

<u>No:</u>	BH2022/02232	<u>Ward:</u>	Patcham & Hollingbury Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Patcham Court Farm Vale Avenue Brighton BN1 8YF		
<u>Proposal:</u>	Demolition of existing buildings and erection of storage and distribution building (B8) with associated access, parking, landscaping, re-grading of land, enclosures and infrastructure works and an express vehicle maintenance facility.		
<u>Officer:</u>	Ben Daines	<u>Valid Date:</u>	19.07.2022
<u>Con Area:</u>		<u>Expiry Date:</u>	18.10.2022
<u>Listed Building Grade:</u>		<u>EOT:</u>	09.08.2024
<u>Agent:</u>	Barton Willmore St Andrews House St Andrews Road Cambridge CB4 1WB		
<u>Applicant:</u>	Royal Mail Group Ltd Royal Mail Group C/o Barton Willmore St Andrews House St Andrews Road Cambridge CB4 1WB C/o Agent CB4 1WB		

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 on or before 27 November 2024 the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 12 of this report.

S106 Heads of Terms

Transport

- Travel Plan covering a minimum 5 year period including objectives, targets, actions, measures/incentives to reduce single occupancy trips by motor vehicles, and monitoring fees.
- S106 transport contributions including the following:
 - £64,790 contribution to the Junction 4 Patcham Interchange A27 Trunk Road works
 - Commuted sum for non-standard elements proposed in the S278 scheme (to be agreed)
 - 1 no. real time bus information display for the delivery office staff in the canteen area
 - Contribution to / agreement with Brighton & Hove Buses to support the diversion of the early morning bus route 5/5a to stop outside the development for a minimum period of one year
- Highway Works including the following:

- Closure of existing access and replacement of existing crossover with footway and verge
- Creation of new site access
- Vale Avenue amendments between new site access and A27 link road
- Construction of new footway on north side of Vale Avenue crossing new site entrance
- Up to 2no. pedestrian crossings on Vale Avenue
- Widening of footway along key pedestrian routes from bus stops, Church Hill, and Vale Avenue (both sides)
- Widening of footpath link at end of Vale Avenue/A23 to incorporate cycle access
- Pedestrian refuge on A23 to support cyclist access of footpath link
- Markings and signage on Vale Avenue and A23 to support new cycle access
- Details of any areas of the public highway to be stopped up around the site entrance
- Improvements to bus stops serving the site
- Addition of a new set down only bus stop to serve the site entrance
- S278 Agreement details

Air Quality

Air Quality Appraisal Damage Cost contribution of £33,626 to be spent on air quality related mitigation measures for the proposed development.

Ecology

- Commitment to provide off-site Biodiversity Net Gain (BNG) within a 30 year period via an Ecological Design, Management and Monitoring Strategy (EDMMS)
- A fee of £19,505 for the Council to monitor BNG provision over a 30 year period.

Employment and Training

- Developer contribution of £20,725 to support training and apprentice placements
- Employment and Training Strategy setting out 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:
 - Recruitment and Development
 - Careers, Experiences of Work & Social Value
 - Green Economy & Sustainability

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	BDO-HLM-00-00-DR-A-0000	C	5 April 2024
Proposed Drawing	BDO-HLM-01-00-DR-A-0011	N	30 March 2024
Proposed Drawing	BDO-HLM-01-00-DR-A-00012	H	30 March 2024
Proposed Drawing	BDO-HLM-01-LG-DR-A-0011	O	30 March 2024
Proposed Drawing	BDO-HLM-01-LG-DR-A-00012	G	30 March 2024
Proposed Drawing	BDO-HLM-01-R1-DR-A-0011	L	30 March 2024
Proposed Drawing	BDO-HLM-01-R1-DR-A-00012	E	30 March 2024
Proposed Drawing	BDO-HLM-01-ZZ-DR-A-0031	I	4 August 2022
Proposed Drawing	BDO-HLM-00-ZZ-DR-A-00200	H	4 August 2022
Proposed Drawing	BDO-HLM-01-00-DR-L-0001	P17	30 March 2024
Proposed Drawing	BDO-HLM-00-00-DR-A-00001	B	6 July 2023
Report/Statement	Asbestos In Soil Investigation		11 July 2022
Report/Statement	Archaeological Desk-Based Assessment	Rev 1	11 July 2022
Report/Statement	BREEAM Pre-Assessment	Issue 1	11 July 2022
Report/Statement	Ecological Impact Assessment		5 April 2024
Report/Statement	Environmental Ground Appraisal Report	1.0	11 July 2022
Report/Statement	Flood Risk Assessment	P05	30 March 2024
Report/Statement	Geoenvironmental and Geotechnical Desk Study	P01	11 July 2022
Detail	BDO-HLM-00-00-DR-L-0003	P04	30 March 2024
Report/Statement	Preliminary Ecological Appraisal		11 July 2022
Report/Statement	Air Quality Assessment	Rev 1	30 September 2022
Report/Statement	Technical Note - Hydrogeological Risk Assessment		8 August 2023
Report/Statement	Technical Note - Air Quality Review		6 July 2023
Report/Statement	Noise Impact Assessment	Rev 5	16 October 2023
Detail	BDO-HLM-00-00-DR-L-0002	P04	30 March 2024

