

Planning Committee

Date: **2 September 2026**

Time: **2.00pm**

Venue **Council Chamber, Hove Town Hall**

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

Conservation Advisory Group Representative

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AGENDA

PART ONE

Page No.

47 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.

48 MINUTES OF THE PREVIOUS MEETING

7 - 16

Minutes of the meetings held on 5 Aug 2026.

49 CHAIR'S COMMUNICATIONS

50 PUBLIC QUESTIONS

Written Questions: to receive any questions submitted by the due date of 10am on 21 August 2026.

51 MEMBER QUESTIONS

Written Questions: to receive any questions submitted by the due date of 10am on 21 August 2026.

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

53 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

MAJOR APPLICATIONS

- | | | |
|---|--|----------------|
| A | BH2025/02480 - 104 Cowley Drive - Full Planning | 17 - 50 |
| B | BH2026/00110 - 36 Kingsthorpe Road - Full Planning | 51 - 88 |

MINOR APPLICATIONS

- | | | |
|---|--|------------------|
| C | BH2025/02901 - Brighton Hove And Sussex Sixth Form College 205 Dyke Road - Full Planning | 89 - 114 |
| D | BH2025/00293 - Land Adjacent To Westfield Rise Saltdean - Outline Application Some Matter Reserved | 115 - 150 |
| E | BH2026/01171 - 6 Westbourne Place - Full Application | 151 - 170 |

INFORMATION ITEMS

- | | | |
|-----------|--|------------------|
| 54 | LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE | 171 - 172 |
|-----------|--|------------------|

(copy attached).

55 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

None for this agenda.

56 APPEAL DECISIONS

173 - 174

(copy attached).

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

The City Council actively welcomes members of the public and the press to attend its meetings and holds as many of its meetings as possible in public. Provision is also made on the agendas for public questions to committees and details of how questions can be raised can be found on the website and/or on agendas for the meetings.

The closing date for receipt of public questions and deputations for the next meeting is 12 noon on the fourth working day before the meeting. Meeting papers can be provided, on request, in large print, in Braille, on audio tape or on disc, or translated into any other language as requested. Infra-red hearing aids are available for use during the meeting. If you require any further information or assistance, please contact the receptionist on arrival.

FURTHER INFORMATION

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

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Date of Publication - Monday 24 August 2026

BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

2.00pm 5 AUGUST 2026

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors Thomson (Chair), Sheard (Deputy Chair), Earthey, Nann, Parrott, Pickett, Shanks, Winder and Lyons

Officers in attendance: Matthew Gest (Planning Manager), Katie Kam (Lawyer), Liz Arnold (Planning Team Leader) and Shaun Hughes (Democratic Services)

PART ONE

37 PROCEDURAL BUSINESS

a) Declarations of substitutes

37.1 Councillor Winder substituted for Councillor Robinson. Councillor Lyons substituted for Councillor Theobald.

b) Declarations of interests

37.2 None.

c) Exclusion of the press and public

37.3 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.

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

d) Use of mobile phones and tablets

37.5 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'.

38 MINUTES OF THE PREVIOUS MEETING

- 38.1 There were no minutes for this meeting. The minutes of the meeting held on 1 July were agreed on 29 July 2026 meeting. The 29 July 2026 minutes will be submitted for a future agenda.

39 CHAIR'S COMMUNICATIONS

- 39.1 There were none.

40 PUBLIC QUESTIONS

- 40.1 There were none.

41 MEMBER QUESTIONS

- 41.1 Member Questions: Councillor Shanks asked the following question: *Can the chair please give an update on the applications which were agreed by this committee for Toad Hole Valley and for Benfield Valley, both for substantial amounts of housing including affordable, but where no development has been started.*

Chair: Thank you for your question and I can provide the following updates regarding these applications. In respect of the application at Benfield Valley, planning and legal officers are finalising the legal agreement with the developer and the decision will be issued shortly. The negotiation on the legal agreement has taken longer than normal due to a few issues but as discussions were positive and productive, officers did not implement the second recommendation that would have seen the application refused due to lack of progress with the legal agreement. In respect of the application at Toads Hole Valley. Officers have been working with the developer in respect of the next phases to bring forward the reserved matters application and design code that are required to be agreed before works commence. The owner has submitted a consolidated planning application which officers are currently reviewing and if approved will provide implementable permission in the event the original application lapses.

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

- 42.1 There were no site visit requests.

43 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

- 43.1 Call Over: The Democratic Services officer noted there was one major planning application on the agenda, which was automatically called for discussion. Out of the five minor planning applications on the agenda, only item B: BH2025/01757– Tennis Courts, St Anns Well Gardens, Somerhill Road, Hove - had speakers and was therefore automatically called for discussion. Items C, D, E were called for discussion. Item F BH2026/01213: Flat 9, 191 Kingsway, Hove - was not called, and the application was therefore agreed as per the officer recommendation set out in the report.

A BH2026/00198 - 76-79 and 80 Buckingham Road, Brighton - Removal or Variation of Condition

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

Answers to Committee Members Questions

2. Councillor Shanks was informed that the development is car free. The planning and highways teams are reviewing the implementation of planning policy and parking

permits; however, permits are restricted by a TRO at this site which is outside the planning process. It was noted that the decision notice will show on conveyancing documents.

3. Councillor Lyons was informed that the 36 units in the development, all new developments are car free, and residents are not allowed to request permits unless the TRO is changed.

Debate

4. Councillor Sheard stated they were glad to see the amendment. The councillor supported the application.
5. Councillor Pickett considered that car free areas are good. The councillor supported the application.
6. Councillor Lyons supported the application.
7. Councillor Winder considered it was better that parking permits would be outside planning. The councillor supported the application.
8. Councillor Shanks stated they wanted the development to stay car free. The councillor was against the application.
9. Councillor Thomson stated they did not know the developer's intentions; however, the development was next to the railway station and bus routes. The councillor supported the application.

Vote

10. A vote was held, and by 6 to 3 against the committee agreed 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 and subject to the S106 agreement for planning application BH2022/02361 (as amended by the Deed of Variation) which also applies to this S73 application.

B BH2025/01757 - Tennis Courts, St Anns Well Gardens, Somerhill Road, Hove - Full Planning

1. The Planning Team Leader introduced the application to the committee.

Speakers

2. Graeme Kerr addressed the committee as a resident and stated that they were disappointed by the officer's report, and seven nights a week for 365 days a year was excessive. The residents, who live in the 6 blocks of flats neighbouring the tennis courts, have not been consulted on 365 days a year. There has been no noise assessment, or site visit by the committee and no way of asking questions.

3. Caroline Davies addressed the committee as a resident and stated that their main concern was that no detailed measurements have been taken regarding the distance from the tennis courts to the nearest residential properties. The application should therefore be invalid. The committee were asked to make a site visit before making a decision.
4. Mari Quashie addressed the committee as a resident and stated that the impact assessment should have been submitted earlier. Under the equality act, the tennis courts would be considered noisy. By 6pm in the winter months there is a hiatus and residents can look at the stars, which will not be possible if there is light pollution. The committee were requested to make a site visit before making a decision.
5. Ward Councillor Muten addressed the committee and stated they felt a compromise could be made, with an 8pm finish time instead of the submitted 10pm, which is too late, and reducing the number of days per week. Mitigations are needed.
6. Ward Councillor Barton Ahmad addressed the committee and requested the committee vote against the application and visit the resident's homes before making a decision. The suggested 8pm finish time is good. The councillor stated they were not anti-sport or tennis and considered that the gardens were well loved. There seems to have been a total lack of consultation, and the residents have been let down by the applicant. The biodiversity of the gardens is very good, including bats and birds. Dark skies should be a key consideration. The councillor objected to the application.
7. Conrad Brunner addressed the committee as the applicant and stated that they were a reputable tennis company. Families use the courts between 6-9pm, a popular time. The court lighting needs to be good in winter as the darkness stops play. Lighting will allow tennis to continue. No bookings will be taken after 9pm. The lighting proposed is a modern design. The courts will encourage more social activity.

Answers to Committee Members Questions

8. Councillor Lyons was informed by the lighting designer that the lighting would be the same as at Dyke Park, using Philips OptiVision lights, and they would be acting under very strict guidance. The case officer stated that the timings at Drove Way were till 9pm Monday to Sunday (including Bank Holidays), Dyke Road was open till 9pm and Hove Park was 10pm. The Planning Manager stated that each application should be looked at individually. It was noted the county ecologist had no objections. Under national guidance condition 8 required two bat boxes and two bird nesting boxes. Condition 9 required at least one bee brick and condition 4 required all ecological measures and/or works to be carried out in accordance with the details contained in the Ecological Review Report.
9. Councillor Shanks was informed by the applicant that the court lights would not be turned on if there were no bookings. Currently the lights are on till 9pm. The applicant confirmed it was one court, one light.
10. Councillor Sheard was informed that the light mapping worked horizontally. The light readings reducing rapidly away from the courts. The Environmental Health team have assessed the application against Institute for Lighting Professionals guidance as if it

were in a rural location, which is the restrictive and have no objections. It was noted that one Holly tree will be lost and condition 5 requires a Biodiversity Gain Plan (BGP). It was noted that no post installation report was required and information submitted was acceptable.

11. Councillor Pickett was informed that measurements were taken from the scaled drawings submitted by the applicant. It was noted that an equality assessment was not required. It was considered there was no discrimination. Details of light spillage are to be submitted, and if there is harm, the environmental health team can action. It was noted that the lights will have cowls on the back of each light to reduce glare. The lighting designer stated that the Philips OptiVision lights were the best. It was noted the installing company could not be controlled by condition.
12. Councillor Parrott was informed that if issues arise, then residents can report to environmental health, who will take assessments. The applicant stated they fulfil community interest needs and friends of the company have been informed of the proposals. There have been three public meetings, and the lights have been restricted to 9pm. The company represents the residents who enjoy the gardens and playing tennis. It was noted by the planning team leader that the correct public consultation had been undertaken. The applicant stated a small storage shed would be constructed on the land between Sunnyhill Road and the tennis courts as this was considered the most discrete location with minimal intrusion. It was noted there was a full tree assessment submitted and there were no objections by the arboricultural officer.
13. Councillor Winder was informed that increase in noise levels was not considered unacceptable and the tennis courts are available during the day. It was noted by the planning manager that the lights will be conditioned for tennis only.
14. Councillor Nann was informed that it was not reasonable to add a condition allowing residents to complain directly to the company.
15. Councillor Thomson was informed by the applicant that they were happy to talk to residents and stated that the Lux levels would be at factory setting. The lighting designer stated that the 8m height was needed and the lights would have a direct focus down onto the court, with no lighting into the sky. The installation would be carried out under strict guidance. It was considered that the glare would be less than street lighting on residents' windows. The lights would be set at a maximum of 65° to prevent any nuisance to residents.
16. Councillor Earthey was informed by the applicant that they had spoken to Ward Councillor Muten and Barton Ahmad and were happy to talk further.

Debate

17. Councillor Lyons supported the application as they considered 9pm was fair considering other parks in the city. The councillor was satisfied with the lighting expert's responses and considered there would not be much play in winter anyway.
18. Councillor Sheard stated on the plus side the local community would be able to play tennis late, and on the negative side there were concerns. The councillor stated they were leaning towards granting planning permission.

19. Councillor Shanks requested an 8pm or 8.30pm finish time.
20. Councillor Pickett stated they were not opposed to tennis in the evening, however, there was not consultation with residents. The councillor requested an 8pm or 8.30pm finish time.
21. Councillor Nann considered there was no planning reason to not vote for the application. The councillor asked the applicant to talk to residents.
22. Councillor Parrott considered there was no planning reason to refuse the application. The councillor was disappointed there had been no consultation with residents, and considered conversations were better.
23. Councillor Thomson noted there were opposing views on the application.
24. Councillor Winder stated that they wanted the application to work for all, as the proposal was good and they wanted the residents to feel better.

Motions

25. Councillor Nann proposed a motion, seconded by Councillor Lyons, to amend condition 6 to include a post installation survey.
26. A vote was held and the committee agreed the motion unanimously.
27. Councillor Pickett proposed a motion, seconded by Councillor Shanks, to reduce the finish time to 8pm.
28. A vote was held and by 3 to 6 against the motion was not agreed.

Vote

29. A vote was held and the committee agreed unanimously to grant planning permission as amended.
30. **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 BH2026/00745 - Varndean School, Balfour Road, Brighton - Full Planning

1. The Planning Team leader introduced the application to the committee.

Answers to Committee Members Questions

2. Councillor Shanks was informed that the council was the freeholder of the land and the gates will be open during school opening hours, there was no information regarding school holidays. It was noted that the applicant stated that the existing fencing was not sufficient for safeguarding.

3. Councillor Earthey was informed that the fence height was standard and mesh design was chosen to maintain views.
4. Councillor Pickett was informed that the under 9.6 of the report consideration was given to the operational requirements of the school and the need to provide a safe and secure environment for pupils and staff. It was noted that existing fences at the school may not have required planning permission. The planning manager confirmed that there was no government guidance they were aware of to dictate the height of school fencing.

Debate

5. Councillor Pickett considered it was sad to enclose the space; however, they understood it was for safeguarding and therefore the councillor did not feel they could refuse the application. The councillor supported the application.
6. Councillor Shanks expressed concern that the applicant had submitted no evidence, therefore there appeared to be no safeguarding issues at the school. The councillor was against the application.
7. Councillor Earthey noted there was a statutory requirement for safeguarding; however, the councillor considered there was no reason to support the application.
8. Councillor Lyons expressed concerns over what the particular issues may be at the school.
9. Councillor Sheard considered they understood the issues raised by committee Members and felt it was a shame the fence was needed and considered the design very industrial. The councillor supported the application as there was more awareness of safeguarding now than before and the protection of children was a major issue. Other areas will still be available for residents.
10. Councillor Parrott considered schools were struggling with health & safety issues, as well as absenteeism, and teachers were under more pressure.
11. Councillor Winder felt uncomfortable at agreeing to the fencing; however, they understood there was anti-social behaviour and safeguarding was needed. The councillor considered a more neutral colour would be preferred.
12. The planning manager noted the safeguarding reasons were given on the application form.
13. Councillor Thomson considered there had been dangers in the past and they could not vote against the application. The councillor supported the application.

Vote

14. A vote was held and by 7 to 1 against and 1 abstention the committee agreed to grant planning permission.

15. **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 BH2025/03102 - North Cottages, Ovingdean Road, Brighton - Full Planning

1. The planning team leader introduced the application to the committee.

Answers to Committee Members Questions

2. Councillor Earthey was informed that the windows would be timber framed and further details would be submitted by condition. It was noted that there was an article 4 direction at the site and the development was within a conservation area.
3. Councillor Thomson was informed that timber window frames were considered to last longer than UPVC frames and the timber was renewable. UPVC frames were not suitable for a conservation area where timber was more traditional.

Debate

4. Councillor Lyons supported the application as they considered the design looked to be in keeping and was better than the existing building.
5. Councillor Earthey was in favour of the application as it would add to the housing stock.
6. Councillor Parrott supported the application as they considered the house to be suitable, and any house was welcome.
7. Councillor Sheard supported the application.
8. Councillor Thomson supported the application as a small contribution to the housing stock.

Vote

9. A vote was held and the committee unanimously agreed 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.

E BH2025/02058 - 31 Eldred Avenue, Brighton - Full Planning

1. The planning team leader introduced the application to the committee.

Answers to Committee Members Questions

2. Councillor Lyons was informed by the planning manager that there was a lot of variation in design in the street. Some of the plot widths were generally wider but they did reduce along the street. The width was considered acceptable on planning balance. It was noted that the scheme had been amended to remove side elevation roof dormers and the design reflected the change in ground levels, with descent accommodation that was

slightly different. The application was not considered harmful enough to refuse. It was noted that the highways team raised no objections to the proposed crossover.

3. Councillor Pickett was informed that condition 10 required the crossover to be constructed before the first occupation. The transport team have raised no objections and find the scheme acceptable. It was noted that at 9.35 in the report: there would be an increase in trips as a result of the proposed development, but this is unlikely to have a significant impact on the public highway capacity, therefore the crossover was acceptable. The planning manager noted that informative 4 stated the need for a crossover licence.
4. Councillor Shanks was informed by the planning manager that there were double yellow highway lines opposite the application site. It was noted it was an offence to park on a crossover and informative 4 states that a licence is required for the crossover.
5. Councillor Thomson was informed that there was no hard-and-fast rule on garden space. It was noted that the garden was vegetated and the trees to be removed were non-native. Condition 12 required a landscaping scheme to be submitted and approved, and condition 17 required the protection of trees during the construction process. It was noted that views are not a planning issue; however, outlook is assessed.

Debate

6. Councillor Lyons was against the application. Although the extra house was welcome, the proposals would be crammed in the southern part of the street. Parking was an issue on this busy road, and the design was out of keeping with the area.
7. Councillor Sheard supported the application as they considered it would add one house to the housing stock and the scheme would not have much impact. The councillor wanted to encourage this style of development, which they considered quirky. There was no material reason to refuse the application, which would have a minor impact on the highways.
8. Councillor Pickett expressed surprise at the owners wanting to develop the land and they were concerned about the impact on the road junction; however, they supported the application.
9. Councillor Earthey expressed concerns that the scheme may set a dangerous precedent; however, the councillor supported the application.
10. Councillor Thomson noted highways found the scheme acceptable; however, it was a shame to lose the garden space. The councillor supported the application.

Vote

11. A vote was held and by 8 to 1 against, the committee agreed to grant planning permission.
12. **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 BH2026/01213 - Flat 9, 191 Kingsway, Hove - Full Planning

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

44 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

45 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

- 45.1 None for this agenda.

46 APPEAL DECISIONS

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

The meeting concluded at 5.01pm

Signed

Chair

Dated this

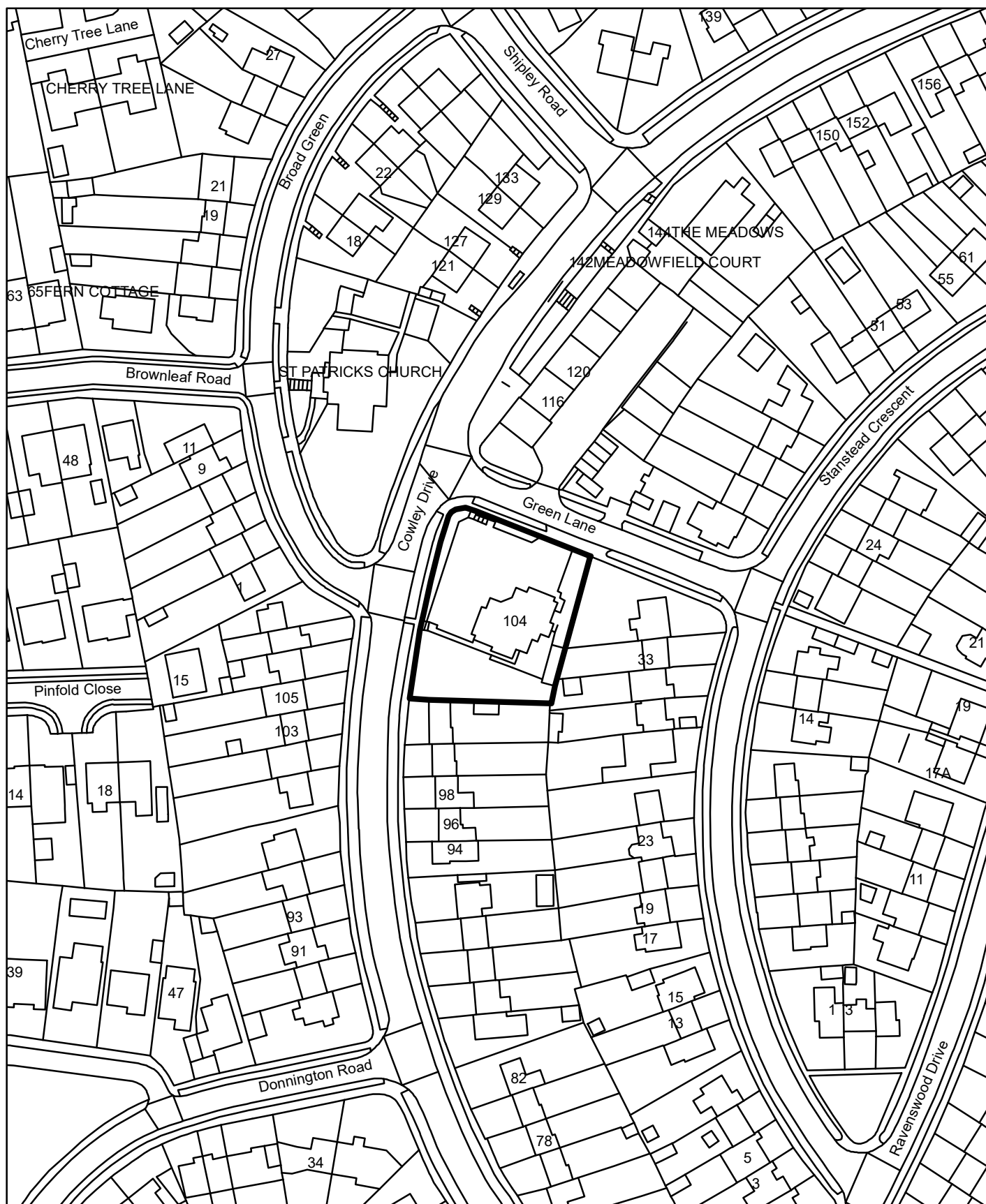
day of

ITEM A

**104 Cowley Drive
BH2025/02480
Full Planning**

DATE OF COMMITTEE: 2nd September 2026

BH2025 02480 - 104 Cowley Drive



**Brighton & Hove
City Council**

N



Scale: 1:1,250

<u>No:</u>	BH2025/02480	<u>Ward:</u>	Woodingdean Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	104 Cowley Drive Brighton BN2 6WD		
<u>Proposal:</u>	Demolition of existing Public House and erection of 10no. new dwellings (C3) consisting of 5no. townhouses and 5no. flats in two blocks of two and three storey buildings with associated landscaping, car parking, cycle parking and bin stores. (Amended Plans)		
<u>Officer:</u>	Joanne Doyle, tel: 292198	<u>Valid Date:</u>	29.01.2026
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	30.04.2026
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	BakerBrown Studio Limited Cooksbridge Station House Cooksbridge BN8 4SW		
<u>Applicant:</u>	Brighton And Hove City Council Housing Centre Unit 1 Fairway Trading Estate Eastergate Road Brighton BN2 4QL		

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** subject to the following Conditions and Informatives as set out hereunder.

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Proposed Drawing	BB_PL_0100	C	14-Aug-26
Proposed Drawing	BB_PL_0101	C	14-Aug-26
Proposed Drawing	BB_PL_0102	C	14-Aug-26
Proposed Drawing	BB_PL_0103	C	14-Aug-26
Proposed Drawing	BB_PL_0150		07-Oct-25
Proposed Drawing	BB_PL_0200	D	14-Aug-26
Proposed Drawing	BB_PL_0210		07-Oct-25
Proposed Drawing	BB_PL_0211	B	27-Jul-26
Proposed Drawing	BB_PL_0212		07-Oct-25
Proposed Drawing	BB_PL_0213	B	27-Jul-26
Proposed Drawing	BB_PL_0220		07-Oct-25
Proposed Drawing	BB_PL_0300		07-Oct-25
Proposed Drawing	BB_PL_0301	B	27-Jul-26
Proposed Drawing	BB_PL_0302	B	27-Jul-26
Proposed Drawing	PJC/6886/25/A		07-Oct-25

Location and block plan	BB_EX_0001	B	29-Jul-26
Report/Statement	Bat Emergence Report		07-Oct-25
Report/Statement	Biodiversity Net Gain Feasibility Assessment		07-Oct-25
Report/Statement	Preliminary Ecological Appraisal		07-Oct-25
Report/Statement	Tree Survey		07-Oct-25

2. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

3. Notwithstanding any details shown on the approved plans, no development above ground floor slab level of any part of the development hereby permitted shall take place until details of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):
 - 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. 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.

5. Prior to first 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.

- 6. The development hereby permitted shall not be first 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.

- 7. 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.

- 8. 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.

9. 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.
10. The wheelchair accessible dwelling 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 dwellings 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 DM1of City Plan Part 2.
11. Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees (including the two sapling Elms within the public footway directly adjacent the site), in accordance with BS 5837:2012, including a tree protection plan (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 and CP13 of the Brighton & Hove City Plan Part One and SPD06: Trees and Development Sites.
12. 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 Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 and Supplementary Planning Document 03 Construction and Demolition Waste.

13. Notwithstanding the details on the plans hereby approved, the development 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.

14. Prior to the first occupation of the development hereby permitted the applicant shall reinstate the redundant vehicle crossover on Green Lane back to a footway by raising the existing kerb and footway.

Reason: In the interests of highway safety and to comply with policies CP9 of the City Plan Part One and DM33 of City Plan Part Two.

15. The new crossover and access on Green Lane shall be constructed prior to the first occupation of the development hereby permitted.

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

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

Reason: To ensure the development provides for the needs of disabled staff and visitors to the site and to comply with policy DM36 of the Brighton City Plan Part Two and SPD14 guidance.

17. No development shall commence on site until a Scheme of Management of vehicle and any other forms of parking and stopping in the car park area has been submitted to and approved in writing by the Local Planning Authority. The scheme must at least include the following measures:
- Details of how the proposal complies with SPD14 Parking Standards
 - Details of how each car parking space will be allocated and managed
 - Details of measures to ensure that each car parking space is for the sole use of its allocated owner and/or those they permit to use said space.
- The above plan must be implemented prior to the occupation of the building and thereafter be maintained as such.
- Reason:** To ensure the development maintains a sustainable transport strategy and to comply with SPD14 Parking Standards and CP9 of the City Plan Part One and policy DM33 of City Plan Part Two.
18. 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.
19. 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. Results of BRE 365 testing confirming the ground infiltration close to the location of the proposed soakaway shall be submitted as part of any drainage plan.
- 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.
20. 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.

21. 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.
22. 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.
23. 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.
24. All ecological measures and/or works should be carried out in broad accordance with the Preliminary Ecological Appraisal and Preliminary Roost Appraisal (The Ecology Partnership, 15/07/2025) and Bat Emergence Report (The Ecology Partnership, 05/08/2025), as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.
Reason: To ensure that the measures considered necessary as part of the ecological impact assessment are carried out as specified, to protect species and habitats from adverse impacts during construction and to avoid an offence under the Wildlife and Countryside Act 1981, as amended and the Conservation of Habitats and Species Regulations 2017, as amended. To provide biodiversity enhancements as required by Section 40 of the Natural Environment and Rural Communities Act 2006, paragraphs 187 and 193 of the NPPF (December 2024) and local policy.
25. No development shall take place until an ecological design strategy (EDS) addressing ecological compensation and enhancement, to include bee, bat and a minimum of 10 swift bricks/boxes and soft landscaping of value to

wildlife, has been submitted to and approved in writing by the local planning authority. Measures should be informed by and in broad accordance with recommendations in the Preliminary Ecological Appraisal and Preliminary Roost Appraisal (The Ecology Partnership, 15/07/2025) and Bat Emergence Report (The Ecology Partnership, 05/08/2025). The EDS shall include the following: extent and location / area of proposed works on appropriate scale maps and plans; type and source of materials to be used where appropriate, e.g. native species of local provenance; and details of any initial aftercare and long-term maintenance and monitoring/remedial measures, where applicable. The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To ensure provision of measures considered necessary to compensate for the loss of habitats and enhance the site to provide 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 NPPF (December 2024) and local policy.

26. 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 Feasibility Assessment dated August 2025 and the Preliminary Ecological Appraisal dated July 2025, both prepared by the Ecology Partnership); 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"). Also 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.

27. 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.

28. The development hereby permitted shall not be commenced until a scheme for the provision of affordable housing has been submitted to and approved by the Local Planning Authority. The scheme shall demonstrate that a minimum of 30% 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.

29. The development hereby permitted shall not be commenced until an Employment and Training Strategy has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved strategy.

Reason: To ensure that development contributes to employment and training opportunities in the City and to comply with Policy CP7 of the Brighton & Hove City Plan Part Two.

30. No development, including demolition and excavation, shall commence until a Site Waste Management Plan setting out how waste to landfill will be minimised has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details approved.

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

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 under Part S of the Building Regulations that new dwellings providing a parking space now require an EV charging point.

5. 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.
6. 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.
7. 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
8. 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.
9. The applicant is advised that the proposed highways works should be carried out in accordance with the Council's current standards and specifications and under licence from the Streetworks team. The applicant should contact the Council's Streetworks team (permit.admin@brighton-hove.gov.uk 01273 290729).
10. To align with Policy DM33 of the City Plan cycle parking must be secure, convenient, well lit, well signed and wherever practical, sheltered. The Local Highway Authority's preference is for Sheffield type stands to ensure the main frame of the bicycle can be securely stored. All must be spaced in line with the guidance contained within the Manual for Streets section 8.2.22

11. The applicant is reminded that all species of bats are fully protected under the Wildlife and Countryside Act 1981, as amended, and The Conservation of Habitats and Species Regulations 2017, as amended, making them European Protected Species. Under the Regulations, it is an offence to: deliberately kill, injure, disturb or capture bats; damage or destroy their breeding sites and resting places (even when bats are not present); or possess, control of transport them (alive or dead). Under the Act, it is an offence to intentionally or recklessly: disturb bats while they occupy a structure or place used for shelter or protection; or obstruct access to a place of shelter or protection. Planning consent for a development does not provide a defence against prosecution under these Regulations or this Act.
12. Buildings/structures and vegetation within and in proximity to the site offer potential habitat for nesting birds. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use of being built. Planning consent for a development does not provide a defence against prosecution under this Act.

