

<u>No:</u>	BH2023/02872	<u>Ward:</u>	Coldean & Stanmer Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Land Adjacent To American Express Stadium Village Way Brighton BN1 9BL		
<u>Proposal:</u>	Removal of temporary kiosks, relocation of cycle parking and erection of a fan zone/event space (Sui Generis) comprising a two storey structure with mezzanine providing food, drink, retail kiosk, toilet facilities and associated storage.		
<u>Officer:</u>	Helen Hobbs, tel: 290585	<u>Valid Date:</u>	08.11.2023
<u>Con Area:</u>		<u>Expiry Date:</u>	07.02.2024
<u>Listed Building Grade:</u>	<u>EOT:</u>		
<u>Agent:</u>	DMH Stallard LLP Griffin House 135 High Street Crawley RH10 1DQ		
<u>Applicant:</u>	The Community Stadium Limited American Express Stadium Village Way Falmer Brighton BN1 9BL		

Section 106 Heads of Terms

Employment training

- Developer contribution of £15,770 to be paid prior to site commencement.
- The Employment Training Strategy should be submitted for approval at least 1 month prior to commencement of the development.

Management

- Requirement to provide off-site compensatory habitat (one new native tree as specified in the Biodiversity Net Gain Report (Ecology Partnership, October 2023) and scheme to ensure its maintenance for 30 years, including replacement if it dies.

1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves 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 on or before the 26th July 2023 the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 13.1 of this report:

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
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Location Plan	AFZ-BDP-ZZ-XX-DR-A-000000	P03	26 October 2023
Proposed Drawing	AFZ-BDP-ZZ-00-DR-A-001000	P03	26 October 2023
Proposed Drawing	AFZ-BDP-ZZ-01-DR-A-001001	P03	26 October 2023
Proposed Drawing	AFZ-BDP-ZZ-02-DR-A-001003	P03	26 October 2023
Block Plan	AFZ-BDP-ZZ-XX-DR-A-000002	P03	26 October 2023
Proposed Drawing	AFZ-BDP-ZZ-XX-DR-A-000030	P03	26 October 2023
Proposed Drawing	AFZ-BDP-ZZ-XX-DR-A-002000	P06	6 February 2024
Proposed Drawing	AFZ-BDP-ZZ-XX-DR-A-002001	P06	6 February 2024
Proposed Drawing	AFZ-BDP-ZZ-XX-DR-A-002002	P06	6 February 2024
Proposed Drawing	AFZ-BDP-ZZ-XX-DR-A-002003	P03	26 October 2023
Proposed Drawing	AFZ-BDP-ZZ-XX-DR-A-003000	P03	26 October 2023
Proposed Drawing	AFZ-BDP-ZZ-XX-DR-A-003001	P03	26 October 2023
Design and Access Statement (BDP)			26 October 2023
Flood Risk Assessment		1.1	26 October 2023
Biodiversity Net Gain Report (Ecology Partnership, October 2023)			26 October 2023

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 facade and roof materials
 - b) samples of all cladding/panelling to be used externally
 - c) samples/details of all hard surfacing materials
 - d) samples/details of the proposed windows and doors
 - e) samples/details of all other materials to be used externally
Development shall be carried out in accordance with the approved details.

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

4. Prior to first occupation of the development hereby approved, details of the photovoltaic array shall be submitted to and approved in writing by the Local Planning Authority. The photovoltaic array shall then be installed in accordance with the approved details.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and has an acceptable appearance and to comply with policies CP8 and CP12 of the Brighton & Hove City Plan Part One.

5. The use hereby permitted shall not be carried out except between the hours of 08:00 and 00:00 on any day, including Bank or Public Holidays.

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

6. The development hereby permitted shall not be commenced (other than demolition works and works to trees) until a management and maintenance plan for the surface water drainage of the site, as set out in the approved Flood Risk Assessment received on 26.10.2023, and consideration of rainwater harvesting, has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented and maintained in accordance with the approved detailed design.

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

7. No development above ground floor slab level of any part of the development hereby permitted shall take place until evidence from the utility provider of sufficient foul sewer capacity to manage the development has been submitted to and approved in writing by, the Local Planning Authority in consultation with the sewerage undertaker.

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.

8. No part of the development hereby permitted shall be first occupied or brought into use until the crime prevention and security measures outlined within Section 5.9 of the approved Design and Access Statement submitted on 26.10.2023, have been installed and put in place on site. The measures shall be retained as such thereafter.

