to those matters which vary compared to the extant permission.
- 9.2. The main issues in the determination of this application to vary condition 3 are the principle of the development, the impact of the proposal on neighbouring amenity, and transport matters. It is also noted that due to the age of the original consent the planning policy context has changed significantly since the development was previously approved.

Principle of Development:

- 9.3. Policy DM9 of the City Plan Part Two provides support for community facilities, which include nurseries. It is noted that the site has been inspected by Ofsted and approved for up to 70 children and the enlargement of the capacity of the existing nursery to align with this limit would not be contrary to the development plan in principle subject to further considerations set out below.

Impact on Amenity:

- 9.4. 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.
- 9.5. The proposed variation would allow for up to 70 children to attend the nursery at any one time. This would be a significant increase of more than 37% over the existing limit of 51 children.
- 9.6. The proposal therefore has the potential to result in an increase in the level and intensity of activity on site, as well as the number of comings and goings for pick up and drop off, both of which could in turn have a harmful impact on neighbouring amenity.
- 9.7. The Environmental Protection team have commented on the application and raised no objection subject to securing a Noise Management Plan by condition. Whilst some ad-hoc management measures were secured under previous permissions on the site, these were not secured as part of BH2017/03438 and securing a dedicated Noise Management Plan for the premises provides an opportunity to set out more detailed, comprehensive and rigorous measures to mitigate for the proposed number of children. This could include staggered playtimes and pick up/drop-offs, supervision protocols and complaints procedures.
- 9.8. A draft Noise Management Plan has been submitted and updated comments have been received from the Environmental Protection team. The Environmental Protection team have advised that the noise management plan does address most points but have requested that the document includes contact details to raise concerns. However, these details are readily available on the internet and website so it is not considered this information is needed.

Sustainable Transport:

- 9.9. The proposed increase in children numbers would result in an increase in comings and goings as children are dropped off and picked up. The site is, however, reasonably well located for sustainable travel with a number of bus routes and bus stops in the nearby vicinity and it is noted that the application includes brief details of a survey where only 12% of respondents said they drove to the nursery.
- 9.10. Accordingly, the proposal is considered unlikely to have an unacceptable impact on highways safety.

Other Considerations:

- 9.11. Minor revisions to condition 5 are also considered to be necessary to reflect the 2020 update to the Use Classes Order which placed nurseries within the newly created 'E' Use Class. It is considered that this condition remains necessary as other Class E uses may not be acceptable at this site.

Biodiversity Net Gain

- 9.12. 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. CONCLUSION

- 10.1. The proposed increase in capacity of the existing nursery would not be contrary in principle to any development plan policy. Whilst there is the potential for an increased impact on the amenity of neighbours, it is considered that this can be satisfactorily mitigated through the Noise Management Plan.
- 10.2. This application would also not preclude the Environmental Protection department from carrying out an investigation under the provisions of the Environmental Protection Act 1990.

11. EQUALITIES

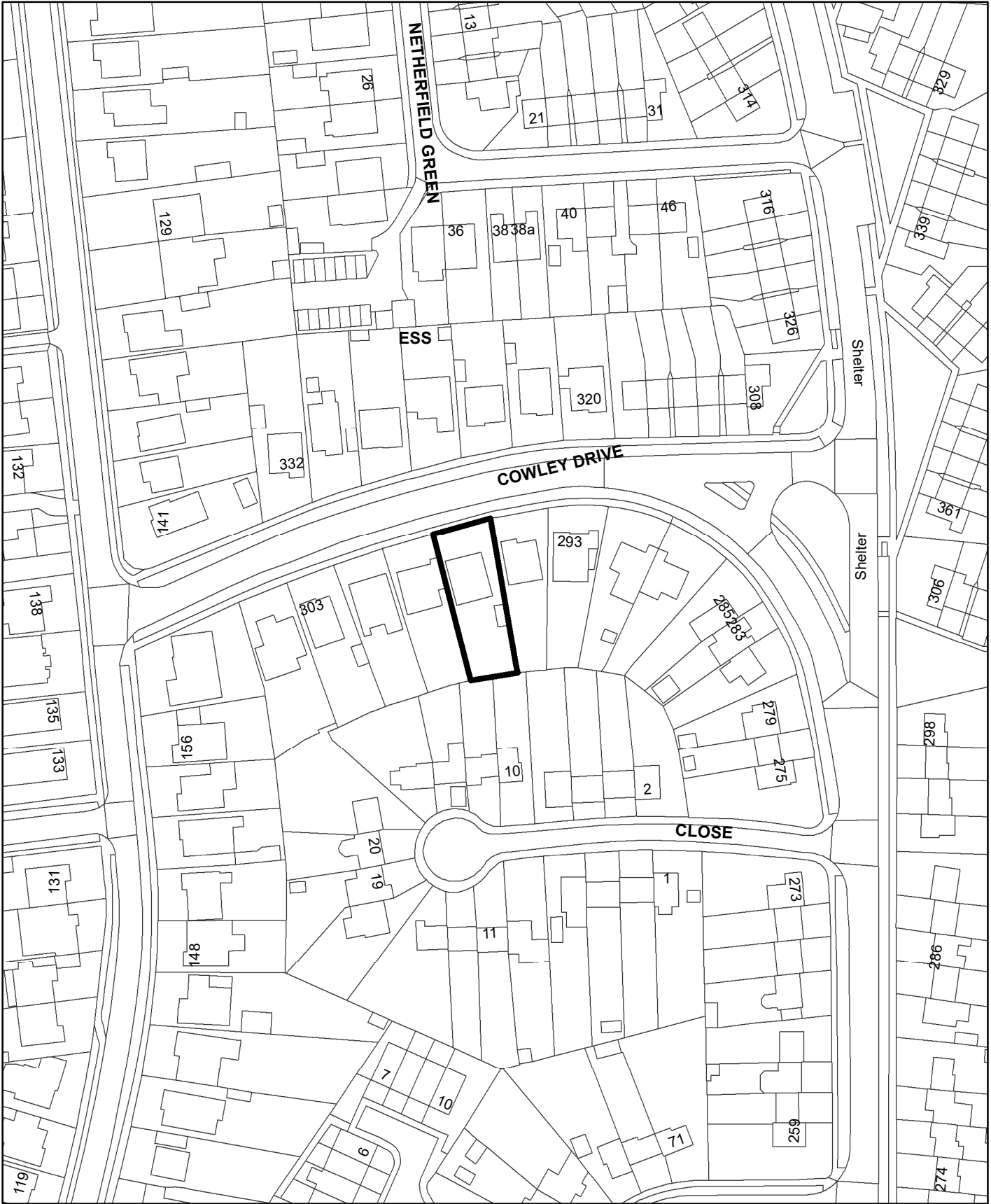
- 11.1. Section 149(1) of the Equality Act 2010 provides:
- 1) A public authority must, in the exercise of its functions, have due regard to the need to—
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of 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.

ITEM E

**297 Cowley Drive
BH2025/02379
Full Planning**

DATE OF COMMITTEE: 4th February 2026

BH2025 02379 - 297 Cowley Drive



Brighton & Hove
City Council



N

Scale: 1:1,250

<u>No:</u>	BH2025/02379	<u>Ward:</u>	Woodingdean Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	297 Cowley Drive Brighton BN2 6TP		
<u>Proposal:</u>	Retrospective Change of use from bungalow (C3) to 6-person small HMO (C4).		
<u>Officer:</u>	Steven Dover,	<u>Valid Date:</u>	06.11.2025
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	01.01.2026
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Lewis And Co Planning SE Ltd 2A Port Hall Road Brighton BN1 5PD		
<u>Applicant:</u>	Andrew Chapman C/O Lewis And Co Planning 2 Port Hall Road Brighton BN1 5PD		

1. RECOMMENDATION

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

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Location Plan			25-Sep-25
Block Plan	04-0520-08	A	14-Jan-26
Proposed Drawing	04-0520-05	PROPOSED FLOOR PLAN	14-Jan-26
Proposed Drawing	04-0520-06	B	14-Jan-26
Proposed Drawing	PROPOSED CYCLE STORE		14-Jan-26

2. The HMO use hereby approved, shall only be implemented in strict accordance with the proposed layout detailed on the floor plans 04-0520-05, showing the new corridor to Bedroom 1, received on 14th January 2026, and shall be retained as such thereafter. The layout of the kitchen and living spaces shall be retained as communal space at all times and shall not be used as bedrooms.

Reason: To ensure a suitable standard of accommodation for occupiers and to comply with Policies DM7 and DM20 of the City Plan Part Two.

3. Within 3 months of the decision notice being issued for development proposed 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.

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, 297 Cowley Drive, is a detached, one-storey hipped roof bungalow property, located on the southern side of Cowley Drive. The property was extended to the rear following planning approval, under application BH2020/01545. The site level drops away to the south (rear) from the north (front), Cowley Drive.
- 2.2. The site is subject to the city-wide Article 4 Direction that has removed the right to change the use class of any (C3) residential unit to a (C4) small house in multiple occupation, which came into force on 3rd June 2020.

3. RELEVANT HISTORY

- 3.1. **BH2020/01545:** Erection of single storey rear extension, installation of rooflights to side and rear and alterations to fenestration. Approved 05.08.2020.

- 3.2. **BH2019/03187:** Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 6.5m, for which the maximum height would be 3.5m, and for which the height of the eaves would be 3.0m. Refused 21.11.2019.
- 3.3. **BH2019/02401:** Prior Approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 6.5m, for which the maximum height would be 3.5m and for which the height of the eaves would be 2.75m. Refused 16.09.2019.

4. APPLICATION DESCRIPTION

- 4.1. The application is seeking to change the use of the property from a dwellinghouse (C3) to a small house in multiple occupation (C4).
- 4.2. As noted within the application submission, the property is already in use as a small dwelling house for 6 persons (C4) and currently let and as such the application is therefore retrospective. It has been used in this manner since April 2025 after the rear extension, approved under BH2020/01545, was built. The application seeks to confirm the change of use to a small HMO (C4), for a maximum of 6 occupiers.
- 4.3. Although the property is currently in use as a HMO, the use has not been in effect, uninterrupted, for more than 10 years, so is not immune from enforcement action and therefore is not considered lawful. Thus the applicant has applied for planning permission to regularise the use of the property as a small C4 HMO. While the C4 HMO use has already commenced, for the use to be acceptable now it must comply with the current development plan, including the HMO density tests and standard of accommodation, this is considered below.
- 4.4. The plans have been amended during the course of the application to alter the position of the proposed cycle storage and creation of an internal corridor in the communal area to minimise noise and disturbance to existing and future occupiers.

5. REPRESENTATIONS

- 5.1. **Eight (8)** representations have been received objecting to the application on the following grounds:
- Increase HMO applications in future
 - Detrimental impact on character of area
 - Detrimental effect on property value
 - Inappropriate Height of Development
 - Noise
 - Overdevelopment
 - Overshadowing

- Poor design
- Too close to the boundary
- Traffic or highways issues
- Appearance and rubbish

6. CONSULTATIONS

- 6.1. **Sustainable Transport:** No Objection subject to condition
The proposal does not include any interior or exterior alterations.
- 6.2. There may be some parking overspill and additional trips as a result of the proposed change of use, but this is unlikely to be significant enough to warrant objection.
- 6.3. If the Planning Authority is minded to grant consent, then the details of cycle storage could be secured by the inclusion of a Cycle Parking Scheme condition.
- 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 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
DM20 Protection of Amenity
DM33 Safe, sustainable and active travel
DM36 Parking and servicing

Supplementary Planning Documents:

SPD14 Parking Standards

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to whether the change of use is compliant with policy, the resulting standard of accommodation, the impacts of the development on neighbour amenity and transport matters.