2. SITE LOCATION

- 2.1. The application site comprises a 0.14ha corner plot of land at the junction of Cowley Drive and Green Lane within the Woodingdean area. Within the site is the now vacant former Toby Inn public house and its associated car park with a grassed area to the south. The former public house is a part two, part three storey brick building with a tiled roof and has been closed to the general public for approximately twenty years.
- 2.2. The site slopes downwards both from north to south and west to east so that the existing residential properties to the south and east sit on a lower ground level than the existing public house.
- 2.3. The area is residential in character, with the properties in the immediate vicinity comprising predominantly two storey terraced dwellings, but there is a parade of shops and services immediately to the north and a church to the north-west. The wider Woodingdean area is bounded on all sides by the South Downs National Park.
- 2.4. The site is located within Flood Zone 1 so has a low probability of flooding but is within a Source Protection Zone.
- 2.5. The site is relatively well served by buses with two bus stops in close proximity to the site. There are no Controlled Parking Zones in the area but there are double yellow lines extending around and beyond the site.

3. RELEVANT HISTORY

The planning history for this site is as follows:

- 3.1. **PRE2025/00173** - Redevelopment of the site by demolition of the existing public house and provision of 10 dwellings.
- 3.2. The principle of development was supported subject to further justification for not reinstating the public house use. Concerns were also raised regarding the impact on the amenities of neighbouring properties to the south. Amongst other things, recommendations to increase the garden sizes and provide a parking capacity survey were also made.
- 3.3. **PRE2025/00109** – Redevelopment of the site to provide 6 family houses.
- 3.4. **BH2020/00678** - Application for variation of conditions 2 and 7 of application BH2014/03230 to allow improvements to the layout and provide for a reduction in the number of units. – Approved 6 July 2020
- 3.5. **BH2019/03717** – Non-Material Amendment to BH2014/03230 to change description of development to: Extensions and alterations to existing building to facilitate change of use from public house (A4) to short term lets (Sui Generis). – Approved 11 February 2020
- 3.6. **BH2018/02497** - Application for approval of details reserved by conditions 3 and 5 of application BH2014/03230. – Approved 7 February 2019
- 3.7. **BH2015/04379** - Application for Approval of Details Reserved by Condition 4 of application BH2014/03230 – Approved 15 August 2016
- 3.8. **BH2014/03230** - Extensions and alterations to existing building including rooms in roof to facilitate change of use from public house (A4) to short term lets (Sui Generis) comprising of 16no self-contained rooms and 2no self - contained studios. Refused but allowed on appeal.
- 3.9. **BH2014/02105** - Extensions and alterations to existing building including additional floor to facilitate change of use from Public House (A4) to Hostel (Sui Generis). Refused 3 September 2014
- 3.10. **BH2014/00492** - Extension and alterations to existing building including additional floor to facilitate change of use from Public House (A4) to Public House and Hostel (A4/Sui generis). Refused 17 April 2014
- 3.11. **BH2013/03082** - Extension and alterations to existing building to facilitate change of use from Public House (A4) to Public House (A4) and Hotel (C1). Refused 8 January 2014

4. APPLICATION DESCRIPTION

- 4.1. The application is submitted by Brighton & Hove City Council and seeks planning permission for ten affordable new dwellings consisting of five houses and five flats.

- 4.2. The proposed flats would be located within a three-storey block in the north-west of the site fronting on to Green Lane and comprise a 1 x 3 bed 5 person unit and 4 x 2 bed 4 person units.
- 4.3. Two of the proposed houses would adjoin the flat block to the east, and the other three houses would form a terrace to the south of the flat block, fronting on to Cowley Drive. All five houses would be 3 bed 5 person units and would be two-storey.
- 4.4. The proposed buildings would be constructed of brick, with a darker contrasting brick plinth at ground floor level, and would all have grey slate roofs.
- 4.5. Due to the topography of the site, the buildings would be sunken into the site and would sit on a lower level than Cowley Drive.
- 4.6. Each proposed house would have a private rear garden, and the ground floor flat would also benefit from a private rear garden space. The first and second floor flats would have external balconies.
- 4.7. Vehicular access would be at the eastern side of the site via Green Lane and would lead to a car park with five spaces. Two pedestrian accesses, one of which is a level access, are proposed from Cowley Drive serving the row of three houses, and two pedestrian accesses, one of which is a level access, are proposed from Green Lane serving the flat block and two dwellinghouses.
- 4.8. During the course of the application the proposed development has been amended as follows:
- The terrace of 3 houses has been realigned, and moved an additional 1m from the southern boundary to reduce the impact on the neighbouring property to the south, and
 - One parking space has been omitted to improve the accessible space and provide an accessible path to the west of the new access road.

5. REPRESENTATIONS

- 5.1. Objections were received from **Eleven (11) individuals**. The objections relate to the following:
- New access road will introduce vehicle movements, headlights, noise and general activity immediately behind properties on Stanstead Crescent
 - Overall height, intensity and density of development represent a significant change and overdevelopment of the plot
 - Three-storey block out of character with family homes
 - Loss of outlook, light and privacy
 - Insufficient parking provided in an area with existing parking problems
 - Proposal will result in traffic congestion
 - Insufficient public consultation
 - Loss of a community asset

- Insufficient capacity at Woodingdean Medical Centre
 - Loss of views towards the South Downs
 - Proposal would provide an unsatisfactory living environment and lack of open space
 - Proposal could result in anti-social behaviour, and
 - Proposals do not provide sufficient electric vehicle charging infrastructure
- 5.2. **One (1)** comment was received neither objecting nor supporting the scheme but requesting swift bricks are incorporated into the proposal.
- 5.3. **One (1)** letter of support has been received on the following grounds:
- Pub looks rundown and unsightly and is no longer viable, and
 - Once the development is completed the site will be vastly improved
- 5.4. Full details of representations received can be found online on the planning register.

6. CONSULTATIONS

Internal Consultees

- 6.1. **Arboriculture:** No objection subject to a Tree Protection Plan condition which also incorporates the two elm trees within the grassed verge.
- 6.2. **Employment Strategy:** No objection subject to a local Employment and Training Strategy being sought along with a contribution of £4,200 towards the Council's Local Employment Scheme.
- 6.3. **Net Zero Team:** No objection subject to planning conditions relating to the following:
- Energy Performance Certificate B
 - No more than 110 litres per person per day maximum indoor water consumption
 - Final layout of rooftop solar panels
 - Site Waste Management Plan
- 6.4. **Planning Policy:** No objection but make the following comments.
- With regards to the loss of the pub, the applicant has submitted a
 - statement by Austin Gray Estates who act as agents for the leaseholders. This sets out a number of issues with the site impacting on viability including: long term vacancy, negative history, location, derelict condition, short length of lease and market conditions facing hospitality sector. The statement concludes that the combination of these issues make reopening the site as a pub unviable. This is accepted in this case.
 - The fact that the loss of the pub on this site has previously been found acceptable is a material consideration.
 - Provision of 10 affordable dwellings would be welcomed and would contribute towards the CPP1 CP1 housing target as well as significant need for affordable housing. 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).

- The proposed mix of 2 and 3 bedroomed dwellings is considered acceptable and accords with CPP1 policy CP19.
- The proposed density would meet CPP1 policy CP14 requirements which is welcomed.
- The BNG assessment indicates that a net loss on site will be achieved and that off-site BNG will be secured from the Iford Estate. This should be secured by a S106. Comments from the County Ecologist should be sought in this regard.

6.5. **Strategic Housing and Development:** No objection

This development will provide a total of 10 dwellings made up of 5 houses and 5 flats. This means that 3 homes would need to be affordable to meet policy. As this development is being built by the council through their in-house Small Sites Team, all 10 homes (100%) will be provided as affordable rented homes.

6.6. **Sustainable Drainage:** No objection subject to planning conditions relating to the following:

Results of BRE 365 testing confirming the ground infiltration close to the location of the proposed soakaway, and following this:

- Calculations showing that the proposed drainage will function as intended
- A final drainage layout drawing showing the size and location of all drainage elements, including any rainwater harvesting

6.7. **Sustainable Transport:** No objection subject to the following conditions:

- Reinstatement of redundant vehicle crossing
- New/amended crossover
- Cycle parking scheme
- Disabled parking
- Carpark Management Plan

6.8. **Urban Design:** No objection

The proposal represents a well-considered redevelopment of a long-vacant brownfield site, delivering a modest intensification with a clear suburban grain response. The scheme adopts a contextual approach to scale, form and materiality, reflective of the prevailing 1950s/60s residential character.

6.9. The principle of residential redevelopment is supported. The site has been vacant for a prolonged period and is identified by BHCC as suitable for increased housing provision, contributing to affordable housing delivery.

6.10. The scheme demonstrates strong site-led design, particularly in its response to topography, street frontage and housing typologies. However, some elements of landscape provision, parking integration and spatial quality warrant refinement.

- 6.11. Clear Positives:
- Efficient use of a previously developed site to deliver 10 affordable homes.
 - Strong alignment with existing suburban typology including pitched roofs and brick materiality.
 - Sensitive response to site levels enabling appropriate massing and reduced visual impact.
 - Clear urban structure with defined street frontage and corner emphasis.
 - Inclusion of accessible housing (M4(3)) and family-sized homes.
- 6.12. Areas Requiring Significant Progress:
- Limited on-site parking relative to standards.
 - Constrained landscape provision due to site density.
 - Small private garden depths for family housing.
 - Need for further articulation of public realm and communal spaces.
- External Consultees
- 6.13. **County Archaeologist:** No objection subject to conditions relating to the following:
- A programme of archaeological works
 - Archaeological site investigation and post-investigation assessment
- 6.14. **County Ecologist:** No objection subject to conditions relating to the following:
- Compliance with existing reports
 - Ecological Design Strategy
- 6.15. **Southern Water:** No objection but require conditions and informatives in relation to the following matters:
- The developer must advise the local authority in consultation with Southern Water of the landscaping proposals in proximity of public apparatus.
 - Southern Water requests formal notice of any demolition work to safeguard the existing water supply apparatus.
 - No development to commence until details of foul sewerage and surface water disposal submitted.
 - Where a SuDS scheme is to be implemented, drainage details specified to the Local Planning Authority should specify the responsibilities of each party, specify a timetable for implementation and provide a management and maintenance plan for the lifetime of the development.
- 6.16. 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 (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
CP2 Planning for Sustainable Economic Development
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
SA6 Sustainable Neighbourhoods

Brighton and Hove City Plan Part Two

DM1 Housing Quality, Choice and Mix
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
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

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; and landscape, arboriculture and biodiversity.

Principle of Development

Loss of public house

- 9.2. Policy DM10 of the City Plan seeks to protect public houses and states that planning permission will only be granted for their loss where:
- 'a) it has been demonstrated that use as a public house is not economically viable now and could not be made viable in the future; and*
 - b) It has been demonstrated that the local community no longer needs the public house and alternative provision meeting a similar need is available in the locality.'*
- 9.3. It is understood that the existing public house on the application site has been vacant since 2006 when it was closed down following an incident at the pub. Whilst no recent marketing of the public house has taken place, it is acknowledged that its loss was previously found acceptable through the approval of planning application BH2014/03230, which was allowed on appeal and permitted the change of use of the public house to short term lets. Whilst this earlier planning permission is no longer extant, it is considered to be a material consideration.
- 9.4. Justification for the loss of the public house has been provided on behalf of the applicant by Austin Gray Estates who act as agents for the leaseholders setting out the following issues;
- Long term vacancy
 - Negative history including incidents of crime reducing its attractiveness for continued use
 - The location of the public limits its potential customer base
 - Its current condition requires significant investment which is unlikely considering the limited lease remaining
 - Difficult market conditions faced by the hospitality sector due to increased operational costs.
- 9.5. The Council's Planning Policy team have accepted this justification as sufficient to meet the requirements of part (a) of the policy. Part (b) of DM10 places a preference on the reuse of a public house site for alternative community facilities. Whilst no information has been submitted in respect of its use for alternative community facilities, it is also recognised that the proposal would provide affordable houses for which there is a significant need in the city and would therefore provide community benefits in this regard.

Housing

- 9.6. 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%.
- 9.7. The council's most recent housing land supply position is published in the SHLAA Update 2025 which shows a five-year housing supply shortfall of 10,442. This is equivalent to 1.5 years of housing supply.
- 9.8. 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).
- 9.9. The provision of 10 affordable dwellings would make a modest but notable contribution to reducing the housing supply shortfall.

Design, Appearance, Layout, Scale and Massing

- 9.10. 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.
- 9.11. 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.

- 9.12. The proposed development would provide five terraced houses and a three-storey block, comprising five flats. The proposed development would have a density of 71 dwellings per hectare, which would exceed the minimum required density of 50 dwellings per hectare, as required by policy CP14 of the CPP1. The proposed development is considered to represent an efficient use of the site without appearing cramped or over-developed and takes cues in terms of density from the flats to the north as well as the terraced properties to the south.
- 9.13. The proposed houses would be two-storey in height and therefore comparable to the existing dwellings on Cowley Drive, with a ridge height that would be no higher than the existing public house. Whilst the proposed dwellings would be higher than the properties to the south on Cowley Drive, this is primarily due to the topography of Cowley Drive, which slopes upwards from south to north. Whilst the proposed dwellings would have front facing gables rather than the hipped roofs more commonly found on Cowley Drive, there are other examples of front facing gables on both sides of Cowley Drive so it is not considered that the design of the proposed houses would appear incongruous in the streetscene.
- 9.14. The proposed flat block would have the same architectural style as the proposed houses, but with an additional storey. Whilst this flat block, which would have the appearance of two tall townhouses, would be notably higher than the existing and proposed houses on Cowley Drive, and would also notably exceed the height of the existing public house, it would instead respond directly to the block to the north of the site, on the other side of Green Lane. The positioning of the proposed flat block on the north-west corner allows for this additional height to be provided without appearing out of character, particularly when having regard to the aforementioned block on the other side of Green Lane. Additionally, the proposed flat block is also sunken into the ground so that it sits at a lower level than Cowley Drive itself, partially reducing its impact on the streetscene.
- 9.15. The proposed material palette would mainly comprise brick, with additional architectural interest added by the inclusion of a contrasting darker brick plinth at ground floor level. Grey slate roof tiles are also proposed. Whilst it is acknowledged that the use of slate tiles varies from the red/brown tiles used on the surrounding buildings, it is considered that the use of grey slates would complement the more contemporary appearance of the proposed dwellings and would not be harmful to the overall character of the area. The proposed windows would be aluminium framed with a bronze/olive tone. Further details of materials would be secured by planning condition, including details of proposed boundary treatments.
- 9.16. It is noted that the ground floor windows do not align with the first and second floor windows on the west elevation of the proposed flat block due to the fact that the ground floor layout differs to the first and second floor layout. Whilst this inconsistent window arrangement is not considered to be ideal, the differences in floorplans between the ground floor and the first and second floors are acknowledged, and it is also noted that due to the topography of the

site, the ground floor of the flat block sits on a lower level than Cowley Drive. Therefore, with the proposed additional landscaping and the boundary wall in place, the ground floor windows would not be particularly prominent on the streetscene. Overall, the misalignment of windows on the west elevation is not considered to cause any significant harm to the building or streetscene.

- 9.17. The size of the site does not allow for substantial amounts of landscaping but there would be a landscaped strip adjacent the western and northern boundaries and along the western side of the access road. Further details of landscaping of the site would be secured by condition.
- 9.18. The scale, design and layout of the proposed development and its impact on the streetscene 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

- 9.19. 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.
- 9.20. Policy CP20 (Affordable Housing) of the CPP1 states that on sites of between 10 and 14 (net) dwellings, 30% affordable housing will be required.
- 9.21. The application is submitted by Brighton & Hove City Council and proposes 100% affordable rented housing which, given the significant need for affordable housing in the City, is strongly supported. A minimum of 30% affordable housing (3 units) would be secured via a planning condition in line with Policy CP20.
- 9.22. Having regard to the proposed housing mix, the development would provide the following:
- 5 x 3 bed 5 person houses
 - 1 x 3 bed 5 person flat
 - 4 x 2 bed 4 person flat
- 9.23. This equates to a housing mix of 40% 2 bedroom units and 60% 3 bedroom units. The preferred affordable housing mix for the City set out Policy CP20 of the CPP1 requires 30% one bed units, 45% two bed units and 25% 3+ bedroom units. Whilst the proposal does not fully reflect the requirements of policy CP20, the proposed mix of 2 and 3 bedroom dwellings is considered acceptable on this site in this location, particularly given the difficulty of providing larger homes suitable for families across the City.
- 9.24. One of the proposed units (the ground floor unit of the flat block) 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. Such provision would be secured via a condition.

Standard of Accommodation

- 9.25. 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 in the case of the ground floor flat exceed) the minimum floor areas required by the NDSS.
- 9.26. All the proposed residential units would, at the very minimum, have dual aspect. The proximity of the northern elevation of the houses fronting on to Cowley Drive would be close to the southern elevation of the flat block (approximately 5m at its closest point). This close relationship has been exacerbated by the fact that the terraced houses have been moved northwards by a one metre to reduce the impact on the existing property to the south. Whilst this would restrict the outlook and light available to the windows on the southern elevation of the flat block, it is not considered that this would be so harmful to the amenity of future occupiers as to warrant a reason for refusal of planning permission. There are no windows proposed in the northern elevation of the northern most sited house in the proposed terrace, and as such outlook to the north would not be impacted by the close proximity of the flat block
- 9.27. All five proposed houses would benefit from a private rear garden. Whilst these gardens are relatively modest in size, it is considered that they would provide sufficient outdoor space for a 3 bed, 5 person dwelling.
- 9.28. The ground floor flat, which is also a 3 bed, 5 person unit, would benefit from a substantial private rear garden although it is acknowledged that for a significant part of the day this garden would be in the shadow of the proposed houses fronting on to Cowley Drive. Whilst this is not ideal, the rear garden would still benefit from light in the morning and late afternoon evening and is therefore not considered to be unacceptable. The first and second floor flats, all of which are 2 bed 4 person units, would have external balconies which is considered acceptable and a fairly standard arrangement for flats located above ground floor level. The garden of the ground floor flat would be overlooked by the flats above and their associated balconies, but this is fairly commonplace for flats and cannot be easily resolved.
- 9.29. The standard of accommodation is therefore considered to be acceptable and would accord with Policy DM1 of the CPP2.

Impact on Amenity

- 9.30. 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.

- 9.31. The closest properties to the proposed development are 102 Cowley Drive, and 31, 33 and 35 Stanstead Crescent, all of which adjoin the site. It is considered that the most affected property would be 102 Cowley Drive, which is immediately south of the application site. The proposed terrace of three houses would be to the north of No.102 so there would be no loss of sunlight to this property as a result of the proposals. However, there would be some loss of outlook as the closest proposed dwelling would extend significantly beyond the rear wall of No.102. In order to reduce the impact on the outlook of this neighbouring property, the proposed development has been amended during the course of the application to relocate the closest proposed dwelling an additional metre from the boundary with No.102. In addition, the building line of the proposed terrace of dwellings has been shifted forward slightly so that the rear of the terrace does not extend as far beyond the rear elevation of No.102. As a result of the amendments, it is considered that the impact on No.102 is now acceptable.
- 9.32. The proposed buildings are set some distance from the properties on Stanstead Crescent. The closest property on Stanstead Crescent is No.35, which is located approximately 20 metres from the nearest proposed building. It is acknowledged that the application site sits on a higher ground level than the properties on Stanstead Crescent which would exacerbate the impact on these properties. However, in order to reduce the impact on these properties the three-storey element of the proposed development has been located in the north-west of the site with the proposed houses closest to Stanstead Crescent being two-storey.
- 9.33. It should also be noted that the existing pub is located a comparable distance to the proposed two storey dwellings so it is not considered that the impact on No.35 would be unacceptable, particularly having regard to the existing situation. The distance between the proposed terrace of three dwellings facing Cowley Drive and the properties on Stanstead Crescent is around 37 metres which is considered to be a reasonable separation distance despite the difference in ground levels.
- 9.34. A number of objections received have raised the issue of a loss of view of the South Downs as a result of the proposed development. However, whilst regrettable, the loss of such a view is not considered to be a material planning consideration.
- 9.35. Having regard to privacy impacts, there would be no windows on the east side elevation of the nearest dwelling to Stanstead Crescent, and no windows in the south elevation of the closest dwelling to 102 Cowley Drive. Concerns have been raised about the views available from the proposed balconies serving the first and second floor flats. However, these balconies are located approximately 20m from the shared boundary with the closest property on Stanstead Crescent and around 35m from the actual dwelling at 35 Stanstead Crescent. The privacy impacts are therefore not considered so harmful as to warrant a refusal of planning permission or to justify the provision of privacy screening on the balconies.

- 9.36. Some concerns have been raised by residents regarding the proposed access road to the east of the site and the impact of the comings and goings associated with vehicles using this access road to utilise the proposed car park. However, the car park provides space for five vehicles only and it is not considered that this would result in any degree of high intensity vehicular use that would have an unacceptable impact on nearby residents.
- 9.37. 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, sunlight and privacy available to neighbouring properties are not considered to be significant. Whilst some minor impacts have been identified, these also need to be weighed against the benefits of providing 10 new affordable residential units and this balance is considered further in the conclusion of this report.

Sustainable Transport

- 9.38. National and local planning policies seek to promote sustainable modes of transport and to ensure highway safety. In accordance with paragraph 109 of the National Planning Policy Framework, development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. The NPPF states that the use of sustainable modes of transport should be pursued (paragraph 102).
- 9.39. The main vehicular access to the site would be via Green Lane and would lead to a car park providing five spaces. The Local Highway Authority consider the new access to be provided is in an acceptable location and it should also be noted that it is only slightly further east than the existing vehicular access to the public house.
- 9.40. The latest census data suggests that the average amount of car ownership for this development would be 12 cars in total which may result in an overspill of 7 cars on to the public highway. Whilst the applicant has not undertaken a parking survey to establish available parking capacity on the highway, given the relatively limited parking overspill and the fact that many of the neighbouring properties have their own off-street parking spaces, making it more likely that space is available on street overnight, the Local Highway Authority have stated that they would not wish to object to the under-provision of parking in this instance. It should be noted that the number of parking spaces has decreased from 6 to 5 over the course of the application to provide an improved accessible space with direct access to a new accessible path to the west of the proposed access road. When the Local Highway Authority commented on the proposal, 6 spaces were provided. However, the additional parking overspill on to the highway of one more car is still not considered to have a significant impact on the highway and verbally the Highway team have confirmed that they support the addition of an accessible path running alongside the main vehicular access which has resulted in less space for parking.
- 9.41. Given the proposed development would incorporate one M4(3) wheelchair unit, one accessible parking space and one ambulant user bay for visitors

would be required. There is only one accessible parking space being provided as part of the proposal which does not comply with the Department for Transport's Inclusive Mobility Standards. However, the Local Highway Authority consider that this issue can be resolved pursuant to a relevant parking condition rather than prior to the determination of the application. It is considered by the Local Highway Authority that the additional ambulant user bay for visitors is not essential given the availability of on street parking in the vicinity of the site.

- 9.42. In accordance with SPD14: Parking Standards, 19 cycle spaces would be required for a development of this size. Cycle storage/parking facilities for residents and visitors are shown in three different locations on the submitted drawings, including one internal storage area. Whilst exact cycle parking numbers are not specified on the drawings, there are no concerns that 19 spaces could not be provided and so further details relating to cycle parking will be secured via planning condition.
- 9.43. With regard to access for wheelchair users, a level access into the site would be provided from Cowley Drive and Green Lane. Disabled access from the proposed car park to the M4(3) wheelchair accessible unit would be via the path on the western side of the proposed access road.
- 9.44. Whilst the limited on-site parking for this proposal is acknowledged, the Local Highway Authority raise no objection to the proposed development and 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.'
- 9.45. 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 10 affordable residential units and this balance is considered further in the conclusion of this report.

Sustainability

- 9.46. 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.
- 9.47. The proposed development would be required to meet Part L of the Building Regulations, which requires a 31% reduction in carbon emissions against Part L 2013 standards. The roof plan also shows that a photovoltaic (PV) array will be provided on the roof of the proposed buildings.
- 9.48. Conditions would be added to any planning consent to ensure that the residential units achieve a minimum EPC rating 'B', and an indoor water

consumption efficiency standard of no more than 110 litres per person per day.

Biodiversity, Landscape and Arboriculture

- 9.49. Policy DM37 (Green Infrastructure and Nature Conservation) of the CPP2 states that 'development proposals will be required to demonstrate that they safeguard 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.'
- 9.50. 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.'
- 9.51. 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.
- 9.52. Given the proposed development is classified as a 'major' development, there is a requirement to provide 10% Biodiversity Net Gain (BNG).
- 9.53. 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.'
- 9.54. The existing ecology on the site is relatively limited, and the site comprises a mixture of buildings, hardstanding, grassland and ornamental planting. The area of grassland is of a longer sward and is classified as other neutral grassland (ONG). Whilst there are some trees within the site, these are all trees of a small size with limited arboricultural value (category grading C) and would not warrant protection. However, there are trees outside of the site but in close proximity to it that will need to be protected during construction.
- 9.55. A bat emergence survey has been undertaken but no bats were recorded emerging during the survey.
- 9.56. Nevertheless, the BNG assessment states that the proposals will result in a - 34.33% loss in area habitats on site and that required units will be purchased from an off-site provider. Whilst there are limited opportunities to provide significant amounts of BNG on site, there are opportunities to provide some ecological enhancements including landscaping (trees, native species hedgerows/shrubs etc.), bird nest boxes, bee bricks, hedgehog boxes, log piles and green roofs on bin and bike stores. These will be secured by condition.

Other Planning Matters

- 9.57. As part of the objectives of City Plan Part 1 Policy CP2 (and SA6 Sustainable Neighbourhoods), major developments are expected to provide direct provision of employment and training initiatives and promote employment for local construction workers. City Plan Part 1 Policy CP7 Infrastructure and Developer Contributions aims to ensure adequate infrastructure including appropriate social infrastructure through the provision of employment, regeneration and training initiatives on major development sites at demolition and construction phases following the Brighton & Hove Local Employment Scheme (BHLES).
- 9.58. Therefore, an Employment and Training Strategy is recommended to be secured via condition. With regards to securing the resources required to enable delivery of this and the BHLES, it is recommended that the Corporate Director for the project, i.e. the applicant, enters into a Memo of Understanding with the Local Planning Authority (LPA) to agree that fees of £4,200 be made available to the LPA (based on the council's Developer Contributions Technical Guidance).

Conclusion

- 9.59. Paragraph 11 of the NPPF makes it clear that planning application decisions should apply a presumption in favour of sustainable development.
- 9.60. The principle of residential development on the site is considered to be acceptable. The public house has been vacant for approximately 20 years, and sufficient justification has been provided as to why it is not viable to continue to use the building as a public house. Whilst alternative community uses have not been considered by the applicant, given the Council's lack of a 5 year housing land supply, the need for affordable housing in the City, and the increased weight given to housing in the NPPF, it is considered that the principle of residential development on the site is acceptable.
- 9.61. The scale, design and layout of the proposal is considered to be acceptable, and it makes efficient use of the site without resulting in overdevelopment.
- 9.62. All the proposed residential units would be affordable rented which is welcomed as this would exceed the policy requirement of 30% affordable housing as set out in Policy CP20 of the CPP1.
- 9.63. The proposed housing mix is considered to be acceptable having regard to the size of the development and its more suburban location, and it is therefore considered that it would not conflict with Policy CP20.
- 9.64. The Standard of Accommodation is considered acceptable as all units would meet the Nationally Described Space Standards, would include private outdoor space in the form of private gardens or balconies, and would have sufficient light and outlook.
- 9.65. Although there would be a loss of biodiversity on site, 10% BNG can still be gained through the provision of off-site BNG.

- 9.66. Whilst it is acknowledged there would be some impact on the amenities of neighbouring properties, it is not considered that the impacts identified above would be so harmful as to warrant a refusal of planning permission.
- 9.67. The Local Highway Authority have raised no objection to the proposed development subject to appropriate conditions and it is not considered that the proposal would have a significant impact on the highway network.
- 9.68. Any impacts associated with the proposal also need to be weighed in the planning balance against the benefits of providing 10 new affordable houses in a City with a 1.5 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 outweigh the impacts.
- 9.69. 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.

10. COMMUNITY INFRASTRUCTURE LEVY

- 10.1. Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23 July 2020 and began charging on all CIL liable planning applications on and from the 5 October 2020. The exact amount will be confirmed in the CIL liability notice which will be issued as soon as practicable after the issuing of planning permission. However, the proposed development comprises affordable housing, which is exempt from CIL, so it is anticipated that there will be no CIL liability for this proposed development.

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 through an Equalities Impact Assessment that the proposal would not give rise to unacceptable material impact on individuals or identifiable groups with protected characteristics.

- 11.3. One of the proposed 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.
- 11.4. In line with the Council's Parking Standards SPD, 1 accessible parking space would be provided for the proposed M4(3) unit.