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

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

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

10. When events are taking place in the fan zone the openable walls should remain closed from 23:00.
Reason: To safeguard the amenities of the locality and to comply with policies DM20 and DM40 of Brighton & Hove City Plan Part 2.
11. No part of the development hereby permitted shall be first occupied or brought into use until the measures outlined within the submitted Noise Impact Assessment submitted on 26.10.2023, have been implemented. The measures shall be retained as such thereafter.
Reason: To safeguard the amenities of the locality and to comply with policies DM20 and DM40 of Brighton & Hove City Plan Part 2.
12. No development above ground floor slab level of any part of the development hereby permitted shall take place until details of the proposed green walling and maintenance and irrigation programme have been submitted to and approved in writing by the Local Planning Authority. The walls shall thereafter be constructed, maintained and irrigated in accordance with the approved details.
Reason: To ensure that the development contributes to ecological enhancement on the site and visual amenity of the locality in accordance with policy DM37 of Brighton & Hove City Plan Part 2, and CP10 and CP12 of the Brighton & Hove City Plan Part One.
13. At least one bee brick shall be incorporated within the external wall of the development hereby approved and shall be retained thereafter.
Reason: To enhance the biodiversity of the site and to comply with Policy DM37 of Brighton & Hove City Plan Part 2, Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.
14. 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 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 sensitive 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.
Reason: Many species active at night (e.g. bats and badgers) are sensitive to light pollution. The introduction of artificial light might mean such species are disturbed and /or discouraged from using their breeding and resting places, established flyways or foraging areas. Such disturbance can constitute an offence under relevant wildlife legislation, and would be contrary to Policy DM37 of Brighton & Hove City Plan Part 2.

15. Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed the existing LA90 background noise level. The Rating Level and existing background noise levels are to be determined as per the guidance provided in BS4142:2014-A1:2019 (or the relevant updated Standard). In addition, there should be no significant low frequency tones present.
Reason: To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies DM20 and DM40 of Brighton & Hove City Plan Part 2.
16. The development shall only be brought forward using shallow foundations that do not adversely affect the water infrastructure under lying the site.
Reason: to safeguard the fresh and foul water infrastructure in the vicinity of the site, in accordance with Policy DM42 of Brighton & Hove City Plan Part 2.
17. No development shall take place until Habitat Management and Monitoring Plan (HMMP) for the provision of a minimum 10% biodiversity net gain within a 30 year period, to include the planting of a single native (preferably whitebeam) tree in the area specified in the Biodiversity Net Gain Report (Ecology Partnership, October 2023), to be managed to achieve and maintain at least moderate condition, has been submitted to and approved in writing by the local planning authority. The HMMP shall include the following parts:
- a) Description and evaluation of habitat/features proposed (to include full Metric (using most current version), details of condition assessments and a specification for a minimum of 20 No. bird boxes/bricks (with a minimum of 50% targeting swift) including details of box type, number and location);
 - b) Identification of adequate baseline conditions (for management and monitoring purposes) prior to the start of works (to include full Metric (using most current version) and details of condition assessments);
 - c) Aims and objectives for the proposed works;
 - d) Site specific and wider ecological trends and constraints that might influence works;
 - e) Details of the body/organisation/person/s responsible for undertaking the works and lines of communication;
 - f) Details of the legal and funding mechanism(s) by which the implementation of the HMMP will be secured by the developer with those responsible for its delivery;
 - g) Detailed design(s) and/or working method(s) to achieve stated objectives including type/source of materials, disposal of any wastes arising from works and appropriate scale plans showing location/area of proposed works;
 - h) Works Schedule aligned with any proposed phasing and including an annual work plan capable of being rolled forward over a five-year period;
 - i) Prescriptions for initial aftercare and long-term management that will ensure the aims/objectives are met.
 - j) Details for on-going monitoring of BNG habitats in years 5, 10, 15, 20, 25 and 30, including:
 - Appropriate success criteria, thresholds, triggers and targets against which the

- effectiveness of the work can be measured;
- Methods for data gathering and analysis;
- Location, timing and duration of monitoring;
- Review, and where appropriate, publication of results and outcomes, including when monitoring reports will be submitted to the local planning authority;
- How contingencies and/or remedial action will be identified, agreed with the local planning authority and implemented so that the original aims/objectives of the approved scheme are met.
- The HMMP shall be implemented in accordance with the approved details and all habitats/features shall be retained in that manner thereafter.

Reason: To increase the biodiversity of the site, to mitigate any impact from the development hereby approved and to comply with Policy DM37 of Brighton & Hove City Plan Part 2, Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

18. 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) The phases of the Proposed Development including the forecasted completion date(s)
 - (ii) A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme)
 - (iii) A scheme of how the contractors will minimise disturbance to neighbours regarding issues such as noise and dust management vibration site traffic and deliveries to and from the site
 - (iv) Details of hours of construction including all associated vehicular movements
 - (v) Details of the construction compound
 - (vi) A plan showing construction traffic routes
 - (vii) Details of how hazardous substances required on site are to be stored
- The construction shall be carried out in accordance with the approved CEMP.

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

19. Prior to first occupation of the development hereby permitted, details of secure cycle parking facilities for the 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 always retained for use.

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.