Principle of Proposed Change of Use:

- 9.2. The application seeks consent for the change of use from a dwellinghouse (planning use class C3) to a small house in multiple occupation (HMO) (C4). 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 per cent 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 recent mapping exercise has been undertaken (January 2026) which indicates that there are over 28 properties within a 50m radius of the application property, 0 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, which is less than 10%, the change of use to a three-bedroom 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 has been calculated at 0.14% so it has been met (January 2026: 713 Total Dwellings and 1 HMO's). 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 also accords with criterion (c). Considerations regarding amenity space and communal living (criteria d) and e) are set out below.

9.7. On this basis, the scheme is considered to accord with Policy DM7 of CPP2 and CP21 of the CPP1 and the change of use of the site to a C4 HMO is acceptable in principle.

Standard of Accommodation:

9.8. The proposed standard of accommodation is being considered against Policy DM1 of CPP2 which incorporates the minimum space standards within the Nationally Described Space Standard (NDSS) into the development plan. The requirement to meet this standard is further emphasised within d) and e) of Policy DM7 of CPP2.

9.9. The maximum occupation would be six persons, as although three bedrooms are suitable for double occupation and another is suitable for single occupation, the application is for small HMO (C4) so six residents is the maximum allowed for this use class. If the occupation level was desired to increase, a new application for a Large HMO (Sui Generis) would need to be made and considered on its merits.

9.10. The three double bedrooms (1,2 and 3) are suitable for double occupancy given their larger size (over 11.5sqm) and suitable layouts. Bedroom 4 for is suitable for single occupancy (over 7.5sqm, but less than 11.5sqm). The bedrooms all have windows and allow for natural light, outlook and ventilation for each of the bedrooms. Bedrooms and the communal spaces are served by one ensuite and two bathrooms (with W/C to each).

9.11. The plans have been amended to create new internal walls which means the user of Bedroom 1 does not have to access the communal lounge to enter the

bedroom and separating the communal space from this bedroom slightly more, reducing disturbance for all users of the HMO. The proposed cycle store unit has also been moved to a location which is not adjacent to the window serving Bedroom 1, as it would have caused disturbance to the occupier while in use.

- 9.12. The kitchen and living room combined provide over 37sqm of communal living space which is well in excess of the 4sqm required by policy DM7 per occupier (24sqm total for six residents) and allows for communal spaces which are of sufficient spatial quantity and quality for future occupiers of the HMO, also allowing rear access to the private outdoor amenity space.
- 9.13. The ceiling heights, from the existing elevations are circa 2.2m and considering they are for an existing property, are considered acceptable.
- 9.14. Overall, it is considered that the proposed layout of the property as a small C4HMO (six persons) would provide suitable standard of accommodation for the number of occupants proposed and is therefore in accordance with policies DM1 and DM7 of the City Plan Part Two.
- 9.15. As the property is suitable to accommodate six persons, which is the maximum occupancy allowed under Use Class C4, it is not considered necessary to condition that the property has a maximum occupancy of Six (6) persons. As already stated, any increase over this amount would require planning approval for a change of use to a Large HMO (Sui Generis Use Class).

Impact on Amenity:

- 9.16. 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.
- 9.17. As previously noted, this application proposed no changes to the external appearance or form of the property. Therefore, any impacts regarding overdevelopment, overshadowing and overlooking remain as current, and deemed acceptable under the implemented (and built) application BH2020/01545 which granted consent for an extension the rear of the property.
- 9.18. The change of use from a dwellinghouse to small HMO can create more comings and goings from the property and in a different pattern to the existing dwellinghouse use. However, it is not considered that the additional comings and goings from a small HMO use would amount to such substantial harm to neighbouring properties to warrant refusal of the application when compared to use as a dwellinghouse use.
- 9.19. As noted above, the application site is not in an area which currently has more than 10% of properties within 50m radius being in HMO use or 20% of the

wider neighbourhood area. While any additional HMOs may have the potential to increase the cumulative impact and harm to amenity with which they are often associated, in this instance the existing numbers of HMOs in the area is not enough to warrant refusal of the application on the grounds of potential amenity impact.

- 9.20. Furthermore, it is noted that a HMO of this size would require licensing by the Council's Private Sector Housing team and thus be required to comply with management standards, amongst other requirements. Additionally, the granting of this planning permission would not prohibit the Environmental Health team acting against 'statutory nuisance' under the Environmental Protection Act 1990 if this was required in the future.
- 9.21. Accordingly, the development would be considered acceptable in terms of any impacts on neighbouring amenity. It is also noted that the proposal complies with policy DM20 of the City Plan Part Two.

Sustainable Transport:

- 9.22. The change of use is unlikely to significantly increase trips or parking to/from the site over that of a C3 dwelling.
- 9.23. The application site is located in an area with unrestricted on street parking.
- 9.24. The site does provide a single off street car parking space to the side, via an existing crossover and is therefore policy compliant with SPD14 maximums for the outer area, which is one space for a 4 bedroom C4 HMO.
- 9.25. The plans show cycle parking and the amount is sufficient. Updated details have been submitted that show a secure cycle storage unit which is considered acceptable.
- 9.26. Transport officers have also been consulted and raise no objection to the development, subject to a cycle parking condition for a secure storage system that is not vertical. This has now been supplied so the requested condition is no longer considered relevant to impose, but a condition requiring implementation and retention is recommended.
- 9.27. Accordingly, the proposal is considered to comply with policies CP9 of the Brighton and Hove City Plan Part One and policies DM33 and DM36 of the Brighton and Hove City Plan Part Two.

Other Considerations:

- 9.28. The proposed change of use still results in a residential use and there are no external alterations (other than the provision of a bike store) required to facilitate the change of use. Therefore, it is considered that the character and appearance of the area is preserved.
- 9.29. It is noted in objector comments it is stated that the development as an HMO could affect property values. The planning system does not exist to protect private interests such as the value of land or property, and as such the affect

the proposed development could have upon property values does not hold weight in the determination of this application.

- 9.30. Objectors have also raised comment regarding the quality of the build and amount of rubbish onsite. These are not matters that can be considered in the determination of this application.

Biodiversity Net Gain (BNG):

- 9.31. 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 and is retrospective.

10. CONCLUSION

- 10.1. The proposed development is considered to be acceptable in principle as it meets the policy aims of DM1 and DM7 with a suitable standard of accommodation for the existing and future residents. In terms of the design approach the proposal would not result in harm to the appearance and character of the property as not external changes are proposed to the building form and therefore accords with DM18 and DM21. The amenity of the existing and future occupiers, and that of the surrounding residents, would not be significantly harmed, with no identified changes in the use of the property that would create significant noise or disturbance over the current lawful C3 Use, and accords with DM1, DM7 and DM20. For the foregoing reasons the proposal is recommended for approval.

11. EQUALITIES

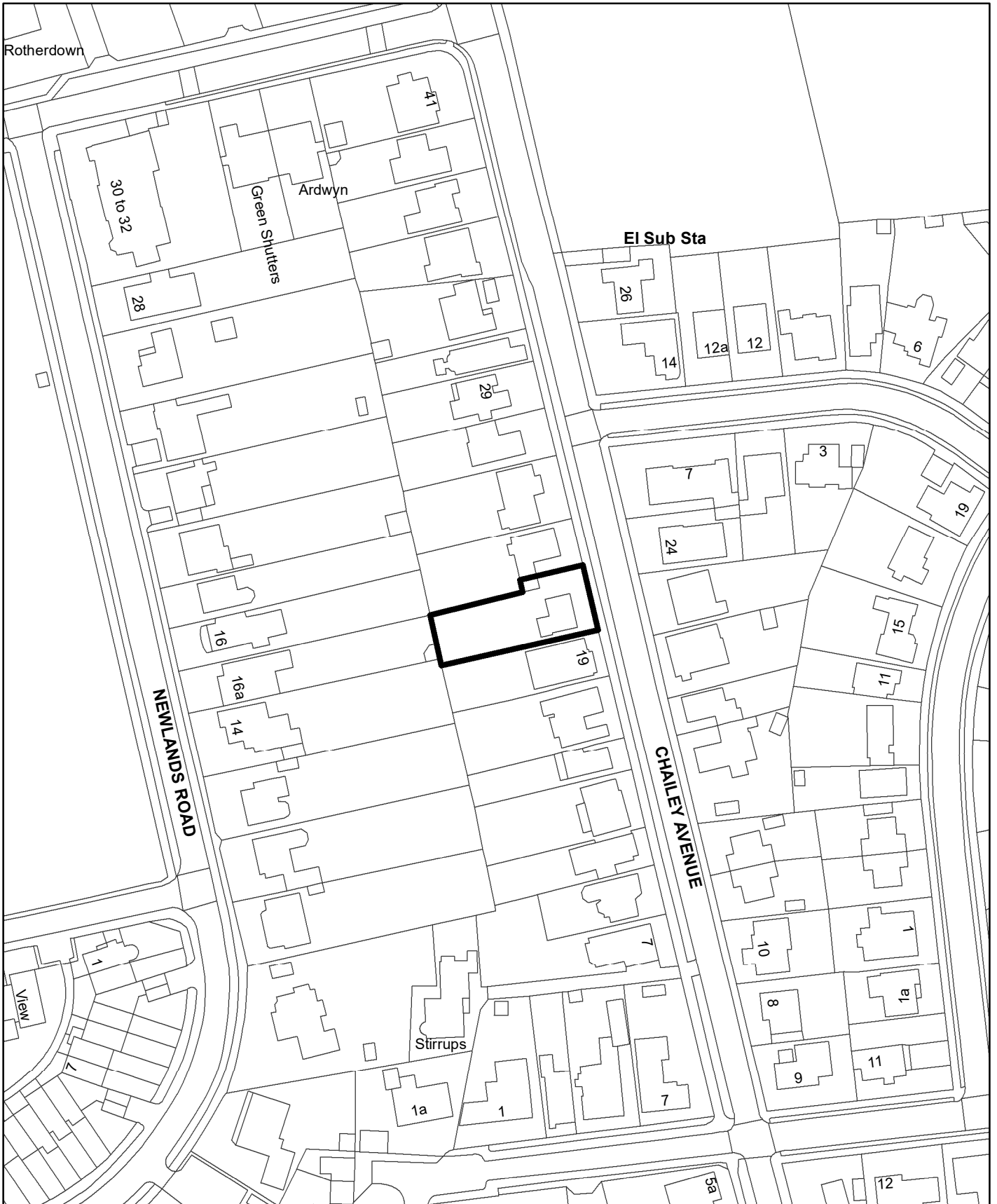
- 11.1. Section 149(1) of the Equality Act 2010 provides:
- 1) A public authority must, in the exercise of its functions, have due regard to the need to—
 - a. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - b. advance equality of 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 determined that the proposal would not give rise to unacceptable material impact on individuals or identifiable groups with protected characteristics.