ITEM B

**36 Kingsthorpe Road
BH2026/00110
Full Planning**

DATE OF COMMITTEE: 2nd September 2026

BH2026 00110 - 36 Kingsthorpe Road



**Brighton & Hove
City Council**

N



Scale: 1:1,250

<u>No:</u>	BH2026/00110	<u>Ward:</u>	Wish Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	36 Kingsthorpe Road Hove BN3 5HR		
<u>Proposal:</u>	Demolish existing single storey commercial building (Use Class E) and erection of a five storey building comprising of 14no. flats (Use Class C3).		
<u>Officer:</u>	Steven Dover, tel:	<u>Valid Date:</u>	05.02.2026
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	07.05.2026
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	10.06.2026
<u>Agent:</u>	Mr Alex Bateman Mohsin Cooper 7 Hove Manor Parade Hove Street Hove BN3 2DF		
<u>Applicant:</u>	Ms Emma Taylor-Moore Suite A4 Skylon Court Rotherwas Hereford HR2 6JS		

1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to be MINDED TO GRANT planning permission subject to a s106 agreement based on the Heads of Terms set out below and the following Conditions and Informatives as set out hereunder, SAVE THAT should the s106 Planning Obligation not be completed or significantly advanced, on or before the 25 November 2026 the Head of Planning is hereby authorised to refuse planning permission for the reasons set out at the end of this report:

S106 Agreement Heads of Terms

- Contribution to Affordable Housing (£394,105) (including Late-Stage Viability Review)
- Employment and Training Strategy
- Contribution for Employment and Skills Training (£4,200)
- BNG Monitoring 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
Proposed Drawing	010	A	02-Apr-26
Proposed Drawing	001	B	07-Apr-26
Proposed Drawing	P-011		07-Apr-26
Proposed Drawing	P002	C	07-Apr-26

Proposed Drawing	P005	A	07-Apr-26
Other	BNG Matric		19-Jan-26
Report/Statement	Ecological Appraisal and BNG Assessment		19-Jan-26
Report/Statement	Noise Assessment		19-Jan-26
Report/Statement	Arboriculture Impact Assessment		19-Jan-26
Other	Tree Protection Plan		19-Jan-26
Location and block plan	001		19-Jan-26
Proposed Drawing	P003		05-Feb-26
Proposed Drawing	P004		05-Feb-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):

- Samples/details of all brick, render and tiling (including details of the colour of render/paintwork to be used)
- samples/details of all cladding to be used, including details of their treatment to protect against weathering
- samples/details of all hard surfacing materials
- samples/details of the proposed window, door and balcony treatments
- samples/details of all other materials to be used externally

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

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

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

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

5. The dwelling hereby approved shall be implemented in strict accordance with the internal layouts detailed on the proposed floorplans P003 and P004 received on 5th February 2026, and P002 rev C received on 7th April 2026. The internal layouts shall be retained as first implemented thereafter.
Reason: To ensure an acceptable standard of accommodation for future occupiers is provided and maintained thereafter and to comply with policy DM1 of the Brighton and Hove City Plan Part Two
6. For the avoidance of doubt, and as shown on the approved drawings, the balconies hereby approved shall not be first brought into use until opaque glazed privacy screen(s) of 1.7 metres in height (measured from the finished floor level of the terrace/balcony) have been installed on the side boundaries of the balconies. The screen(s) 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
7. The development hereby permitted shall not commence (except for demolition and site clearance) 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.
8. The hard surface of the external landscaping shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.
Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policies CP8 & CP11 of the Brighton & Hove City Plan Part One and DM42 and DM43 of the Brighton & Hove City Plan Part Two and SPD16: Sustainable Drainage.
9. Prior to occupation of the development hereby permitted, a scheme for hard and soft 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 and details of tree pit design, use of guards or other

protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period;

- c. details of all boundary treatments to include type, position, design, dimensions and materials;

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

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to provide ecological and sustainability benefits, to comply with policies DM22 and DM37 of Brighton & Hove City Plan Part 2, and CP8, CP10, CP12 and CP13 of the Brighton & Hove City Plan Part One.

- 10. The development hereby permitted shall not be commenced (including demolition and all preparatory work) until the tree protection measures identified in the submitted Arboricultural Method Statement (AMS) and Tree Protection Plan received on 19th January 2026 are in place. The measures and construction methods specified within these documents shall thereafter be retained/carried out throughout the construction process. The protective 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.

Construction of the proposed cycle parking as shown on the submitted drawings within the root protection area beneath the existing tree canopies shall use an above ground 'no dig' method and shall be carried out with direct supervision of a qualified arboriculturist. The development hereby permitted shall not be first occupied until a written report and photographic evidence have been submitted to and agreed in writing by the Local Planning Authority to demonstrate that the tree protection measures and construction methods were undertaken appropriately and under expert supervision.

Reason: As this matter is fundamental to protecting the trees which are to be retained on/adjacent to 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.

- 11. The development hereby permitted shall not be first occupied until:
 - i) details of external lighting, which shall include details of; levels of luminance, hours of use, predictions of both horizontal illuminance across the site and vertical illuminance affecting immediately adjacent receptors, hours of operation and details of maintenance have been submitted to and approved in writing by the Local Planning Authority.
 - ii) the predicted illuminance levels have been tested by a competent person to ensure that the illuminance levels agreed in part 1 are achieved. Where these levels have not been met, a report shall demonstrate what measures have been taken to reduce the levels to those agreed in part i).The external lighting shall be installed, operated and maintained in accordance with the approved details and thereafter retained.

Reason: To safeguard the amenities of the occupiers of adjoining properties and protect biodiversity to comply with policies DM20, DM37, CP10 and DM40 of Brighton & Hove City Plan.

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

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

13. 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.

14. Prior to the installation of any air source heat pump(s), details of the Microgeneration Certification Scheme (MCS) 020 assessment shall be provided to the Local Planning Authority for approval. Where the MCS020 assessment does not meet the noise criteria set out then full details of the proposed unit(s) and details of anti-vibration mounts and other noise attenuation measures shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved and thereafter maintained as such.

Reason: To ensure the development is sustainable and to safeguard the amenities of the occupiers of neighbouring properties and to comply with policies CP8, DM44, DM20 and DM40 of Brighton & Hove City Plan Part 2.

15. No development above ground floor slab level of any part of the development hereby permitted shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods have been submitted to and approved in writing by the Local Planning Authority. This shall include management and maintenance details. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details. The development shall subsequently be implemented, managed and maintained in accordance with the approved scheme. No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the Local Planning Authority.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to comply with policies DM41, DM42 and DM43 of the Brighton & Hove City Plan Part Two and CP11 of the Brighton & Hove City Plan Part One and SPD16: Sustainable Drainage.

16. The piling or other foundation works using penetrative methods shall not commence until such time as a Foundation Scheme has been submitted to,

and approved in writing by, the Local Planning Authority (LPA). The Scheme shall be based on the information submitted as part of the application and, where necessary, supported by:

- Foundation Works Risk Assessment
- A conceptual site model
- Specification of the type, number and depth of proposed piles/foundations.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing/phasing arrangements contained in the scheme, or any details as may subsequently be agreed, in writing, by the LPA.

Reason: To ensure that the proposed development, does not harm groundwater resources or public health in line with paragraph 187 of the NPPF and DM42 of the Brighton and Hove City Plan Part 2

17. The windows in the east and west elevation of the development, marked as obscured glass on the approved drawings of the development hereby permitted and the 1.7m high obscure balustrade screens to the side of the balconies as shown on the approved drawings shall not be glazed otherwise than with obscured glass and thereafter permanently retained as such.

Reason: To safeguard the privacy of the occupiers of the adjoining properties and to comply with Policies DM20 and DM21 of Brighton & Hove City Plan Part 2.

18. Soundproofing measures related to windows and ventilation, as recommended in Chapters 8 and 9, of the submitted Acoustic South East Planning Noise Assessment report dated the 3 December 2025 received on 19th January 2026 shall be implemented prior to the first occupation of the development and shall thereafter be retained as such.

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

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

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

20. No development, including demolition, shall take place until a Construction and Demolition Environmental Management Plan (CDEMP) has been submitted to and approved in writing by the Local Planning Authority. The CDEMP shall include:

- (i) Timescales for the Proposed Development including details of any phases and 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 and contact details (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/demolition including all associated vehicular movements;
- (vi) Details of the construction/demolition compound including plant and material storage and manoeuvring areas;
- (vii) Details of the type, height and siting of any construction/demolition hoardings and boundary treatments;
- (viii) A plan showing construction traffic routes and details of any traffic management/signage;
- (ix) Details of site waste management.

The construction/demolition of the development shall be carried out in full compliance with the approved CDEMP.

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.

21. Unless otherwise agreed in advance and in writing with the Local Planning Authority, works associated with the construction of the development hereby permitted including demolition, plant operation and HGVs and other construction vehicles accessing/egressing the site shall only be undertaken between the following hours:

- 8am to 6pm Monday to Friday
- 9am to 1pm Saturdays
- no work on Sundays and Bank/Public Holidays

Reason: To protect the amenity of local residents and occupiers and the wider area, in accordance with policies DM20 and DM40 of Brighton & Hove City Plan Part 2.

22. No development (except for demolition and site clearance) shall take place until a scheme setting out highway works to implement the removal of the redundant vehicular crossover onto the site and reinstatement of the footway on Kingsthorpe Road, has been submitted to and approved in writing by the local planning authority. No part of the development hereby approved shall be occupied until the approved highway works have been carried out in accordance with the approved scheme.

Reason: To ensure safe pedestrian, cyclist and vehicular access into, out of and past the site and road safety for all road users and to comply with policies CP9, CP11 of the City Plan Part One and DM33 of City Plan Part 2.

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

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

24. No development shall take place until an ecological design strategy (EDS) addressing enhancement of the site for biodiversity, including 'hedgehog highways' (where close board fencing is to be used), biodiverse landscape planting (i.e. at least 75% native and/or non-native plants of recognised wildlife value) and a minimum of one bat brick/box, 17No. swift bricks/boxes and 14No. bee bricks 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 provide a net gain for biodiversity as required by Section 40 of the Natural Environment and Rural Communities Act 2006, paragraphs 180 and 186 of the National Planning Policy Framework, Policy CP10 of the Brighton & Hove City Council City Plan Part One and Policy DM37 of the City Plan Part Two.

25. All ecological measures and/or works shall be carried out as part of the development in accordance with the details contained in the Ecological Appraisal and Biodiversity Net Gain Assessment (Deepdene Ecology Ltd, December 2025 Version 01) 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 the National Planning Policy Framework, 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.

26. 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 Ecological Appraisal and Biodiversity Net Gain Assessment dated December 2025 Version 01 and prepared by Deepdene Ecology Ltd; and
- (b) The BGP has been submitted to and approved in writing by the Local Planning Authority.

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

27. 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.

28. No development (including demolition) approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the Local Planning Authority (LPA). This strategy will include the following components:

- 1. Up to date Preliminary Risk Assessment (PRA) and conceptual model following the results of an exploratory investigation
- 2. A detailed site investigation scheme, based on the results from (1) to provide information for a detailed risk assessment to all receptors that may be affected, including those off-site.
- 3. A tiered risk assessment using the results of the site investigation referred to in (2).
- 4. An options appraisal including sustainability and treatability studies of the remediation measures required and how they are to be undertaken.
- 5. A remediation strategy and verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the

remediation strategy are complete and identifying any requirements for longer-term monitoring of pollutant linkages, mitigation, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the LPA. The scheme shall be implemented as approved.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in accordance with policy DM42 of the Brighton and Hove City Plan Part 2

29. Prior to any part of the permitted development being occupied, a Verification Report demonstrating the completion of works set out in the approved remediation strategy (secured by the above condition) and the effectiveness of the remediation shall be submitted to, and approved in writing, by the LPA. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To ensure that the site does not pose any further risk to the land and water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete in accordance with policy DM42 of the Brighton and Hove City Plan Part 2

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

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site and to comply with policy DM42 of the Brighton and Hove City Plan Part 2

31. The wheelchair accessible dwelling 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 dwellings 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 DM1of City Plan Part 2.

32. Other than demolition work, no development hereby permitted shall take place until a drainage strategy detailing the proposed means of foul and surface water disposal including a detailed design, associated management and maintenance plan and an implementation timetable, has been submitted to and

approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved scheme and timetable.

Reason: To ensure adequate foul sewage and drainage treatment is available to serve the development and to comply with policies DM42, DM43 and CP11 of Brighton & Hove City Plan.

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 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.

3. The applicant is advised that this planning permission does not override the need to go through the Local Highway Authority's (LHA) Approval in Principle (AIP) process for all necessary works (including temporary works) adjacent to (that is, within 3.66m) and within the highway (including under and over). Nor does it override the need to gain any appropriate highway licences prior to the commencement of any construction works. To avoid delay the applicant must contact the Council's Civil Engineering team (transport.projects@brighton-hove.gov.uk 01273 294570) and Streetworks team (permit.admin@brighton-hove.gov.uk 01273 290729) well in advance of planned start of works.
4. To align with Policy DM33 of the Brighton & Hove City Plan Part Two, cycle parking must be secure, convenient (including not being blocked in a garage for cars and not being at the far end of a rear garden), accessible, well lit, well signed, near the main entrance, by a footpath/hardstanding/driveway and wherever practical, sheltered. The Highway Authority will not usually approve vertical hanging racks as they are difficult for many people to use and considered to be contrary to local policy and the Equality Act 2010. The LHA

approves of the use of covered, illuminated, secure 'Sheffield' type stands spaced in line with the guidance contained within the Manual for Streets section 8.2.22. We will also consider other proprietary forms of covered, illuminated, secure cycle storage including the 'slide cycle in' type cycle store seen in railway stations, the 'lift up door' type cycle store, the metal Police approved 'Secure-By-Design' types of cycle store, the cycle 'bunker' type store and the 'two-tier' type system seen at railway stations. Provision should be made for tricycles, reclining cycles and cargo bikes.

5. The Applicant must contact the Highway Authority by e-mail (s278@brighton-hove.gov.uk) at their earliest convenience to avoid any delay and prior to any works commencing on-site and on the public highway. The LHA will advise and ensure that ALL Permits and Licences necessary for the site are obtained; and ALL Fees due to the LHA for each Licence/Permits are paid before any Completion Certificates are issued to the Applicant/Developer; or their Contractor.
6. The LHA has assessed this application and determined that the development would not currently be eligible for residents parking permits. Details of the development will be passed to BHCC as Traffic Authority so they can reassess this decision prior to first occupation. At that point, if you disagree with this categorisation, you will have the right to provide evidence that there is capacity in the surrounding streets for the likely parking demand of this development. For details on how to do this please contact transport.dcapps@brighton-hove.gov.uk
7. 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.
8. 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>
9. The applicant should be aware that whilst the planning permission may be granted, should any complaints be received with regards to noise, odour, fumes or vibration, this does not preclude this department from carrying out an investigation under the provisions of the Environmental Protection Act 1990.
10. Due to the close proximity of the proposed development to Network Rail's land and the operational railway, Network Rail requests the applicant/developer engages Network Rail's Asset Protection and Optimisation (ASPRO) team prior to works commencing. The applicant / developer may be required to enter into an Asset Protection Agreement to get the required resource and expertise on board to enable approval of detailed works. To start the process with the Asset Protection team, the applicant/developer should use the Asset Protection

Customer Experience (ACE) system found on Network Rail's Asset Protection website: <https://www.networkrail.co.uk/running-the-railway/looking-after-the-railway/asset-protection-and-optimisation/>. This website also provides more information about the Asset Protection team and the services they offer.

11. The applicant is advised to consult Southern Water to ensure measures to protect/divert the public water supply main are agreed including details of any tree planting or soft landscaping proposal within 6 metres of the public water apparatus.

2. SITE LOCATION

- 2.1. The site is currently occupied by a single-storey, vacant commercial building, last used as an artists supply storage and retail store (Use Class E), with associated hardstanding for off-road parking at the front. To the rear, the site is bounded the main south coast railway line. There is an existing hardstanding and matures trees along the rear boundary act as a buffer between the railway and the site. Immediately to the east of the site is 'The Pinnacle' a five storey office-to-residential conversion.
- 2.2. Kingsthorpe Road is lined on its north side with a terrace built in the mid-2010s, featuring a combination of buff brick at ground floor, white render at first floor, and black timber cladding at second floor. The southern side of the street is characterised by postwar semi-detached dwellings closest to the site, with a small cluster of late 20th-century terraced further to the west. The wider townscape comprises a varied mix of building types including terraced housing, converted commercial buildings and more recent midrise apartment developments. West Hove Infant School lies to the south of the site on School Road.
- 2.3. The site is identified in the Brighton and Hove City Plan Part One (CPP1) under Policy CP3.4 as an employment-led mixed use (employment and residential) redevelopment site allocation, known as School Road Hove. Recent applications for development within the wider site allocation are outlined in the history section below.

3. RELEVANT HISTORY

- 3.1. **PRE2025/00218** Pre-app advice sought to demolish an existing single storey commercial building (Use Class E) to erect a five storey building comprising of 14no. flats (Use Class C3). Advice issued 9/12/2025

4. RELEVANT HISTORY AT OTHER SITES

Rayford House (now The Pinnacle), School Road Hove

- 4.1. **BH2021/00284** Erection of a three storey extension to first, second and third floors above existing front foyer to provide 3no. two bed dwellings (C3). Approved - 9th April 2021
- 4.2. **BH2020/00955** Erection of four storey extension to east side to form 4no additional 2 bedroom dwellings and associated works. Approved - 22nd June 2020
- 4.3. **BH2019/02587** Prior approval for change of use from offices (B1) to residential (C3) to form 44no flats. Approved - 23rd October 2019
- Westerman Complex School Road
- 4.4. **BH2016/02535** Outline application for Demolition of existing mixed use buildings and erection of 104 dwellings (C3) and 572 Sqm of office space (B1) and approval of reserved matters for access, layout and scale. Approved - 3rd August 2018

5. APPLICATION DESCRIPTION

- 5.1. Planning permission is sought to demolish the existing single storey commercial building (Use Class E) and the erection of a five-storey building comprising of 14 residential flats (Use Class C3). These 14 flats would consist of one (1) Studio unit, four (4) one bed units, eight (8) two bed units and one (1) three bed unit.
- 5.2. Amended plans have been received during the course of the planning application which result in a minor change to the elevations of the building, which removed brick columns to either side of the front elevations rendered central panel. This was submitted to address comments from the Council's Urban Designer.
- 5.3. The development would have a contemporary flat roofed design, with the use of predominantly light and dark brick to the elevations, and a large rendered area to the front elevation. The top floor would be finished in a cladding system which would also be used on part of the western elevation. Each of the proposed flats would have an outdoor private amenity area, with private terraces to the ground floor and balconies to the higher units. A shared communal garden area would be provided to the rear, which would also contain the bike store. No car parking is proposed as part of the development.

6. REPRESENTATIONS

- 6.1. **Fifteen (15)** representations have been received objecting to the development for the following reasons

Design Concerns

- Overdevelopment of the site
- Inappropriate height

- Too close to boundaries
- Out of character with other developments/ storey too high
- Overbearing/ tower over neighbouring properties, and
- Residential Amenity

Traffic and Highway

- Additional Traffic movements
- Highway safety
- Addition vehicles and impact on school children
- Parking pressure already existing and would be made worse
- Car free development not practical, and
- The access to trains at Aldington Station is restricted

Amenity

- Crime and anti-social behaviour
- Overshadowing
- Intrusive design/loss of privacy
- Impact on property value, and
- Impact on view and outlook

Standard of accommodation

- Consideration of waste facilities must be given, and
- Poor standard of accommodation in the new units in relation to light

Other

- Noise and disruption through construction and impact on mental health
- Area already significantly developed
- Only developers needs are served, and
- Cumulative impact of recent development must be considered

Two (2) representations have been received in support of the development for the following reasons:

- Good design
- Commercial element not required for this location
- More housing needed in residential locations
- Good connection to public transport
- School Road street scheme has reduced access, and
- Cycle storage well-designed

7. CONSULTATIONS

Internal

7.1. Arboriculture Team No objection

The construction of the cycle parking within the root protection area and beneath existing tree canopy of three network rail trees - the above ground no dig specification is feasible it will require direct arboriculture supervision to ensure correct installation.

- 7.2. Recommend any tree protection condition to include a requirement for a written report with photographs of install by the arboriculture clerk of works to discharge condition.
- 7.3. **Archaeological Officer No Objection**
No significant archaeological remains are likely to be affected by the proposals.
- 7.4. **Ecologist No Objection**
The site is unlikely to have significant ecological impacts on designated wildlife sites and trees to the rear will be retained and protected.
- 7.5. A preliminary bat survey was undertaken and concluded negligible suitability for roosting bats. A sensitive lighting design will be needed given the wooded railway corridor which is suitable for foraging and commuting bats. The site has low suitability to support badgers, hedgehogs, reptile/amphibians. It has potential to support small numbers of common nesting birds.
- 7.6. Appropriate mitigation and enhancement should be secured via condition. The site can offer significant onsite habitat credits to meet statutory Biodiversity Net Gain (BNG). Conditions are required to ensure compliance with the submitted Ecological Appraisal and BNG assessment and the submission of an Ecological Design Strategy (EDS). If significant on-site BNG is provided a habitat management and monitoring plan will be required. Soft landscaping should be incorporated. Provision of green roofs is encouraged. Bat/bird/bee nesting boxes should be provided.
- 7.7. **Environmental Health Team No objection**
The Noise Impact Assessment (NIA) was assessed and contaminated land concerns reviewed. Conditions required in relation to Noise Levels, Soundproofing, Delivery and Service Management Plan (DSMP), Construction and Environmental Management Plan (CEMP), Construction Hours.
- 7.8. **Housing Team Comment**
The viability of affordable housing (on site or as commuted sum) must be independently assessed.
- 7.9. **Local Employment Scheme, Skills & Employment Comment**
An Employment & Training Strategy must be submitted for approval at least 1 month prior to commencement of the development. The Council's template is required to cover all relevant phases of the project. The Strategy should set how the developer, contractor (and their sub-contractors), as well as any other relevant agents will collaborate in order to meet the Local Employment Scheme's objectives. A financial contribution towards skills and training is required (£4,200).
- 7.10. **Net Zero Team No response.**
- 7.11. **Planning Policy No Objection**
The proposal would lead to a net loss of employment floor space. Through an updated redundancy and employment report the applicant considers that due

to site constraints surrounding uses access limitations market demand and viability there is no realistic deliverable or policy compliant prospect of re providing employment floor space in a form that would be viable, attract a sustained employer demand, or meet the objectives of policy CP 3.4. The applicant has considered the options of including ground floor commercial units and a live work scheme. The applicant has provided a financial viability assessment (FVA) with development appraisals to test the two options. The report suggests that both options are not financially viable, with marginal profit in each. Subject to this being verified by the case officer or independent verification it is considered that the applicant has provided the necessary evidence to justify a net loss of employment floor space in accordance with CP3.4.

7.12. Sustainable Drainage Strategy No objection

Further information required by condition :

- Evidence of approval from Southern Water for the discharge of foul water
- Confirmation of the foul water disposal method
- Evidence that any drainage infrastructure proposed for re-use is in an acceptable condition and that it has sufficient capacity for the anticipated peak discharge rate
- The results of BRE 365 testing demonstrating that infiltration of surface water is not feasible, otherwise drainage plans updated to include infiltration.

7.13. Transport Planning No objection

Acceptable subject to conditions for Cycle parking, Delivery and Servicing Management Plan and a Demolition and Construction Plan. The removal of the frontage parking area creates additional kerbside capacity on Kingsthorpe Road. The existing double yellow line arrangement should therefore be reviewed through the highway works process, with a TRO made as necessary. The final frontage arrangement, including any loading provision or additional parking, should be agreed with the LHA Parking Design & Implementation Team.

7.14. Urban Design Team Comment

The scheme has evolved following pre-application discussions, and several aspects of the design have improved. Improvements to the entrance sequence and the introduction of a clearer arrival point are welcomed and help improve legibility in accordance with SPD17 Urban Design Framework Section 3.4 (Movement and Connectivity).

- 7.15. Consider a pre-commencement planning condition is appropriate given the scale of the development and to ensure high quality materials are delivered and the scheme fully meets the design quality expectations set out within Policy CP12, DM18, and SPD17.

External

7.16. District Valuation Office Comment

When assessed with regards to full planning policy requirements (comprising £779,000 commuted sum for affordable housing and CIL of £151,526), the

scheme is not considered viable. Through a gradual reduction of the commuted sum amount, the maximum amount of commuted sum that would be supported (with a viable scheme) is £394,105.

7.17. **Environment Agency No Objection**

Contaminated Land, ground water, piling risk, and drainage system conditions required.

7.18. **Network Rail Comment**

Due to the close proximity of the proposed development to Network Rail's land and the operational railway, Network Rail requests the applicant / developer engages Network Rail's Asset Protection and Optimisation (ASPRO) team prior to works commencing. This will allow our ASPRO team to review the details of the proposal to ensure that the works can be completed without any risk to the operational railway. The applicant / developer may be required to enter into an Asset Protection Agreement to get the required resource and expertise on board to enable approval of detailed works.

7.19. **Sussex Police No comment**

7.20. **Southern Water Comment**

Conditions should be imposed to protect water apparatus and to seek details of foul and surface water drainage.

8. MATERIAL CONSIDERATIONS

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

8.2. The development plan is:

- Brighton & Hove City Plan Part One (adopted March 2016);
- Brighton & Hove City Plan Part Two (adopted October 2022);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013 updates October 2024);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
- Shoreham Harbour JAAP (adopted October 2019)
- Hove Station Neighbourhood Plan

9. 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

CP2	Sustainable Economic Development
CP3	Employment land
CP7	Infrastructure and Developer Contributions
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP11	Flood risk
CP12	Urban design
CP14	Housing density
CP18	Healthy City
CP19	Housing mix
CP20	Affordable Housing
SA6	Sustainable Neighbourhoods

Brighton & Hove City Plan Part Two:

DM1	Housing Quality, Choice and Mix
DM18	High quality design and places
DM19	Maximising Development Potential
DM20	Protection of Amenity
DM22	Landscape Design and Trees
DM33	Safe, sustainable and active travel
DM36	Parking and servicing
DM37	Green Infrastructure and Nature Conservation
DM40	Protection of the Environment and Health - Pollution and Nuisance
DM42	Protection of the Water Environment
DM43	Sustainable Drainage
DM44	Energy Efficiency and Renewables

Waste & Minerals Plan Policy

WMP3d	Minimising and Management Waste During Construction
WMP3e	Waste Management in New Development

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD06	Trees and Development Sites
SPD11	Nature Conservation & Development
SPD14	Parking Standards
SPD17	Urban Design Framework

Hove Station Neighbourhood Plan

H5	Housing Mix and Tenure
H6	Affordable Housing
H7	Employment
H8	Design and Public Realm
H13	Parking and Movement
H14	Developer Contributions

Other Documents

Brighton & Hove Employment Land Study (background paper to City Plan)

10. CONSIDERATIONS & ASSESSMENT

- 10.1. The main considerations relating to the determination of this application are the principle of the proposed development particularly in relation Planning Policy and the strategic aims of the site, urban design considerations, impact on neighbouring residential amenity, the standard of accommodation proposed, and sustainability, biodiversity and highways implications.

Principle of the development

Loss of Employment floorspace

- 10.2. The site forms part of an employment-led mixed-use redevelopment site allocation as identified in CPP1 Policy CP3.4 - School Road Hove. Policy CP3 seeks to protect and enhance employment land in the city. The starting point for the policy is that there should be no loss of employment floor space. The policy states that in order to secure good quality modern flexible employment floor space, the council will allow employment-led mixed-use development on identified employment sites. The aim is to seek high-quality modern business floor space but also contribute towards housing delivery in the city. Such an approach has been achieved and delivered in other sites within this wider allocated site, such as the adjacent 18-34 Kingsthorpe Road development and at the former Westerman Complex on School Road.
- 10.3. The proposal in this application would contain no employment floor space and therefore conflicts with the objective of retaining employment provision, and employment-led mixed uses on allocated sites.
- 10.4. In an attempt to justify this approach, the planning application was accompanied by a redundancy report which focused on the tests of redundancy for unallocated employment sites. It did not address the particular policy requirements for sites allocated for mixed-use employment and residential redevelopment required under CP3.4. The Policy Team initially raised an objection in this regard.
- 10.5. In response to issues raised by planning policy officers, the applicant submitted additional information in respect of policy CP3.4. The applicant submitted an updated Redundancy and Employment Re-Provision Report and a Financial Viability Assessment (FVA). Information was also provided with respect of the possibilities of incorporating live/work units or incorporating ground floor commercial units with residential uses above. The report indicates that the site has been assessed against a range of potential employment formats including small ground floor studio or maker units, flexible Class E workspace, managed office suites, low impact creative or commercial units and hybrid live work formats, together with employment uses more generally including office studio light industrial and creative uses.
- 10.6. The report considers this that the site is constrained due to significant on street parking pressure and congestion associated with nearby school uses. The report considers these conditions limit the ability to safely accommodate servicing deliveries and operational movements. It is stated there in no realistic

opportunity to introduce dedicated servicing bays adequate or loading arrangements without creating conflict with neighbouring residential and educational uses and so redevelopment cannot satisfactorily resolve access and servicing constraints. The report argues that replacement employment space is not realistic because of these site constraints and access issues, as well as due to market demand and viability considerations.