20. Prior to the first use of the proposed development, an up-to-date Travel Management Plan shall be submitted to and approved by the Local Planning Authority. Thereafter, no event(s) with an anticipated attendance 250 (either individually or simultaneously with the American Express Stadium) shall take place at the Fan Zone other than in accordance with the Travel Management Plan or such separate Travel Management Plan as shall have been submitted to and approved in writing by the Local Planning Authority and National Highways specific to that Event.

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.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant is advised that an agreement with Southern Water, prior to commencement of the development, the measures to be undertaken to divert/protect the public water supply main. Please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel 0330 303 0119), or www.southernwater.co.uk

2. SITE LOCATION

- 2.1. This application relates to the American Express Community Stadium in Falmer. The stadium was completed in 2011 and was in operation for the 2011/2012 football season.
- 2.2. The stadium lies adjacent to the railway line running along the north boundary, and Falmer Railway Station is to the west of the site, as well as a footpath/cycle path which leads westwards to the Brighton Aldridge Community Academy (BACA) and land at the former Falmer High School.
- 2.3. The site is in close proximity to the A27 to the north beyond the railway line, which forms part of the strategic road network. Beyond the A27 to the north is the University of Sussex. Falmer Village lies to the east of the site. The University of Brighton lies to the south west of the site.
- 2.4. The boundary of South Downs National Park (SDNP) is located beyond the Stadium to the east, beyond the University of Sussex to the north, and beyond BACA to the south.

3. RELEVANT HISTORY

- 3.1. **PRE2022/00198:** regarding the proposed development of a Fan Zone at the site. Response issued 01.03.2023 with the following advice provided, in summary:
- The principle of the development is supported, situated between the stadium and Railway Line providing an opportunity to relieve pressure on public transport before and after matches.
 - No objection to the loss of the existing kiosks/food stands which do not contribute positively to the appearance of the site.
 - Scale/massing and height are considered acceptable.
 - Consideration should be given to the impact on the South Downs National Park.
 - Further consideration should be given to the impact on amenity and further information should be submitted such as a Noise Assessment.
 - Impact on the highways should be considered.
 - The impact on landscaping and biodiversity needs urgent attention and opportunity should be taken to improve the public realm in and around the stadium.
 - Provision of a biodiversity net gain should be made.
 - Level access and inclusive use of first floor level should be reviewed and provided.
- 3.2. **BH2020/00919** Demolition of buildings comprising food and merchandise kiosks, band stand and program booths. Erection of 2 no. kiosks incorporating club shop, concessions, toilets and offices. Erection of an external screen. Relocation of cycle shelter and provision of landscaping and fencing - **Approved** 19.05.2020.
- 3.3. **BH2020/00769** - Application for variation of condition 25 of BH2013/01356 (Non-material amendment (BH2020/00289) to application BH2013/01356 to alter description of development to read: Community stadium with accommodation for business, educational, conference, club shop merchandise, entertainment and food and drink uses, together with associated landscaping and transportation facilities including road works, pedestrian and cycle links, coach/bus park and set down area and shared use of existing car parking space.) to allow attendances of up to 32,500 - **Approved** 5/3/2021.
- 3.4. **BH2011/03861** Application for variation of conditions 39 and 43 of approved planning application BH2001/02418 and variation of conditions 35 and 38 of approved planning application BH2008/02732. Condition 39 of application BH2001/02418 and condition 35 of application BH2008/02732 seek to reduce the minimum number of car parking spaces from 2000 to 1500 and increase the maximum number from 2200 to 3000 and to read as follows - " Unless otherwise agreed in writing with the Local Planning Authority, no use of the Stadium for Outdoor Events shall occur unless a minimum of 1500 car parking spaces and a maximum of 3,000 car parking spaces at Sussex University and land at the former Falmer High School or at alternative locations within 1.5km of the Stadium as shown on the car parking plan within Document 6 of the Addendum to the Transport Assessment (Appendix 2.1 of Environmental Statement) which

was received on the 15 March 2012, are made available for use by persons attending the said Outdoor Event. Any proposed change to the approved aforementioned parking would need to be submitted to and approved in writing by the Local Planning Authority." Condition 43 of application BH2001/02418 and condition 38 of application BH2008/02732 seek to increase the maximum number of people in attendance from 22,500 to 30,750 (additional 8,250) and to read as follows - "No event shall take place at the Community Stadium with an attendance in excess of 30,750 people" - **Approved** 10/04/2013

- 3.5. **BH2008/02732**: Revision to stadium permitted under 2001/02418/FP including change in roof design and elevational treatment, increase in useable floor area and amendments to use of internal floorspace. Proposed re-contouring of land south of Village Way with chalk and soil arising from excavations required to construct community stadium – **Approved** 22 April 2009
- 3.6. **BH2001/02418FP**: A Community Stadium with accommodation for Class B1 business, educational, conference, club shop merchandise, entertainment and food and road works, pedestrian and cycle links, coach/bus park and set down area, shared use of existing car parking space at the University of Sussex and shared use of land for recreation and parking at Falmer High School - **Approved** 23 July 2007.