ITEM F

**21 Chailey Avenue, Rottingdean
BH2025/01886
Householder Planning Consent**

DATE OF COMMITTEE: 4th February 2026

BH2025 01886 - 21 Chailey Avenue, Rottingdean



**Brighton & Hove
City Council**

N



Scale: 1:1,250

<u>No:</u>	BH2025/01886	<u>Ward:</u>	Rottingdean & West Saltdean Ward
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	21 Chailey Avenue Rottingdean Brighton BN2 7GH		
<u>Proposal:</u>	Remodelling of existing dwellinghouse to include demolition of existing rear extension and erection of two-storey rear extension with associated balcony and terrace, construction of side extension with garage, new front porch area, 4no front rooflights, revised fenestration and associated alterations.		
<u>Officer:</u>	Sonia Gillam, tel: 292265	<u>Valid Date:</u>	29.08.2025
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	24.10.2025
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	11.02.2026
<u>Agent:</u>	Mr Tony Standing 4 Coombe Road Steyning BN44 3LF		
<u>Applicant:</u>	Mr Robert Stevens 21 Chailey Avenue Rottingdean Brighton Brighton & Hove BN2 7GH 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:

- 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	C1194-3A		10-Oct-25
Block Plan	C1194-4A		10-Oct-25
Proposed Drawing	C1194.2H		12-Jan-26

- 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.
- 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 and CP12 of City Plan.

4. 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.

5. Notwithstanding the details on the drawings hereby approved, the raised terraces on the ground and first floor hereby approved shall not be first brought into use until solid/opaque privacy screens of 1.8 metres in height (measured from the finished floor level of the terrace) have been installed on both the north and south side boundaries of each 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 and preferably adjacent to pollinator friendly plants.

2. SITE LOCATION

- 2.1. This application site relates to a two-storey detached dwellinghouse located on the western side of Chailey Avenue, a residential street in Rottingdean which slopes downwards from north to south. There is a freestanding garage to the northern side of the property. The rear garden slopes downwards away from the rear elevation and has several levels including a timber decked area adjoining the property, a lawned area and an outbuilding on a paved area to the rear.

3. RELEVANT HISTORY

None.

4. APPLICATION DESCRIPTION

- 4.1. The application seeks permission for the remodelling of the existing dwellinghouse to include removal of the existing rear extension and construction of:
- Two-storey rear extension with first floor balcony and ground floor decked terrace
 - Side extension including garage for vehicle storage
 - Front porch extension with gable
 - 4 rooflights to front roofslope
 - Revised fenestration
 - Existing garage to be retained and used for storage.
- 4.2. Following discussions with the LPA, the applicant has submitted amended plans during the course of the application which reduce the width of the upper floor balcony and propose screening.

5. REPRESENTATIONS

- 5.1. **Nineteen (19)** representations have been received objecting to the proposal on the following grounds:
- Overdevelopment
 - Inappropriate scale and design
 - Poor Design
 - Out of character
 - Too close to boundary
 - Overbearing / dominating
 - Overlooking / loss of privacy
 - Overshadowing / loss of light
 - Light pollution
 - Noise nuisance
 - Flood risk
 - Impact on South Downs National Park (SDNP)
 - Asbestos risk
 - Contrary to planning policy / neighbourhood planning
 - Sets unwanted precedent
 - Plans inaccurate
 - Applicant related to Council officer
- 5.2. **Three (3)** representations have been received supporting the proposal for the following reasons:
- Improvement to neighbourhood
 - Enhances property and streetscene
 - In keeping with evolving character of street
 - Transform into spacious, modern and stylish home

- 5.3. Representations with objections relating to disruption and disturbance during the build, previous development, party wall agreements, structural reports, property occupancy, lifestyle of occupants, and loss of views are noted, however are not material planning considerations.
- 5.4. A representation has been received stating that the applicant has not disclosed that a family member is a member of staff at the Council. This is noted; however, the relevant staff member is not linked to the planning department and therefore the application would not need to be referred to the planning committee for this reason.
- 5.5. Notwithstanding the above, the application is required to be heard at planning committee in any case, due to the level of objections received.

6. CONSULTATIONS

- 6.1. **Highways:** No objection Unlikely to be a significant increase in trips to and from the site or harmful parking overspill.
- 6.2. **Rottingdean Parish Council:** Objection Development would not be in character with other properties in the immediate locality in terms of scale, mass and density. Proposed bulk, scale and design of the extension and balconies would lead directly to an unacceptable loss of privacy and outlook, together with overshadowing causing loss of sunlight / daylight.

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)
 - Hove Station Neighbourhood Plan (adopted February 2024)
 - Rottingdean Neighbourhood Plan (adopted February 2024)
 - Shoreham Harbour Joint Area Action Plan (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
CP10 Biodiversity
CP12 Urban Design

Brighton & Hove City Plan Part Two:
DM18 High quality design and places
DM20 Protection of Amenity
DM21 Extensions and alterations

Rottingdean Neighbourhood Plan
H2 Design

Supplementary Planning Document
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 impact on the character and appearance of the building and the streetscene, and neighbour amenity impacts.

Impact on Character and Appearance

- 9.2. It is noted that the existing Chailey Avenue streetscene is made up of properties of a variety of size, style and materials, although there are common features to many of the properties, such as front gables. The application site contains, in terms of footprint and built form, one of the smallest properties in Chailey Avenue, although the size of the plot is equivalent to its neighbours, with a good amount of space to the side and rear. Therefore, there is considered to be scope for a remodelling of the nature proposed. The proposed building lines and revised footprint, with gaps retained to the boundaries, are considered to be entirely in keeping with the area.
- 9.3. In terms of design, the proposals include utilising the space to the side of the property and creating a side extension with a similar sloping front roof to the existing, and a projecting gable to the front roof form. This would lead to welcome symmetry to the front façade of the property whilst retaining the character of the existing sloped roof.
- 9.4. There is no objection, in design terms, to the loss of the existing rear extension to make way for a proposed two-storey rear extension with balcony and decking. The extension would be fairly substantial in size; however, this is not out of keeping with much of the built form in the area. The massing of the proposed side and rear development would be partially visible in the street, particularly when approaching the property from the north. However given the prevailing mixed character of the streetscene, the additional bulk is not considered to cause undue harm to visual amenity.

- 9.5. It is noted that representations have been received objecting to the loss of the sea view through the existing gap in the plot where there is no existing built form. This is acknowledged; however, loss of views does not constitute a material planning consideration and refusal on these grounds would not be reasonable or warranted.
- 9.6. There is no objection to the other alterations such as the rooflights and amended fenestration. Materials are proposed to match the existing property which is appropriate and can be secured by condition.
- 9.7. Overall, given the prevailing built form in the area, it is considered that the development would bring the property more in line with the size of its neighbours, and, furthermore, it would not harm the character and appearance the property or the streetscene or detrimentally impact on the visual amenities enjoyed by neighbouring occupiers, in compliance with policies CP12 and DM21 of the City Plan Policy H2 of the Rottingdean Neighbourhood Plan and SPD12 guidance.

Impact on Residential Amenity

- 9.8. Policy DM20 of City Plan Part 2 states that planning permission for any development or change of use will not be granted where it would cause unacceptable loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 9.9. The development would bring additional built form closer to the boundary to the north with no. 23 Chailey Avenue. However, the gap retained between the properties would remain appropriate and entirely characteristic of the area. The proposed massing would likely have some impact on light to the existing side windows at no. 23, however given the distances involved and that they are secondary windows, this is not considered to result in any significant harm.
- 9.10. The occupiers of the property to the south, no. 19 Chailey Avenue, would also be aware of some added bulk to the rear from the two-storey extension, however given that this neighbouring property projects much further to the rear, any overbearing impact or loss of light is likely to be minimal. Side windows of the proposed development would serve bathrooms and a bedroom and are not considered to cause any harmful loss of privacy. With regard to the proposed timber decking at ground floor level, it is recognised that there is existing decking in place. However, the proposed area is larger and could potentially give harmful views into neighbouring gardens. Therefore, it is considered that appropriate screening should be secured by condition.
- 9.11. It is noted that a first-floor balcony is also proposed, which could potentially give views over neighbouring gardens, including the pools of the properties to rear, which are sited at a lower ground level. However, the balcony is modest in size, and 1.8 metre screening is proposed to both sides which would prevent harmful overlooking of the adjacent properties and gardens the side. In terms of the properties to the rear, the existing garden room, sited at the far rear boundary of the application site, provides screening and would help to minimise views to the rear.

- 9.12. Furthermore, it must be recognised that rear balconies are not unusual features in this stretch of Chailey Avenue, and, given the existing context, the proposal is not considered to result in a harmful increase in overlooking and loss of privacy to neighbouring gardens. Due to the siting and size and screening of the balcony, the distance to boundaries and the orientation of the neighbouring properties to the north and south, there would be no overlooking of existing windows and there would be unlikely to be harmful noise nuisance.
- 9.13. The impact on the adjacent properties has been fully considered in terms of daylight, sunlight, outlook, privacy and overbearing impact and, overall, no significant harm has been identified. The proposal is therefore considered to comply Policy DM20 of the Brighton and Hove City Plan Part Two.

Standard of Accommodation

- 9.14. The proposed development would create an open-plan layout at ground floor level and an additional bedroom at first floor level. It would modernise and enhance the overall standard of accommodation within the dwellinghouse. The additional floorspace would benefit from natural light, outlook and ventilation. The development would improve the standard of accommodation in accordance with policy DM1 of the Brighton and Hove City Plan Part Two.

Sustainable Transport

- 9.15. There is unlikely to be a significant increase in trips to and from the site as a result of the proposed development. The proposed garage would be large enough for a car and bicycles. The Local Highway Authority has no objections to the scheme.

Ecology/ Biodiversity Net Gain

- 9.16. 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. The provision of a bee brick to be incorporated into the development should be secured by condition.

10. EQUALITIES

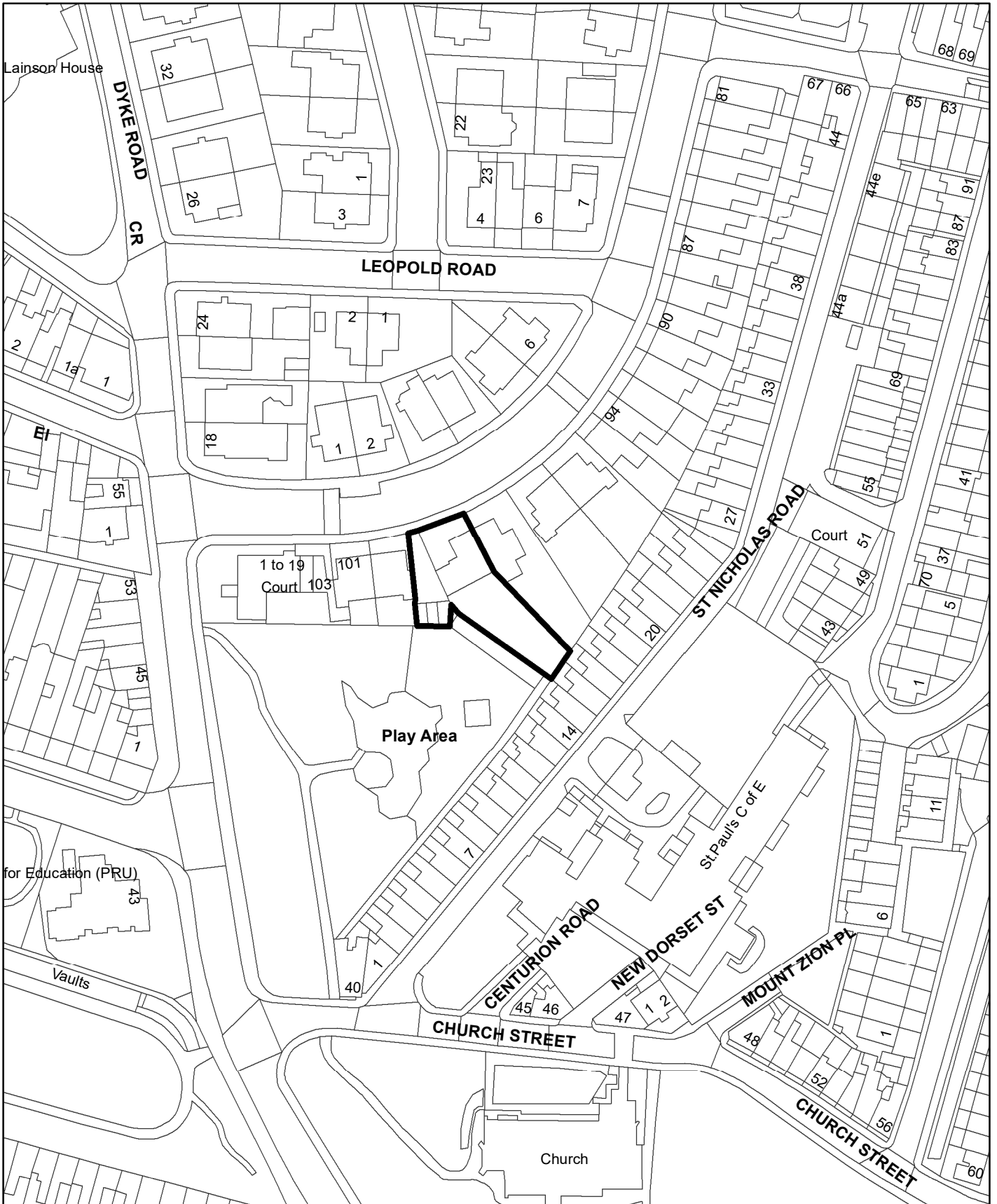
- 10.1. Section 149(1) of the Equality Act 2010 provides:
- 1) A public authority must, in the exercise of its functions, have due regard to the need to—
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of 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.