- 10.7. It is agreed that the prevailing character of the immediate area is residential, and that the road layout and site restrictions are a limitation of the site. Together with the review of the updated report regarding demand and availability and the viability appraisal, policy officers conclude sufficient evidence has been provided to justify the loss of employment floorspace in this instance.
- 10.8. It is noted that the site is also located within the Hove Station Neighbourhood Plan area within the Stoneham sub area. An objective of the plan is to secure mixed but contemporary land uses including both residential development and substantial employment opportunities. Hove Station Neighbourhood Plan Policy H7, Employment, is relevant and states that cultural facilities including arts and crafts studios and workshops will be encouraged. However as noted above, the development would not deliver employment floor space.
- 10.9. On balance, on review of the robust information provided, it is considered that the loss of employment floorspace for this site has been adequately justified, and there is no objection, in this instance, to the lack of new employment space within the development of the site. Weight is also given to housing provision within the overall planning balance, see below.

Housing Considerations

- 10.10. Policy CP1 in City Plan Part One sets a minimum housing provision target of 13,200 new homes for the city up to 2030. However, on 24 March 2021 the City Plan Part One reached five years since adoption. National planning policy states that where strategic policies are more than five years old, local housing need calculated using the Government's standard method should be used in place of the local plan housing requirement. The local housing need figure for Brighton & Hove using the standard method is 2,498 homes per year. A 20% buffer is applied to this figure to reflect the most recent Housing Delivery Test measurement (published in December 2024) for the council being less than 85%.
- 10.11. The council's most recent housing land supply position is published in the SHLAA Update 2025 which shows a five-year housing supply shortfall of 10,442. This is equivalent to 1.5 years of housing supply
- 10.12. 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).

- 10.13. The proposal would make a modest but welcome contribution of 14 housing units (plus an affordable housing commuted sum) and this is given weight within the planning balance given the acute need for housing delivery.

Housing Mix

- 10.14. City Plan policies do not specify a required housing mix, however Policy CP19 states that developments will be required to demonstrate that proposals have had regard to housing mix considerations and have been informed by local assessments of housing demand and need. The supporting text at paragraph 4.213 indicates the majority of housing need/demand across the city for both market and affordable is for 2 and 3 bedroomed properties at 34% and 31% respectively. The most recent Strategic Housing Market Assessment 2023 indicates that 45-50% of demand for market dwellings is for 2 bedroomed dwellings.
- 10.15. The proposal comprises 1 studio (7%), 4 one-bedroom (29%), 8 two-bedroom (57%), and 1 (7%) three-bedroom units.
- 10.16. As the proposal includes a greater proportion of two-bedroom units than one-bedroom units, and contains a three-bed unit, it is considered that the mix proposed is broadly acceptable and satisfies the requirements of policy CP19 for this relatively small-scale scheme. The Housing Team raise no objection to the development.

Affordable Housing Considerations

- 10.17. CPP1 policy CP20 requires an affordable housing contribution on all developments that create 5 homes or more. This policy position is justified by the high housing need in the city combined with the physical restraints of developing. Commuted sums provided for smaller developments or where providing homes on site proves unviable are used to expedite affordable homes elsewhere in the city through a range of initiatives. Current policy requires 40% onsite affordable housing on all developments providing 15 or more dwellings; 30% on site or as a commuted sum between 10-14 dwellings and 20% as a commuted sum only for 5-9 dwellings.
- 10.18. This development proposal is for 14 flats, meaning 30% affordable housing, 4 units, is the policy compliant position or a contribution of £779,000 (based on the council's adopted Developer Contributions Technical Guidance).
- 10.19. A financial viability assessment was submitted with the application which concluded that the development was unable to provide affordable housing or financial contributions for viability reasons. This viability assessment was independently reviewed by the District Valuation Service on behalf of the LPA, and some of the methodology and conclusions were not agreed, and a contribution towards affordable housing was assessed as viable, albeit at a reduced rate from the £779,000. In response, officers have revisited and discussed the affordable housing contributions with the applicant. The applicant has now agreed to the payment of a reduced contribution towards affordable housing provision of £394,105, which has been assessed by the

District Valuation Service as supportable. This shall be secured by section 106 and shall be subject to a late-stage affordability review.

- 10.20. Overall, it is considered that the principle of bringing forward the redevelopment of this site without an employment floor area has been justified in this instance, and the provision of housing is welcome in the context of the lack of housing supply in the city. The housing mix and the affordable housing contribution has been justified.

Design Considerations

- 10.21. City Plan Policies CP12 and DM18 expects all new development to raise the standard of architecture and design in the city, establish a strong sense of place by respecting the character and urban grain of the neighbourhood, and ensure residential development is of a density that is appropriate and achieve excellence in sustainable building design and construction. Policy DM19 seeks to ensure developments make the most effective and efficient use of sites.
- 10.22. The existing building is a single storey, flat roof commercial building, previously used by Lawrence Paint Supplies. In front of the building is hardstanding and would have provided customer car parking. The existing building is of low architectural merit, and the redevelopment of the site presents an opportunity to create a building of more visual interests whilst making more efficient use of the land.
- 10.23. At five storeys in height, the development represents a marked increase in scale relative to the existing building which is single storey. However, the height does reflect the evolving scale of development within the surrounding area. The top floor would be set back from the front elevation and in from the side elevations of the building. This stepping of the upper floor would help moderate the overall height and would provide a transition in the height of the buildings either side of the site, The Pinnacle to the east at 5 storeys in height, and the lower scale buildings to the west 24-34 Kingsthorpe Road at 3 storeys in height.
- 10.24. Whilst the building would sit comfortably below the height of The Pinnacle, it is acknowledged that the building height would be fairly imposing when viewed with the 3 storey building to the west. However, the fourth floor would be recessed from the main façade by approximately 1m to the sides and approximately 1.9m to the front. This approach would reduce the perceived scale of the building, particularly when viewed from the front. In addition, the balconies towards the sides of the front elevation of the building would break up the visual mass of the front of the property by limiting the solidity of the front elevation.
- 10.25. The design and positioning of the fenestration is considered to be acceptable. The single point of pedestrian access from Kingsthorpe Road is considered suitable. The addition of a clearly articulated entrance canopy would help to reinforce the main entrance and the design integrity of the front elevation overall. The design also allows for an area of front landscaping immediately adjacent to the highway which is welcome.

- 10.26. In terms of footprint and siting, the new building would have a comparable front building line to the properties either side, which would be slightly further forward in the plot than the existing building line. The overall footprint of the building is considered to an acceptable scale. The development would have less projection to the rear than the existing building. This would allow for meaningful communal amenity space to be delivered to the rear of the property. There would a minimal gap between the side elevations of the building and the buildings either side. However, it is not out of character with the built form of the area and with the front building line of the neighbouring sites respected, and the height of the building justified, the development is not considered to appear unduly cramped within the plot.
- 10.27. The height, footprint and building line would give the new building an overall mass which would be acceptable in the local context and not appear as an overdevelopment of the site.
- 10.28. In regard to materials, the design approach takes cues from nearby development along School Road and Kingsthorpe Road, particularly using brick and rendered elements. The use of brick as the primary material is supported and reflects the prevailing character of surrounding development. The proposed palette of buff brick, slate blue brick, white render and terracotta composite cladding would introduce four distinct materials to a relatively small residential scheme. As commented by the Urban Designer, this does risk creating a visually busy front elevation. Amended plans have been received which removed the buff brick columns to the render panel, and supporting information confirm the use of a multi-stock brick to provide tonal variation to the façade. This is considered a welcome improvement
- 10.29. The Urban Designer's reservations regarding the potential for the terracotta cladding appearing tonally flat are noted. In response to this, some justification has been made for its inclusion, including the weathering and sustainability credentials. This material would not be used extensively on the elevations. It would be used on the top floor accommodation, which is set back from the main elevations, around the front entrance, and on the west elevation. The Urban Designer advocates a more restrained material palette should be explored. Full samples of material are secured by condition. It has been confirmed the roof of the property would not be used for solar PV, and at this stage of the design process no plant is proposed for the roof.
- 10.30. Overall, the scale and massing of the new building is considered to be acceptable. Although the height would exceed that of the Kingsthorpe Road to the west by a notable degree, the set back of the stop floor would provide some visual relief. On balance the design of building is considered acceptable. The proposal is considered to be an appropriate and sympathetic development which does not cause significant harm to the character and appearance of the site or streetscene. The design and appearance of the building considered to be in accordance with policies CP12 of the Brighton and Hove City Plan Part One and DM18, DM19 and DM21 of the Brighton and Hove City Plan Part Two and the Urban Design Framework SPD17.

Standard of Accommodation:

- 10.31. Policy DM20 of the CPP2 seeks to ensure a good standard of amenity for future occupiers of the proposed development and this requirement is one of the core planning principles of the NPPF. Indeed, the updated NPPF requires that all developments provide a 'high' standard of accommodation. This is reflected in Policy DM1 which also adopts the Nationally Described Space Standards (NDSS) for dwellings. The schedule of accommodation is as follows:

Unit	Floor	Unit Type	Gross Internal Area
1	Ground floor	Studio	39sqm
2	Ground floor	1 bed 2p	50sqm
3	Ground floor	2 bed 3p (M4(3))	71sqm
4	First floor	2 bed 4p	73sqm
5	First Floor	1 bed 2p	57sqm
6	First floor	2 bed 4p	71sqm
7	Second floor	2 bed 4p	73sqm
8	Second floor	1 bed 2p	57sqm
9	Second floor	2 bed 4p	71sqm
10	Third floor	2 bed 4p	77sqm
11	Third floor	1 bed 2p	53sqm
12	Third floor	2 bed 4p	71sqm
13	Fourth floor	3 bed 4p	80sqm
14	Fourth floor	2 bed 3p	62sqm

- 10.32. The submitted information shows that the new residential units would meet minimum standards in relation to the NDSS. The gross internal areas of each unit including the sizes of bed space and storage areas show compliance with minimum space standards. The scheme also incorporates an M4(3) wheelchair accessible dwelling to the rear of the ground floor whilst all other units would be M4(2) accessible and adaptable dwellings. A lift is proposed to all levels of accommodation.
- 10.33. In addition to the NDSS, consideration must also be given to the standard of accommodation for new residents in relation to light and outlook. The flats would generally have good aspect and light to habitable rooms. It is noted that given the close proximity of the building with The Pinnacle to the east, outlook from windows in the east elevation of the building would be restricted. In the majority of units, these are secondary windows or bathroom windows, the exception is unit 13 where it is the sole window to the third bedroom. Given that this restricted outlook impacts only one bedroom window in the whole development, this compromise is not considered significant.
- 10.34. Policy DM1 states that all new residential development will be required to provide useable private outdoor amenity space appropriate to the scale and character of the development. Each unit would benefit from an external amenity space in the form of a balcony or terrace. In addition, a landscaped communal amenity area would be provided to the rear of the site. The cycle

storage would be to rear of site, and dedicated communal refuse and recycling space is allocated internally.

- 10.35. It is also necessary to consider any potential noise issues in accordance with CPP2 policy DM40 given the proximity of the residential apartments to the commercial unit to the west. The railway line to the north is also a potential source of noise. The application is accompanied by a Noise Assessment. The Environmental Health Team have not objected to the development and with conditions attached to secure the mitigation methods proposed in the Noise Assessment, it is considered that the future occupiers would not be exposed to noise and disturbance.
- 10.36. Overall, the development is considered to deliver fourteen residential flats with a good standard of residential accommodation throughout in accordance with policies DM1, DM20 and DM40 of City Plan Part 2.

Impact on Amenity:

- 10.37. Policy DM20 of the 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. The proposal represents a significant increase in scale and massing compared to the existing building, with potential impacts on neighbouring occupiers in terms of outlook and sunlight and daylight.
- 10.38. The new building would be constructed in close proximity to the side site boundaries. The side windows which face the site within The Pinnacle development to the east would be somewhat enclosed by the development. The application site is however unusual being only single storey at present and it is allocated for redevelopment, and impact to these windows is unavoidable to an extent. At present, above ground floor level, these side windows have open aspect to the west, therefore any building in this location would have a pronounced impact on these windows. Of consideration also is the information submitted with the application that shows that these windows are not the sole windows to habitable rooms in The Pinnacle, so whilst there would be an impact on the windows, in terms of the significance on living conditions for occupiers in The Pinnacle, the impact would not be so significant as to warrant refusal of the application.
- 10.39. There is generally a good separation distance between the development and windows in properties to the south. The development would be within one metre of the western boundary, which is shared with a neighbouring commercial development 34 Kingsthorpe Road. The impact on this property would be pronounced, with the new building towering over the neighbour. Side facing and rear facing windows would be impacted by a degree of enclosure however as a commercial property the impact would not be so significant as to warrant refusal of the application. The properties further to the west, 32 and 32A Kingsthorpe Road would feel some enclosure from the building, but given the separation distance, the building would not be overbearing.

- 10.40. Overall whilst the visual impact of the development would give neighbouring occupiers a much more developed outlook and be more enclosing to a degree, the harm would not be so significant as to warrant refusal of the application. Loss of view is not a material planning consideration.
- 10.41. In regard to privacy, primary outlook from the residential units would be from windows on either the front or the rear elevations. Balconies are proposed for the first, second and third floors. On the rear elevation, and an obscured glass balustrade 1.7m high is shown on the side elevation of the balconies. On the upper floor units, balconies across the front and rear elevations would also have an obscured glass panel to the side elevations. All of these panels shown as obscured glass, and would be secured by condition to protect against mutual overlooking over the boundaries and ensure outlook from the new flats would be directed to the front to the rear of the site.
- 10.42. The majority of windows on the side elevation of the new building are shown to be obscured glass and can be conditioned as such. Such windows are largely secondary to serve those particular rooms so are not the only source of light/outlook, or serve bathrooms and stairways. Given the close proximity of the development to The Pinnacle development to the east, any side windows are likely to contribute to a sense of perceived overlooking from the new windows, even with obscured glazing. However, with obscured glass there would be no demonstrable impact on privacy, and therefore the impact would not be so significant as to warrant refusal. There would be ample separation distances between the new development and the properties to the opposite to prevent any significant impact in terms of loss of privacy or overlooking.
- 10.43. A Daylight and Sunlight Assessment has been submitted with the application. Undertaken by XDA Consulting Ltd, the assessment has been carried out in accordance with the BRE Guidance "Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (BR 209, 2022)". The study considers the potential impact of the proposed development on neighbouring residential properties at 32 and 32A Kingsthorpe Road to the west, and The Pinnacle to the east of the site. As a commercial premises, 34 Kingsthorpe Road has not been assessed. As noted above, windows in this property are likely to be impacted by the development but are afforded less protection as commercial premises than residential uses.
- 10.44. The study assessed daylight, (Vertical Sky Component (VSC) and No Sky Line (NSL)), sunlight, and garden overshadowing. It concludes that the majority of neighbouring windows retain Vertical Sky Component values that remain compliant with BRE guidance. A small number of windows at The Pinnacle experience reductions in VSC; however, as noted above, these windows, which face west on to the development site, serve as secondary windows to the affected rooms. The analysis confirms that the affected rooms continue to receive adequate skylight, with no reduction below BRE threshold values. No noticeable adverse impact on internal daylight levels is predicted for any neighbouring habitable rooms.

- 10.45. In regard to sunlight, BRE guidance requires sunlight assessment only for living rooms windows facing within 90 degrees of due south. As no relevant neighbouring living room windows face the proposed development, a detailed sunlight assessment was not required. The report identified a minor increase in overshadowing in the gardens of 32-32A Kingsthorpe Road however the proportion of garden areas receiving at least two hours of direct sunlight remains within BRE guideline thresholds.
- 10.46. Policy DM40 of the City Plan addresses environmental protection. Representations made on the application concerning noise and disturbance have been considered. The development could create additional activity associated with the site, including comings and goings associated with a residential development, and the occupation of private amenity space. However, this site is in a largely residential area, and the character of the movements and activities would be comparable with that of neighbouring uses. It is not anticipated that development would increase crime or anti-social behaviour. Sussex Police have not objected to the development. The Environmental Health Team have advocated the need for a construction hours condition. They have also suggested a Delivery and Service management Plan (DSMP) however there is no commercial element to this proposal and this is not considered justified in this instance.
- 10.47. Overall, the development is not considered to have a significant impact on adjoining residents in terms of privacy, outlook, light or overshadowing and therefore no significant or demonstrable harm would result. The development would not impact conflict with the objectives of policies DM20 and DM40 of CPP2

Sustainable Transport:

- 10.48. National and local planning policies seek to promote sustainable modes of transport and to ensure highway safety. The NPPF states that the use of sustainable modes of transport should be pursued. Policy CP9 (2c) of the City Plan 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.
- 10.49. The application is accompanied by a transport assessment. The Transport Statement concludes that the site is well located for sustainable travel, a car-free residential development is appropriate, and policy-compliant. In terms of trip generation, it is stated that the proposals will reduce vehicle trips compared to the existing commercial uses.
- 10.50. The Transport Team have been consulted on the application and raise no objection to the development. Nevertheless, parking and transport consideration have been consistently raised as an issue from the public consultation on the development. The site lies within the Controlled Parking Zone (CPZ) Zone R. Surrounding road car parking demand is high. The site has very good public transport links with Aldington Train Station in very close

proximity to the east, and bus and cycle links available on Portland Road immediately to the south. The Transport Team have confirmed that the development would be acceptable as car free development, and that with current demand for parking so high, residents would not be eligible for residents parking permits. It is also noted that there is potential for some additional wider residential parking in front site, where existing double yellow lines would be redundant. This provision would be secured via condition (as part of highway works secured under s278 agreement).

- 10.51. Cycle parking has been shown towards the rear of the site in the form of a covered area with both vertical storage and, following amended plans, some Sheffield stands. Visitor Sheffield stands have also been shown to the front of the development. The amount of cycle parking proposed is considered acceptable, however the Transport Team do not advocate vertical cycle storage for accessibility reasons. Further details can be sought by condition.
- 10.52. The Transport Team have sought details of motorcycle parking, but this has not been fully explained. It is not considered necessary for motorcycle parking to be implemented as part of the development and therefore a condition in relation to motorcycle parking is not considered necessary in this instance.
- 10.53. It is acknowledged that residents have experienced a significantly amount of construction traffic from neighbour development in recent years. With the site allocated for redevelopment within the City Plan, this has been somewhat unavoidable. The demolition of the existing building and construction of the new building would contribute to further disruption, however a planning condition to secure a Construction / Demolition Environmental Management Plan CEMP/DEMP offers an opportunity to mitigate the impact.

Sustainability and Energy Efficiency

- 10.54. City Plan policy CP8 states that the council will seek that all new development incorporates sustainable design features to avoid expansion of the city's ecological footprint in addition policy DM44 requires all major residential and non-residential development to submit an energy statement to provide details of the building fabric efficiency and low and zero carbon technologies and to estimate the CO2 savings that will be achieved.
- 10.55. The supporting energy and sustainability statement details how the proposal would achieve a 70% improvement on the carbon emissions targets set out by part L (2021) using air source heat pump (ASHP)-driven heating system. This is welcomed and the ASHP would be secured via condition. An EPC rating of B shall be achieved for all dwellings and will be conditioned. Water efficiency conditions shall also be imposed.
- 10.56. The proposed development would make efficient use of land in a sustainable location with good access to public transport and local amenities and comply with Policies CP8 and DM44 of the City Plan.
- 10.57. To comply with policies CP11, DM42 and DM43, and reduce environmental impacts and flood risk, the development should aim to incorporate a

Sustainable Drainage Strategy (SuDS) and this can be submitted for approval by way of a pre-commencement condition. General drainage details for foul and surface water provision can also be secured via condition.

Land Contamination

- 10.58. The Environment Agency have commented on the application. Given the previous use of the site, land contamination conditions are required and a condition restricting piling on site. This will ensure any potential for land contamination is suitably mitigated against in accordance with policy DM42 of CPP2, and the Environmental Health team and the Environment Agency raise no objection on this basis.

Waste Management

- 10.59. Policy WMP3a of the Waste and Minerals Plan requires proposals for new development to identify the location and provision of facilities intended to allow for the efficient management of waste the location of bin stores and recycling facilities. These facilities are shown on the ground floor of the building in a designated internal space. Representation from members of the public made on the application concerning the existing waste facilities has been noted, however the facilities shown are considered adequate. Waste management during demolition/construction would be secured by condition.

Ecology and Biodiversity

- 10.60. The Ecologist is in agreement with the recommendations outlined in the Ecological Impact Appraisal (EclA) and Biodiversity Net Gain (BNG) assessment which has been submitted with the application. The measures outlined in this document including for an Ecology Design Strategy (EDS) is supported and can be secured by condition.
- 10.61. Although the site has low suitability to support foraging and commuting species, the submitted ecological appraisal also includes mitigation for any protected species.
- 10.62. 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, swifts and bats. For this development, 14 bee bricks, 17 swift brocks/boxes and 1 bat roost feature must be secured. The Ecologist notes the locations of bee bricks shown in the Design and Access Statement (DAS, Mohsin Cooper, January 2026) should not be supported as they in a confined built zone that may act as a wind tunnel and is distant from foraging. The locations can be secured as part of the EDS condition.
- 10.63. Due to the current developed site and the limited amount of new habitat units to be provided onsite, and the form in which it is to be provided (mixed scrub, modified grassland and scattered trees), it is unlikely that a Habitat Management and Monitoring Plan (HMMP) and a S106 Agreement to secure any associated monitoring costs is required. This is being clarified with Ecology Officers and will be updated prior to determination. In any event the scheme will provide an uplift of 0.06 habitat units, over the existing baseline of 0.09

habitat units, so a 69% increase in onsite BNG which is in excess of the 10% national mandatory BNG required and meets policy requirements of CP10 and DM37.

Trees and Arboriculture

- 10.64. The northern boundary of the site is marked by mature trees. The tree survey indicates that three of these trees are within the application site and four lie outside the site boundary on land owned by Network Rail.
- 10.65. All the trees to the rear of the site (T1-T7) which form part of the wooded railway corridor will be retained and protected in accordance with the Arboriculture Impact Assessment (AMS). This includes protective fencing, and 'no dig principles' to form the cycle parking facilities which are proposed for the rear of the site and within the Root Protection Zones (RPZs) of T1 and T2 system. The new building itself would not impact the trees although the demolition may impact RPZ. The Council's Arboriculture Team are in agreement with the findings of the AMS and the position of tree protection fencing and method of construction subject to Arboriculturist supervision on-site, and a written report to document the process. This can be secured by condition.

Other Planning Matters

- 10.66. As part of the objectives of City Plan Part 1 Policy CP2 (and SA6 Sustainable Neighbourhoods), major developments are expected to provide direct provision of employment and training initiatives and promote employment for local construction workers. City Plan Part 1 Policy CP7 Infrastructure and Developer Contributions aims to ensure adequate infrastructure including appropriate social infrastructure through the provision of employment, regeneration and training initiatives on major development sites at demolition and construction phases following the Brighton & Hove Local Employment Scheme (BHLES).
- 10.67. Therefore, an Employment and Training Strategy is recommended to be secured via condition. With regards to securing the resources required to enable delivery of this and the BHLES, it is recommended that the Corporate Director for the project, i.e. the applicant, enters into a Memo of Understanding with the Local Planning Authority (LPA) to agree that fees of £4,200 be made available to the LPA (based on the council's Developer Contributions Technical Guidance).

Other Matters Raised in Representations

- 10.68. There has been representation made regarding the impact of the construction of the development. Some amount of disruption would be inevitable due to the extent of the demolition required, the size of the replacement building and the proximity of neighbouring properties. The impacts of this can be reduced through a robust DEMP/CEMP which is secured by condition. The Environmental Health Department have also suggested a condition relating to Hours of Construction, however would be expected to be incorporated within the CEMP and therefore a separate condition for construction hours is not considered necessary.

- 10.69. Loss of view is not a material planning consideration. However, the impact of the development on the residential amenity has been fully assessed, including the impact on outlook, and no significant impacts have been identified, and the development is considered acceptable in this regard.
- 10.70. Network Rail have been consulted on the application. Due to the close proximity to Networks Rail infrastructure, Network Rail requests the applicant / developer engages Network Rail's Asset Protection and Optimisation (ASPRO) team prior to works commencing. The ASPRO team would review the details of the proposal to ensure that the works can be completed without any risk to the operational railway. The applicant / developer may be required to enter into an Asset Protection Agreement to get the required resource and expertise on board to enable approval of detailed works.

11. CONCLUSION

- 11.1. The principle of the development is acceptable; the loss of the employment floorspace has been justified in this instance and weight is given in the planning balance to housing provision. The proposed new building is considered to be of an acceptable design and scale, taking into account the prevailing character of the surrounding area, subject to further details in relation to the materials for the building. The replacement building can deliver a good standard of housing with access to sustainable transport options. Whilst there will be some impact to neighbouring amenity it would not be so significant to warrant refusal, and the proposal would make effective use of the site. The recommendation is minded to grant subject to a legal agreement to secure an affordable housing contribution, employment training (and any costs associated with a BNG and a HMMP if required).

12. BIODIVERSITY NET GAIN

- 12.1. The development would be subject to Statutory Biodiversity Net Gain under Schedule 7A of the Town & Country Planning Act.

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 that the proposal would not give rise to unacceptable material impact on individuals or identifiable groups with protected characteristics.
- 13.3. Level access can be achieved and all floors accessible from the elevator. A wheelchair accessible unit is proposed on the ground floor, and all other units shall meet Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings).

14. COMMUNITY INFRASTRUCTURE LEVY

- 14.1. 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 would be confirmed in the CIL liability notice which would be issued as soon as it practicable after the issuing of planning permission, if granted.

15. S106 AGREEMENT

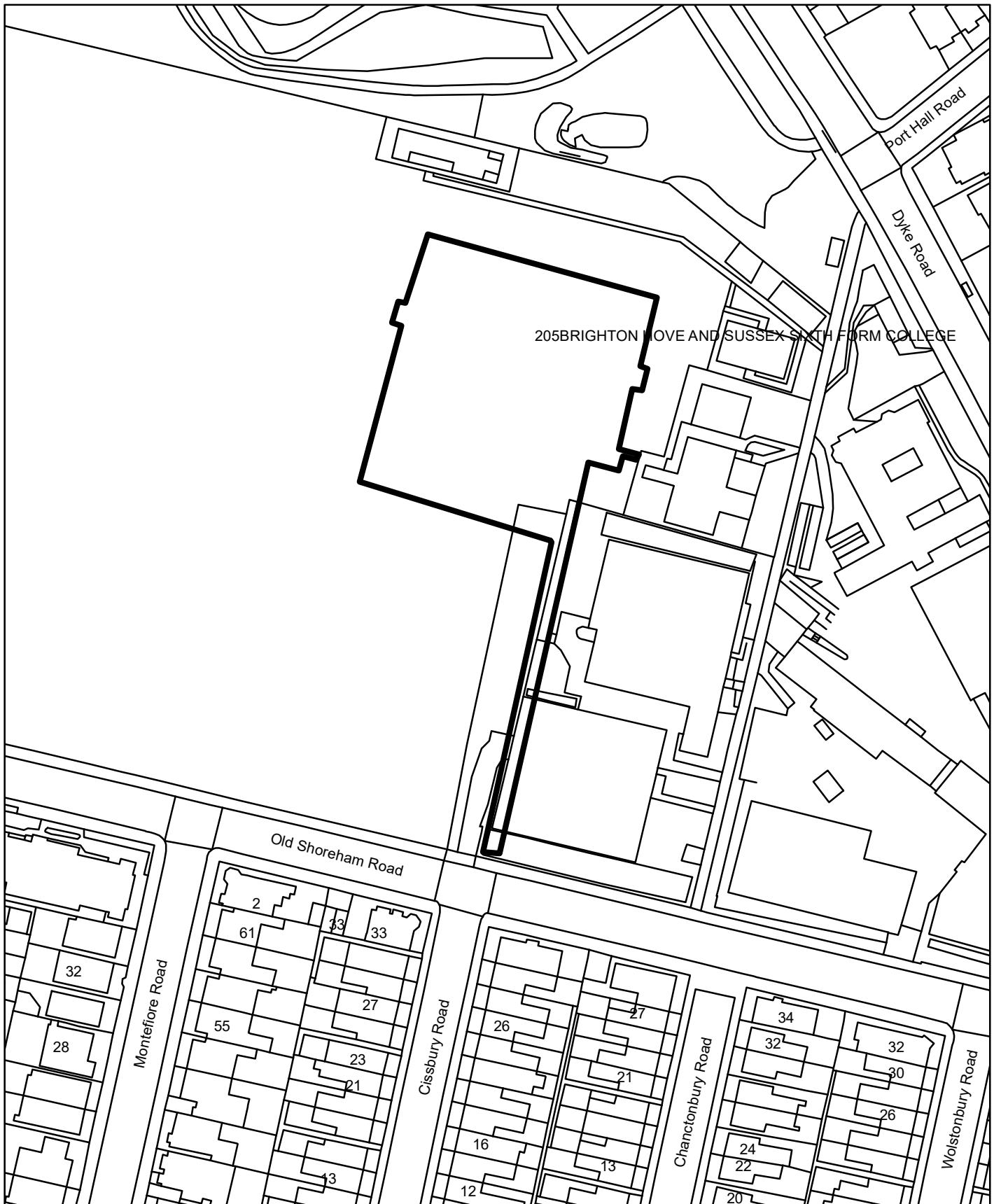
- 15.1. In the event that the S106 agreement has not been signed by all parties by the date set out above, the application shall be refused for the following reasons:
- 15.2. The proposed development fails to provide a mechanism by which to secure affordable housing, or a financial contribution towards it in the city, contrary to Policies CP7 and CP20 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
- 15.3. The proposed development fails to provide a mechanism by which to secure a Habitat Management and Monitoring Plan and the associated costs, contrary to schedule 7A of the Town and Country Planning Act 1990, and Policies CP10 of Brighton & Hove City Plan Part One and DM37 of City Plan Part Two. (TBC if relevant)
- 15.4. The proposal fails to provide a mechanism (via a Section 106 legal agreement) to secure an Employment and Training Strategy specifying how the developer or their main contractors will provide opportunities for local people to gain employment or training on the construction phase of the proposed development contrary to policy SS1, SA6, CP2, CP7 and DA6 of the Brighton & Hove City Plan Part One, SSA4 of Brighton & Hove City Plan Part Two and the Council's Developer Contributions Technical Guidance.
- 15.5. The proposal fails to provide a mechanism (via a Section 106 legal agreement) to secure a financial contribution towards the City Council's Local Employment Scheme to support local people to employment within the construction industry, contrary to policies CP2, DA3 and CP7 of the Brighton & Hove City Plan Part One and the Council's Developer Contributions Technical Guidance.