4. APPLICATION DESCRIPTION

- 4.1. The application seeks permission for the removal of temporary kiosks, the relocation of cycle parking and the erection of a fan zone/event space (sui generis use – outside of any planning use class) comprising a two storey structure with a mezzanine providing food, drink, retail kiosk, toilet facilities and associated storage.
- 4.2. The Fan Zone would provide food, drink, a retail kiosk, toilet facilities and associated storage. It would provide a stand alone fan facility for approximately 1,000 people, replacing the current temporary food and beverage facilities currently in use on match days.
- 4.3. The Fan Zone would have a footprint of approximately 928m² and would have a maximum height of 9.8m. It would appear to be a lightweight structure constructed from a polycarbonate roof and white trusswork, with open elevations with the use of flexible wall systems to allow the walls to be closed.
- 4.4. The Fan Zone would primarily provide additional facilities before and after outdoor events at the stadium. It would also be used to screen away matches and for event hire/birthdays and Christmas parties.
- 4.5. Amendments have been made to the scheme since submission, to include areas of green walling on the south, south west and south east elevations.

5. REPRESENTATIONS

- 5.1. Two (2) letters have been received supporting the application on the following grounds;
- Good design
 - Provides an all weather shelter
 - Provides employment
 - Helps to aid congestion before and after matches
 - Improves the facilities offered by the stadium
- 5.2. One (1) letter has been received objecting to the application on the following grounds;
- Additional noise and disturbance
 - It would bring additional fans to the site
- 5.3. One (1) letter has been received from the University of Brighton supporting the application on the following grounds;
- The fan zone will benefit the University providing additional amenities.
 - Employment opportunities for students
 - Good design

6. CONSULTATIONS

Internal:

- 6.1. **Economic Development:** No Comment
- 6.2. **Environmental Health:** Comment
The submitted noise impact report has been reviewed. The noise survey has established the existing background noise and ambient noise levels. The dominant noise source identified was from the motorway.
- 6.3. No information on the proposed plant was available at the time of the noise impact survey. Any plant to be installed should meet the background levels identified in the report.
- 6.4. Noise levels are unlikely to affect the University in the evenings as no lessons will be taking place but there are residents in Stammer Village so it is recommended that the shutters remain closed during entertainment as identified in the acoustic report.
- 6.5. **Heritage:** No Comment
- 6.6. **Planning Policy:** Comment
City Plan Part One Policy CP17 relates to sports provision, with part 2 of the policy recognising the importance of major sporting venues such as the American Express Stadium. Part 4 of the policy sets out that the council will support 'investment in poor quality, under-used sports services, facilities and spaces...to bring about enhancements in quality and public use.'

- 6.7. The proposed scheme will improve the facilities for spectators at the stadium and enhance the facilities in the area immediately surrounding it which is currently under-used.
- 6.8. The planning statement submitted in support of the application indicates that offsite Biodiversity Net Gain of 13.95% has been achieved, in compliance with Policy DM37. This should be verified by the County Ecologist.
- 6.9. **Local Employment and Skills:** Comment
No objection to the development subject to the contribution and employment training strategy to be secured through the s106 agreement.
- 6.10. **Sustainable Transport:** Comment
The development is acceptable in Transport terms subject to recommended conditions relating to cycle parking and securing an updated Travel Management Plan.
- 6.11. **Sustainable Drainage:** Comment
The information submitted includes the surface water and foul water drainage strategy including drainage plans and accompanying information. No increase in impermeable surfaces on site and would drain to existing soakaway. Further details are requested so that the maintenance of the proposed drainage may be assessed, and to ensure that all opportunities for sustainable drainage are considered. The additional information is therefore to be secured by planning conditions.
- 6.12. **Urban Design Officer:** Comment
The fan zone presents well in the 3D visuals. Further information should be provided to demonstrate how the folded wall sections will appear when folded/not in use. Further consideration should be given for adding green infrastructure such as green screens and climbing plants to help root the building in the green downland setting.

Additional Comment:

- 6.13. The built form, scale and massing is supported.
- 6.14. Recommendations:
- Given the openness of the fan zone structure and visibility from the public realm, condition the visible interior materials palette.
 - Amend the interior Ground floor surface material e.g. resin bound to visually warm up the interior space – or stone block paving.
 - Provide green wall systems detailed design.
 - Sandstone cladding should still feature across the design of the building. A final material palette is required.
 - That the applicant can provide assurance that the roof drainage strategy and systems are adequate. Drainage capacity calculations should be provided by the applicant.
 - Obtain a Maintenance plan.

External:

6.15. **National Highways: Comment**

Initial Response:

The interests of the National Highways relate to the A27 and whether there would be any adverse safety impacts for the Strategic Road Network as a result of the proposal.