Detail	BDO-HLM-00-00-DR-L-0004	P04	30 March 2024
Proposed Drawing	BDO-HLM-00-00-DR-L-0005	P04	30 March 2024
Proposed Drawing	BDO-HLM-00-00-DR-L-0006	P03	30 March 2024
Proposed Drawing	BDO-HLM-00-00-DR-L-0007	P03	30 March 2024
Proposed Drawing	BDO-MMD-XX-00-DR-C-0001	P07	30 March 2024
Report/Statement	Road Safety Audt Designer's Response		6 August 2024
Report/Statement	Transport Assessment	Rev H	15 April 2024
Report/Statement	Biodiversity Net Gain Assessment		5 April 2024
Other	BDO-HLM-00-00-DR-L-0008		30 March 2024
Report/Statement	Air Quality Response		30 March 2024
Report/Statement	WSP Noise Response		9 February 2024

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

Development shall be carried out in accordance with the approved details.
Reason: To ensure a satisfactory appearance to the development and to comply with policies DM18, DM21 and DM26 of Brighton & Hove City Plan Part 2 and CP12 and CP15 of the Brighton & Hove City Plan Part One.

4. No development shall take place (including any demolition, ground works, site clearance) until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with policies DM31 of Brighton & Hove City Plan Part 2, and CP15 of the Brighton & Hove City Plan Part One.

5. The development hereby permitted shall not be occupied until the archaeological site investigation and post-investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) for that phase has been completed and written details submitted to and approved in writing by the Local Planning Authority. The archaeological site investigation and post-investigation assessment will be undertaken in accordance with the programme set out in the written scheme of investigation approved under condition 4.

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with policies DM31 of Brighton & Hove City Plan Part 2, and CP15 of the Brighton & Hove City Plan Part One.

6. The development hereby permitted shall not be occupied until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out and provided in full 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.

7. No tree shown as retained on the approved drawings shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the development phase and thereafter within 5 years from the date of occupation of the building for its permitted use, other than in accordance with the approved plans and particulars or as may be permitted by prior approval in writing from the local planning authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area, to provide ecological, environmental and biodiversity benefits and to maximise the quality and usability of open spaces within the development in compliance with policies DM22 and DM37 of Brighton & Hove City Plan Part 2, and CP8, CP10, CP12 and CP13 of the Brighton & Hove City Plan Part One.

8. Notwithstanding any of the details shown on the approved plans, prior to occupation of the development hereby permitted, a scheme for landscaping shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be implemented in accordance with the approved details in the first planting season after completion or first occupation

of the development, whichever is the sooner. The scheme shall include the following:

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

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

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

9. No development shall take place (including any demolition, ground works, site clearance) until a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan (TPP) and an arboricultural method statement (AMS) has been submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be implemented in strict accordance with the approved details.

Reason: As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area and for biodiversity and sustainability reasons, to comply with policies DM22 and DM37 of Brighton & Hove City Plan Part 2, and CP8, CP10 and CP12/CP13 of the Brighton & Hove City Plan Part One and SPD06:Trees and Development Sites.