ITEM G

**Basement Flat, 99 Buckingham Road
BH2025/02255
Full Planning**

DATE OF COMMITTEE: 4th February 2026

BH2025/02255 - Basement Flat, 99 Buckingham Road



**Brighton & Hove
City Council**

N



Scale: 1:1,250

<u>No:</u>	BH2025/02255	<u>Ward:</u>	West Hill & North Laine Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Basement Flat 99 Buckingham Road Brighton BN1 3RB		
<u>Proposal:</u>	Erection of front porch extension, rear conservatory extension and single storey rear extension with associated works.		
<u>Officer:</u>	Helen Hobbs,	<u>Valid Date:</u>	30.10.2025
<u>Con Area:</u>	West Hill	<u>Expiry Date:</u>	25.12.2025
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Wang Dao Architecture Ltd Mocatta House Trafalgar Place Brighton BN1 4DU		
<u>Applicant:</u>	IPG Basement Flat 99 Buckingham Road Brighton BN1 3RB		

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	2313 PL21	B	30-Oct-25
Proposed Drawing	2313 PL23		12-Sep-25
Proposed Drawing	2313 PL25		12-Sep-25
Report/Statement	PEA		30-Dec-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 external finishes of the external walls 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, DM21 and DM26 of Brighton & Hove City Plan Part 2 and CP12 and CP15 of the Brighton & Hove City Plan Part One.

4. 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.

The development shall be carried out in accordance with a precautionary approach to ecology as outlined in the Preliminary Ecology Appraisal submitted on the 30 October 2025.

Reason: To minimise impact on ecology and 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.

5. Access to the flat roof over the extension hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.

Reason: In order to protect adjoining properties from overlooking and noise disturbance and to comply with Policies DM20 and DM21 of Brighton & Hove City Plan Part 2.

Informatives:

6. 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.
7. 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 relates a lower ground floor flat, within a five-storey semi-detached building, located on the southern side of Buckingham Road and within the West Hill Conservation Area. The site is subject to an Article 4 direction which removes householder permitted development rights.
- 2.2. The overall plot is larger than typical for the area and has an unconventional shape as it includes vehicle access to the side, which leads to a row of three garages set back from the road. The rear of the garages marks the boundary to St Nicholas playground to the south. Behind the main house at 99 Buckingham Road is a large residential garden; the rear garden boundary of the site forms the rear boundaries of residential properties in St Nicholas Road.
- 2.3. The southeastern part of the site falls marginally with an Archaeological Notification Area and adjoins a Nature Improvement Area in St Nicholas playground

3. RELEVANT HISTORY

- 3.1. **BH2025/02152** Erection of dwelling to rear with associated alterations. Under Consideration
- 3.2. **BH2025/02148** Erection of first floor side extension and replacement of existing garages to form 1no new dwelling (C3) with associated rear garden building. Under Consideration
- 3.3. **BH2010/02928** Proposed new porch to front of basement flat. Approved 11.03.2011
- 3.4. **BH2009/03051** Erection of conservatories at rear to ground and lower floor flats, creation of roof terrace to first floor flat above existing garage, removal of stairs to the rear of the building and relocated to the rear of the garden. Replacement of existing double doors to rear of ground floor flat with new windows. Approved 03.03.2010

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for the erection of a front porch extension, rear conservatory extension and single storey rear extension with associated works.

5. REPRESENTATIONS

- 5.1. **Eight (8)** letters of representation have been received from **seven (7)** interested parties objecting to the application for the following reasons:
- The land is adjacent to a formal burial ground
 - Impact on archaeology

- Impact on wildlife and ecology
- Light pollution
- Loss of green space
- Loss of privacy and overlooking
- Loss of light and overshadowing
- Noise and disturbance
- Maintenance issues for adjoining properties
- Impact on adjoining boundary walls and retaining walls
- Detrimental impact on conservation area and historic boundary walls
- Harmful impact on the adjoining play area
- Overdevelopment
- No pre-application consultation with neighbours
- Changes the garden boundaries to facilitate other applications
- Loss of trees
- Conflict and confusion when read with the other applications for the site

5.2. Full copies of the representations can be viewed on the planning register.

6. CONSULTATIONS

County Archaeologist No comments to make on this application

6.1. 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 2024);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
- Shoreham Harbour Joint Area Action Plan (JAAP) 2019.

8. RELEVANT POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One (CPP1)

SS1	Presumption in Favour of Sustainable Development
CP10	Biodiversity
CP12	Urban design
CP15	Heritage

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
DM22	Landscape Design and Trees
DM26	Conservation Areas
DM31	Archaeological Interest
DM37	Green Infrastructure and Nature Conservation

Supplementary Planning Documents

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

Other Documents

West Hill Conservation Area Character Statement

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the design and appearance of the proposed alterations and extensions and any impact on heritage assets and whether they would have a detrimental impact on neighbouring amenity. The impact of the proposal on biodiversity and any impact on the standard of accommodation also requires consideration.

Design and Heritage Considerations

- 9.2. 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.
- 9.3. Case law has held that the desirability of preserving or enhancing the character or appearance of a conservation area must be given "considerable importance and weight".
- 9.4. The application seeks consent for a porch extension to the lower ground floor flat. The lower ground floor flat is accessed from the street via steps down the western elevation of the property. The lower ground floor flat entrance door is located on the western elevation at lower ground floor level and would remain in this location. It is proposed that a new front door would be installed in the current location. This is considered to be an improved design to the current front door

- 9.5. The new porch structure would be located behind the existing ground floor front railing and replace the existing polycarbonate roof with a glazed roof of a similar design. This change in material is welcome. The roof would continue to provide covering to the basement steps. It may be visible in glimpses from public vantage points in Buckingham Road, however the visual impact on the street scene and wider West Hill Conservation Area would be negligible.
- 9.6. A new rendered wall is to be constructed alongside the basement steps to enclose the porch. The works are similar to those previously granted consent in 2010. Seen in context with the dominant elevations to the main property the works to form the porch are not considered visually dominant and would have an acceptable appearance. The two new windows in the western elevation are also acceptable in design and appearance.
- 9.7. The existing and proposed floor plans show a minor change to the positioning of the flank wall for the flat and the repositioning of the garden fence. This is the wall which runs along the access passage to the rear, A small change in the angle of the wall is proposed and this would allow for a slightly wider passageway. There is no objection to this in design terms.
- 9.8. With regard to the works proposed to the rear, the extension and conservatory are considered to be an acceptable scale and appearance. The conservatory would be a half-octagon form with a concave leaded roof. It would measure 6.05m in width, 3.25m in depth, and 3.57m in overall height, with an eaves height of 2.72m. The rear extension is proposed at 5.15m wide and 1.8m deep, matching the same eaves height of the conservatory. Collectively the development would create a notably sized structure, extending across the entire rear elevation, but it would not appear over-sized given the scale of the rear elevation of the building. It would also relate well to the bay window above. Due to the size of the garden, the works would not represent an overdevelopment of the site.
- 9.9. The materials for the extensions and alterations would be cream render for the walls, with windows and doors timber, painted white. The roof would be constructed in lead with rooflights incorporated. This approach is considered appropriate for this property which continues to have a strong architectural merit.
- 9.10. Overall, the proposal is sympathetic to the character of the main building and would not harm or obscure significant historical features. The proposed extensions are considered to be suitable additions to the building that would not harm its appearance or that of the wider area, in accordance with policies DM18 and DM21 of Brighton and Hove City Plan Part 2 and SPD12 guidance. The development would also preserve the historic character of the main building and would not impact the wider conservation area, in accordance with CP15 of the Brighton and Hove City Plan Part One and DM26 of the Brighton and Hove City Plan Part 2.

Impact on Amenity

- 9.11. In regard to privacy and overlooking, the works proposed in this application serve the lower ground floor flat and are single storey additions to the property. The works to form the porch also include two new windows on the western elevation at ground floor level. These would face on to the side access and boundary wall and would not impact neighbouring occupiers.
- 9.12. In regard to privacy and overlooking from the proposed rear extension. The glazing proposed would provide the occupiers of the ground floor flat with outlook over the existing garden. There would be no loss of privacy to neighbouring properties and no overlooking of garden boundaries. The roof lights proposed for the extension are shown as obscured glass and would allow light without impacting the privacy of neighbouring occupiers. Access to the flat roof would need to be restricted for maintenance only to prevent the space being used as an elevated terrace.
- 9.13. The conservatory would be constructed adjacent to the garden boundary of no. 98 Buckingham Road, which is the adjoining property to the east. It would rise higher than the existing garden wall, which would create some degree of enclosure. The combination of the height of the extension, together with the modest depth, would however ensure that any increased sense of enclosure would be minimal, and not considered so significant as to warrant refusal of the application. Similarly, any impacts on 98 Buckingham Road, in terms of loss of light or overshadowing, would be minimal due to the single storey nature of the rear extension. The development would not be visually intrusive.
- 9.14. The separation distances from the proposed extension to neighbouring properties at the rear is considered sufficient to prevent impact on any other properties.

Impact on boundaries walls and maintenance

- 9.15. Concerns have been received with regards to the impacts of the proposal upon the boundary wall. Although not fully explained in the representations received, it appears that most of the concerns around boundary walls relate to the impact of the proposed house at the rear of the site (ref: BH2025/02152), and not the development proposed in this application. The extension would be within the site boundaries and does not include the loss of the wall. The practicalities of the construction are not considered within an application for planning permission. Such details and reassurances between landowners can be made under the Party Wall Act. Given the modest depth of the extension, should any interference with the wall occur, it would only be to a small proportion of its length and would not have a significant impact of the historic character of the site, or its neighbour.
- 9.16. Issues in relation to foundations, and in relations to future maintenance are not material planning considerations.