ITEM C

**Brighton Hove And Sussex
Sixth Form College
205 Dyke Road
BH2025/02901
Full Planning**

DATE OF COMMITTEE: 2nd September 2026

BH2025 02901 - Brighton Hove And Sussex, Sixth Form College, 205 Dyke Road



**Brighton & Hove
City Council**

N



Scale: 1:1,250

<u>No:</u>	BH2025/02901	<u>Ward:</u>	Westdene & Hove Park Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Brighton Hove And Sussex Sixth Form College 205 Dyke Road Hove BN3 6EG		
<u>Proposal:</u>	Installation of an Artificial Grass Pitch (AGP) and Multi-Use Games Area (MUGA) with associated works including lighting, access ramps, hard surfacing and a storage container.		
<u>Officer:</u>	Michael Tucker, tel: 01273 292359	<u>Valid Date:</u>	16.12.2025
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	10.02.2026
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	09.04.2026
<u>Agent:</u>	Whaleback 91 Boundary Road Hove BN3 7GA		
<u>Applicant:</u>	Brighton Hove & Sussex Sixth Form College Brighton Hove And Sussex Sixth Form College 205 Dyke Road Hove BN3 6EG		

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	02 01		27-Nov-25
Block Plan	03 01		27-Nov-25
Proposed Drawing	04 00		27-Nov-25
Proposed Drawing	05 01		06-Aug-26
Proposed Drawing	06 01		27-Nov-25
Proposed Drawing	07 00		27-Nov-25
Proposed Drawing	08 00		27-Nov-25
Proposed Drawing	09 00		27-Nov-25
Proposed Drawing	10 00		27-Nov-25
Proposed Drawing	11 00		27-Nov-25
Proposed Drawing	ARBTECH TPP 01		27-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. No development, including preparatory ground works, 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. 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 received November 2025 and prepared by Arbtech; and
 - (b) The BGP has been submitted to and approved in writing by the Local Planning Authority.

Reason: Based on the information available, this permission will require the approval of a Biodiversity Gain Plan by the local planning authority before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply. The effect of paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 is that planning permission granted for the development is deemed to have been granted subject to the condition ("the biodiversity condition").
5. The development hereby permitted shall not be commenced until there has been submitted to and approved in writing by the local planning authority:
 - a) evidence that the proposal will match (or better) greenfield runoff rates

- b) an assessment of the risk of groundwater contamination resulting from this development, referencing the CIRIA SuDs Manual (C753);

And if the results of the assessment under part b) above are such that treatment is required, or if notified as such in writing by the local planning authority, then,

- c) a detailed scheme to demonstrate that the proposed drainage strategy offers sufficient treatment to prevent groundwater contamination, as well as a maintenance schedule for the proposed drainage elements.

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

Reason: 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.

- 6. The development hereby permitted shall not be commenced 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) 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.

- 7. The development hereby permitted shall not be commenced (including demolition and all preparatory work) until the protection measures identified in the submitted tree protection plan (TPP) and arboricultural method statement (AMS) (Arbtech), both received on 27th November 2025, are in place and retained throughout the construction process. The fences shall be erected in accordance with British Standard BS5837 (2012) 'Trees in Relation to Design, Demolition and Construction – Recommendations' and shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences.

Reason: As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area and for biodiversity and sustainability reasons, to comply with policies DM22 and DM37 of Brighton & Hove City Plan Part 2, and CP10 and CP12 of the Brighton & Hove City Plan Part One and SPD06: Trees and Development Sites.

- 8. Unless otherwise agreed in writing, within 3 months of practical completion the following shall be submitted to and approved in writing by the Local Planning Authority:

- 1. certification that the Artificial Grass Pitch hereby permitted has met BS EN 15330-1 requirements, and

2. Confirmation that the facility has been registered on the Football Association's Register of Football Turf Pitches.

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.

9. Before the Artificial Grass Pitch and MUGA hereby approved are first brought into use, a Management and Maintenance Scheme for the facility, including management responsibilities, a maintenance schedule and a mechanism for review shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. For the Artificial Grass Pitch this shall include measures to ensure the replacement of the Artificial Grass Pitch within a specified period. The measures set out in the approved scheme shall be complied with in full, with effect from commencement of use of the Artificial Grass Pitch and the MUGA.

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.

10. Use of the development hereby approved 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 Artificial Grass Pitch and the MUGA as well as associated facilities including parking, toilets, etc and include details of pricing policy, hours of use, access by non-college users, management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement.

Reason: To secure well managed safe community access to the sports facilities, to ensure sufficient benefit to the development of sport and to accord with Development Plan Policy CP17 and DM9.

11.

- i) Prior to the installation of the floodlighting hereby approved, details including levels of luminance, hours of use, predictions of both horizontal illuminance across the site and vertical illuminance affecting immediately adjacent receptors including the Brighton Open Air Theatre, hours of operation and details of maintenance shall be submitted to the Local Planning Authority for approval in writing.
- ii) Prior to first use of the floodlighting hereby approved, the predicted illuminance levels (as agreed under part i) of this condition) 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 agreed in part i).

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

Reason: To safeguard the amenities of the 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

12. 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, including with respect to the neighbouring Brighton Open Air Theatre, 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.

13. The development 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. During the term time of the College, the development hereby permitted shall not be used except between the hours of 08:00 to 22:00 Mondays to Tuesdays, 08:00 to 19:00 Wednesdays to Fridays, and 09:00 to 14:00 on Saturdays, Sundays Bank and Public Holidays.

Outside of term time of the College, the development hereby permitted shall not be used except between the hours of 09:00 to 22:00 Mondays to Tuesdays, 08:00 to 16:00 Wednesdays to Fridays, and 09:00 to 14:00 on Saturdays, Sundays Bank and 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.

15. 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, 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

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. Guidance on preparing Community Use Agreements is available from Sport England.
<http://www.sportengland.org/planningapplications/>
3. 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.
4. The applicant should be aware that whilst the requisite planning permission may be granted, this does not preclude the department from carrying out an investigation under the Environmental Protection Act 1990, should any complaints be received.

2. SITE LOCATION

- 2.1. The application relates to an area of playing fields at the Brighton Hove and Sussex Sixth Form College (BHASVIC) campus, on the western side of Dyke Road at the junction with Old Shoreham Road. The college campus includes a cluster of buildings at the eastern corner, and expands westwards into playing fields on Hove Green. A pedestrian passage known as Crocodile Walk splits the campus in two, with the playing fields, sports hall and secondary car park located on the western side. There are also various temporary modular

buildings to the north and south of the sports hall which are subject to eventual removal and replacement under a recent and extant planning permission (BH2023/02859).

- 2.2. The part of the site to the west of Crocodile Walk is designated Open Space, together with a small part of the eastern portion, and is also within the Nature Improvement Area (NIA). The main college building and its rear wing is locally listed, as is Dyke Road Park to the north of the site.
- 2.3. The playing fields slope downwards from north to south and are laid out to include football and rugby pitches, as well as a cricket wicket. The fields extend westwards towards the railway line, with Cardinal Newman Roman Catholic School beyond. Residential properties are located to the south on the opposite side of Old Shoreham Road, as well as to the northeast beyond Dyke Road Park and Dyke Road itself. Dyke Road Park hosts the Brighton Open Air Theatre (BOAT) within an outdoor amphitheatre some 50m to the northwest of the site.

3. RELEVANT HISTORY

- 3.1. The site has extensive planning history, the most relevant including:
- 3.2. **PRE2025/00088** - Installation of an Artificial Grass Pitch (AGP) and Multi Use Games Area (MUGA) at field west of BHASVIC college buildings.

The main points of advice included:

- Improved sports facilities for the college and community would be welcomed in principle
 - Recognition of growing concerns with rubber 3G pitch surfaces
 - The importance of ensuring the development does not compromise the neighbouring Brighton Open Air Theatre
- 3.3. **BH2023/02859** - Phased development to provide: 1) A temporary two storey modular building on netball court (retrospective); 2) Removal of 3no existing temporary modular buildings, extension of car park and provision of additional three-storey temporary modular building to the north of netball court; 3) Erection of a permanent three storey student building; 4) Removal of temporary buildings. Approved 22/01/2026

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for the installation of a football Artificial Grass Pitch (AGP) and a Multi-Use Games Area (MUGA) on a part of the playing fields to the northwest of the sports hall, with floodlighting and fencing around the perimeter, for use by the college and the local community.
- 4.2. The application relates to approximately 4000sqm, taking up circa. 10% of the overall playing fields.

- 4.3. The proposed AGP would have dimensions of 61m by 40m (approximately a third of the area of a standard football pitch). The AGP would be surrounded by 4.5m-height fencing and would have six floodlights on 10m-height columns. The AGP would have a 3G synthetic turf (rubber crumb) playing surface.
- 4.4. The proposed MUGA would have dimensions of 30.5m by 18.25m, with 2m-height fencing and 8m-height floodlights. The MUGA would have a macadam surface.
- 4.5. There would be an area of hardstanding between the AGP and the MUGA, including space for a shipping container for storing equipment.
- 4.6. The sloping site would be 'cut and filled' to achieve a level playing surface.
- 4.7. The hours of use of the proposed AGP and MUGA have been amended since the initial submission to reduce overlap with BOAT's schedule of performances.

5. REPRESENTATIONS

- 5.1. **One thousand, three hundred and sixty-two (1,362)** letters of objection have been received from individuals and organisations including the Brighton & Sussex Branch of Equity and the Brighton Open Air Theatre, summarised as follows:
- 5.2. Impact on the adjacent Brighton Open Air Theatre:
 - BOAT is a valuable cultural venue
 - Proposals are located too close to BOAT
 - Noise from the artificial pitch would disrupt BOAT performances, many of which are unamplified
 - Flawed Noise Impact Assessment which uses incorrect assessment metrics and does not consider the impact on BOAT
 - BHASVIC have not engaged with BOAT / have ignored reasonable suggestions to minimise impact
 - Proposal jeopardises the future of BOAT
 - Could be located elsewhere on the fields, further from BOAT
 - Floodlighting will affect the performance space / audience experience at BOAT
 - Hours of use should be changed to avoid BOAT performances
 - Proposed noise mitigation would be ineffective
 - Additional noise mitigation is necessary
 - Sports should not be prioritised over creative arts
 - Contrary to 'agent of change' principle
 - Additional sports facilities should not be at the expense of existing amenities
 - Danger of footballs hitting audience members
 - Arts venues under threat across the country, and

- Amended opening hours do not eliminate threat to BOAT
- 5.3. Impact on neighbours/users of the fields and park:
- Noise disturbance from shouting, whistles, ball impacts
 - Noise from existing pitches can already be heard, and the proposal will make this worse, and
 - Light spill onto neighbouring dwellings
- 5.4. Traffic and parking:
- Increased traffic and demand for car parking
 - College car parks already utilised for evening courses and do not have spare capacity, and
 - Parking on local streets is already congested
- 5.5. Impact on the environment/ecology:
- Located in Nature Improvement Area
 - Loss of green space and habitat for local wildlife
 - Light spill onto nearby habitat
 - Sustainability, health, pollution concerns regarding rubber crumb pitch surface material
 - Artificial pitches are expensive and have a limited lifespan, and
 - The EU has introduced restrictions on microplastics
- 5.6. Other:
- Overdevelopment, loss of public green space
 - Continued encroachment by BHASVIC over the fields
 - Harm to setting of locally listed buildings and park
 - Loss of property value
 - No need for new sports pitches, there are many artificial pitches already within the city
 - The proposed pitch is primarily for football
 - Proposals are for commercial gain rather than for student benefit
 - Benefits do not outweigh the negative impacts
 - Loss of cricket wicket
 - Inconsistent drawings
 - BHASVIC cannot expect to have every facility on their site, and
 - Drainage concerns with artificial pitch
- 5.7. **Seventy-eight (78)** letters of support have been received, summarised as follows:
- Good design
 - Mitigation for light and sound
 - Improved sports facilities for the college and local community
 - The college's current sports facilities are poor
 - Sport brings physical and mental health benefits
 - Benefits for students at the college
 - BOAT are already next to a sports field
 - BOAT is a source of noise for other users of the park

- Noise should be expected in the middle of a city
- There would not be large crowds of spectators
- There should be restrictions on use during BOAT performances
- Benefits outweigh the noise impact
- Improved participation in sport for women and girls
- Not a full size pitch
- There is already a sports pitch here so little additional noise
- Noise would be similar to the tennis courts
- Noise impact will be low
- BOAT should amplify performances
- Other sports pitches are nearby to BOAT, and
- Hove Green and Dyke Road Park already accommodate regular sporting activities

5.8. **Eight (8)** letters of neutral comment, summarised as follows:

- Improved sports facilities welcomed
- Impact on BOAT should be considered, and
- Usage during BOAT performances should be restricted

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

6. CONSULTATIONS

Internal:

6.1. **Arboriculture:** No objection

Subject to securing compliance with the submitted arboricultural method statement.

6.2. **Arts & Culture:** Objection

The proposal is likely to have significant impacts on the operation of Brighton Open Air Theatre (BOAT). BOAT is not mentioned in either the noise impact assessment or noise management plan included within this application.

Officer Note - subsequent to this comment an updated Noise Impact Assessment has been submitted and the proposed hours of use have been reduced.

6.3. **City Parks:** No comment received

6.4. **Environmental Health:** Objection

Latest comment 15/05/2026 - The principal outstanding concern is the potential for repeated L_{Amax} / L_{Afmax} events and other impulsive or intermittent noise sources to interfere with performances at Brighton Open Air Theatre.

Officer Note - subsequent to this comment the proposed hours of use have been reduced.

- 6.5. **Heritage:** No comment
- 6.6. **Planning Policy:** No objection
The proposal supports the overall aims and general policy approach for open space and sports provision as set out in policies CP16 and CP17.
- 6.7. **Sports Facilities:** No objection
The proposal would provide a much improved offer at the site for recreational participation and training by the BHASVIC students. However there are questions regarding the impact on the outdoor sports currently using the site including cricket.
- 6.8. **Sustainable Drainage:**
No comments received.
- 6.9. **Sustainable Transport:** Further information required
04/08/26 - The applicant's Highways Response Note assumes that the existing car park is fully available for use by visitors to the MUGA and AGP. We request further information regarding the schedule of other out-of-hours activities that take place on-site. We also request that a parking occupancy survey is conducted, in order to assess capacity for external visitors.
- 6.10. If the LPA is minded to grant, this should be subject to a travel plan measures and a CEMP condition.
- External:
- 6.11. **Ecology:** Further information required
It is recommended that a more sustainable infill material is sought than the proposed Styrene Butadiene Rubber (SBR). If SBR remains proposed, infill containment measures should be secured.
- 6.12. Clarification on Biodiversity Net Gain (BNG) and ecological enhancements could be secured by condition.
- 6.13. **Sport England:** No objection
Subject to securing:
- A management and maintenance plan
 - Community Use Agreement
 - Quality standard and FA registration for matchplay
- 6.14. **Theatres Trust:** Objection
The proposed AGP and MUGA will be around 50m from the Brighton Open Air Theatre (BOAT). It is inevitable there will be disruption of shows by noise coming from the new sports facilities. However, the Noise Impact Assessment and Noise Management Plan are silent on impacts on the theatre.

Officer Note - subsequent to this comment an updated Noise Impact Assessment has been submitted and the proposed hours of use have been reduced.

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
CP5	Culture and Tourism
CP9	Sustainable transport
CP10	Biodiversity
CP11	Flood risk
CP12	Urban design
CP15	Heritage
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
DM22	Landscape Design and Trees
DM28	Locally Listed Heritage Assets
DM33	Safe, Sustainable and Active Travel
DM36	Parking and servicing
DM37	Green Infrastructure and Nature Conservation
DM42	Protecting the Water Environment
DM43	Sustainable Drainage
DM44	Energy Efficiency and Renewables

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD06	Trees & Development Sites

SPD11	Nature Conservation & Development
SPD14	Parking Standards
SPD17	Urban Design Framework

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the principle of the development, the design and appearance of the proposals, and the impact on neighbouring uses. Sustainable transport matters, drainage and flood risk, and ecology are also material considerations.

Principle of Development:

- 9.2. The proposal is for the creation of a small (less than full-size), all-weather, floodlit football AGP and MUGA on an area of playing field at BHASVIC.
- 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. The proposal is considered to accord with the aims and objectives of Policies CP17 and CP18 of the City Plan Part One. The proposed AGP would be an enhancement of the quality of sports facilities available at the college as the artificial surface would be useable in periods of inclement weather and the floodlighting would enable use during darker/winter afternoons and evenings. Currently it is understood that students frequently have to travel to other sites to use such facilities.
- 9.6. Sport England have confirmed that the proposed AGP would meet the Football Association's recommended dimensions for a 7v7 pitch and sports lighting specifications. The MUGA would have dimensions of 30.5m x 18.3m, surfaced in macadam and would be designed to accommodate netball and tennis.
- 9.7. The area of the playing field to be lost as part of the development comprises approximately 10% of the overall playing fields on Hove Green, with the remaining 90% outside of the College's ownership. Currently this area accommodates part of a marked out senior rugby pitch and a cricket Non-Turf Pitch (NTP). It is understood that neither is currently used. The NTP is in a poor state of repair, and its outfield is severely impacted, both by the college buildings and structures but particularly by the car parking area, which it is noted has planning permission to be extended under extant permission BH2023/02859. The application has demonstrated that there would be sufficient space on the retained playing field to replace the rugby pitch and simultaneously keep the total number of existing natural turf pitches (4) in a reconfigured arrangement, and also to provide a new NTP with compliant outfield if that is required. Whilst it is acknowledged that the PPS also identifies

a need for rugby and cricket facilities, the partial loss of the existing playing field is therefore considered not to be objectionable.

- 9.8. The proposed AGP would use a 'rubber crumb' surface material. Notwithstanding many benefits for the quality of the playing surface, it is acknowledged that there are drawbacks to this material. 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 (as part of wider microplastic regulations), 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 artificial pitches is to explore sustainable alternatives to rubber as a pitch surface, to improve recycling capacity, and to encourage the use of infill containment measures whilst further research is undertaken.
- 9.9. The proposed development includes infill containment measures for the AGP such as perimeter kickboards up to 0.5m in height, controlled pitch access, boot-cleaning/decontamination measures, hardstanding/asphalt margins acting as secondary containment, silt traps and drainage capture measures. These containment measures are considered to be robust.
- 9.10. The proposal includes use of the AGP by the local community outside of normal educational hours. It is understood that this already occurs to a modest extent with the existing playing fields, however the proposals would formalise this arrangement, and would allow both for more intensive and later community use due to the proposed all-weather surface and floodlighting.
- 9.11. 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;*
 - c) *and 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).*
- 9.12. Whilst no concerns are held with respect to criteria b) and c), significant concerns were initially held with respect to criterion a) due to the proximity of the Brighton Open Air Theatre (BOAT) some 50m to the northwest.
- 9.13. BOAT is an established cultural venue hosting theatrical performances between the months of May and September, the majority of which are unamplified.
- 9.14. As originally proposed, the hours of use of up to 10pm (Monday to Thursday), 8 pm (on Fridays), 6pm (on Saturdays) and 2pm (on Sundays, Bank and Public

Holidays) would have coincided with a large proportion of BOAT's schedule for weekday and weekend performances and it is disappointing that the applicant's original Noise Impact Assessment gave little consideration to the impact of the proposed development on BOAT. The floodlighting assessment also did not address BOAT as an affected receptor.

- 9.15. An updated Noise Impact Assessment (NIA) has since been provided by the applicant, and this has been reviewed by the Council's Environmental Health team. It is noted that BOAT have also commissioned a Noise Assessment of their own to dispute that of the applicant, and this has also been reviewed.
- 9.16. The applicant's NIAs, the Council's Environmental Health team and BOAT's commissioned report each agree that the average noise levels (presented as 'LAeq') from the proposals are unlikely to be of significant concern and would comply with the 50dB limit (averaged over a 1 hour period) set by published Sport England guidance.
- 9.17. However, it is considered that averaged noise levels must be treated with a degree of caution in this case, as the character of noise from the AGP and MUGA will be sudden and impulsive, with ball impacts, whistles and shouts at an unpredictable frequency and timing. It is considered that these sounds (presented as 'LAmax') warrant greater consideration than the average noise levels.
- 9.18. The neighbour in question is also an open-air theatre rather than a residential use, which further reduces the relevance of most widely used published guidance relating to community annoyance and residential amenity. Performed speech intelligibility and theatrical ambience are difficult to objectively assess and no directly relevant published noise criteria have been identified.
- 9.19. Both the applicant's updated NIA and BOAT's report do however include an assessment of the anticipated maximum (LAmax) noise levels at the theatre as a result of the proposed AGP and MUGA, using measured sound levels from similar existing facilities.
- 9.20. The worst-case maximum noise (as heard from an audience member at BOAT) from a shout on the pitch is modelled by the applicant as 57dB, from a whistle 67dB, and from a ball impact on a fence 59dB. The modelling in BOAT's report gives broadly similar figures.
- 9.21. These sound levels exceed the measured ambient existing noise level at BOAT of between 45-50dB, particularly in the case of whistles, and would also exceed an unamplified actor's voice modelled (within BOAT's report) at between 66-40dB depending on distance from the speaker.
- 9.22. It is therefore considered that noise from the proposal would be readily audible from the BOAT venue and would have the potential to result in significant disruption to BOAT performances.

- 9.23. To address these concerns, the applicant has put forwards substantially reduced hours of use up to 10pm Monday to Tuesday, 7pm Wednesday to Friday, and 2pm on Saturdays, reduced further to 4pm Wednesday to Friday during school holidays. This is 3 hours earlier closing on Wednesdays and Thursdays during term time than originally proposed (6 hours earlier during school holidays) and 4 hours earlier closing on Saturdays. These earlier closing times would also apply to the floodlights. The latest draft version of the Community Use Agreement additionally includes a clause relating to early closures, to be arranged case-by-case between the applicant and BOAT.
- 9.24. Compared against the 125 BOAT performances scheduled for 2026, the amended hours of use would mean the AGP and MUGA would be in use at the same time as a theatrical performance in only 7 cases.
- 9.25. It is recognised that there would still be some overlap, that in many cases there is no buffer between the cessation of use of the pitch and the start of a performance, and that BOAT's schedule is subject to some degree of change. It may therefore be the case that the amount of overlap between the use of the AGP and MUGA and BOAT performances varies somewhat year by year. However, it is considered that an alternative blanket restriction on the use of the AGP and MUGA during some or all of BOAT's five-month performance season would not be reasonable to impose. This would erode the benefits for sport of the scheme, and moreover would be at a time of year when natural turf, unlit pitches are at their most useable - thereafter at the likely lowest point of the relative intensification of sporting activity on site. The seven cases of overlap identified against BOAT's 2026 schedule would each be morning/early afternoon events when the existing turf pitch could already be in use without the need for floodlights.
- 9.26. It must also be recognised that the current sound environment at BOAT is not silent. Users of Dyke Road Park, of the existing playing fields, of the tennis courts to the northwest, and vehicles on Dyke Road all create noise. It is noted that the modelled maximum noise levels from the proposal, whilst audible and potentially with a higher frequency of occurrence, are not expected to be significantly louder than the current maximum noise levels in the area, affecting the venue.
- 9.27. Noise mitigation measures are also proposed, including dampeners on fencing, restrictions on whistle use and a noise management plan to encourage considerate player behaviour. Large groups of spectators are unlikely given the small size of the AGP and the absence of crowd facilities.
- 9.28. On this amended basis, with reduced hours of use which can be secured by condition together with noise mitigation measures as outlined above which can be secured as part of a Noise Management Plan, it is considered that the conflict with Policy DM9(a) would be minimised and the harm to the neighbouring open air theatre resulting from the development would be reduced to a degree that would, on balance, be outweighed by the benefits of the scheme.

- 9.29. The 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. Whilst arguably the proposal would result in greater compartmentalisation of the field, with fencing, hardstanding and level changes, it is also recognised the site would continue as part of the college grounds as a sports pitch and would remain of a generally open character. The provision of an all-weather surface and floodlighting also results in some enhancements to the open space and accordingly it is considered that there would not be a significant conflict with the requirements of Policy CP16.
- 9.30. It is noted that Sport England have not objected to the proposals, subject to the recommended conditions which include a formal Community Use Agreement and a more detailed Management and Maintenance plan.

Summary

- 9.31. Overall and on balance, it is considered that the benefits for sport arising from the development, taken together with the proposed infill containment measures, the reduced hours of use to avoid the majority of overlap with BOAT performances, and the proposed noise mitigation measures, are sufficient to enable the proposal to be supported in principle.

Design and Appearance and Impact on Heritage Assets:

- 9.32. The proposed AGP and MUGA would both have a green playing surface, with painted markings in contrasting colours. The various boundary fencing would be between 1m and 4.5m in height, of an open-mesh design finished in RAL6005 Dark Green to blend in with the grass and vegetation background. Around the AGP the lowest 0.5m of the fence would be a solid kickboard.
- 9.33. There would be areas of asphalt at the goal ends of the AGP, between the AGP and the MUGA, and to link onto existing pathways within the college campus and car park. There would be a storage container of 6m x 2.4m x 2.4m to the western side of the middle asphalt for the secure storage of equipment.
- 9.34. The proposed floodlighting would comprise ten columns, six of 10m-height at each corner and the centre of each long edge of the AGP and four of 8m-height at the corners of the MUGA, each with a luminaire fixed at the top. The proposed elevations drawings have been updated to clarify the correct floodlight heights.
- 9.35. The proposed AGP and MUGA would be located in the northwest corner of the established playing fields. Due to the sloping land levels, the AGP would be cut into the site and the MUGA would be raised up from the natural ground level. Whilst the proposed additions would be prominent, they would not be incongruous in the context of a college playing field. 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 fields, college buildings and boundary planting. The proposed fencing would be similar in appearance to other fencing on the College site. Whilst there would be substantial areas of asphalt, this would

largely be obscured from view by the fencing. The floodlights would have slender columns and would not be excessive in height.

- 9.36. No harm to the setting of the locally listed buildings within the BHASVIC campus is anticipated. There may be some impact on setting of the locally listed Dyke Road Park as the proposed floodlight columns, and in some cases parts of the proposed fences, would be visible in views southwards from within the park. However, in visual terms it is considered that this would not be unexpected or incongruous and would be screened to a large extent by the boundary planting. It is also noted that the existing rugby posts are already visible. No conflict with Policy DM29 of the City Plan Part Two is therefore identified.
- 9.37. Subject to securing final details of material finishes by condition, no material harm in terms of appearance is anticipated, and no conflict with Policies CP12 and CP15 of the Brighton and Hove City Plan Part One or Policies DM18 and DM28 of the Brighton and Hove City Plan Part Two is identified.

Impact on Amenity:

- 9.38. 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.
- 9.39. Policy DM40 (Protection of the Environment and Health - Pollution and Nuisance) of the Brighton & Hove City Plan Part Two states that proposals for floodlighting will be required to keep to the minimum necessary level of light intensity and to an appropriate number, height, design and size of structures and fittings necessary to minimise light pollution and harm to amenity.
- 9.40. Other than matters relating to BOAT as set out previously, there is a significant distance between the site and the nearest sensitive uses, which are dwellings to the south of Old Shoreham Road at a distance of 100m at the closest point, and dwellings to the northwest on Dyke Road at a distance of more than 80m.
- 9.41. The proposed hours of use, as amended, are:

Term Time:

Monday - Tuesday:	08:00 - 22:00
Wednesday - Friday:	08:00 - 19:00
Weekends, Bank and Public Holidays:	09:00 - 14:00

School Holidays:

Monday - Tuesday:	09:00 - 22:00
Wednesday - Friday:	09:00 - 16:00
Weekends, Bank and Public Holidays:	09:00 - 14:00

- 9.42. The hours of use of the floodlights would align with the use of the pitch, with a modest grace period to allow for users to safely exit the site.