10. Prior to the commencement of the development hereby approved (including any demolition, ground works, site clearance), details of all tree protection monitoring and site supervision by a suitably qualified tree specialist (where arboricultural expertise is required) 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 to provide ecological and sustainability benefits, to comply with policies DM22 and DM37 of Brighton & Hove City Plan Part 2, and CP8, CP10 and CP12 and CP13 of the Brighton & Hove City Plan Part One and SPD06:Trees and Development Sites.

11. No development shall take place (including demolition, ground works, vegetation clearance) until a biodiversity 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 any construction activities that are potentially damaging to biodiversity;
- b) identification of “biodiversity protection zones”;
- c) practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts on biodiversity 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 protect habitats and species identified in the ecological surveys from adverse impacts during construction and to avoid an offence under the Wildlife and Countryside Act 1981, as amended, and the Protection of Badgers Act 1992.

12. No development shall take place (including any demolition, ground works, site clearance) until a method statement for i) the rescue and translocation of reptiles, ii) the protection of breeding birds and barn owls, and iii) the protection of badgers, has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:

- a) purpose and objectives for the proposed works;
- b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
- c) extent and location of proposed works shown on appropriate scale maps and plans;
- d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- e) persons responsible for implementing the works;
- f) initial aftercare and long-term maintenance (where relevant);
- g) 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 habitats and species identified in the ecological surveys from adverse impacts during construction and to avoid an offence under the Wildlife and Countryside Act 1981, as amended, and the Protection of Badgers Act 1992.

13. No development shall take place (including any demolition, ground works, site clearance) until an ecological design strategy (EDS) addressing protection of retained habitats and designated sites in the local area, mitigation for the loss of semi-natural habitats, and enhancements of the site for biodiversity,

including through the provision of bird (minimum 46 swift nesting cavities), bat and insect boxes (minimum 46 integrated bee bricks or suitable equivalent), 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 174 and 180 of the National Planning Policy Framework, Policy CP10 of the Brighton & Hove City Council City Plan Part One and Policy DM37 of the City Plan Part Two.

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

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

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

biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

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

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

Reason: As badgers are a mobile species whose activities/patterns varies across the year and in reaction to a range of influencing factors, it is important that the surveys reflect the situation at the time on any given impact occurring to ensure adequate mitigation and compensation can be put in place and to ensure no offences are committed.

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

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

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

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

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

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

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

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

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

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

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

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

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

22. The development hereby permitted shall not be used/occupied until a Delivery & Service Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Delivery and Service Management Plan shall include the following details:

- Types of vehicles
- How deliveries servicing and refuse collection will take place
- Frequency of delivery vehicle movements
- Site maintenance
- Speed limits
- Driver training

All deliveries servicing and refuse collection shall thereafter be carried out in accordance with the approved plan.

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

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

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

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

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

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

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

26. The development hereby permitted shall not be first occupied or brought into use until an External Lighting Design Strategy has been submitted to and approved in writing by the Local Planning Authority. The Strategy shall:

- a) identify those areas/features on site that are particularly sensitive for bats and dormice and that are likely to cause disturbance in or around

- their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b) show how and where external lighting will be installed and light spill minimised (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places, and that impacts on neighbouring residents have been minimised.
 - c) include details of levels of luminance, hours of use, predictions of both horizontal illuminance across the site and vertical illuminance affecting immediately adjacent_receptors, hours of operation, design and appearance and details of maintenance, and;
 - d) include evidence to demonstrate that the predicted illuminance levels have been tested by a competent person to ensure that the illuminance levels agreed in part c) are achieved. Where these levels have not been met, a report shall demonstrate what measures have been taken to reduce the levels to those agreed in part c);
 - e) demonstrate that the external lighting installations comply with the recommendations of the Institution of Lighting Professionals (ILP) Guidance Notes for the Reduction of Obtrusive Light (2011), or similar guidance recognised by the Council;
 - f) demonstrate that the lighting has had regard to, and will not unduly impact, the South Downs National Park Dark Skies Reserve status.

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

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

- 27. No development,(including any demolition, ground works, site clearance) shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:
 - (i) The phases of the proposed development including the forecasted completion date(s)
 - (ii) A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme)

- (iii) A scheme of how the contractors will minimise disturbance to neighbours regarding issues such as noise and dust management, vibration, site traffic and deliveries to and from the site
- (iv) Details of hours of construction including all associated vehicular movements
- (v) Details of the construction compound
- (vi) A plan showing construction traffic routes
- (vii) Management of pollution (including to groundwater) during construction
- (viii) The storage of plant and materials used in constructing the development
- (ix) Wheel washing facilities

The construction shall be carried out in accordance with the approved CEMP.