Standard of accommodation

- 9.17. The proposed extensions would increase the gross internal floor area of the existing flat from 104 sqm to 135 sqm. The layout of the flat would be modified and increase the accommodation from a two-bedroom flat to a three-bedroom

flat. The double bedroom will provide 23.7 sqm of floor space, while the two single bedrooms will measure 10.5 sqm and 9.3 sqm respectively.

- 9.18. The newly formed small bedroom to the front of the plan form would only be served by a light well and therefore would have severely restricted natural light, ventilation and outlook. However, it is noted this would be the smallest bedroom in the property, and the remaining two bedrooms in the flat would offer a good standard of bedroom accommodation. The proposed extensions would improve the standard of accommodation for the flat overall. It is considered, on balance, that the proposed layout is acceptable.
- 9.19. It is noted that the separate planning applications for the site include development in the existing garden area. This application does not seek to formally subdivide the plot. Despite the rear extension, a good sized rear garden would remain. No conflict with the National Described Space Standards or policy DM1 has been identified.

Impact on Trees

- 9.20. The development site benefits from mature planting to the rear. This would be largely unaffected by the development proposed in this application. This application has not been accompanied by Tree Survey, however there is one submitted for the separate planning application for a new house at the rear (application reference BH2025/02152). Looking at this document, it can be established that a Bay Tree would be lost on the eastern boundary to facilitate the extension, and the development would also be close to a Chinese Privet. Whilst loss of vegetation is regrettable, the retention of these specimens under a Tree Preservation Order would not be justified.

Impact on Ecology and Biodiversity

- 9.21. The development would result in a minor increase in the footprint of the property. This being from the existing rear elevation, representing a minor incursion into the existing garden. A wildlife assessment and a Preliminary Ecology Appraisal (PEA) have been included in this application. Given that the extent of the works proposed under this application relate to a modest extension from the existing property, the Ecologist has not responded on the application.
- 9.22. The wildlife assessment and PEA highlight some potential impacts from development on site, however it is not specific to the works within this application. Potential impacts for bats, nesting birds, badgers and insects and amphibians are noted. A fox den is also noted towards the rear of the site. However, reviewing the PEA and site characteristics, many of the observations are considered more relevant to the development proposed in the garden of the property than for this specific application for extensions. Nevertheless, the PEA does set out some recommendations for a precautionary approach to development on site and to ensure any impact on local wildlife is minimised. In the interests of best practice, the recommendations of the PEA shall be secured by condition.

- 9.23. The Council has adopted the practice of securing minor design alterations to schemes with the aim of encouraging the biodiversity of a site, particularly with regards to protected species such as bees and swifts. A condition requiring the installation of a bee brick is attached to achieve a net gain in biodiversity and generally improve ecology outcomes on the site in accordance with the Policy CP10 of the Brighton & Hove City Plan Part One, Policy DM37 of the Brighton & Hove City Plan Part Two and SPD11 Nature Conservation and Development.

Impact on Archaeology

- 9.24. The County Archaeologist was consulted on the application and has not made a comment. The works proposed under this application have a minor footprint extending out from the main building. The works would not extend into the designated Archaeological Notification Area.
- 9.25. Comments made in relation to burial grounds associated with St Nicholas Church are noted, however not considered an issue for this application due to the large separation distances involved.

Highways and Transport Considerations

- 9.26. The proposed development would extend an existing residential unit. There would be no change to vehicle access or significant increase in movements associated with the works. The works are not considered to impact the local highway network.

Other matters raised in representations

- 9.27. The representations made on this application have been fully considered. It is noted that many concerns relate to the other planning applications for the site, however there are some overlapping and interconnected issues which require attention.
- 9.28. Although not stated in this application, the proposed alterations to the positioning of the western flank wall, and the proposed change to the garden fence of the lower ground floor flat, clearly relate to the proposed development in the garden of the property. The acceptability of the development in the garden is to be considered in a separate application. Representations on this application identifies potential amenity conflicts if this side access, with the new windows, is used for access to a separate unit of accommodation. This is a reasonable concern but not a reason for withholding consent for this application. Furthermore, an approval for the works to the lower ground floor under this application would not prejudice the outcome of the other planning applications on the site which would need to be assessed on their merits.
- 9.29. Moreover, despite changes to the garden fencing, this application is not for a subdivision of the plot, and the approval of changes to the garden fencing does not impact the assessment of future applications on the site.
- 9.30. It is not appropriate to assess the visual impact of this development cumulatively with the other proposals which are not up for determination at the time of writing this report. Should this application be approved, the approved

development would be a material consideration for the other proposals for the site.

- 9.31. Noise and disturbance through construction is not a material impact for this householder planning application. The works are not considered to result in a loss of green space or impact the play area to the rear of the site. Loss of property value is not a material consideration for this type of planning application.

Biodiversity Net Gain

- 9.32. 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. CONCLUSION

- 10.1. This application is linked to additional development proposals for the site, however the application is not facilitated by works proposed in the separate applications, and can be considered on its merits as a household planning application. That said, where overlap with the other developments have occurred, it is important to note that an approval of this application would not prejudice the outcome for other applications on the site.
- 10.2. The proposed extension would not significantly harm the residential amenities of existing occupiers within the site, or those adjoining the site. The development is considered satisfactory in design and would not harm the historic character of the historic building or impact the historic character or appearance of the West Hill Conservation Area. The works would extend an existing flat and provide an acceptable standard of accommodation.

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.

12. COMMUNITY INFRASTRUCTURE LEVY

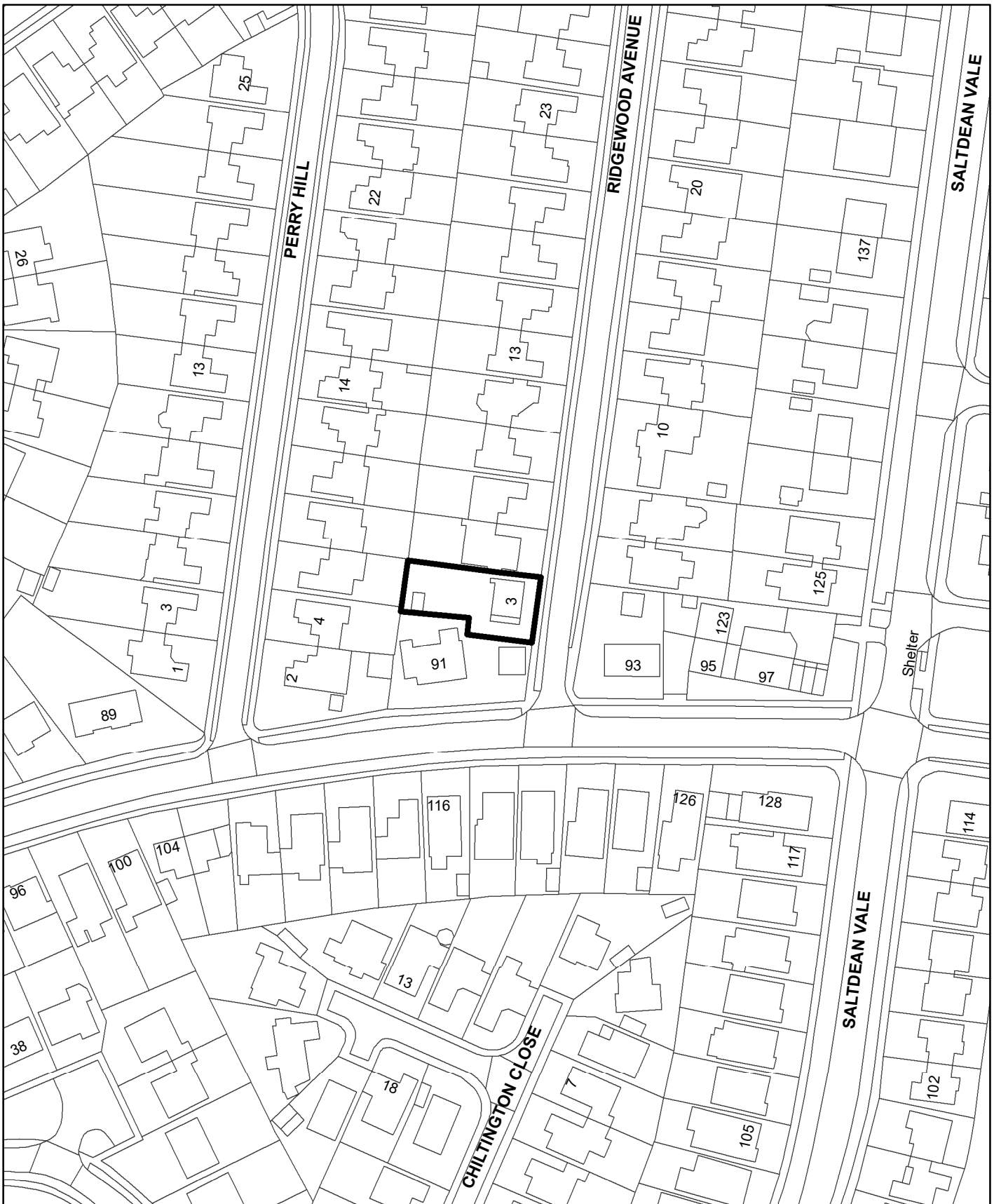
- 12.1. Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23 July 2020 and began charging on all CIL liable planning applications on and from the 5 October 2020. The exact amount will be confirmed in the CIL liability notice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

ITEM H

**3 Ridgewood Avenue, Saltdean
BH2025/02114
Householder Planning Consent**

DATE OF COMMITTEE: 4th February 2026

BH2025/02114 - 3 Ridgewood Avenue



**Brighton & Hove
City Council**

N



Scale: 1:1,250

<u>No:</u>	BH2025/02114	<u>Ward:</u>	Rottingdean & West Saltdean Ward
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	3 Ridgewood Avenue Saltdean Brighton BN2 8HH		
<u>Proposal:</u>	Erection of single storey rear extension, roof alterations/extensions including hip-to-gable extensions, raising the ridge height and front and rear dormers, and landscaping to the rear.		
<u>Officer:</u>	Steven Dover,	<u>Valid Date:</u>	19.09.2025
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	14.11.2025
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	14.01.2026
<u>Agent:</u>			
<u>Applicant:</u>	Mr Lloyd Baylis 3 Ridgewood Avenue Saltdean Brighton BN2 8HH		

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
Block Plan	RIDG_01(PR)-00/09		20-Nov-25
Proposed Drawing	RIDG_01(PR)-01/09	Rev 01	20-Nov-25
Proposed Drawing	RIDG_01(PR)-02/09		20-Nov-25
Proposed Drawing	RIDG_01(PR)-03/09		20-Nov-25
Proposed Drawing	RIDG_01(PR)-04/09		20-Nov-25
Proposed Drawing	RIDG_01(PR)-05/09		20-Nov-25
Proposed Drawing	RIDG_01(PR)-06/09		20-Nov-25
Proposed Drawing	RIDG_01(PR)-07/09		20-Nov-25
Proposed Drawing	RIDG_01(PR)-08/09		20-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. Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the

retained trees in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be implemented in strict accordance with the approved details.

Reason: As this matter is fundamental to protecting 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 of the Brighton & Hove City Plan Part One and SPD06:Trees and Development Sites.

4. The development hereby permitted shall incorporate at least 3 (three) swift bricks within the external walls of the development 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.

5. The ground floor rear extension hereby permitted shall not be first 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.

6. 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

7. Access to the flat roof over the extension hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.

Reason: In order to protect adjoining properties from overlooking and noise disturbance and to comply with Policies DM20 and DM21 of Brighton & Hove City Plan Part 2.