6.16. It is agreed that the addition of a Fan Zone during match days would encourage regular visitors to arrive/depart over a wider time period, thus lessen the impact on the SRN in the best case scenario.

6.17. There are concerns however regarding the ambiguity of non match day uses and the supporting evidence provided.

Additional Comment:

6.18. The additional information provides the clarification and surety over the use of the proposed development and implementation of the existing transport management group. Given this, National Highways would raise no objection to the proposals, subject to continued use of the existing mitigation measures, which should be secured through the recommended condition to secure a travel plan.

6.19. **Ecology: Comment**

The information provided is satisfactory and the proposals are unlikely to have a significant impact on biodiversity.

6.20. **Southern Water: No objection**

The proposal is located within a highly sensitive hydrogeological area; as such conditions are recommended in relation to hazardous substances stored on site, and foundation depths.

6.21. The development will be located over an existing water main. The exact position of the public apparatus must be determined on site by the applicant prior to the layout being finalised. Further information is provided for the applicant in the representation.

6.22. The development may cross a sewer now deemed to be public. The applicant should note that if any sewer is found during constructions works, an investigation over the ownership of the sewer will need to take place.

6.23. A condition is recommended to provide further information regarding the measure to be undertaken to divert the public sewers/water mains. Details are also required in regards to foul sewage and surface water disposal.

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

Initial Response:

6.25. Insufficient information has been submitted to be able to assess the impact of the proposed lighting on the SDNP international dark skies reserve.

Second Response:

- 6.26. The additional information is acceptable. A condition is recommended securing a lighting scheme to be submitted.
- 6.27. **County Archaeology:** No Comment
- 6.28. **Health and Safety Executive (Planning Gateway One):** No Comment
- 6.29. **Sussex Police:** No objection
The submitted Design and Access Statement contains sufficient information from a crime prevention viewpoint.
- 6.30. **Sport England:** No objection
The proposals do not impact on playing field or ancillary facilities at the site. The Football Foundation has confirmed that it has no objection the development.
- 6.31. **Energy Assets:** No Objection
It is confirmed that the Energy Asset Networks currently has gas pipes or cables in the vicinity of the proposed works. Further advice is contained within the representation for the applicant to note.
- 6.32. **Indigo Pipelines Ltd:** No Objection
The plans show the positions and normal depths for the buried Indigo Pipelines Ltd Gas Plant. The applicant should note that if buried Gas Plant that are not marked or incorrectly marked, they are required to contact Indigo Pipelines for the records to be amended.
- 6.33. **UK Power Networks:** No objection
The development is in close proximity to a substation. Further advice is contained within the representation for the applicant to note.
- 6.34. **Zayo Group UK Ltd:** No objection
The Zayo Group have apparatus and plant within the vicinity of the development. Further advice is contained within the representation for the applicant to note.
- 6.35. **Scotland Gas Networks:** No objection
There are high pressure pipelines in the vicinity of the development. Further advice is contained within the representation for the applicant to note.

7. MATERIAL CONSIDERATIONS

- 7.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report.
- 7.2. The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016);
 - Brighton & Hove City Plan Part Two (adopted October 2022);

- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
- Shoreham Harbour JAAP (adopted October 2019).

8. RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
SA5	Setting of the South Downs National Park
DA3	Lewes Road Area
SA6	Sustainable Neighbourhoods
CP3	Employment Land
CP2	Sustainable economic development
CP5	Culture and tourism
CP7	Infrastructure and developer contributions
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP11	Flood Risk
CP12	Urban design
CP13	Public streets and spaces
CP15	Heritage
CP17	Sports Provision
CP18	Healthy city

Brighton & Hove City Plan Part 2:

DM9	Community Facilities
DM18	High quality design and places
DM20	Protection of Amenity
DM21	Extensions and alterations
DM22	Landscape Design and Trees
DM26	Conservation Areas
DM33	Safe, sustainable and active travel
DM34	Transport Interchanges
DM35	Travel Plans and Transport Assessments
DM36	Parking and Servicing
DM37	Green Infrastructure and Nature Conservation
DM40	Protection of the Environment and Health - Pollution and Nuisance
DM43	Sustainable Drainage
DM44	Energy Efficiency and Renewables
SSA7	Land Adjacent to American Express Community Stadium, Village Way

Supplementary Planning Documents

SPD11	Nature Conservation and Development
SPD17	Urban Design Framework

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD06	Trees & Development Sites
SPD09	Architectural Features
SPD11	Nature Conservation & Development
SPD12	Design Guide for Extensions and Alterations
SPD14	Parking Standards

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 proposal, including its impact on the setting of the SDNP, impact on neighbouring amenity and noise sensitive uses, impact on transport, biodiversity and sustainability issues.