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

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

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

29. The land outside the distribution building shall only be used for parking, deliveries, loading and unloading, and ancillary vehicle washing and maintenance (oil and gas) as shown on the approved plans, unless otherwise approved in writing by the Local Planning Authority.

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

30. Prior to the development hereby permitted being brought into use, details of the noise barrier set out in Figure 6-2 of WSP report no 70086336-RP-AC-005 shall be submitted to and approved by the Local Planning Authority, including the materials to be used and their source, heights above ordnance datum, drainage and planting details. The noise barrier shall be implemented fully in accordance with the approved details and shall be retained as such thereafter.

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

31. No development shall commence (including demolition, ground works, site clearance) until a Site Waste Management Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details approved.

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

32. The development hereby permitted shall not commence (including any demolition, ground works, site clearance) until a remediation strategy to deal with the risks associated with contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
 - all previous uses;
 - potential contaminants associated with those uses;
 - a conceptual model of the site indicating sources, pathways and receptors; and
 - potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. This shall include a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such a scheme shall include nomination of a competent person to oversee the implementation of the works.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance, and arrangements for contingency action.

Any changes to these components require the written consent of the Local Planning Authority.

The scheme shall be implemented as approved.

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

33. Prior to occupation of the development hereby permitted being brought into use a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall

be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete in line with paragraph 174 of the NPPF, and to safeguard the health of future residents or occupiers of the site and to comply with policy DM41 of City Plan Part 2.

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

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

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

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

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

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

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

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

38. The development hereby permitted shall not be commenced until evidence has been submitted to demonstrate that all existing observation wells on the

site have been decommissioned to the satisfaction of the Local Planning Authority in consultation with Southern Water.

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

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

Reason: As this matter is fundamental to the acceptable delivery of the permission to prevent the increased risk of flooding and to prevent pollution of controlled waters by ensuring the provision of a satisfactory means of surface water disposal and to comply with policies DM42 and DM43 of City Plan Part and CP11 of the Brighton & Hove City Plan Part One.

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

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

41. The development hereby permitted shall not be commenced (including any demolition, ground works, site clearance) until details of the proposed treatment method for water discharged from the jet wash station, including the method for safely managing hydrocarbons and heavy metals from the discharge have been submitted to and approved in writing by the Local Planning Authority.

Reason: As this matter is fundamental to the acceptable delivery of the permission to prevent the increased risk of flooding and to prevent pollution of controlled waters by ensuring the provision of a satisfactory means of surface water disposal and to comply with policies DM42 and DM43 of City Plan Part and CP11 of the Brighton & Hove City Plan Part One.

42. No development above ground floor slab level of any part of the development hereby permitted shall take place until details of the construction of the green roofs have been submitted to and approved in writing by the Local Planning Authority. The details shall include a cross section, construction method statement, the seed mix, and a maintenance and irrigation programme. The roofs shall then be constructed in accordance with the approved details and shall be retained as such thereafter.
Reason: To ensure that the development contributes to ecological enhancement on the site and in accordance with Policy DM37 of Brighton & Hove City Plan Part 2, Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.
43. The development hereby permitted shall not commence until full details of existing and proposed ground levels (referenced as Above Ordnance 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.
44. Prior to the commencement of the development of the substation, wash bay and vehicle maintenance facility, further details regarding their appearance, materials and use shall be submitted to and approved by the Local Planning Authority.
Development shall be carried out in accordance with the approved details.
Reason: To ensure a satisfactory appearance to the development and safeguard the amenities of neighbouring properties to comply with policies DM18, DM20, DM26 and DM40 of the Brighton & Hove City Plan Part 2 and CP12 of the Brighton & Hove City Plan Part One.
45. No more than ten HGV trips (including both arrivals and departures) to the development hereby permitted shall take place between the hours of 23:00 and 07:00 on Mondays to Sundays. There shall be no more than one HGV trip (including both arrivals and departures) between the hours of 03:00 and 04:00 on Mondays to Sundays.
Reason: To safeguard the amenities of the locality and to comply with policies DM20 and DM40 of Brighton & Hove City Plan Part 2.
46. This permission is hereby granted only for a mail storage and distribution centre and no other purpose within Use Class B8 (Storage or distribution) of the Town and Country Planning (Use Classes) Order 1987 (as amended).
Reason: To enable the Local Planning Authority to control the development in detail as the scheme has been assessed and approved on the basis of this