8. No tree shown on the approved drawing RIDG_01(PR)-00/09 that is shown as retained 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.

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 and preferably adjacent to pollinator friendly plants.
3. Swift bricks/boxes can be placed on any elevation, but ideally under shade-casting eaves. They should be installed in groups of at least three, at a height of approximately 5 metres above ground level, and preferably with a 5m clearance between the host building and other buildings or obstructions. Where possible avoid siting them above windows or doors. Swift bricks should be used unless these are not practical due to the nature of construction, in which case alternative designs of suitable swift boxes should be provided in their place where appropriate.
4. The applicant should be aware that the site may be in a radon affected area. If the probability of exceeding the Action level is 3% or more in England and Wales, basic preventative measures are required in new houses, extensions, conversions and refurbishments (BRE2011). Radon protection requirements should be agreed with Building Control. More information on radon levels is available at <https://www.ukradon.org/information/ukmaps>
5. Where asbestos is found/suspected on site, it will fall under the Control of Asbestos Regulations 2012, overseen by the Health and Safety Executive. Further information can be found here: HSE: Asbestos - health and safety in the workplace

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 a detached bungalow located on the western side of Ridgewood Avenue in Saltdean. The property as existing, has a hipped roof, with a modest side pitched roof side extension. Off street parking is provided with a concrete front driveway. The property is finished in a brown pebble dash render and white timber casement fenestration, with red/brown tiles to the roof.
- 2.2. The southern end of Ridgewood Avenue, in which this building sits, is characterised by a lack of uniformity in the design, style, and scale of properties. Moving north from the site, there is more uniformity, with very similar plots and comparable hipped roof designed bungalows. Of note is that to the south is the recently constructed one bedroom bungalow 91A Lustrells Crescent. This has a small rear garden area and is sited with the rear elevation in close proximity facing towards the southern boundary of 3 Ridgewood Avenue and the side elevation. A circa 1.8m high close board fence separates the plots on the shared boundary.
- 2.3. The site is not located in a conservation area or subject to any article 4 directions regarding extensions or alterations.

3. RELEVANT HISTORY

- 3.1. None identified for the application site.

4. APPLICATION DESCRIPTION

- 4.1. The application seeks permission for the erection of single storey rear extension, roof alterations including hip-to-gable extensions, raising the ridge height and front and rear dormers, with landscaping changes to the rear. The works would alter the appearance with complete removal of the hipped roof, and new gables created to the sides, and extending the footprint significantly to the rear.
- 4.2. The plans have been amended during the course of the application to reduce the bulk and massing of the development, reduce the size of the front dormers to improve the appearance, and remove the side extension in order to

minimize adverse amenity impacts to neighbouring properties. Due to a reduction in the overall size, the application has not been readvertised.

5. REPRESENTATIONS

5.1. **Seven (7)** comments (including repeat comments) have been received from **five (5)** different interested parties objecting to the proposed development on the following grounds:

- Poor design
- Loss of vegetation and wildlife
- Overdevelopment
- Height
- Overshadowing
- Out of character with area
- Insufficient parking

6. CONSULTATIONS

6.1. **Arboriculture:** Verbal Comment No objection subject to condition. There should be sufficient distance to retain the tree at the rear. A fair amount of vegetation clearance has already taken place. Please condition a Tree Protection Plan prior to works.

6.2. 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 (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).
- West Saltdean Neighbourhood Plan

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
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
DM22	Landscape Design and Trees
DM33	Safe, Sustainable and Active Travel
DM37	Green Infrastructure and Nature Conservation

Supplementary Planning Document:

SPD06	Trees and Development Sites
SPD11	Nature Conservation & Development
SPD12	Design Guide for Extensions and Alterations
SPD14	Parking Standards
SPD17	Urban Design Framework

West Saltdean Neighbourhood Plan:

WS1	Achieving High Quality Design
WS8	Renewable Energy and Low Carbon Technology (LCT) Projects including Community Energy Scheme

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the design and appearance of the proposal and the impact upon residential amenity.

Design and Appearance:

- 9.2. This remodelling would require the complete removal of the existing hipped roof, and its replacement with a new dual gable ended roof scape. New twin dual pitched dormers would be provided to the front roofslope and a wide box dormer to the rear. An extensive single storey extension would be located to the rear and integrate with the existing floorspace and revised roof.
- 9.3. The current building is in poor condition and finished with brown pebble dash render to the elevations, with brown plain tiles to the roof areas. The current fenestration is white timber windows and timber doors. The proposed complete remodelling would see the use off-white render to the elevations, Cedar shingle tiles to the pitched roof areas, and anthracite powder coated

aluminium windows and doors are proposed (painted timber to front door). The dormer faces would have a clapboard off white finish to match the colour of the render but contrast with the cedar tiles of the pitched roof and dormers. This would overall create a contemporary appearance.

- 9.4. The proposed remodelling would raise the ridge height of the property, by circa 0.25m, and also the eaves. In the context of the existing building, which is already higher than the neighbours, and the proposed design this is considered in proportion and acceptable. A plan has been submitted showing the OS Datum height of the increased ridge and a comparison with the neighbouring properties to show the relationship is correct, reflecting the actual land levels.
- 9.5. SPD12 states that:
"Additional storeys or raised roofs may be permitted on detached properties where they respect the scale, continuity, roofline and general appearance of the streetscene, including its topography."
- 9.6. The proposed works increase the size, bulk and massing over the existing property, and are designed to accommodate the desired design and internal space but also complement the host property. The additional depth and height would be visible in views along Ridgewood Avenue, due to the building siting forward of the adjoining properties. However, it is considered that the proposed remodelled building, when viewed from the street, would not visually overpower the adjoining properties and would bring interest to the host property and wider streetscene. It is recognised that it would substantially increase floorspace over the existing design, but it is not considered to create harm to the surrounding area, due the existing siting, depth of plot and the varied designs at this end of the avenue.
- 9.7. The principle of roof alterations is acceptable, and the current design does not bring any significant harm in the context of the streetscene, which has no overriding vernacular that must be adhered too at this end of the road, and is not within a conservation area. The rear dormer is large but mainly conforms to the guidance of SPD12 in that it would be set down, up and in form the roof edges, and as it would be located at the rear would not be highly visible in the public realm - the harm is therefore limited.
- 9.8. During the course of the application, amendments were received reducing the size of the front dormers and now considered to be positioned subserviently in the front roofslope. It is recognised that front dormers are not a feature of the other bungalows in the road, but as this property is currently different in design to the other dwellings they are considered acceptable in this exceptional case.
- 9.9. It is also noted that a similar form of gable roof design and rear dormer, albeit with no raising of the ridge or front dormers, could be achieved through the use of householder permitted development rights.

9.10. The proposed elevation materials are not considered harmful to the host property and wider area, although differing in style (windows finish and roof tiles) from that on the majority of properties in the road.

9.11. The extensions and alterations are considered to be suitable additions to the building that would improve its appearance and not bring significant harm to that of the wider area, in accordance with policies DM18 and DM21 of the Brighton and Hove City Plan Part 2 and SPD12 guidance.

Standard of accommodation:

9.12. The proposal would increase the ground floor area and create a large combined open plan living area, which would significantly increase floorspace over the current separate kitchen and lounge, with a new ground floor of circa 131sqm, over the existing circa 61sqm. The two existing ground floor bedrooms are retained which is acceptable. In the new roof space two new further bedrooms are created, with a separate shower room and W/C. Both of these bedrooms would be in excess of 11.5sqm and therefore meet the space standards required for a double bedroom under DM1 and the NDSS. Again, these are acceptable in size and layout, improving the flexibility of the property and making better use of the plot. The overall size of the remodelled property would be circa 180sqm of floorspace internally, and create a 4 bedroom, 7 person dwelling over two storeys, which according to DM1 would need achieve a minimum floorspace of 115sqm. The development would substantially exceed this criteria, with a standard of accommodation and layout that would benefit existing and future occupiers.

9.13. The proposal would overall improve the internal standard of accommodation and is in accordance with policy DM1 of the Brighton and Hove City Plan Part Two.

Impact on Residential Amenity:

9.14. A recent officer site visit has been conducted, which included internal and external access to the application property.

9.15. The form of the works extending to the side and rear would lead to some detrimental effects to the neighbouring properties. The impact of the increased height and bulk of the gable ends would increase the overbearing and overshadowing to No.5 Ridgewood Avenue to the north, but this would be mainly limited to the side access area and side elevation of the property. The rear single storey extensions would not extend past the rear of this neighbouring property. The setting back from the boundaries and shallow pitched roof forms of the proposed extension, with the majority of works being adjacent to side elevations of No.5, mean the level of harm is not considered so substantial that refusal on this element is warranted.

9.16. It is acknowledged that development would reduce the sky views from the southern side windows of No.5 with a loss of daylight, but the outlook would not be significantly diminished, and is currently only relatively open due to the lack of high boundary fence. The applicant could erect a close board fence under permitted development rights which would have comparable effects.

- 9.17. The impacts are not assessed as significantly harmful, and the degree of overshadowing and overbearing is limited. The windows on the southern elevation of the ground floor of No.5 will lose some views to the south, but the outlook that remains is considered acceptable.
- 9.18. The proposed development is not considered to cause any significant levels of overshadowing or overbearing effects to other surrounding properties, due the setting back from rear and southern boundaries (the side extension originally proposed is now removed).
- 9.19. The impact of overlooking from the rear first floor dormer, is considered acceptable, as a high degree of mutual overlooking already exists from the surrounding properties, especially as those to the rear are at a higher elevation, some with rear dormers. The other new proposed windows at the rear are located at ground level and are not considered to cause any significant harm. The front roofslope dormers would be looking over the front garden areas and the public highway towards opposing development and would cause little, if any harm, to neighbouring amenity due to the high levels of existing mutual overlooking at ground floor for properties on the Avenue, which would remain.
- 9.20. The rear alterations to the amenity space would create a new patio area extending to the side and rear of the extension. This would involve the regrading of the existing land which slopes upwards from the house, by removing soil and lowering to create a level surface. The remainder of the garden to the rear would retain the existing gradient, with a retaining wall, and accessed by new central steps from the patio. This design is considered acceptable as the existing land levels are largely comparable or lowered and therefore the amenity impacts any overlooking are not increased through use of the amenity space.
- 9.21. As stated earlier, an officer site visit has been undertaken and the impacts of the proposed development on the adjacent properties has been fully considered in terms of daylight, sunlight, outlook, and privacy and it is considered that the proposed extensions and works would not cause significant harm to amenity, in accordance with Policy DM20 of Brighton and Hove City Plan Part Two.

Arboriculture

- 9.22. The works would take place in proximity to a tree on the southern boundary, and existing trees and shrubs to the front are being removed as part of the proposal. The Arboriculture Officer has no objection to the removal of the front trees and shrubs, and in relation to the remaining trees on the boundary at side and rear, a condition would be attached to ensure they are protected prior to any works commencing.

Other Matters

- 9.23. It has been raised in objections that the proposed development has too little parking provision. The existing crossover and parking to the southern side

would remain and as no new dwelling is being created it is considered reasonable that this situation remains. Cycle parking would be secured by condition.

- 9.24. Representation has also been made that the development would in fact be used as two flats. The application is for extension of an existing dwelling and that is what would be approved planning permission. In the event that the applicant, or any future owner, wished to use the property as two separate dwellings (flats) they would need to apply for planning permission, and have it approved, for that use to be lawful.