- 9.43. Due to the proposed all-weather surface and floodlights, the proposal would result in potentially more intensive and prolonged use compared to the existing playing fields. However, on the basis of the amended hours of use, activity in the evenings would be limited to weekdays and it is considered that there are acceptable separation distances to residential neighbours to avoid a significant impact in terms of noise from the proposals. This is borne out in the results of the submitted Noise Impact Assessments.
- 9.44. The submitted floodlighting contour plan confirms an E3 (suburban) classification which is considered appropriate and shows that direct light spill would be well contained within the application site. Whilst the floodlighting information still does not specifically address BOAT, it is considered that the reduced hours of use, which will also apply to the floodlights, would largely address this concern. It is noted that the 7 identified instances of overlap with BOAT performances (as scheduled in 2026) would have been morning/early afternoon events and therefore are unlikely to require active floodlights.
- 9.45. Accordingly, subject to conditions securing the hours of use, noise mitigation measures, a Noise Management Plan, post-installation verification of floodlighting performance and the hours of operation of the floodlights, it is considered that there would be no significant harmful impact on neighbouring amenity as a result of the proposed development.

Sustainable Transport:

- 9.46. During educational hours the proposals would be for use by college students and would therefore not result in any significant transport impacts, and would potentially result in a small reduction in trips as staff and students would no longer need to travel to alternative facilities. Outside of educational hours the proposals would be open for use by the local community, and this would result in an increase in trips to and from the site.
- 9.47. Assuming a worst-case scenario of consecutive full pitch bookings and individual vehicle users this would result in an additional 80 vehicles using the site (40 arrivals and 40 departures), however in practice the actual number of additional vehicles is likely to be less than this due to car sharing and the use of alternative means of transport.
- 9.48. There is car parking on site, providing 83 spaces, which operates on a first-come first-served basis. The car park is typically fully utilised during the college day and is understood to frequently be full during the evenings as well, and it is therefore considered unlikely that the existing on-site car parks would have capacity to accommodate the additional traffic arising from the proposal.
- 9.49. The site is located within a Controlled Parking Zone (CPZ), with on-street parking available for non-permit holders subject to a charge. BHASVIC is also generally well located for sustainable travel, near to Brighton Railway Station, local bus stops and cycling infrastructure. Accordingly, subject to securing a scheme of Travel Plan Measures to encourage sustainable travel and minimise

car usage it is considered that the development would not result in a severe transport impact or an unacceptable impact on highways safety.

Ecology:

- 9.50. The existing habitat to be lost as part of the development was assessed in the submitted Preliminary Ecological Appraisal (PEA) and identified as managed modified grassland. This habitat is of relatively limited biodiversity value, and no objection is raised to its loss.
- 9.51. The submission includes a Biodiversity Net Gain (BNG) assessment calculating that the mandatory net gain of 10% cannot be achieved on site (within the application red line). Off-site provision of BNG will therefore be required, and the specific details will be submitted at a later stage as part of discharging the Biodiversity Gain Plan condition. The County Ecologist has raised no objection to this approach in principle. It is noted that there are some inconsistencies in the BNG Assessment & Metric regarding the areas of habitat to be lost, meaning that the amount of habitat being lost is likely slightly greater than currently shown and the amount of habitat creation to achieve mandatory BNG will end up being slightly greater, however in accordance with the views of the County Ecologist this can be satisfactorily resolved through the Biodiversity Gain Plan submission.
- 9.52. It is noted that the County Ecologist has raised concerns regarding the SBR/rubber crumb pitch surface material. The applicant has been approached regarding alternative surface materials, however the original SBR is still proposed, and the application must be assessed on that basis.
- 9.53. As set out earlier, there are currently no national or local policy restrictions on the use of SBR. The proposal includes robust infill containment measures including kickboards, boot cleaning stations, detox grates and silt traps within the drainage system.
- 9.54. An updated floodlighting scheme can be secured by condition to reduce the small degree of light spill onto vegetation towards the north of the site which is likely to be used by local bat populations for foraging/commuting.

Drainage and Flood Risk:

- 9.55. The site is located within Flood Zone 1, with a low risk of flooding. The surface water drainage strategy for the proposed development comprises attenuation within the granulated pitch subsurface, together with a soakaway system designed to ensure no above ground flooding occurs up to and including the 1 in 100-year event + 45% allowance for climate change. A condition can be attached to secure evidence that the proposed drainage system is sufficient to match existing greenfield runoff rates and would not increase flood risk on site or elsewhere. A condition can also be attached to secure further assessment of the risk of microplastics resulting in contamination due to water infiltration.

Other Considerations:

- 9.56. Although no trees would be lost as a direct result of the development, there is the potential for trees to be damaged during construction works. The

application includes an Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) which has been reviewed by the Council's Arboriculturist and is considered acceptable. Compliance with the measures within the AMS can be secured by condition.

10. CONCLUSION:

- 10.1. The proposal would enhance the sporting facilities available to the college 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 is considered acceptable, as are the transport and flooding/drainage implications of the scheme.
- 10.2. Although the proposals would allow for more intensive and prolonged use than the existing turf playing field, on the basis of the amended hours of use, it is considered that there is unlikely to be a significant disruption to performances at the neighbouring Brighton Open Air Theatre over and above what could already occur from the existing natural turf pitches. Residential neighbours are considered to be sufficiently distanced from the development to avoid harmful impacts.
- 10.3. The sustainability and environmental impacts of 3G pitches are acknowledged. However, there is currently no national or local policy in opposition to such facilities and the proposal includes robust rubber infill containment measures in accordance with established guidance.
- 10.4. Accordingly, overall and on balance it is considered that the proposed development is acceptable, subject to the recommended conditions.

11. EQUALITIES

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

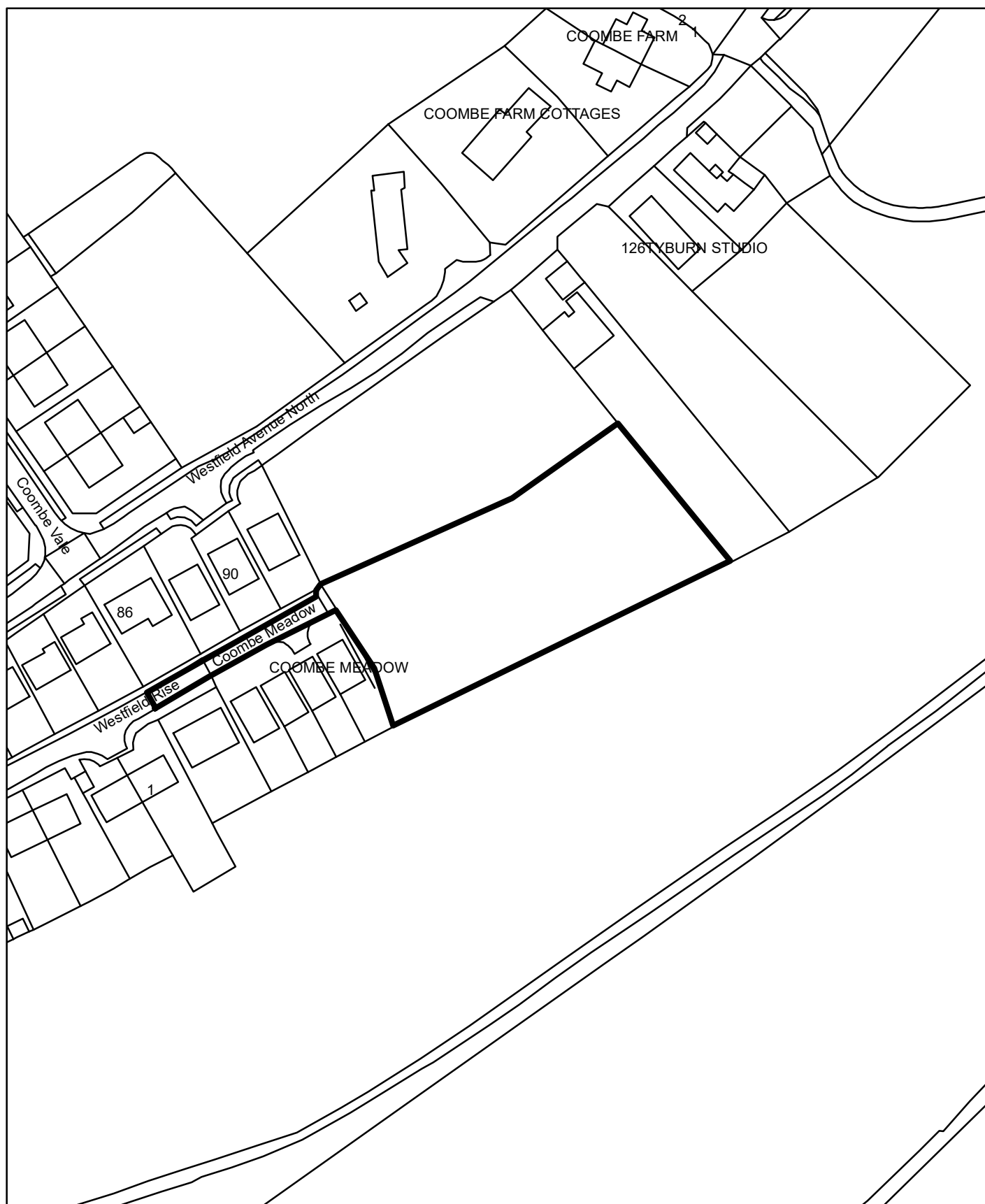
- 1) A public authority must, in the exercise of its functions, have due regard to the need to—
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 11.1. Officers considered the information provided by the applicant, together with the responses from consultees (and any representations made by third parties) and determined that the proposal would not give rise to unacceptable material impact on individuals or identifiable groups with protected characteristics.
- 11.2. The proposals include level access from the car park by means of a 1:14 gradient ramp.

ITEM D

**Land Adjacent To Westfield Rise, Saltdean
BH2025/00293
Outline Application Some Matter Reserved**

DATE OF COMMITTEE: 2nd September 2026

BH2025 00293 - Land Adjacent To Westfield Rise, Saltdean



**Brighton & Hove
City Council**



N

Scale: 1:1,250

<u>No:</u>	BH2025/00293	<u>Ward:</u>	Rottingdean & West Saltdean Ward
<u>App Type:</u>	Outline Application Some Matter Reserved		
<u>Address:</u>	Land Adjacent To Westfield Rise Saltdean Brighton BN2 8HR		
<u>Proposal:</u>	Outline application for erection of 9no houses (C3) with all matters reserved apart from access.		
<u>Officer:</u>	Ben Daines, tel: 01273 295783	<u>Valid Date:</u>	14.03.2025
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	09.05.2025
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	05.09.2025
<u>Agent:</u>	Lewis And Co Planning 2 Port Hall Road Brighton BN1 5PD		
<u>Applicant:</u>	Springbird Sussex Ltd 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 be **MINDED TO GRANT** planning permission subject to a S106 agreement on the Heads of Terms set out below and the following Conditions and Informatives as set out hereunder, **SAVE THAT** should the S106 Planning Obligation not be completed or significantly advanced, on or before the 25 November 2026 the Head of Planning is hereby authorised to refuse planning permission for the reasons set out at the end of this report:

S106 Agreement Heads of Terms:

- Contribution to Affordable Housing (£110,936)
- Requirement to produce an Updated Viability Review upon the occupation of six of the proposed dwellings, and
- Contribution to monitoring obligations in relation to Biodiversity Net Gain (£6,643.68).

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Proposed Drawing	SP-0450.05	G	09-Mar-26
Proposed Drawing	SP-0450.02	H	13-Feb-26
Report/Statement	EcIA		11-Dec-25
Report/Statement	IMS		11-Dec-25
Report/Statement	BNG		08-Sep-25

	ASSESSMENT		
Report/Statement	BNG METRIC		08-Sep-25
Report/Statement	PEA		08-Sep-25

2. The development hereby permitted must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

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

3.
 - a) Details of the reserved matters set out below ("the reserved matters") shall be submitted to the Local Planning Authority for approval within three years from the date of this permission:
 - (i) layout;
 - (ii) scale;
 - (iii) appearance;
 - (iv) and landscaping.
 - b) The reserved matters shall be carried out as approved.
 - c) Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 (as amended) of the Town and Country Planning Act 1990.

4. The buildings within the reserved matters submission shall not exceed two storeys in height.

Reason: To ensure the development integrates effectively with its surroundings including the setting of the South Downs National Park and to comply with policies, SA4, SA5 CP12, H2 and DM18 of the Brighton and Hove City Plan.

5. 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.

6. 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 on the setting of the South Downs National Park, and to comply with policies SA4, SA5, DM18 and CP12 of the Brighton & Hove City Plan Part One.

7. No extension, enlargement or other alteration of the dwellinghouse(s) as provided for within Schedule 2, Part 1, Classes A, B, C and E of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could cause detriment to the character of the area including the setting of the South Downs National Park, and for this reason would wish to control any future development to comply with policies SA4, SA5 CP12, H2 and DM18 of the Brighton and Hove City Plan.

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

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

9. The vehicle parking areas 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.

10. Notwithstanding the plans hereby permitted, no development shall commence until a scheme detailing the design of the proposed street and spaces has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The submitted scheme shall include full details of the following where changes occur:

1. Geometry and layout, including dimensions;
2. Vehicle Swept Path Analysis (VSPA) drawings for a standard size fire engine, large ambulance and standard size waste disposal vehicle;
3. Pavement materials, constructions and surfacing, kerbs and edge restraints, levels and gradients;
4. Lighting;
5. Drainage;

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

11. The development 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.

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

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

13. The residential units hereby approved shall not be occupied until they have achieved as a minimum, a water efficiency standard of not more than 110 litres per person per day maximum indoor water consumption.

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

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

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.

15. No development shall take place (including ground works or vegetation clearance) until a construction environmental management plan (CEMP:

Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

- a) risk assessment of potentially damaging construction activities;
- b) identification of "biodiversity protection zones";
- c) practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- d) the location and timing of sensitive works to avoid harm to biodiversity features;
- e) the times during construction when specialist ecologists need to be present on site to oversee works;
- f) responsible persons and lines of communication;
- g) the role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- h) use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details.

Reason: To ensure that any adverse environmental impacts of development activities are mitigated and in accordance with policies H2 and DM37 of the Brighton and Hove City Plan Part 2 and CP10 of the Brighton and Hove City Plan Part One

16. Prior to occupation, a "lighting design strategy for biodiversity" shall be submitted to and approved in writing by the local planning authority. The strategy shall:

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

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

Reason: The introduction of artificial light might mean such species are disturbed and /or discouraged from using their breeding and resting places, established flyways or foraging areas, to protect biodiversity in accordance with policies H2 and DM37 of the Brighton and Hove City Plan Part 2 and CP10 of the Brighton and Hove City Plan Part One

17. No development shall take place until an ecological design strategy (EDS) in general accordance with the Preliminary Ecological Appraisal (Urban Edge, September 2025) and Ecological Impact Assessment (Urban Edge, December 2025) and including a minimum of 18No. swift nesting cavities, 9No. bee bricks, bat boxes and habitat 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;

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 and in accordance with policies H2 and DM37 of the Brighton and Hove City Plan Part 2 and CP10 of the Brighton and Hove City Plan Part One

18. Prior to the commencement of any development hereby permitted a Mitigation Strategy and programme of works for the creation of a receptor site for reptiles (including surveys to confirm carrying capacity) and the creation of scrapes for chalk grassland invertebrates within Coombe Farm Local Wildlife Site, in general accordance with the Ecological Impact Assessment (Urban Edge, December 2025) and Invertebrate Mitigation Strategy (Urban Edge, December 2025), shall be submitted to and approved in writing by the local planning authority. The content of the 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, construction method including machinery, type and source of materials to be used including seed);
 - d) extent and location of proposed works shown on appropriate scale maps and plans;
 - e) consideration of other matters such as archaeology, balancing requirements for both reptiles and invertebrates, potential presence of notable plants such as red star-thistle etc.;
 - f) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
 - g) persons responsible for implementing the works;
 - h) initial aftercare and long-term maintenance of receptor site and scrapes (including an annual work plan);
 - i) 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. And in accordance with policies H2 and DM37 of the Brighton and Hove City Plan Part 2 and CP10 of the Brighton and Hove City Plan Part One

19. No development shall take place, including any site preparation works involving machinery, breaking of ground, demolition and vegetation clearance, until an updated survey for the presence of badgers has been undertaken, in accordance with best practice and including all land outside the site but within 30m of the red line boundary. Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the local planning authority prior to the commencement of development. Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.

Reason: To ensure existing species and habitats are adequately protected and in accordance with policies H2 and DM37 of the Brighton and Hove City Plan Part 2 and CP10 of the Brighton and Hove City Plan Part One

20. No development above ground floor slab level of any part of the development hereby permitted shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods have been submitted to and approved in writing by the Local Planning Authority. This shall include management and maintenance details. The development shall subsequently be implemented, managed and maintained in accordance with the approved scheme.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to comply with policies DM42 and DM43 of the Brighton & Hove City Plan Part Two and CP11 of the Brighton & Hove City Plan Part One and SPD16: Sustainable Drainage.

21. No development above ground floor slab level of any part of the development hereby permitted shall take place until a drainage strategy detailing the proposed means of foul water disposal and an implementation timetable, has been submitted to and approved in writing by, the Local Planning Authority in consultation with the sewerage undertaker. The development shall be carried out in accordance with the approved scheme and timetable.

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

22. No development, including demolition and excavation, shall commence until a Site Waste Management Plan setting out how waste to landfill will be minimised has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details approved.

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

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

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

24. 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 EclA dated December 2025, PEA, BNG Assessment and BNG Metric, dated September 2025 prepared by Urban Edge Environmental Consulting; and
- (b) The BGP has been submitted to and approved in writing by the Local Planning Authority.

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

25. 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.

26. 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.

27. 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.

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

Reason: To safeguard the health of future residents or occupiers of the site and to comply with policies DM20, DM40 and DM41 of the Brighton & Hove City Plan Part 2.

29. No development shall take place until the applicant has undertaken the following:

- (i) Submitted a desk-based archaeological assessment to be approved the Local Planning Authority
- (ii) Following approval of the desk-based assessment, 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.

30. The archaeological work shall be carried out in accordance with the approved written scheme of investigation and a written record of all archaeological works undertaken shall be submitted to the Local Planning Authority for approval in writing within 3 months of the completion of any archaeological investigation unless an alternative timescale for submission of the report is agreed in advance and in writing with 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.

31. Prior to first occupation of the development hereby permitted, a scheme for landscaping shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be implemented in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. The scheme shall include the following:

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

- c. details of all boundary treatments to include type, position, design, dimensions and materials;

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

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to provide ecological and sustainability benefits, to comply with policies DM22 and DM37 of Brighton & Hove City Plan Part 2, and CP8, CP10, CP12 and CP13 of the Brighton & Hove City Plan Part One.

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 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.

3. In order to be in line with Policy DM33 of the Brighton & Hove City Plan Part Two cycle parking must be secure, convenient, accessible, well-lit, and sheltered. Also, the Highway Authority's preference is for secure 'Sheffield' type stands spaced in line with the guidance contained within the Manual for Streets section 8.2.22.
4. 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.

5. 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.
6. Buildings/structures and vegetation within and in proximity to the site offer potential habitat for nesting birds. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use of being built. Planning consent for a development does not provide a defence against prosecution under this Act.
7. The applicant is advised under Part S of the Building Regulations that new dwellings providing a parking space now require an EV charging point.
8. 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.

2. SITE LOCATION

- 2.1. The application site is a parcel of land located to the north-east of the houses on Westfield Rise and Coombe Meadow and adjacent to the Coombe Farm housing development in Saltdean. The land is outside the current settlement boundary but also outside the South Downs National Park.
- 2.2. The site lies outside the defined built-up area boundary but is allocated as an Urban Fringe site (Site 48a) in Policy H2 of the City Plan Part Two, having previously been identified as having the potential for redevelopment in the Urban Fringe Assessment (UFA) studies in 2014 and 2015. It forms part of a larger housing allocation (Sites 48, 48a, 48b and 48c Cluster at Coombe Farm and Saltdean Boarding Kennels).
- 2.3. As part of the Coombe Farm development, six new houses have recently been completed on the land between the application site and Westfield Avenue North. A new retaining wall has recently been constructed on the rear boundary of these properties.
- 2.4. The application site is mostly grassland and slopes upwards to the south-east. A band of scrub vegetation and trees is located further up the slope, outside of the application site boundary. There is a footpath which runs along the rear boundary of the site which provides public access to the South Downs National Park from Coombe Vale.

3. RELEVANT HISTORY

- 3.1. **PRE2024/00064** Pre application advice sought for 9 houses and associated works- advice issued 24th April 2024

4. RELEVANT HISTORY AT OTHER SITES

Saltdean Boarding Kennels, Westfield Avenue North, Saltdean

- 4.1. **BH2024/00260** Outline application with all matters reserved apart from access, for the demolition of former kennels and erection of 3no four bedroom houses, 2no three bedroom houses and 2no two bedroom houses with associated car and cycle parking provision. Approved 24.04.2025

Coombe Farm Westfield Avenue North

- 4.2. **BH2020/00002** Demolition of existing buildings and erection of 72 dwelling houses with associated parking and landscaping. Approved 23.4.2021.

5. APPLICATION DESCRIPTION

- 5.1. The application seeks outline planning permission for the erection of 9 houses (C3) with all matters reserved apart from access. Matters of access will therefore be assessed as part of this application, with matters of appearance, landscaping, layout and scale reserved for full assessment under a further application at a later date.
- 5.2. Access would be formed by an extension to the existing vehicular access of Westfield Rise / Coombe Meadow.
- 5.3. The indicative site layout plan shows 8 semi-detached houses and 1 detached house, partially set into the slope of the land. All properties would have rear gardens which would rise up to address the slope of the site.
- 5.4. Amendments to the application have been made during the consideration process including an amended location plan to include the access leading to the site, an amended certificate of ownership to include owners of the private access road leading to the site, and a revised site layout plan to reduce the length of the rear gardens in order to create a landscaped native hedgerow buffer along the rear of the site. Further information has also been submitted in the form of additional Ecology information and a Technical Transport Note.

6. REPRESENTATIONS

- 6.1. **Twenty five (25)** representations have been received objecting to the application on the following grounds:

Transport and Access

- Coombe Meadow is an unadopted road
- Access is dangerous, narrow, steep with a blind bend/ access road is unsuitable
- Heavy construction vehicles
- Existing highway safety concern would be made worse
- Access was originally refused and this should be upheld
- Loss of car parking on the road
- Westfield Avenue North should be used for access
- Adoption of Coombe Meadow was previously rejected by the council as it was not built to adequate standards
- Would cause highway obstruction to emergency vehicle and refuse vehicles, and
- Neighbouring bus stops should be improved

Designs Concerns

- Design and visual impact including impact on South Downs National Park
- Huge amount of excavation required
- Landscape Impacts
- Overdevelopment of the site and collective impact, and
- Visually imposing

Community Concerns

- Damage to road surface through construction
- Local infrastructure and services cannot cope
- Concerns over lack of foot path access
- Disruption of water and power supply
- Local traffic impacts and air pollution, and
- Impact on property value

Residential Amenity

- Restriction of view
- Overshadowing
- Noise and disturbance, and
- Visually imposing and elevated over other properties

Environmental Impacts

- Biodiversity impacts, and cumulative impact of the Coombe Farm development
- BNG calculations ignore the existing hedge which would be lost by the access route
- Light pollution and impact on the South Downs National Park
- Flooding
- Land slippage and surface run off issues
- Impact on nature conservation, and
- Pollution, dust, noise, and traffic through construction

Procedural issues with the planning application

- Inaccuracies in the Design and Access statement

- Greed and lack of consideration of developers, and
 - Concerns over consultation and clarity of the address of the site
- 6.2. Full details of consultation responses received can be found online on the planning register.

7. CONSULTATIONS

Internal:

7.1. **Ecologist** No Objection

The impact of the development on ecology can be adequately assessed from the information submitted. Ecology conditions are required in relation to updated habitat surveys, relocation, ecology design strategies and biodiversity.

7.2. **Sustainable Drainage Consultant** No objection

Further details required regarding surface and foul water drainage. This information may be reserved by planning conditions.

7.3. **Transport** No Objection

In terms of access, a safe and accessible design is achievable. Scoping for a Transport Assessment should be undertaken looking at the cumulative impacts of recent development in the vicinity of the site. Conditions are required in respect of street design, cycle parking, and car parking. Highway works under s278 are sought for bus stop improvements and works to facilitate the access route

External

7.4. **South Downs National Park Authority (SDNPA)** Comment

Any development within the setting of the Park should positively contribute to landscape, ecosystem services and Biodiversity Net Gain (BNG). New planting should all be native and locally characteristic in order to offer meaningful benefits to wildlife and positively contribute to landscape character.

- 7.5. Consideration also 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. The use of timed black out blinds and/or low transmission glazing should be secured via condition.

7.6. **Southern Water** No Objection

No objection to the planning application, provided that the drainage strategy and design explicitly exclude the use of deep bore soakaways. Southern Water will require a formal application for a connection to the public sewer to be made by the applicant or developer.

8. MATERIAL CONSIDERATIONS

- 8.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and

proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report.

- 8.2. The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016);
 - Brighton & Hove City Plan Part Two (adopted October 2022);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013 updates 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 Area

9. **RELEVANT POLICIES & GUIDANCE**

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One:

SS1	Presumption in Favour of Sustainable Development
SA4	Urban Fringe
SA5	Setting of the South Downs National Park
CP1	Housing delivery
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP11	Flood risk
CP12	Urban design
CP13	Public streets and spaces
CP14	Housing density
CP19	Housing mix

Brighton & Hove City Plan Part Two:

H2	Housing Sites- Urban Fringe
DM1	Housing Quality, Choice and Mix
DM18	High quality design and places
DM20	Protection of Amenity
DM26	Conservation Areas
DM33	Safe, sustainable and active travel
DM36	Parking and servicing
DM37	Green Infrastructure and Nature Conservation
DM40	Protection of the Environment and Health - Pollution and Nuisance
DM42	Protecting the Water Environment
DM43	Sustainable Drainage
DM44	Energy Efficiency and Renewables

West Saltdean Neighbourhood Plan

WS1	Achieving High Quality Design
WS3	Affordable Housing
WS5	Adaptable Housing

WS7	Incorporating Sustainable Drainage and Water Efficiency Measures
WS10	Parking
WS12	Enhancing local green spaces, biodiversity and wildlife

Waste & Minerals Plan Policy

WMP3e	Waste Management in New Development
WMP3d	Site Waste Management Plan

Supplementary Planning Documents:

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

Other Documents

2014	Urban Fringe Assessment
2015	Urban Fringe Assessment Study

10. CONSIDERATIONS & ASSESSMENT

- 10.1. The main considerations relating to the determination of this application are the principle of the proposed development of nine house on the site and the access arrangement to the site. Matters of appearance, landscaping, layout and scale are reserved. However, this report does also give some consideration to affordable housing, design, appearance, landscape and visual impact (whilst acknowledging that design appearance and landscaping is a reserved matter), standard of accommodation, impact on neighbouring amenity, ecology, sustainability and drainage.

Principle of the Development:

Housing supply

- 10.2. Policy CP1 in City Plan Part One (CPP1) 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%.
- 10.3. The council's most recent housing land supply position is published in the SHLAA Update 2025 which shows a five-year housing supply shortfall of 10,442. This is equivalent to 1.5 years of housing supply

- 10.4. 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).

Housing Sites - Urban Fringe

The development of the site for residential purposes is considered acceptable, given its allocation as an urban fringe site in both CPP1 and CPP2.

- 10.5. The site falls within a designated Urban Fringe allocation known as *Cluster at Coombe Farm and Saltdean Boarding Kennels, Westfield Avenue North, Saltdean* Within the Brighton & Hove Urban Fringe Assessment (UFA), the cluster comprising sites 48, 48a, 48b, and 48c was assigned a combined capacity limit of 55 dwellings across a developable area of roughly 2.1 hectares, averaging an overall low-density framework of 25 dwellings per hectare, with specific localized portions noted for potential medium-density consideration at 50 dwellings per hectare. The UFA has been incorporated into Urban Fringe Housing allocation in CPP2 Policy H2. Therefore, the principle of residential development on the site has been established through the development plan and is acceptable.
- 10.6. Policy H2 now sets the indicative number of units for the combined cluster as 65 units. The north-western part of the 48a designation is currently being developed under Coombe Farm approval (see planning history) with access from Westfield Avenue North. It is noted that the Coombe Farm development exceeds this indicative amount of 65 dwellings and has consent for 72 dwellings. This current proposal for 9 houses would be a further addition to the indicative baseline number. Nevertheless, the number of dwellings proposed in the urban fringe allocations schedule are indicative, showing what might reasonably be achieved on each site. The amount housing which can be delivered is dependent on the site characteristics.
- 10.7. It is noted that Policy H2 requires that particular regard is given to Policies SA4 Urban Fringe and SA5 The Setting of the South Downs National Park and also requires development proposals to address specific site considerations and indicative development requirements listed in criteria a) to i) of policy H2 Table 7 (which sets indicative requirements and key site considerations for each allocated site). These requirements include:
- Provision for 50% family sized dwellings (3+ bedrooms)
 - Opportunities to secure additional and/or improved public open space.
 - Green infrastructure and local food growing opportunities.
 - Improved linkages and access to SDNP and surrounding areas.
 - Appropriate regard given to local community facilities and renewable energy.
 - Provision for a proportion of serviced plots for self and/ custom build dwellings
 - unless this would make the scheme unviable.