Principle of the Development:

- 9.2. Policy CP17 of the Brighton and Hove City Plan part One requires development to facilitate the council's aspiration to increase participation in sports and physical activity, recognises the importance of major sporting venues such as the American Express Community Stadium, and highlights the need to, where possible, improve them with greater public access and uses provided to promote physical activity and sport.
- 9.3. The proposed development would increase the food and drink facilities as well as providing additional seating areas, toilets and events space, which would all support the principal use of the site as a stadium. The proposal would result in an enhancement of the facilities provided by a major sporting venue in the city. This would accord with the objectives of policy CP17 of the Brighton and Hove City Plan Part One. The proposal is therefore considered acceptable in principle.
- 9.4. No objection is raised to the principle of the loss of the existing kiosks and food stands which would be reprovided within the Fan Zone
- 9.5. The wider economic benefits of the proposal include the creation of further employment opportunities at the site so in principle the scheme is considered acceptable.

Design and Appearance:

- 9.6. The existing stadium forms a prominent development within the area and was sensitively designed to respond to its location in close proximity to the South Downs National Park.
- 9.7. The proposed Fan Zone would be located adjacent to the stadium itself, in the north eastern corner of the site, along its northern boundary which adjoins the railway line and the A27, away from the SDNP. The approach to/from Falmer station would be to the west of the new Fan Zone.

- 9.8. The development would be triangular in shape with a footprint of approximately 928m², which the roof level would overhang, providing a canopy above the concourse. The building would have a maximum height of 9.8m, with two levels internally, and would sit below the eaves of the main stadium. The roof of the building would gently slope up towards the north with the front elevation curved to match the curvature of the stadium.
- 9.9. It would be a lightweight structure constructed with a polycarbonate roof and white trusswork. The ground floor would be largely openable, with a flexible wall system which would allow the walls to be folded back into sections against the supporting columns, along the south, east and west sides. The walls elsewhere would be polycarbonate with areas of glazing. The walls could be closed when the premises is not in use, during bad weather or for noise mitigation measures. Areas of green walling would be included on the east, south and west elevations.
- 9.10. The internal structure and layout of the building would be visible due to the open nature of the building. It would be laid out with a large open area for seating to the front and a series of shipping containers to the rear, used for the bar, food and beverage and storage areas. A first floor mezzanine will be provided with a further area for seating with additional bar and toilets.
- 9.11. The proposed Fan Zone structure would have a height set well below that of the stadium. The design and scale of the Fan Zone ensure that it does not compete with the stadium and reflects elements of its design and appearance to remain sufficiently subservient.
- 9.12. There would be no views of the Fan Zone from the longer views within the South Downs National Park. The Fan Zone would mostly be hidden by the stadium itself. Views from the North West (within Stanmer Park) where the Fan Zone would not be screened by the stadium, would be screened by the existing line of trees along the line of the railway track and the highway. As a result the proposal would not significantly impact on the setting of the South Downs National Park.
- 9.13. Whilst the structure may not be highly visible, additional lighting may be noticeable once it is dark. However in the context of the wider site and the existing lighting and signage around the stadium, additional lighting from the fan zone would not have a significant impact. Notwithstanding this conclusion, a condition has been recommended requiring details of the lighting scheme to be approved, to minimise impacts on ecology, but in doing so, on the SDNP Dark Skies Reserve.
- 9.14. It is noted that Falmer Railway Station has been recently locally listed, which lies approximately 120m to the east of the site. Due to the separation distance and land level changes, the proposed Fan Zone would not have any significant impact on the locally listed building.
- 9.15. The development would include areas of green wall which would provide biodiversity but also improve its appearance. Further information will be secured by condition including maintenance strategies.

9.16. Given the concourse immediately adjacent to the Fan Zone needs to allow a heavy pedestrian flow, there is little opportunity to provide any further landscaping within the vicinity which is accepted.

9.17. The proposed design is therefore considered acceptable and would not harm the character and appearance of the site or the surrounding area, including the setting of the SDNP.

Impact on Amenity:

9.18. Policy DM20 of the Brighton & Hove Local Plan 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.

9.19. The nearest noise sensitive occupiers to the stadium include Alumno House Student Accommodation, which is located 50m to the north west of the site, separated by the railway line and A27, residential properties at 1-5 Station Approach located 110m to the North West of the site, close to the railway station, and the University of Brighton is located 110m to the south east of the site.

9.20. The opening hours of the Fan Zone would be Monday -Sunday between 08:00am and 12:00am. The applicant has stated that the Fan Zone will primarily be used in the hours before and after an outdoor event taking place at the stadium. It will be closed during the event itself and it is anticipated that it will be only used by those attending the outdoor event.

9.21. However, it will also be used to display away matches on large screens. It is anticipated that the number of attendees will vary due to the importance of the match being screened. In addition, it will be hireable for private events such as wedding receptions, birthdays and Christmas parties. Such events would be managed along with the existing event spaces at the site. It is anticipated it would be open outside of the above events, however due to location and general function, the anticipated uptake on this offering is predicted to be limited.