Climate Change/Biodiversity

- 9.25. The proposed works would modernise and increase the flexibility of an existing property and its energy efficiency. The Council has adopted the practice of securing minor design alterations to schemes with the aim of encouraging the biodiversity of a site, particularly with regards to protected species such as bumblebees and swifts. A suitably worded condition will be attached to secure an appropriate number of swift bricks and a bee brick within the proposal in order to help meet the requirements of policies CP10 of the CPP1 and DM37 of the CPP2 as well as SPD11.

Biodiversity Net Gain

- 9.26. 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 development is considered to be of an acceptable design and appearance and would not cause significant harm to the character and appearance of the area, and would bring significant visual improvements to the host property. It is not considered to result in any significant harm to neighbouring amenity, transport or biodiversity and would provide a good standard of accommodation for existing and future occupants. Approval is therefore recommended subject to conditions as set out above.

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

12. COMMUNITY INFRASTRUCTURE LEVY

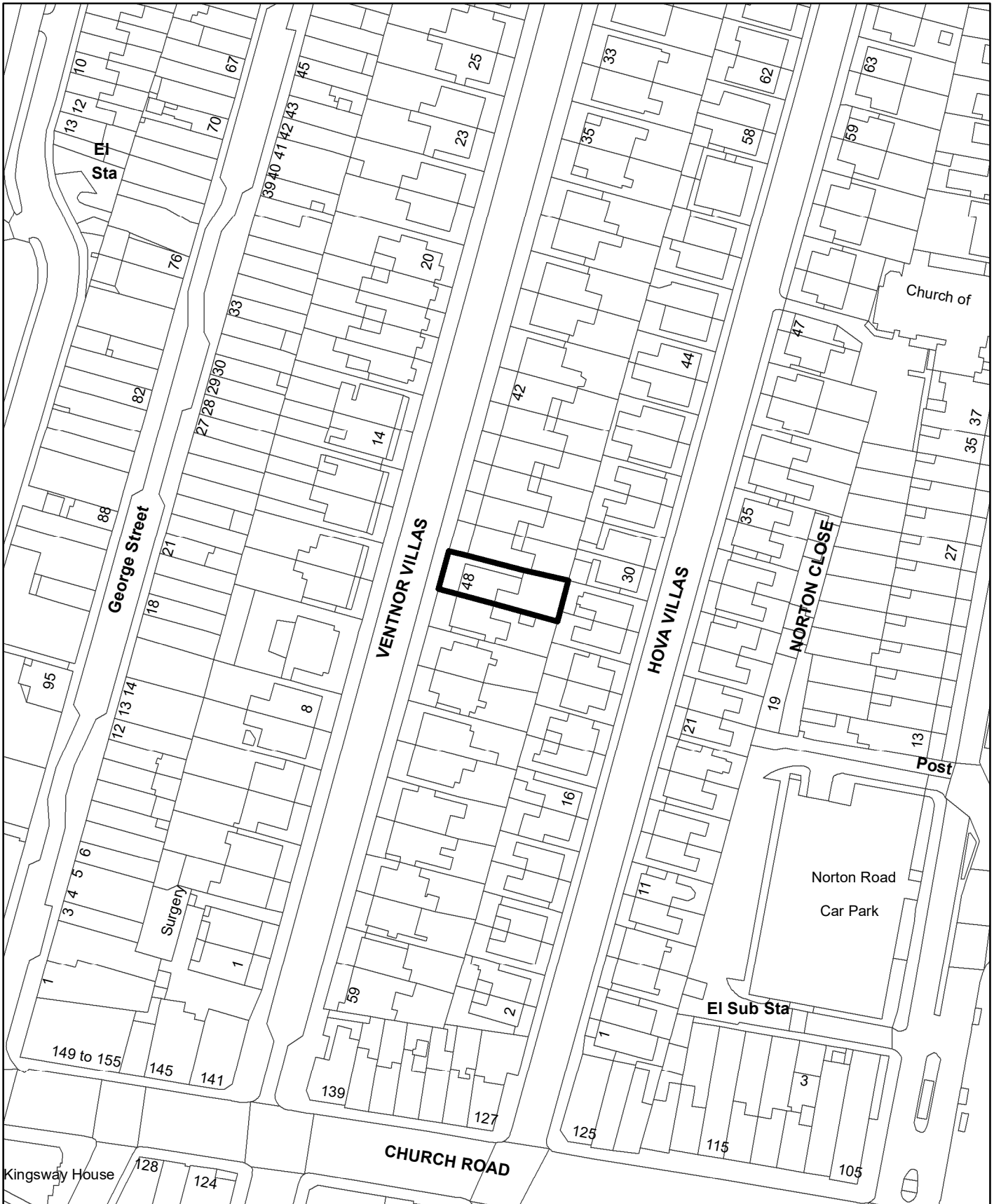
- 12.1. Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23 July 2020 and began charging on all CIL liable planning applications on and from the 5 October 2020. The exact amount will be confirmed in the CIL liability notice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

ITEM I

**48B Ventnor Villas
BH2025/02302
Full Planning**

DATE OF COMMITTEE: 4th February 2026

BH2025 02302 - 48B Ventnor Villas



**Brighton & Hove
City Council**



N

Scale: 1:1,250

<u>No:</u>	BH2025/02302	<u>Ward:</u>	Central Hove Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	48B Ventnor Villas Hove BN3 3DB		
<u>Proposal:</u>	Erection of a single-storey outbuilding at the rear of garden.		
<u>Officer:</u>	Charlie Partridge, tel: 292193	<u>Valid Date:</u>	28.10.2025
<u>Con Area:</u>	Cliftonville	<u>Expiry Date:</u>	23.12.2025
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	11.02.2026
<u>Agent:</u>	Triptych PD Ltd Platf9rm Hove Town Hall Church Road Hove BN3 2AF United Kingdom		
<u>Applicant:</u>	G Mabon 48B Ventnor Villas Hove Brighton & Hove BN3 3DB		

1. RECOMMENDATION

- 1.1. **GRANT** planning permission, subject to the following conditions and informatives:

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Location Plan			16-Sep-25
Block Plan			16-Sep-25
Proposed Drawing	01		16-Sep-25
Proposed Drawing	02		16-Sep-25
Proposed Drawing	03		16-Sep-25
Proposed Drawing	04		16-Sep-25
Proposed Drawing	05		16-Sep-25
Proposed Drawing	06		16-Sep-25

- 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.

- The outbuilding (home office) hereby approved shall only be used for purposes incidental to the main dwelling.

Reason: To ensure the use of the development hereby permitted is appropriate for its location and does not unduly impact on the amenity of neighbours, in accordance with Policy DM20 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.

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 the lower ground floor flat of a two storey above basement semi-detached building on the east side of Ventnor Villas. The rear garden is privately owned by the lower ground floor flat and is not accessible to other flats within the building. The site is within the Cliftonville Conservation Area and is subject to The Avenues Article 4 Direction.

3. RELEVANT HISTORY

- 3.1. No relevant history

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for the erection of a single-storey outbuilding in the southeast corner of the rear garden of 48B Ventnor Villas.
- 4.2. During the course of determining the application, the description was amended to refer to the structure as an 'outbuilding' rather than an 'annex' to more accurately reflect the use of the building. The outbuilding is to be used as an office incidental to the flat.
- 4.3. The visible external walls of the outbuilding (north and west elevations) would be finished in cedar cladding, and the other two walls would be finished in

anthracite polymer-coated steel panelled cladding. The outbuilding would have an EPDM rubber flat roof. The fenestration would be grey uPVC framed.

5. REPRESENTATIONS

5.1. **Five (5)** letters have been received objecting to the proposed development for the following reasons:

- Adverse effect on listed building
- Adversely effects conservation area
- Detrimental effect on property value
- Loss of privacy/overlooking
- Noise
- Overshadowing
- Restriction of view
- Too close to the boundary
- Loss of outlook
- Loss of light
- Increased sense of enclosure
- Loss of openness
- Overdevelopment
- Loss of green space
- Uncertainty over intended purpose and future use/intensity
- Impact on character
- Potential use as short term let or independent dwelling
- Overbearing impact
- May set precedent for similar structures
- Poor design
- Inappropriate location

6. CONSULTATIONS

None

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
CP12	Urban design
CP15	Heritage

Brighton & Hove City Plan Part Two:

DM18	High quality design and places
DM20	Protection of Amenity
DM21	Extensions and alterations
DM26	Conservation Areas

Supplementary Planning Documents:

SPD12	Design Guide for Extensions and Alterations
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9. **CONSIDERATIONS & ASSESSMENT**

- 9.1. The main considerations in the determination of this application relate to the design and appearance of the proposed outbuilding and whether it would have a detrimental impact on neighbouring amenity or on the character or appearance of the Cliftonville Conservation Area.

- 9.2. A site visit was undertaken to assess the proposal.

Principle of Development:

- 9.3. Clear dependency to the main dwelling is maintained as the outbuilding would be accessed via the garden of 48B Ventnor Villas and it would not have the facilities to be used as separate accommodation. The outbuilding would be used as an office incidental to the enjoyment of the main dwelling. A condition would be added to any planning consent to ensure incidental use.

Design and Appearance, including Impact on Heritage Features

- 9.4. 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.
- 9.5. 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".
- 9.6. The outbuilding would be situated at the very rear of the rear garden in the southeast corner. It would have a flat roof at a height of 2.5m and would measure

3.0m in width and 4.0m in length. It would be of an appropriate scale in relation to its surroundings and would not appear cramped within the plot. Although it would project above both adjacent boundary treatments, its height and footprint would not be excessive, so it is not expected to appear significantly visually dominant.

- 9.7. The visible external walls of the outbuilding (north and west elevations) would be finished in cedar cladding, and the other two walls would be finished in anthracite polymer-coated steel panelled cladding. The outbuilding would have an EPDM rubber flat roof. The fenestration would be grey uPVC framed. The cedar cladding is considered appropriate for an outbuilding within a rear garden.
- 9.8. Due to its location at the rear of the garden, the outbuilding would not be visible from the public realm, so its impact on the character and appearance of the conservation area would be negligible.

Impact on Amenity:

- 9.9. The outbuilding would be sited at the end of the rear garden, in the furthest possible location away from neighbouring houses within the confines of the curtilage of the site. Because of this, it is not considered to result in any significant impacts relating to overshadowing or loss of light. It would also be situated approximately 6.0m away from the rear elevation of the rear outrigger of the building, so would be sited a sufficient distance away from the other flats as to not result in any overshadowing or loss of light to these dwellings.
- 9.10. The eaves of the outbuilding would project above both the adjacent neighbouring boundary treatments. However, given the reasonably scaled height, footprint and distance from the houses and flats within the host building, is not considered to appear overbearing to any of the adjoining neighbours.
- 9.11. The front of the outbuilding would face the northern boundary and would feature full height glazed bi-folding doors. The west side of the outbuilding would have a full height glazed panel facing towards the host building. This, however, is not considered to result in any significant additional privacy impacts as direct views would be into the application property itself, No.48B Ventnor Villas.

Biodiversity Net Gain

- 9.12. 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.

Other Matters including those raised in representations:

- 9.13. Noise has been cited as a reason for objection in representations received. However, the outbuilding is to be used as an office incidental to the main dwelling, so is not expected to result in a significant increase in noise. Impact on listed buildings has been listed as another reason for objection, but there are no listed buildings in the vicinity of the site. Loss of property value and restriction of view have also been listed as reasons for objections, but these do not form material planning considerations and cannot be taken into account when

determining this application. The potential for the outbuilding to be used as a separate unit of accommodation or as a short-term holiday let has been raised in objections. As mentioned in a previous section of this report, dependency on the main dwelling is maintained and the outbuilding does not appear to have the facilities to be used as separate accommodation. In addition, a condition would be added to ensure incidental use.