- 10.8. The proposed housing development, with 9 units, would contribute towards the city's housing targets through development on an allocated housing site and therefore the principle of the development is supported. Other considerations are outlined below.

Urban Fringe Policy

- 10.9. Policy SA4 sets five objectives for the use and management of land on the urban fringe. These relate to protection and enhancement of wider landscape; better management and environmental improvements; enhancement of the green network; protection of groundwater source protection zones; and the creation of 'gateway' facilities for the National Park. More specifically Policy SA4 states that development within the urban fringe will not be permitted, except where:
- a) a site has been allocated for development in a development plan document; or
 - b) a countryside location can be justified; and where it can be clearly demonstrated that:
 - c) the proposal has had regard to the downland landscape setting of the city;
 - d) any adverse impacts of development are minimised and appropriately mitigated and/or compensated for; and
 - e) where appropriate, the proposal helps to achieve the policy objectives set out above.
- 10.10. Policy SA5 sets specific requirements for development within the setting of the SDNP including that it must respect and not significantly harm the National Park and its setting. The above criteria are assessed in the following sections of the report

Housing density and mix

- 10.11. Policy CP14 sets a general requirement for new residential development to achieve a minimum net density of 50 dwellings/ha. This is a city-wide figure and not often achievable or appropriate for urban fringe locations. The 2014 and 2015 Urban Fringe Assessment recommended 'medium density' development for this site and gave an indicative figure of 50 dwellings/ha. However, this figure related to the wider site of 48a. The site has come forward in two separate applications with the lower part of the site approved under the Coombe Farm development. The proposed scheme would provide 9 dwellings within a site area of 3320m², equating to a housing density of 27 dwellings per hectare. The development would therefore represent low to medium density development, appropriate for the urban fringe location and which reflects the sensitive location of the site directly adjacent to and within the setting of the SDNP. The amount of development proposed is considered acceptable in this case.
- 10.12. The detailed site layout is a Reserved Matter, however the applicant has provided a proposed indicative site layout plan to demonstrate how the site could accommodate the proposed number of dwellings. The scale of the built form will also need to be informed by landscape, ecology and flood/drainage considerations.

- 10.13. The site allocations on the urban fringe are suitable locations to deliver a significant proportion of family-sized housing (3+ bedrooms) to help meet the needs of the city. The majority of the city's brownfield sites are more suitable for high density residential development comprising predominantly smaller residential units, so the urban fringe allocations will generally be expected to accommodate at least 50% family sized housing.
- 10.14. This application proposes nine 3 bed (plus study) dwellings. This would meet the Policy H2/Table 7 requirement to provide 50%+ family-sized housing (3+ beds). The provision of medium/larger family homes on this site is considered appropriate given the urban fringe location and site constraints.
- 10.15. Policy H2 also requires development proposals to include a proportion of serviced plots for self and/custom build dwellings subject to viability considerations. No self/custom build properties are proposed as part of this development. Given the proposal is not a major application, it is not considered reasonable in this instance to require that a proportion of the units are custom build.

Affordable Housing:

- 10.16. CPP1 policy CP20 requires an affordable housing contribution on all developments that create 5 homes or more. This policy position is justified by the high housing need in the city combined with the physical restraints of developing. Commuted sums provided for smaller developments or where providing homes on site proves unviable are used to expedite affordable homes elsewhere in the city through a range of initiatives. Current policy requires 40% onsite affordable housing on all developments providing 15 or more dwellings; 30% on site or as a commuted sum between 10-14 dwellings and 20% as a commuted sum only for 5-9 dwellings.
- 10.17. Indicative plans show the development would provide 9 homes meaning the policy compliant position is a contribution equivalent to 20%. A financial viability assessment was submitted with the application which concluded that the development was unable to provide a financial contribution to affordable housing for viability reasons. This viability assessment was independently reviewed on behalf of the LPA and found that the scheme could afford to pay a contribution of £110,936 (rather than the full policy compliant contribution of £545,800). In response, officers have revisited the affordable housing contributions with the applicant. The applicant has agreed to the payment of this reduced contribution (£110,936) towards affordable housing provision. This shall be secured by section 106 and shall also be subject to a late-stage affordability review.

Design, Appearance, Landscape and Visual Impact

- 10.18. This outline application reserves matters of appearance, landscaping, layout and scale and so these are not considered in detail other than to confirm that the quantum of development sought could realistically be accommodated on site, and that the landscape and visual impacts could be acceptably mitigated.

- 10.19. City Plan Policy CP12 expects all new development to raise the standard of architecture and design in the city, establish a strong sense of place by respecting the character and urban grain of the neighbourhood, and ensure residential development is of a density that is appropriate and achieves excellence in sustainable building design and construction. The surrounding area is characterised by predominantly detached and semi-detached two storey residential dwellings. Most are traditional in style with features such as brick walls, hipped brown/ red tiled roofs. The adjacent Coombe Farm development will be made up of two-storey semi-detached and terraced houses.
- 10.20. Indicative plans show 9 dwellings, which would not be dissimilar in terms of footprint to the surrounding dwellings in the vicinity on Coombe Meadow and Westfield Rise and would be appropriately sited on the parcel of land with sufficient spacing. The indicative designs show proposed houses designed to complement the existing shallow roof forms and massing of the two storey properties on Westfield Rise/Coombe Meadow, and the materials from the wider development; in particular the consented properties under construction directly to the north of the site. The building line would be similar to that seen in the established built form of detached houses in Coombe Meadow.
- 10.21. In terms of landscaping the indicative plans show gardens and hardstanding areas which appear appropriate. The landscape/visual impacts need to be assessed against Policy SA4 and Policy SA5. In addition, the application should be assessed against CPP2 Policy DM22. The supporting text to Policy H2 (Paragraph 3.75) specifically states that planning applications on Policy H2 sites should be supported by a Landscape Visual Impact Assessment (LVIA). The applicant has not submitted any detailed landscape assessment for this outline planning application. This is considered acceptable given the size of the proposal but given the sensitive location directly adjacent to the National Park boundary, a detailed landscaping scheme would be secured by planning condition. Additionally, a condition would be added to ensure that the proposed dwellings do not exceed 2 storeys in height.
- 10.22. The amended site plan has reduced the size of the rear gardens to allow for a 5 metre buffer to the Local Wildlife Site to the rear. This amendment would provide ecology enhancements and have the benefit of providing a soft and natural rear boundary between the housing site and the Local Wildlife Site (LWS). Whilst a significant amount of excavation would be required to facilitate the development, the plans indicate that the buildings and rear gardens would be partly built into the slope of the land to reduce the impact on natural land levels. It is also noted that the applicant does not propose any food growing provision at this stage as required by policy H2. However, it is not considered that the site is large enough to provide any significant space for communal growing and the rear private garden spaces could potentially provide space for food growing.
- 10.23. The South Downs National Park Authority (SDNPA) do not raise an objection to the application. The SDNPA note that the site is adjacent to a substantial new residential development and would be viewed in context with this

development. Furthermore, the access proposed for the site would extend an existing road, minimising the visual impact of the setting. Subject to acceptable reserved matters relating to appearance, landscaping, layout and scale the proposed development would likely result in minor impacts on the setting of the South Downs National Park (SDNP). The development would not impact public access to the SDNP. There is a footpath to the rear of the site which lies outside the site boundary and would not be impacted by the development. Improvements to access the SDNP have not been identified in this application, but this is considered acceptable for a minor scale development.

- 10.24. Policy DM22 of CPP2 states that development proposals are required to retain, improve and, wherever possible, provide, appropriate landscape elements/landscaping, trees and planting as part of the development. This outline application must assess access only, and landscape considerations would be reserved. However as noted above, the indicative plans submitted generally indicate that landscaping and layouts plans could deliver an approvable scheme in this regard. It appears there would be no loss of mature trees as part of the development and there is no objection to the loss of scrub/hedging from a landscape perspective.
- 10.25. Overall, the development of this site for 9 houses is considered to be acceptable in general terms. The quantum, spacing and visual impact on the landscape and the SDNP is accepted, subject to satisfactory detailed design for the houses and external works. A reserved matters application would need to be supported by a landscape plan to integrate the development into the local landscape and enhance views towards the site from the SDNP. The landscaping design would also need to demonstrate full adherence to the requirements of policy H2. It is also recommended that a sensitive approach to lighting is proposed with regard to the dark night skies, which are a special quality of the National Park.

Standard of Accommodation:

- 10.26. Policy DM20 of the CPP2 seeks to ensure a good standard of amenity for future occupiers of the proposed development and this requirement is one of the core planning principles of the NPPF. Indeed, the updated NPPF requires that all developments provide a 'high' standard of amenity for future occupiers, which is a high bar that goes beyond amenity being merely 'adequate' or 'acceptable'. Policy DM1 sets out the Nationally Described Space Standards (NDSS) for dwellings.
- 10.27. From the submitted site plan, which shows the indicative size of the ground floor of the proposed units, it would appear that the national standards could be achieved with regard to two storey properties, and that it would be possible to provide good levels of circulation space, outlook and light, incorporating appropriate rear aspects. Refuse and recycling facilities are shown within the front curtilage of the properties and can be secured by condition.
- 10.28. DM1 states that all new residential development will be required to provide useable private outdoor amenity space appropriate to the scale and character

of the development. The plans indicate garden sizes which are appropriate to the scale of the properties and not uncharacteristic of the area.

Impact on Residential Amenity:

- 10.29. Policy DM20 of City Plan 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.
- 10.30. From the proposed site layout there would be reasonable separation distances to the neighbouring residential properties at all boundaries. Given the proposed siting, distances and orientation in relation to adjacent properties, there would be no significant impact in terms of overbearing impact, daylight, sunlight, outlook and privacy from the proposed 2 storey dwellings.
- 10.31. It is considered that the indicative drawings also show that the site layout would deliver nine houses which would not overlook each other or cause an unacceptable level of noise and disturbance to neighbouring occupiers. The general relationships between the new units and the established residential development would be comfortable.
- 10.32. Whilst the proposed dwellings would result in some overlooking of the rear of the new dwellings on Westfield Avenue North, due to the elevated position of the proposed dwellings, there would still be a separation distance between the dwellings of nearly 28 metres which is considered to be sufficient to ensure adequate privacy.
- 10.33. It is acknowledged that the development of housing on grassland would change the outlook for neighbouring properties but with adequate separation distances, it is not considered that the development would be visually imposing or overbearing.
- 10.34. Overall, for the reasons outlined above, and subject to full details being submitted, it is considered that the proposal would not cause unacceptable harm to the living conditions of the occupiers of neighbouring properties, in compliance with Policy DM20 of the City Plan.

Ecology and Biodiversity:

- 10.35. The site is adjacent to the South Downs National Park (SDNP). Coombe Farm Local Wildlife Site (LWS) also lies adjacent to the south-eastern boundary. This LWS comprises chalk and rough grassland with scattered scrub. CP10 of the CPP1 has the strategic aim to conserve, restore and enhance biodiversity and promote improved access. DM37 of CPP2 requires development to avoid adverse impacts and seek to conserve and enhance biodiversity and geodiversity features and safeguard 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 the preservation and enhancement of natural capital. In addition to these overarching policies, Policy H2 (criterion d) of CPP2 sets a specific requirement that development will mitigate any adverse impacts on designated

sites and provide biodiversity net gains in accordance with Policies CP10 and DM37.

- 10.36. The application was accompanied by Ecology reports and surveys. Further clarification and information were provided during the application process at the Ecologist's request. The submitted information now contains an Ecology Technical Note (ETN) Preliminary Ecological Appraisal (PEA), Ecological Impact Assessment (EclA), Invertebrate Assessment, Invertebrate Mitigation Strategy, Biodiversity Net Gain Assessment and Statutory Biodiversity Metric.
- 10.37. The Biodiversity Net Gain Assessment demonstrates that the proposed development would result in a loss of 3.37 habitat units (85.4% of biodiversity) on the site. 10% BNG would be provided both on-site and via off-site credits.
- 10.38. The PEA and EclA (Figure 1.2 in both documents) now show an undeveloped 5m buffer between the construction zone and Coombe Farm Local Wildlife Site (LWS), as originally recommended in the PEA. This would be accommodated by reducing the length of the private gardens. This is an amendment which has been welcomed by the Ecologist, and the submitted Site Layout Plan has been updated accordingly to reflect this change. The County Ecologist has advised that the ecological reports and information provided by the applicant are now satisfactory to assess the proposal.
- 10.39. The Preliminary Ecological Assessment submitted with this application acknowledges that there may be some temporary disturbance to this area during the construction phase and recommends protection measures to prevent impacts from noise, light and dust pollution. The PEA goes on to confirm that none of the other statutory or non-statutory wildlife sites in the area are likely to be affected by the proposed.
- 10.40. The application site is predominantly covered in grassland and mixed scrub and provides habitat suitable for some protected species. Several recommendations to mitigate potential impacts are set out in the PEA accordingly.
- 10.41. The site is considered to support a low population of slow worm (peak count three) and an incidental common lizard was identified through surveys. Due to the low numbers found it is proposed to use habitat manipulation to displace any animals present on site into the adjacent LWS prior to construction commencing. The Ecologist recognises the on-going impact of the Coombe Farm development on habitats on site, and that the Coombe Farm Local Wildlife Site (LWS) has already been used as a receptor site. Whilst this approach may be acceptable, it will need to be supported by an up-to-date survey of the LWS itself (following best practice guidance). This should form part of a detailed Reptile Mitigation Strategy (RMS) which could be secured by condition. Further studies would also be required to access the suitability for the LWS for invertebrates.
- 10.42. Whilst the submitted reports confirm that the proposed development is likely to have an impact on biodiversity, the Ecologist concludes those impacts can be

mitigated through the use of planning conditions and on-site and off-site provision of BNG. The submitted PEA, which includes a commitment to bat and bird boxes and bee bricks, should be complied with; this can be secured by Ecological Design Strategy condition. Other conditions should include the submission of a Construction Environmental Management Plan for Biodiversity (Biodiversity CEMP), a Method Statement regarding rescue and relocation of reptiles, an updated Invertebrate Mitigation Strategy, submission of an updated badger survey, a lighting design strategy for biodiversity, and a Biodiversity Gain Plan.

- 10.43. Representations from local residents regarding the quality of the submitted reports and BNG assessment have been noted. For BNG assessment purposes, the site has been referred to as other neutral grassland (ONG). The formation of the access route would however result in the loss of scrub / a hedge which separates the site's vehicular access from Westfield Rise/ Coombe Meadow. ONG is an accurate description of the site and small patches of scrub are an acceptable component of ONG under BNG guidance. A more accurate site description for ecology purposes including an assessment of the hedge and scrub habitats are contained within the other ecology documents. As noted above, the submitted reports have been reviewed by the Ecologist and are considered to have been prepared with competence and in accordance with the relevant guidance.
- 10.44. As stated above, the standard pre-commencement Biodiversity Gain Plan Condition would also apply, and the S106 would secure the management and monitoring of significant onsite BNG for at least 30 years, to include fees for compliance monitoring, is required. In summary, provided the recommended ecology mitigation, compensation and enhancement measures are implemented, the proposed development can be supported from an ecological perspective and would comply with policies CP10 of CPP1 and DM37 and H2 of the CPP2.

Landscaping and Trees:

- 10.45. Policy DM22 of CPP2 states that development proposals are required to retain, improve and, wherever possible, provide, appropriate landscape elements/landscaping, trees and planting as part of the development. Policies CP10 and DM37 require developments to seek to provide biodiversity enhancements.
- 10.46. No trees would be lost in order to accommodate the proposal. A landscaping scheme would be secured by planning condition to ensure that the development integrates into the local landscape and does not detrimentally impact views towards the site from the SDNP.

Access, Sustainable Transport and Parking Considerations:

Access to the site

- 10.47. To facilitate access to the proposed development site, the applicant proposes to extend Westfield Rise/Coombe Meadow with a new street with carriageway, footway and parking. This access would deliver a street with two-way movement and a turning head.

- 10.48. The Local Highway Authority (LHA) had identified concerns regarding the proposed placement of the road on the edge of a slope. This placement could pose challenges in terms of stability, safety, and potential impacts on adjacent properties and infrastructure. For a single carriageway road, the maximum gradient allowable is typically in the order of 8%. At the request of the Transport Team, the applicant has provided further information in this regard and a cross-section drawing of the access gradient has been submitted. This shows an acceptable arrangement and confirms that a safe design is achievable, and the Transport Team have no objection to the principle of the access. The road design would be required to follow adoptable standards, complying with the Design Manual for Roads and Bridges. Further details would be secured by condition.
- 10.49. The additional highway works to extend Westfield Avenue North/ Coombe Meadow such as installing a dropped vehicle crossing point and a step-free pedestrian link (separate from the vehicle crossing), would not be on public highway. During the consideration process, the applicant has submitted additional information and confirmed they have the permissions to undertake this work from the landowner.
- 10.50. In regard to pedestrian access, the applicant is proposing a footway within the site, and this is considered adequate to service the proposed dwellings. As per policy DM33 of the City Plan Part Two, a well-connected network of all pedestrian routes which are easy, convenient, and safe to use, within and outside site boundaries is expected. The Transport Team require further details to be submitted, and this can be secured via a street design condition. Collectively this condition must also ensure that further details of the proposed access road, including but not limited to, site levels and dimensions, are submitted and comply with the policies CP9 of the Brighton & Hove City Plan Part One, and DM33 of Brighton & Hove City Plan Part Two.
- 10.51. Representations made by members of the public dispute the suitability of the proposed access. Comments have been made regarding alternative access from Westfield Avenue North, however for the reasons above, there is no objection to the proposed access from Westfield Rise/ Coombe Meadow. The Transport Team have raised no concerns regarding the use of Westfield Rise/ Coombe Meadow from a highway safety perspective. There have also been concerns regarding the maintenance of existing road surfaces and damage through construction. This matter is not material to the consideration of a minor planning application and would need to be privately resolved by the landowners.
- Trip Generation and Highway Capacity
- 10.52. The proposed development would increase the number of trips to the area. The Transport Team have requested the applicant submit a scoping appraisal for a Transport Assessment to consider the cumulative impact of all the recently approved schemes in the area.

- 10.53. Neither a scoping appraisal or a Transport Assessment has been submitted, but a Transport Assessment is not considered reasonable or proportionate for a development of this size. However, trip generation data has been submitted via a Transport Technical Note produced on behalf of the applicant. The TRICS datasheets note that the proposal will generate around 42 vehicle movements per day. This confirms that the development would add 3% to the existing wider background traffic flows (using the traffic count site at Saltdean Vale), which can vary by up to 10% over the course of a typical day.
- 10.54. Despite the lack of cumulative transport assessment, it is however noted that the trip generation data shows only a modest increase in movements on the wider road network.
- 10.55. Relatively, Westfield Rise itself will see a notable uplift in vehicle movements given that this road serves a limited number of properties but the Local Highway Authority have raised no objection and it is not considered that the uplift would result in an 'unacceptable impact on highway safety or the residual cumulative impacts on the road network, following mitigation would be severe' as per para 116 of the National Planning Policy Framework (NPPF).
- 10.56. As an allocated housing site in the urban fringe, the number of movements anticipated by the development is considered reasonable for the site and not considered to be in conflict with City Plan policies.
- 10.57. With regard to public transport, the nearest bus stops are located on Coombe Vale or Westfield Avenue North, both located within 0.2 miles from the site, which equates to 4 minutes walking distance. This provides bus routes to Brighton city centre, via Rottingdean. These services run at a frequency of 20 minutes, seven days per week. This provides a sustainable transport option for residents. The transport team have specified the requirement for a Section 278 highway works agreement, to be secured by S106 agreement, to implement bus shelter improvements at the nearest bus stop. As minor development (under 10 units of accommodation) it is not considered justifiable to seek infrastructure improvements to bus stops in this instance. The development would be subject to mandatory financial contributions under the Community Infrastructure Levy.
- 10.58. Overall, whilst the development would increase transport movements, it is not considered that the development would have a significant impact on local highway capacity.

Car and Cycle Parking

- 10.59. Indicative car parking arrangements have been submitted. As an outline planning application, the details would be assessed under a subsequent reserved matters application. However, Parking Standards SPD14 sets a maximum of 1 car parking space per residential dwelling, plus 1 space per 2 dwellings for visitors. Therefore, a maximum of 14 spaces could be proposed and be policy compliant. The drawings indicate a maximum 14 car parking spaces which is therefore considered to be acceptable and unlikely to result in parking stress/overspill car parking on the surrounding road network. A

condition would be required to ensure that car parking delivered by the development is retained for occupants and visitors of the development.

- 10.60. Members of the public have raised concerns about the existing car parking pressure in Coombe Meadow / Westfield Rise. As noted above it is not considered that provision of 9 houses, with associated maximum parking provision, would result in a significant amount of displaced car parking. However, residents in Coombe Meadow and Westfield Rise currently use the end of the cul-de-sac for additional parking and this area would be lost through the construction of the new access route. This space is not large and could perhaps be used for 2 car parking spaces. The area in question is not a formal parking area, but has clearly been of value to existing residents, and residents would likely experience some inconvenience by the loss of this space. Residents also argue this would have a knock-on effect of more pavement parking on the road and this would cause a highway hazard. However, Transport Team have not raised concerns over displaced parking or potential for highway obstruction. In this instance therefore it would not be reasonable to withhold consent for this reason.
- 10.61. Cycle Parking is required for the development. SPD14 sets minimum standards for cycle parking for residential dwellings, 2 cycle parking spaces per unit for 3-4+ bed residential dwellings and 1 cycle parking space per 3 units for visitors. The development states it would provide 21 cycle parking spaces proposed, 18 for residents plus 3 for visitors, which is policy compliant. The submitted plans do not indicate where they will be located. Further details of cycle storage, including the type of storage and dimensions, is required to be secured via condition.

Sustainability:

- 10.62. As greenfield sites, the urban fringe housing allocations offer particular flexibility for master planning and building design to achieve low carbon and sustainable design. As noted in policy H2, the opportunities should be considered to incorporate passive design, fabric standards, energy efficiency measures and low and zero carbon technology. As an outline application, few details have been submitted in this regard and further detail would be required under a reserved matters application.
- 10.63. CPP2 Policy DM44 requires a minimum Energy Performance Certificate (EPC) rating 'B' for new build residential development. The development should also ensure that each dwelling achieves a water efficiency standard of no more than 110 litres per person per day. These measures can be secured by condition.

Flood Risk and Drainage

- 10.64. The site is not within an area at significant risk of flooding from any source. The site's area is also less than a hectare. Therefore, a Formal Flood Risk Assessment is not required for this development. However, Policy H2 identifies a risk of surface and ground water flooding and that the site is within a Ground Water Source Protection Zone.

- 10.65. Due to the sloping topography of the site, surface water will flow across the site from southeast to northwest towards both existing properties and the new development nearby. Therefore, it is particularly important to ensure that the drainage characteristics of this development match pre-development (greenfield) conditions. In addition, Policy H2 requires that the layout should be planned to ensure future access to existing water and/or wastewater infrastructure for maintenance and upsizing purposes.
- 10.66. A drainage strategy would therefore be required for this application. This should include the following: proof that sustainable drainage has been considered, is in accordance with the SuDS hierarchy; the location and specifications (including size and capacity) of each feature used for collecting, treating, attenuating, and discharging surface water; and calculations demonstrating that the proposed drainage strategy is sufficient to prevent flooding in a 1 in 100 year +40%CC design storm. As the site is located within a Source Protection Zone, it is particularly important, if the water is proposed to be infiltrated, that the drainage strategy offers sufficient treatment to prevent groundwater contamination, referencing the Simple Index approach in the CIRIA SuDS Manual (C753), proof that the ground infiltration rate throughout the site is sufficient for the proposed infiltration drainage to perform as intended, and a maintenance and management plan for each drainage element, listing maintenance tasks required, suggesting frequencies at which they are to be undertaken, and parties' responsible for them.
- 10.67. Southern Water have raised no objection provided that the drainage strategy and design explicitly exclude the use of deep bore soakaways. The requirements above can be sought via a Sustainable Drainage Strategy (SuDS) and this can be submitted for approval by way of a pre-commencement condition.
- 10.68. No information relating to foul water drainage has been submitted. It is assumed that foul waters are proposed to be discharged to the adjacent public sewer in Westfield Rise via a new connection, but confirmation is needed as well as further information relating to the size, capacity and location of the connection, and anticipated peak discharge rates (and supporting calculations) for foul water. This can be secured by planning condition and consultation with Southern Water, who have not objected to the scheme, would be required in this regard.

Other Matters Raised in Representations

- 10.69. Air quality and noise pollution has been raised as a concern through public consultation. The site does not fall within an Air Quality Management Area (AQMA) and there is no objection to housing on the site in relation to Air Quality. It is acknowledged that construction methods, and associated construction traffic and movements can have a localised and temporary negative impact in this regard, but this is not a material consideration for this application. Nevertheless, a condition requiring the production of Construction Environmental Management Plan (CEMP) would be attached to any planning consent.

- 10.70. As discussed above, the access would involve unadopted highway, and this development would rely on the permission of the owners of the land. The applicant has indicated that consent is in place however this is a private matter outside of the scope of this a planning application. Rights of access are also a private matter.
- 10.71. The application has been advertised as 'Land adjacent to Westfield Rise.' Westfield Rise is the main highway access to the site. However, 'Coombe Meadow' is the name of the far northeast extension of Westfield Rise, giving access to the detached properties 1-4 Coombe Meadow which lie on the south-east side of the road. It is considered that the site address used for this planning application is adequate for the purposes of identifying the site and for consultation purposes. This is further supported by the location plan submitted with the application, which shows the site within a red line.
- 10.72. Flooding has been considered during this application, however this an outline application only. Although further information is required, it not considered that the development presents a flooding risk subject to an appropriate drainage strategy. In regard to land slippage, building on sloped land requires some construction challenges which would require full exploration in due course but would be outside the remit of planning considerations.
- 10.73. Loss of property value and loss of view are not material consideration for planning applications. The cumulative impact of the development on local infrastructure is noted. It is acknowledged that a number of housing sites in a small area have come forward in recent years in accordance with allocations in the City Plan. However, this is an allocated housing site, a 'minor' development (as defined by the Development Management Procedure order 2015), and the development would be subject to a statutory Community Infrastructure Levy.

11. CONCLUSION

- 11.1. The site is allocated within the City Plan Part Two as an Urban Fringe housing allocation and would provide 9 new housing units towards the City's housing supply. Following the submission of additional information, the Transport Team have no objection to proposed access, subject to the submission of further details in respect of street layout design and technical standards in relation to the access road. The indicative plans demonstrate that all other aspects of the development, which would be fully assessed on submission of a reserved matters application, could be delivered in accordance with the development plan, subject to further detail.

12. EQUALITIES

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

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 12.2. Officers considered the information provided by the applicant, together with the responses from consultees (and any representations made by third parties) and determined that the proposal would not give rise to unacceptable material impact on individuals or identifiable groups with protected characteristics.
- 12.3. New dwellings should be accessible and adaptable and in accordance with Building Regulations M4(2) for accessibility as required by Policy DM1 of the City Plan Part Two. This can be secured by condition.

13. COMMUNITY INFRASTRUCTURE LEVY

- 13.1. 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 would be confirmed in the CIL liability notice which would be issued as soon as it practicable after the issuing of planning permission, if granted.

14. S106 AGREEMENT

- 14.1. In the event that the S106 agreement has not been signed by all parties by the date set out above, the application shall be refused for the following reasons:
 - 1. The proposed development fails to provide a mechanism by which to secure affordable housing, or a financial contribution towards it in the city, contrary to Policies CP7 and CP20 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
 - 2. The proposal fails to provide a contribution towards the monitoring of Biodiversity Net Gain, contrary to 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.

ITEM E

**6 Westbourne Place
BH2026/01171
Full Planning**

DATE OF COMMITTEE: 2nd September 2026

This is a detailed street map of a residential area in Brighton, showing streets like New Church Road, Princes Square, Princes Avenue, Princes Crescent, Westbourne Place, and Westbourne Villas. The map includes numerous numbered plots and specific locations such as 'WENDOVER GRANGE', 'PYROMANIA', and 'DASTRAL HOUSE'. A specific plot is highlighted with a thick black border.