9.22. The submission contains a Noise Impact Assessment which has been reviewed by the Environmental Health Officer. The main sources of noise would be from people in and around the fan zone, as well as the noise from the TV screen and speakers. The Assessment surveyed the existing background and ambient noise levels at the two nearest noise sensitive properties. These points were close to the Alumno Falmer building and the closest University of Brighton teaching spaces. The dominant noise source identified was the motorway. The predicted noise levels of the development would be below the existing background levels. In the evening (19:00 - 23:00) the predicted noise levels would be above the background noise by 1db. The report recommended that after 23:00, the shutters should remain closed to ensure noise levels were reduced and kept below the background noise levels. This will be secured by condition.

9.23. The opening hours and use of the Fan Zone are considered acceptable in respect of the nearby residential properties and University buildings. The

additional people the Fan Zone could attract outside of match days would be managed by the secured Travel Plan and due to the nature of the stadium itself and proximity of the site to the nearest noise sensitive properties, additional trips to the site are unlikely to cause significant impact within the proposed opening hours.

- 9.24. Overall, the development would not result in any significant harm to the amenity of nearby residential properties, subject to conditions limiting its hours of use and requiring the shutters to be closed after 23:00.

Sustainable Transport:

Pedestrian Access

- 9.25. The proposed Fan Zone will result in amendments to the concourse and pedestrian flow. The design and layout of the building is considered acceptable and accounts for the pedestrian flow around the stadium.

Public Transport

- 9.26. The applicant has submitted a travel mode assessment which indicates that between 55% and 75% of travel shall be made via public transport to and from events. The applicant has provided further information to demonstrate that there is adequate capacity for smaller events on non match days on public transport. The applicants has stated that there is regular liaison with public transport operators to ensure appropriate strategies are in place during match days and this would continue to be the case for smaller events on non-match days. This strategy is considered acceptable and would be secured through the updated Travel Plan to be conditioned.

Deliveries & servicing

- 9.27. There would be no changes to the existing servicing, delivery and refuse strategies at the stadium.

Cycle parking

- 9.28. The development includes repositioning the cycle parking at the stadium. There are no concerns raised with the number and use of match day cycle parking for the Fan Zone. Further details of the cycle parking will be secured by condition.

Disabled user parking

- 9.29. The applicant proposes that the existing disabled user parking provision is to be available for users of the Fan Zone. Whilst the level of parking is considered more than acceptable, they would be located 75m from the entrance of the Fan Zone. The ideal distance for accessible parking is 50m. Therefore the amended Travel Plan should also set out how an adequate level of assistance can be provided for those that should need it.

Car Parking

- 9.30. The applicant is proposing that the Bridge Car park is to be used similarly to the approved permission, most recently BH2021/03988 to accommodate visitors that wish to travel by car, which included booking spaces in advance, providing a team of marshals and promoting sustainable travel.

- 9.31. No changes are proposed to these current measures. This would appear acceptable however it is noted that the Bridge car park currently has capacity for 723 parked vehicles. In its travel mode assessment (detailed above) the applicant has stated that for its largest events (1000 people) 15% may travel by car, which could include car sharing. It is therefore recommended that the parking spaces are limited proportionately for the events to discourage car-use and promote sustainable travel promoted as part of the transport plan.

Travel Forecast

- 9.32. The Fan Zone is unlikely to generate any significant increase in person trips on site on match days. On non match days the capacity of the Fan Zone is approximately 1000 people. This will increase trips to and from the stadium during certain events such as screening away matches. The submitted Transport Assessment states that;
- a) Arrivals to the stadium are normally staggered
 - b) capacity of the Bridge Car Park is considered to be more than sufficient for the additional development demands.
 - c) Any additional events using the new Fan Zone would be coordinated so as not to conflict with medium-sized and larger events, with bookings scheduled across the day thereby providing a mechanism to further manage and control demand at certain times.
 - d) comprehensive travel information is provided to visitors at the time of booking, highlighting the available active and shared travel options to and from the site and that this forms part of the overall Travel Management Strategy managed and monitored by BHAFC, utilising stewards when required.
 - e) That similar sustainable travel incentives shall be in place.
 - f) The stadium and its fanzone is located in a sustainable location and there are buses and train options before and after the screenings.
 - g) The applicant has conducted survey that suggest the 15% car use figure and that car sharing will occur and drive this figure down.
- 9.33. It is stated that the Fan Zone will operate in accordance with the principles established in the existing Travel Management Strategy with events and the provision of parking coordinated.
- 9.34. The Section 106 Agreement and Condition 26 of the planning application for the stadium (as updated in application BH2020/00769) requires a Travel Management Plan (TMP) to be formulated, aiming to review and continually improve sustainable travel to the stadium. Overall it is considered the existing transport network and capacity within the various transport modes would adequately meet any increased demand created by the proposed development. The Football club and Transport Management Group (in consultation with the Council and University) will continue to monitor transport impact and provide improvements, as is already required through the Travel Management Plan secured through the Stadium s106. A condition is required to ensure the updated TMP would reflect how additional movements will be accommodated in addition to or alongside events already taking place within the stadium.