10. CONCLUSION

- 10.1. In summary, the proposed outbuilding would be appropriately designed and scaled, is not considered to have a significant impact on neighbouring amenity and would be used for purposes incidental to the main dwelling. The proposal would therefore not conflict with policies in the Brighton & Hove City Plan Part One or Two.

11. EQUALITIES

- 11.1. Section 149(1) of the Equality Act 2010 provides:
- 1) A public authority must, in the exercise of its functions, have due regard to the need to—
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 11.2. Officers considered the information provided by the applicant, together with the responses from consultees (and any representations made by third parties) and determined that the proposal would not give rise to unacceptable material impact on individuals or identifiable groups with protected characteristics.

PLANNING COMMITTEE

Agenda Item 172

Brighton & Hove City Council

NEW APPEALS RECEIVED BETWEEN

11/11/2025 - 03/12/2025

Ward	Rottingdean & West Saltdean
Appeal Ref	APL2025/00080
Appeal App Number	BH2025/01440
Address	Ground Floor Rear 2 - 3 Saltdean Park Road Saltdean Brighton BN2 8SN
Development Description	Certificate of lawfulness for existing use as workshop and ancillary storage (Class E(c)(iii)).
Application Status	APPEAL IN PROGRESS
Appeal Received Date	11/11/2025
Application Decision Level	Delegated

Ward	Queen's Park
Appeal Ref	APL2025/00082
Appeal App Number	BH2024/03108
Address	136 Freshfield Road Brighton BN2 0BR
Development Description	Change of use and conversion of vacant public house incorporating erection of three storey extension and associated works to create 3no two-bedroom flats (C3) with office space (Class E) and Café (Class E).(Part retrospective).
Application Status	APPEAL ALLOWED
Appeal Received Date	13/11/2025
Application Decision Level	Delegated

Ward	Moulsecoomb & Bevendean
Appeal Ref	APL2025/00084
Appeal App Number	BH2025/00800
Address	47 Upper Bevendean Avenue Brighton BN2 4FG
Development Description	Change of use from small house (occupation between 3-6 individuals) in multiple occupation (C4) to large eight-person house in multiple occupation (Sui Generis) including erection of single storey rear extension and roof extension including rear dormer.
Application Status	APPEAL ALLOWED
Appeal Received Date	28/11/2025
Application Decision Level	Delegated

Ward	Hangleton & Knoll
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Appeal Ref	APL2025/00087
Appeal App Number	BH2025/02069
Address	287 Hangleton Road Hove BN3 7LR
Development Description	Erection of 2no. hip to gable roof extensions, and front and rear dormers.
Application Status	APPEAL IN PROGRESS
Appeal Received Date	09/12/2025
Application Decision Level	Delegated

Ward	Coldean & Stanmer
Appeal Ref	APL2025/00083
Appeal App Number	BH2025/01236
Address	Fairhaven 17 Park Road Brighton BN1 9AA
Development Description	Erection of single storey rear extension and increase from seven to eight bedrooms at a large house in multiple occupation (Sui Generis).
Application Status	APPEAL ALLOWED
Appeal Received Date	14/11/2025
Application Decision Level	Delegated

Ward	Whitehawk & Marina
Appeal Ref	APL2025/00085
Appeal App Number	BH2025/01123
Address	Site of Former Electricity Sub Station Lions Court Manor Gardens Brighton
Development Description	Erection of three storey residential block to provide 6no flats (C3).
Application Status	APPEAL IN PROGRESS
Appeal Received Date	28/11/2025
Application Decision Level	Delegated

Ward	Brunswick & Adelaide
Appeal Ref	APL2025/00081
Appeal App Number	BH2024/02465
Address	Flat 3 Brunswick Lodge 37 - 38 Brunswick Road Hove BN3 1DH
Development Description	Replacement of single glazed timber framed doors to rear with double glazed aluminium framed doors. (retrospective)
Application Status	APPEAL IN PROGRESS
Appeal Received Date	12/11/2025
Application Decision Level	Delegated

Ward	Round Hill
Appeal Ref	APL2025/00086
Appeal App Number	BH2024/01841
Address	9 Park Crescent Brighton BN2 3HA

Development Description	Replacement of single glazing with slim double glazing in existing frames and the addition of glass in boxing around internal stairs.
Application Status	APPEAL IN PROGRESS
Appeal Received Date	03/12/2025
Application Decision Level	Delegated
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PLANNING COMMITTEE

Agenda Item 174

Brighton & Hove City Council

APPEAL DECISIONS FOR THE PERIOD BETWEEN

19/11/2025 - 20/01/2026

Ward	Coldean & Stanmer
Appeal Application Number	APL2025/00083
Address	Fairhaven 17 Park Road Brighton BN1 9AA
Development Description	Erection of single storey rear extension and increase from seven to eight bedrooms at a large house in multiple occupation (Sui Generis).
Appeal Type	Against Refusal
Appeal Decision	Appeal Allowed
Planning Application Number	BH2025/01236
Application Decision Level	Delegated
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Ward	Hangleton & Knoll
Appeal Application Number	APL2025/00051
Address	114 Sunninghill Avenue Hove BN3 8JA
Development Description	Retrospective application for the erection of single storey side extension, roof alterations (incorporating hip to gable roof extensions, front rooflights, side windows and rear dormer) and associated works to facilitate sub-division of property into 2no dwellings (C3).
Appeal Type	Against Refusal
Appeal Decision	Appeal Dismissed
Planning Application Number	BH2024/01886
Application Decision Level	Delegated
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Ward	Hollingdean & Fiveways
Appeal Application Number	APL2025/00058
Address	269 Preston Drove Brighton BN1 6FL
Development Description	Installation of new shopfront formed online of concrete plinth, new ramp and handrails formed, shopfront sprayed traffic grey RAL 7043, new timber compound to side elevation for trolley storage.
Appeal Type	Against Refusal

Appeal Decision	Appeal Dismissed
Planning Application Number	BH2025/00627
Application Decision Level	Delegated
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Ward	Moulsecoomb & Bevendean
Appeal Application Number	APL2025/00084
Address	47 Upper Bevendean Avenue Brighton BN2 4FG
Development Description	Change of use from small house (occupation between 3-6 individuals) in multiple occupation (C4) to large eight-person house in multiple occupation (Sui Generis) including erection of single storey rear extension and roof extension including rear dormer.
Appeal Type	Against Refusal
Appeal Decision	Appeal Allowed
Planning Application Number	BH2025/00800
Application Decision Level	Delegated
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Ward	North Portslade
Appeal Application Number	APL2025/00078
Address	Garages to the Rear of 14 - 28 Broomfield Drive Portslade BN41 2YU
Development Description	Demolition of garages and erection of 2no two storey dwellings and 1no single storey dwelling (C3), with associated car parking, access and landscaping.
Appeal Type	Against Refusal
Appeal Decision	Appeal Dismissed
Planning Application Number	BH2024/00493
Application Decision Level	Delegated
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Ward	Patcham & Hollingbury
Appeal Application Number	APL2025/00075
Address	32 Wilmington Way Brighton BN1 8JH
Development Description	Demolition of existing garage and erection of a new detached one-bedroom dwellinghouse (C3).
Appeal Type	Against Refusal
Appeal Decision	Appeal Dismissed
Planning Application Number	BH2024/03140
Application Decision Level	Delegated
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Ward	Regency

Appeal Application Number	APL2025/00068
Address	Westmoreland Court Goldsmid Road Hove BN3 1QE
Development Description	Prior Approval for the erection of an additional two storeys to provide 2no two-bedroom flats and 2no one-bedroom flats (C3).
Appeal Type	Against Refusal
Appeal Decision	Appeal Dismissed
Planning Application Number	BH2025/00883
Application Decision Level	Delegated
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Ward	Regency
Appeal Application Number	APL2025/00072
Address	46 - 48 Kings Road Brighton BN1 1NA
Development Description	Retrospective application for the display of 2no internally illuminated fascia signs.
Appeal Type	Against Refusal
Appeal Decision	Appeal Dismissed
Planning Application Number	BH2025/00995
Application Decision Level	Delegated
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Ward	Rottingdean & West Saltdean
Appeal Application Number	APL2025/00060
Address	Land to the East of 10 Linchmere Avenue Saltdean Brighton BN2 8LE
Development Description	Erection of a new detached dwellinghouse (C3) with parking, vehicle crossover and associated landscaping.
Appeal Type	Against Refusal
Appeal Decision	Appeal Allowed
Planning Application Number	BH2025/00911
Application Decision Level	Delegated
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Ward	Rottingdean & West Saltdean
Appeal Application Number	APL2025/00062
Address	Land to the East of 10 Linchmere Avenue Saltdean Brighton BN2 8LE

Development Description	Erection of a new detached dwellinghouse (C3) with parking, vehicle crossover and associated landscaping.
Appeal Type	Against Refusal
Appeal Decision	Appeal Dismissed
Planning Application Number	BH2025/00910
Application Decision Level	Delegated
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Ward	Round Hill
Appeal Application Number	APL2025/00069
Address	7 Mayo Road Brighton BN2 3RJ
Development Description	Alterations to the existing building to insert 1no rooflight to the front roof slope and 2no rooflights to the rear roof slope and subdivision of the existing building to create 1no. self-contained flat (C3) at lower ground floor level and alter the layout of the existing small house in multiple occupation (C4) on the upper floors.
Appeal Type	Against Refusal
Appeal Decision	Appeal Allowed
Planning Application Number	BH2025/00195
Application Decision Level	Delegated
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Ward	South Portslade
Appeal Application Number	APL2025/00074
Address	11 Dean Gardens Portslade BN41 2FW
Development Description	Erection of 1no two storey one bedroom dwelling house (C3) with associated landscaping, refuse, recycling & cycle storage and access.
Appeal Type	Against Refusal
Appeal Decision	Appeal Dismissed
Planning Application Number	BH2025/01206
Application Decision Level	Delegated
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Ward	West Hill & North Laine
Appeal Application Number	APL2025/00030
Address	45 Gloucester Street Brighton BN1 4EW
Development Description	Part change of use (retention of Class E) and extension at rear to create 9no residential units (C3), with associated alterations.
Appeal Type	Against Refusal
Appeal Decision	Appeal Dismissed

Planning Application Number	BH2023/02186
Application Decision Level	Delegated
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Ward	Westdene & Hove Park
Appeal Application Number	APL2025/00071
Address	Land at Pavement North of Dyke Road/The Upper Drive Junction Dyke Road Brighton BN3 6NT
Development Description	Installation of 20m high telecommunications monopole supporting 6no antennas, 1no dish, 4no equipment cabinets and ancillary works.
Appeal Type	Against Refusal
Appeal Decision	Appeal Allowed
Planning Application Number	BH2025/01132
Application Decision Level	Delegated
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Ward	Whitehawk & Marina
Appeal Application Number	APL2025/00066
Address	Spindrift Cottage 3 Roedean Way Brighton BN2 5RJ
Development Description	Roof alterations to form additional storey, three storey side extension, single storey rear extension with rooflights, front extension including glazed guarding balconies, revised fenestration, landscaping alterations and associated works.
Appeal Type	Against Refusal
Appeal Decision	Appeal Dismissed
Planning Application Number	BH2025/00989
Application Decision Level	Delegated
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