<u>No:</u>	BH2026/01171	<u>Ward:</u>	Westbourne & Poets' Corner Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	6 Westbourne Place Hove BN3 4GN		
<u>Proposal:</u>	Proposed replacement rear extension and external alterations to the principal elevation at ground floor level, plus insertion of 2no. dormers within the front and rear roof slopes to enable the conversion of the existing retail unit (Class E(a)) with ancillary workshop to a coffee shop (Class E(b)) at ground floor level, and conversion of first floor ancillary office space and roof space to 1no. flat (Class C3).		
<u>Officer:</u>	Oliver Redmond, Tel: 01273 296989	<u>Valid Date:</u>	08.05.2026
<u>Con Area:</u>	Sackville Gardens	<u>Expiry Date:</u>	03.07.2026
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	07.09.2026
<u>Agent:</u>	Wilbury Planning Ltd Suite 12 Second Floor Vantage Point Brighton & Hove BN1 4GW		
<u>Applicant:</u>	Mrs H. Barber & Ms E. Barber Suite 12 Second Floor Vantage Point Brighton & Hove BN1 4GW		

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	2627.LP01		08-May-26
Proposed Drawing	2627.PL02		08-May-26
Proposed Drawing	2627.PL03		08-May-26
Proposed Drawing	2627.PL04		08-May-26
Proposed Drawing	2627.PL05	A	09-Jul-26
Proposed Drawing	2627.PL06	A	09-Jul-26
Proposed Drawing	2627.PL07	A	17-Aug-26
Detail	Separating Floor Detail Type 1		08-May-26
Detail	Separating Floor Detail Type 2		08-May-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. Unless otherwise shown on the drawings hereby approved, the external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.
Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies DM18, DM21 and DM26 of City Plan Part Two and CP12 and CP15 of City Plan Part One.
4. No customers shall remain on the premises outside the hours of 07:00 to 17:00 Mondays to Fridays and 08:00 to 16:00 on Saturdays, Sundays, Bank and Public Holidays.
Reason: To safeguard the amenities of nearby occupiers and the locality and to comply with Policies DM20 and DM40 of the Brighton & Hove City Plan Part Two.
5. The rear garden area shall not be open to customers outside the hours of 10:00 to 17:00 Mondays to Fridays and 10:00 to 16:00 on Saturdays, Sundays, Bank and Public Holidays.
Reason: To safeguard the amenities of nearby occupiers and the locality and to comply with Policies DM20 and DM40 of the Brighton & Hove City Plan Part Two.
6. Prior to the first use of the premises as a coffee shop hereby approved, the extraction and ventilation system, including all associated acoustic attenuation, anti-vibration mounts and flexible connections, shall be installed in full accordance with the specifications and mitigation measures set out in the submitted Noise Impact Assessment EV2620-01-B, received on the 8th May 2026. The approved system shall thereafter be retained and maintained in effective working order.
Reason: To safeguard the amenities of existing and future occupiers from noise, vibration and odour, in accordance with Policies DM20 and DM40 of the Brighton & Hove City Plan Part Two.
7. The dwelling hereby permitted shall not be occupied until the separating-floor construction between the commercial premises and residential accommodation has been installed in full accordance with the specifications and mitigation measures set out in the submitted Noise Impact Assessment EV2620-01-B, and as illustrated in the supporting detail drawings, received on the 8th May 2026. The approved construction shall thereafter be retained.
Reason: To ensure an acceptable standard of accommodation for future occupiers of the dwelling, in accordance with Policies DM1, DM20 and DM40 of the Brighton & Hove City Plan Part Two.

8. At least one bee brick shall be incorporated within the external wall of the development hereby approved and shall be retained thereafter.
Reason: To enhance biodiversity, in accordance with Policy CP10 of the Brighton & Hove City Plan Part One, Policy DM37 of the Brighton & Hove City Plan Part Two and SPD11.
9. Prior to the first use of the development hereby permitted, the hard surfaces within the rear external area shall be constructed using porous or permeable materials, or provision shall be made to direct surface-water run-off to a permeable or porous area within the curtilage of the property. The approved arrangement shall thereafter be retained.
Reason: To reduce the risk of flooding and pollution and increase the sustainability of the development, in accordance with Policies CP8 and CP11 of the Brighton & Hove City Plan Part One, Policies DM42 and DM43 of the Brighton & Hove City Plan Part Two and SPD16: Sustainable Drainage.
10. The development hereby approved shall achieve a minimum Energy Performance Certificate (EPC) rating 'C'.
Reason: To improve the energy cost efficiency of existing and new development and help reduce energy costs and enhance sustainability, to comply with policies DM44 of the Brighton & Hove City Plan Part Two and CP8 of the Brighton & Hove City Plan Part One.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. 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. The applicant is advised that this planning permission does not grant any consent or licence required for the awning to project over the public highway. The necessary approval should be obtained from the Highway Authority before installation.

Biodiversity Net Gain

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

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that, unless an exception or a transitional arrangement applies, the planning permission granted for the development of land in England is deemed

to have been granted subject to the condition ("the biodiversity gain condition") that development may not begin unless:

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

2. SITE LOCATION

- 2.1. The application relates to 6 Westbourne Place, Hove, a two-storey terraced property located on the eastern side of Westbourne Place, within the Sackville Gardens Conservation Area. The property was most recently occupied by Pyromania Fireplaces Ltd as a retail showroom (Class E(a)) with ancillary workshop accommodation at basement level and ancillary office accommodation at first floor level. The premises are currently vacant.
- 2.2. Westbourne Place is characterised by a predominantly Victorian terrace comprising a mix of residential and commercial uses. The application site occupies a sustainable location within walking distance of local services and facilities, public transport routes, and Hove seafront.

3. RELEVANT HISTORY

- 3.1. **BH2025/02104** - Non-material amendment to application BH2023/01956 to erect single storey rear extension and creation of loft room with front rooflight and rear dormer. Pending Consideration.
- 3.2. **BH2025/01710** - Application for approval of details reserved by Condition 3 (land contamination) of application BH2023/01956. Approved 16.09.2025.
- 3.3. **BH2023/01956** - Part change of use of existing showroom, workshop, storage and office (Class E) to one three-bedroom dwelling (Class C3) with associated fenestration alterations. Approved 27.11.2023.

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for the change of use of the existing retail unit (Class E(a)) with ancillary workshop to a coffee shop (Class E(b)) at ground floor level, together with the conversion of the existing first floor ancillary office accommodation and roof space to form one self-contained two-bedroom dwelling (Class C3). The application includes the replacement and enlargement of the existing rear extension to extend approx. 7m in depth with a height of 3.2m on the western side which would be white render with anthracite fenestration. Other alterations proposed include the insertion of one dormer within the front roof slope and one dormer within the rear roof slope to facilitate the proposed dwelling. The dormers would be slate clad to match the principal roof.
- 4.2. During the course of the application the proposed front rooflight was removed from the scheme following heritage advice.

5. REPRESENTATIONS

5.1. **Twenty-nine (26)** representations have been received in support of the application for the following reasons;

- Brings a long-vacant premises back into active use.
- Supports an independent local business.
- Improves the vitality and viability of the local area.
- Provides an additional community facility within walking distance
- Represents an appropriate reuse of an existing building.
- Delivers an additional dwelling in a sustainable location.
- Proposal is sympathetic to the character of the building and conservation area improving the appearance.
- The coffee shop would contribute positively to the local economy and sense of community.
- Opening hours are considered appropriate, and
- The proposal would increase natural surveillance and activity within the street.

5.2. **Nine (9)** representations have been received objecting to the application for the following reasons;

- Loss of an existing specialist retail premises.
- Potential noise and disturbance arising from customers, outdoor seating and servicing.
- Impact of kitchen extraction equipment.
- Impact upon neighbouring residential amenity.
- Harm to the character and appearance of the Sackville Gardens Conservation Area.
- Concerns regarding parking and servicing.
- Loss of privacy and overlooking, and
- Concern regarding precedent for further changes of use.

6. CONSULTATIONS

Internal

6.1. **Heritage** – (Verbal) – No Objection

The Council's Heritage Officer provided verbal comments during the course of the application. The proposed front dormer was acknowledged as not being the preferred heritage outcome but was not considered to warrant objection given the surrounding context. Concern was raised regarding the proposed conservation-style rooflight within the front roof slope, and it was recommended that this element be removed.

External

6.2. **Conservation Advisory Group (CAG)** - Approve

The Applicant's Design and Access Statement demonstrates a clear understanding of the conservation area, and the setting, recommend re-visiting

the proportions of the window openings in the rear box dormer. Note that there is no planning history associated with the front dormer at 4 Westbourne Place.

- 6.3. 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 this report.
- 7.2. The development plan comprises:
- 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. RELEVANT POLICIES & GUIDANCE

National Planning Policy Framework (2024)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development

CP1 Housing Delivery

CP2 Sustainable Economic Development

CP3 Employment Land

CP8 Sustainable Buildings

CP9 Sustainable Transport

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

DM23 Shopfronts

DM26 Conservation Areas

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

DM43 Sustainable Drainage
DM44 Energy Efficiency and Renewables

Supplementary Planning Documents

SPD02 Shop Front Design
SPD03 Construction & Demolition Waste
SPD07 Advertisements
SPD09 Architectural Features
SPD11 Nature Conservation & Development
SPD12 Design Guide for Extensions and Alterations
SPD14 Parking Standards

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the principle of the proposed mixed-use development, the design of the proposed alterations and their impact upon the character and appearance of the host building and the Sackville Gardens Conservation Area, the standard of accommodation provided for future occupiers, the impact upon neighbouring amenity, including noise, disturbance, privacy and outlook, and matters relating to highways, access, servicing, cycle parking, sustainability and biodiversity.

Principle of the Development

Commercial Use

- 9.2. The application proposes the change of use of the existing ground floor retail unit (Class E(a)) with ancillary workshop space to a coffee shop (Class E(b)). Both the existing and proposed uses fall within Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended) and therefore the proposal would remain within the same use class and be otherwise considered as lawful. Whilst planning permission is required in this instance by virtue of the associated operational developments and the creation of a residential unit above, the principle of the proposed commercial use is considered acceptable.
- 9.3. Policy CP2 of the Brighton & Hove City Plan Part One supports proposals that contribute towards maintaining and enhancing the city's economy, whilst Policy CP3 seeks to safeguard employment floorspace unless it can be demonstrated that its continued employment use is no longer appropriate or viable. In this case, the proposal would retain an active commercial use at ground floor level, maintaining employment-generating floorspace and an active frontage within Westbourne Place. Although the existing ancillary office accommodation at first floor level would be lost to facilitate the proposed residential conversion, officers are satisfied that this ancillary floorspace is no longer required to support the proposed ground floor use and does not comprise a primary employment use in its own right. Additionally, a marketing report has been submitted with the application and considers that the remaining first floor office space would be largely unviable as stand-alone commercial office space and outlines a number of reasons as to why this would be the case. Matters cited reference the lack of any independent access to the unit together with a layout that is not functional, required maintenance and improvement costs and market supply leading to the

conclusion that the office space would be unviable to be retained as an individual unit.

- 9.4. The site has remained vacant since the previous occupier ceased trading and the proposal would secure the continued active commercial use of the premises through an alternative Class E use that is compatible with the mixed commercial and residential character of the surrounding area. The proposal would therefore accord with the objectives of Policies CP2 and CP3 of the Brighton & Hove City Plan Part One.

Residential Use

- 9.5. Policy CP1 in City Plan Part One sets a minimum housing provision target of 13,200 new homes for the city up to 2030. However, on 24 March 2021 the City Plan Part One reached five years since adoption. National planning policy states that where strategic policies are more than five years old, local housing need calculated using the Government's standard method should be used in place of the local plan housing requirement. The local housing need figure for Brighton & Hove using the standard method is 2,487 homes per year. A 20% buffer is then applied to this figure to reflect the most recent Housing Delivery Test measurement (published in December 2024) for the council being less than 85%.
- 9.6. The council's most recent housing land supply position is published in the SHLAA Update 2025 which shows a five-year housing supply shortfall of 10,442. This is equivalent to 1.5 years of housing supply.
- 9.7. 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).
- 9.8. The proposal would convert the existing ancillary office accommodation and roof space to provide one self-contained two-bedroom dwelling. The Council cannot currently demonstrate a five-year housing land supply, and the proposed dwelling would make a modest contribution towards meeting housing need in a sustainable location.
- 9.9. Residential use of the building has previously been accepted through permission BH2023/01956. Although each application must be determined on its own merits, this earlier permission establishes that residential use is acceptable in principle. Subject to the detailed considerations assessed below, the residential element of the proposal is considered acceptable.

Design and Appearance, including Impact on Heritage Features

- 9.10. 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.

- 9.11. 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”.
- 9.12. In determining applications within conservation areas, the Council must pay special attention to the desirability of preserving or enhancing their character or appearance. This statutory duty must be given considerable importance and weight.
- 9.13. The site is considered to make a positive contribution to the Sackville Gardens Conservation Area. The proposal would retain and refurbish the traditional shopfront, with only modest alterations to accommodate the proposed coffee shop use. This would preserve the proportions and detailing of the principal elevation and maintain an active commercial frontage.
- 9.14. The proposed principal elevation would also incorporate a retractable awning positioned beneath the fascia. The awning would be modest in scale and appropriately integrated with the retained traditional shopfront, without obscuring the pilasters or other architectural detailing. Its traditional form would be compatible with the character of the host building and would preserve the character and appearance of the conservation area. Any lettering or signage displayed on the awning may require separate advertisement consent and does not form part of the assessment of this application.
- 9.15. To the rear, the existing single-storey extension would be replaced and the two-storey outrigger retained and extended. Although larger than the existing additions, the proposed works would remain subordinate to the host building, have limited public visibility and provide a more coherent rear composition.
- 9.16. Concerns were raised by the Heritage Officer regarding the proposed front dormer. However, having regard to its proportions, detailing and materials, together with the existing dormer at No. 4 as part of the surrounding streetscene context, it was ultimately considered acceptable. The proposed front rooflight was omitted during the application following Heritage advice, reducing visual clutter and incongruity within the principal roof slope.
- 9.17. The rear dormer would be centrally positioned, set approximately 550mm below the ridge and substantially narrower than the existing 5.9m wide dormer at No. 4. It would therefore remain subordinate to the host roof and represent a restrained addition to the rear roofscape. Although the Conservation Area Advisory Group have raised a concern with regards to the window proportions, an approval was recommended overall and given the style and form of the rear dormer, the window is considered acceptable. The proposed rear dormer would measure approximately 3.6m wide, 2m deep and 1.9m high. It would be centrally positioned, set approximately 550mm below the ridge and substantially narrower than the existing 5.9m wide dormer at No. 4. It would therefore remain subordinate to the host roof and represent a restrained addition to the rear roofscape. It is noted that the rear dormer proposed is not of a traditional form however due to the presence of the directly neighbouring dormer and other modern and flat roofed elements in the immediate vicinity the rear dormer is not

considered to cause demonstrable harm to the streetscene or wider character of the area in this instance.

- 9.18. Measuring approximately 2.8m in depth, 2.4m in width and 2m from the roof slope to its apex, the proposed front dormer would remain consistent with the established architectural language of the terrace reflecting the adjacent and existing front dormer to the neighbouring property at 4 Westbourne Place.
- 9.19. The dormers would be clad in slate to match the principal roof, which is secured via condition.
- 9.20. The proposal would preserve the character and appearance of the host property and the Sackville Gardens Conservation Area and would accord with Policies CP12 and CP15 of City Plan Part One and Policies DM18, DM21, DM23 and DM26 of City Plan Part Two.

Standard of Accommodation

- 9.21. Policy DM1 of the Brighton & Hove City Plan Part Two requires new residential development to provide a high standard of accommodation suitable for the intended number of occupants. This includes sufficient internal space, a functional layout and adequate levels of natural light, ventilation, outlook and privacy.
- 9.22. The proposal would provide a two-bedroom, three-person dwelling arranged across the first and second floors. The dwelling would have an overall internal floor area of approximately 86sqm, comprising approximately 66sqm at first-floor level and 20sqm at second-floor level. It would therefore exceed the Nationally Described Space Standard (NDSS) requirement of 70sqm for a two-bedroom, three-person dwelling arranged over two storeys.
- 9.23. The first floor would contain a kitchen/living/dining room measuring approximately 31sqm, a single bedroom measuring approximately 13sqm and a shower/WC room.
- 9.24. The second-floor double bedroom, with en-suite would measure approximately 16sqm overall. Its principal usable area would provide approximately 11.6sqm of floorspace with a consistent floor to ceiling height of approximately 2.28m and a minimum width of approximately 2.6m (from ensuite wall to start of pitch ceiling). The remaining area would sit beneath the pitched roof and have more restricted headroom.
- 9.25. The bedroom would therefore meet the NDSS minimum floor area requirement for a double bedroom, although its usable width would fall marginally below the minimum standard of 2.75m. Given the adequate headroom and functional arrangement of its principal usable area, together with the dwelling's generous overall internal floorspace, storage provision, natural light and outlook, this limited shortfall would not result in an unacceptable standard of accommodation.
- 9.26. The dwelling would have an independent entrance and internal circulation separated from the principal customer areas of the coffee shop.

- 9.27. No private external amenity space would be provided for the dwelling. This represents a shortfall against the general objectives of Policy DM1. However, due to the inherent site constraints, it is noted that the provision of a garden, balcony or terrace would be difficult to achieve without potentially harmful alterations or impacts on neighbouring amenity. The site is also located within a seven-minute walk from the seafront and public open space. In this particular context, the absence of private external amenity space would not result in an unacceptable standard of accommodation such to warrant refusal.
- 9.28. Overall, the proposed dwelling would provide a suitably arranged, well-lit and functional living environment for future occupiers and would comply with Policy DM1 of the Brighton & Hove City Plan Part Two.

Impact on Amenity

- 9.29. The existing two-storey rear outrigger would be retained and extended approximately 1.8m further into the rear garden. Its proposed height would be approximately 6m, compared with its existing height of approximately 6.1m, representing a reduction of approximately 100mm.
- 9.30. The extended outrigger would align in depth with the existing outrigger at No. 8 Westbourne Place. Given its limited additional depth, slightly reduced height and relationship with the adjoining built form, it would not result in an unacceptable loss of daylight, sunlight or outlook, or appear unduly overbearing to neighbouring occupiers.
- 9.31. The existing single-storey rear extension would be demolished and replaced with an extension approximately 6.6m in depth, representing an increase of approximately 2.6m, and approximately 3.2m in height, compared with the existing height of approximately 3m.
- 9.32. No. 4 Westbourne Place (adjacent to the west) has an existing single-storey extension abutting the shared boundary, which would screen the impacts of most of the proposed extension. The proposal would project approximately 1.9m beyond the rear elevation of No. 4's extension, with this section rising approximately 1.5m above the existing 1.6m-high boundary wall. Although this would introduce some additional enclosure when viewed from No. 4's garden, the exposed section would be limited to 1.9m in length and would remain single storey. It would therefore not appear unduly overbearing or result in an unacceptable loss of daylight, sunlight or outlook.
- 9.33. The proposed front and rear dormer windows would not introduce materially greater overlooking than the existing upper floor windows and the relationships typical of the surrounding terrace. The front dormer would face the public highway, while views from the rear dormer would be typical of upper floor residential accommodation within this closely developed urban setting.
- 9.34. The operational effects of the coffee shop, external seating area and extraction equipment are considered below. Subject to the conditions imposed, the proposal would not cause significant harm to the amenities of neighbouring

occupiers and would comply with Policies DM20 and DM40 of the Brighton & Hove City Plan Part Two.

Noise and Disturbance

- 9.35. The proposal has the potential to generate noise and disturbance through the operation of the coffee shop, use of the external seating area and kitchen extraction equipment. Consideration must also be given to the relationship between the commercial premises and the proposed dwelling above.
- 9.36. The proposed opening hours are 07:00 to 17:00 Monday to Friday and 08:00 to 16:00 on Saturdays, Sundays, Bank and Public Holidays. These are daytime hours and, having regard to the modest scale of the premises and its established commercial use, are considered appropriate. A condition secures these hours in order to safeguard neighbouring residential amenity.
- 9.37. A Noise Impact Assessment has been submitted in support of the application. An unattended survey undertaken over six days established a representative daytime background sound level of 39dB LA90, 15min during the proposed operating hours.
- 9.38. The proposed kitchen extraction system would comprise an internally located cased axial fan, acoustic attenuators and internal ductwork terminating above roof level. The submitted noise assessment, undertaken in accordance with BS 4142, predicts that the rating level of the extraction equipment would remain below the representative daytime background sound level. The resulting impact upon nearby noise-sensitive premises is therefore assessed as low.
- 9.39. The assessment recommends the use of anti-vibration mounts, flexible connections and the avoidance of rigid connections between the extraction equipment and the building structure to minimise structure-borne noise and vibration. A condition secures the installation of the extraction system and associated acoustic mitigation in accordance with the submitted specifications before the coffee shop is first brought into use, and their retention thereafter.
- 9.40. The modest external seating area has been assessed on the cautious assumption that it would accommodate five customers. Predicted noise levels at the nearest residential receptors would range from approximately 41dB to 46dB LAeq,1hr, below the adopted external amenity benchmark of 50dB LAeq. Given the limited scale of the seating area and the proposed daytime opening hours, its use would not be likely to result in unacceptable noise or disturbance. It is also considered and given weight that the existing use of the building would not prevent the change of use to coffee shop, and the external space could, theoretically, be utilised as part of any lawful change of use. Given this fallback position it is considered that it would be unreasonable to withhold planning permission on this basis. Concerns received in representations regarding the use of this external area are noted and a planning condition is recommended to ensure that the amenity of neighbouring occupiers is sufficiently protected.
- 9.41. The proposed dwelling would be located directly above the coffee shop. The Noise Impact Assessment proposes an enhanced separating-floor construction

comprising acoustic insulation between the existing timber joists, resilient acoustic isolation components and two layers of staggered and sealed sound-grade plasterboard. The proposed construction is designed to achieve sound insulation exceeding the minimum requirements of Approved Document E and would provide an appropriate standard of amenity for future occupiers.

- 9.42. Subject to the recommended conditions, the proposed coffee shop, external seating and extraction equipment would not result in unacceptable noise, vibration or disturbance to existing or future occupiers. The proposal is therefore considered to comply with Policies DM20 and DM40 of the Brighton & Hove City Plan Part Two.

Sustainable Transport & Refuse

- 9.43. The site is located in a sustainable urban location with good access to local services, public transport and the surrounding pedestrian and cycle network. The proposal would retain a commercial use at ground-floor level and provide one dwelling above. Having regard to the former retail use with ancillary workshop and office accommodation, the development would not result in a significant intensification of the site or a material increase in vehicle movements.
- 9.44. No off street car parking is proposed. However, given the sustainable location of the site and the modest scale of the commercial and residential uses, this is considered acceptable and would not result in an unacceptable impact upon highway safety or the surrounding highway network.
- 9.45. The proposed awning would project above the adjoining footway. SPD02 advises that blinds and awnings should provide a minimum clearance of 2.4m above footway level at their lowest point and should not cause obstruction or danger to pedestrians. The submitted elevation indicates that sufficient clearance would be maintained above the footway and, by virtue of its elevated and retractable form, the awning would maintain safe and unobstructed pedestrian movement. It would therefore not result in an unacceptable impact upon highway safety. Any separate consent or licence required for a projection over the public highway would remain necessary.
- 9.46. No dedicated cycle parking is proposed. While this represents a shortcoming, the constrained nature of the site and the provision of only one dwelling are acknowledged. Given the site's accessible location and the availability of alternative sustainable modes of travel, the absence of cycle parking would not, on balance, justify refusal of the application.
- 9.47. Refuse and recycling storage would be located at the rear of the site within the lane, consistent with both the existing and proposed arrangements. This location is considered suitable and would allow collections to continue without obstructing the highway.
- 9.48. The servicing requirements of the coffee shop would be limited and could be accommodated using the existing arrangements without materially obstructing the highway.

- 9.49. Overall, the proposal is considered acceptable in transport terms and would not result in an unacceptable impact upon highway safety or the operation of the surrounding highway network, in accordance with Policy CP9 of the Brighton & Hove City Plan Part One and Policies DM33 and DM36 of the Brighton & Hove City Plan Part Two.

Sustainability

- 9.50. The proposal would reuse and refurbish an existing building in a sustainable urban location, making efficient use of previously developed land and the existing building fabric. The proposal is therefore considered acceptable in sustainability terms and would comply with Policy CP8 of the Brighton & Hove City Plan Part One.

Other Matters Raised in Representations

- 9.51. Concerns regarding noise, disturbance, extraction equipment, overlooking and the effect of the rear extensions upon neighbouring amenity have been addressed in the relevant sections above.
- 9.52. Objections have also been raised regarding the loss of the existing specialist retail business. The application relates to the use of the premises rather than the identity of its current or future occupier, and the personal circumstances of an individual business are not determinative of the application. Both the existing retail use and proposed coffee shop fall within Class E, and the principle of retaining an active commercial use at ground-floor level is considered acceptable for the reasons set out above.
- 9.53. Each planning application must be determined on its own merits having regard to the development plan and other material considerations. Approval of this application would not therefore establish a precedent requiring other proposals to be determined in the same manner.

10. CONCLUSION

- 10.1. The proposed development would retain an active commercial use at ground-floor level and provide an additional dwelling through the effective reuse and alteration of the existing building. The works would preserve the character and appearance of the Sackville Gardens Conservation Area and provide an acceptable standard of accommodation without causing significant harm to neighbouring amenity, highway safety or environmental health.

11. BIODIVERSITY NET GAIN

- 11.1. The applicant states that the development is exempt from the mandatory biodiversity net gain requirement under the de minimis exemption. The works would be confined to the existing building and hard surfaced areas and would not affect any priority habitat, onsite habitat with biodiversity value exceeding 25sqm, or more than 5m of linear habitat. The de minimis exemption is therefore considered to apply.

12. EQUALITIES

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

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

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

12.3. The proposed coffee shop would include an accessible WC. Officers have considered the information provided by the applicant, together with consultation responses and representations received and consider that the proposal would not give rise to any unacceptable material impact upon individuals or identifiable groups with protected characteristics.

13. CLIMATE CHANGE AND BIODIVERSITY

13.1. The proposal would reuse and adapt an existing building in a sustainable urban location, reducing the need for more resource-intensive redevelopment. The use of permeable paving within the rear external area - in place of the current concrete hardstanding - would assist with surface water management.

13.2. The development would not affect any identified trees, priority habitat or designated ecological site. Having regard to the nature and scale of the works, the proposal would not result in any significant adverse climate-change or biodiversity impacts.

14. COMMUNITY INFRASTRUCTURE LEVY

14.1. Under the Regulations of the Community Infrastructure Levy 2010 (as amended), Brighton & Hove City Council adopted its Community Infrastructure Levy Charging Schedule on 23 July 2020 and began charging on 5 October 2020. The development is CIL liable. The precise amount payable will be calculated and confirmed separately following the grant of planning permission.

PLANNING COMMITTEE	Agenda Item Brighton & Hove City Council
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NEW APPEALS RECEIVED BETWEEN
02/07/2026 - 05/08/2026

Ward	Goldsmid
Appeal Ref	APL2026/00034
Appeal App Number	BH2025/02112
Address	141 Davigdor Road Hove BN3 1SH
Development Description	Conversion of existing basement area to form 3no two bedroom self-contained flats (C3) with associated works to include installation of windows at basement level, creation of lightwells and installation of glazed balustrade to existing wall.
Application Status	APPEAL IN PROGRESS
Appeal Received Date	03/08/2026
Application Decision Level	Delegated

Ward	West Hill & North Laine
Appeal Ref	APL2026/00033
Appeal App Number	BH2026/00305
Address	13 St Georges Place Brighton BN1 4GB
Development Description	Replace existing single-glazed timber sash windows with double-glazed timber sash windows.
Application Status	APPEAL IN PROGRESS
Appeal Received Date	13/07/2026
Application Decision Level	Delegated

PLANNING COMMITTEE	Agenda Item Brighton & Hove City Council
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APPEAL DECISIONS FOR THE PERIOD BETWEEN **22/07/2026 - 18/08/2026**

Wardname	Hanover & Elm Grove
Appeal Application Number	APL2026/00027
Address	Austen House 104 Southover Street Brighton BN2 9UD
Development Description	Erection of second floor extension and upwards extension to provide additional third floor with dormer windows, to provide 1no additional residential flat (C3).
Appeal Type	Against Refusal
Appeal Decision	Appeal Dismissed
Planning Application Number	BH2025/01833
Application Decision Level	Delegated

Wardname	Kemptown
Appeal Application Number	APL2026/00018
Address	Albion Court 44 - 47 George Street Brighton BN2 1RJ
Development Description	Replacement of existing wooden frame windows with uPVC. for flats 1,2, 3, 4, 5, 8, 9, 10, 11, & 12 at front elevation.
Appeal Type	Against Refusal
Appeal Decision	Appeal Dismissed
Planning Application Number	BH2025/01558
Application Decision Level	Delegated

Wardname	Queen's Park
Appeal Application Number	APL2025/00016
Address	5 New Steine Brighton BN2 1PB
Development Description	Appeal against
Appeal Type	Against Enforcement Notice
Appeal Decision	Appeal Dismissed
Planning Application Number	
Application Decision Level	

Wardname	South Portslade
Appeal Application Number	APL2026/00028
Address	Unit 9 Panorama House 1D Vale Road Portslade BN41 1BA
Development Description	Conversion of existing Unit 9 to office use (E). Provision of new obscure glazed windows within existing openings.
Appeal Type	Against Refusal
Appeal Decision	Appeal Dismissed
Planning Application Number	BH2025/02979
Application Decision Level	Delegated

Wardname	West Hill & North Laine
Appeal Application Number	APL2025/00020
Address	8 Queens Gardens Brighton BN1 4AR
Development Description	Appeal against
Appeal Type	Against Enforcement Notice
Appeal Decision	Appeal Dismissed
Planning Application Number	
Application Decision Level	

Wardname	Woodingdean
Appeal Application Number	APL2026/00025
Address	544A Falmer Road Brighton BN2 6ND
Development Description	Raise the wall and complete roof to existing rear storage building.
Appeal Type	Against Refusal
Appeal Decision	Appeal Dismissed
Planning Application Number	BH2025/02317
Application Decision Level	Delegated