Sustainability:

- 9.35. Policy CP8 requires new development to incorporate sustainable design features to avoid expansion of the city's ecological footprint, help to deliver the principles of the One Planet approach, radical reductions in greenhouse gas emissions, particularly CO2 emissions, and mitigate against and adapt to climate change.
- 9.36. The development has been designed to incorporate a number of sustainable design features. These measures include orienting the building to allow for high levels of natural daylighting to reduce the reliance on artificial lighting, good levels of insulation within the food and beverage units, negating the need for active cooling through high levels of natural ventilation and providing a shelter above to reduce overall solar gains to the space. Solar panels would be positioned on the roof. Water consumption is proposed to be reduced through low flow fittings and dual flush WC's.
- 9.37. CP8 requires all major developments to meet BREEAM standard of Excellent. The applicant has stated that due to the nature of the structure and the movable sides and lack of insulation, the building would not be able to meet the requirements of BREEAM. It would also not be able to meet the requirements of Policy DM44 which requires all new development to meet Part L - Conservation of Fuel and Power of the Building Regulations 2022 for the same reasons. Given the sustainability measures identified above, this is considered acceptable in this instance.

Impact on Ecology:

- 9.38. Policies CP10 and DM37 are relevant to the proposal in terms of biodiversity. Policy DM37 requires all major developments to incorporate a minimum 10% Biodiversity Net Gain (BNG).
- 9.39. The site lies within the Brighton to Lewes Downs UNESCO Biosphere Reserve, but otherwise is not designated for its nature conservation interest. Given the nature and the scale of the development and its location within the much larger stadium complex, there are unlikely to be any significant impacts on the nature conservation interests of the designated sites.
- 9.40. The habitats to be impacted include hardstanding and a small area of modified grassland which is in poor condition so unlikely to support any notable populations. The BNG Report proposes that a native tree is planted within an area of modified grassland within a parking area to the east of the stadium. Provided the tree is appropriately managed to achieve and maintain a moderate condition, this would deliver 13.95% Biodiversity Net Gain. Whilst the site proposed for the delivery of BNG is under the same ownership as the application, it would be within Lewes District so a s106 legal agreement is required to secure the tree planting and ongoing management, and replacement if required.
- 9.41. The development should also avoid light spill onto semi-natural habitats along the railway corridor to the north. An additional lighting design statement has been submitted in respect of the external lighting proposed and addresses the initial comments from the South Downs National Park. A condition would be attached

to secure a scheme of external lighting/dark skies mitigation to secure some of the measures outlined by the South Downs National Park. These measures are considered acceptable to the County Ecologist.

10. OTHER ISSUES

- 10.1. The site is deemed as being at very low risk of flooding from all sources, and no increase in impermeable surfacing would result so run-off would remain as per current rates. Roof water would be captured by internal gutter along the northern side of the proposed building with both surface and roof water discharged into an existing soakaway to the southeast of the site, with details of maintenance/management secured by condition.
- 10.2. Foul waters are proposed to be discharged to the adjacent public sewer crossing the site via an existing connection with a condition attached requiring capacity details.
- 10.3. The plans show indicative signage on the Fan Zone. The signage is not included as part of this application. The applicant should note that any future signage may require further permissions.

11. EQUALITIES

- 11.1. During the determination of this application due regard has been given to the impact of this scheme in relation to the Equality Act 2010 in terms of the implications for those with protected characteristics namely age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. There is no indication that those with any of these protected characteristics would be disadvantaged by this development.
- 11.2. The development would provide 2 additional fully accessible changing spaces toilets. The Fan Zone is fully accessible with an internal lift to provide access to the first floor.

12. COMMUNITY INFRASTRUCTURE LEVY

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

13. S106 AGREEMENT

- 13.1. In the event that the draft S106 Agreement has not been signed by all parties by the date set out above, the application shall be refused for the following reasons:
1. The proposed development fails provide a financial contribution towards the City Council's Local Employment Scheme to support local people to employment within the construction industry contrary to policy CP7 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
 2. The proposed development fails to provide an Employment and Training Strategy specifying how the developer or their main contractors will provide opportunities for local people to gain employment or training on the construction phase of the proposed development contrary to policy CP7 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
 - The proposed development fails to provide the offsite compensatory habitat (new native tree as specified in the Biodiversity Net Gain Report (Ecology Partnership, October 2023) to comply with policies CP10 of the Brighton & Hove City Plan Part One and policy DM37 of the Brighton & Hove City Plan Part Two.