specific type of development and to comply with policies CP3 and CP9 of the City Plan Part One and DM20, DM33, DM35, DM36 and DM40 of the City Plan Part Two.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant is advised that a formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel 0330 303 0119), or www.southernwater.co.uk
3. 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
4. The applicant is advised that under Part 1 of the Wildlife and Countryside Act 1981 disturbance to nesting wild birds, their nests and eggs is a criminal offence. The nesting season is normally taken as being from 1st March – 30th September so trees and scrub on the site should be assumed to contain nesting birds between these dates, unless a recent survey has been undertaken by a competent ecologist to show that it is absolutely certain that nesting birds are not present. The developer should take appropriate steps to ensure nesting birds, their nests and eggs are not disturbed and are protected until such time as they have left the nest. Planning permission for a development does not provide a defence against prosecution under this Act.
5. The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to (amongst other things): deliberately capture, disturb, injure or kill great crested newts; damage or destroy a breeding or resting place; deliberately obstruct access to a resting or sheltering place. Planning approval for a development does not provide a defence against prosecution under these acts. Should great crested newts be found at any stages of the development works, then all works should cease, and Natural England should be contacted for advice.
6. The applicant is advised of the possible presence of bats on the development site. All species of bat are protected by law. It is a criminal offence to kill bats, to intentionally or recklessly disturb bats, damage or destroy a bat roosting place and intentionally or recklessly obstruct access to a bat roost. If bats are

seen during construction, work should stop immediately and Natural England should be contacted on 0300 060 0300.

7. The CL:AIRE Definition of Waste: Development Industry Code of Practice (Version 2) provides operators/developers with a framework for determining whether or not excavated material arising from site during remediation and/ or land development works are waste or have ceased to be waste. Under the Code of Practice:
- Excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they fit for purpose and unlikely to cause pollution.
 - Treated materials can be transferred between sites as part of a hub and cluster project.
 - Some naturally occurring clean material can be transferred directly between sites.
 - Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on-site operations are clear. If in doubt, we should be contacted via our National Customer Contact Centre (see details below) for advice at an early stage to avoid any delays:

Telephone number: 03708 506 506 (Monday to Friday 8am to 6pm)

Email: enquiries@environment-agency.gov.uk.

8. Contaminated soil that is (or must be) disposed of is waste. Therefore, its handling, transport, treatment and disposal are subject to waste management legislation, which includes:
- Duty of Care Regulations 1991
 - Hazardous Waste (England and Wales) Regulations 2005
 - Environmental Permitting (England and Wales) Regulations 2016
 - The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, we should be contacted for advice at an early stage to avoid any delays. The details about how to contact our National Customer Contact Centre are shown above.

If the total quantity of hazardous waste material produced or taken off-site is 500kg or greater in any 12 month period, there will be a need to register with us as a hazardous waste producer. Refer to the hazardous waste pages on GOV.UK for more information.

9. The applicant is advised to contact the Council's 'S278 team' initially by e-mail (s278@brighton-hove.gov.uk) at their earliest convenience to avoid any delay and obtain all necessary highway approval including design, materials, and construction method from the Highway Authority prior to any works commencing on and adjacent to the adopted (public) highway to satisfy the law and requirements of the conditions above.

10. The applicant is advised to contact the Council's Streetworks Team (permit.admin@brighton-hove.gov.uk 01273 290729) at their earliest convenience to avoid delay and obtain all necessary highway approvals from the Highway Authority prior to any works commencing adjacent (at least within 3.66m) to the public highway to be lawful.
11. The applicant is advised that requirement Part S of Building Regulation 44 "Infrastructure for the charging of electric vehicles" applies to this application. For non-residential developments the general requirements are 1 EVCP per building and 1 in 5 parking spaces require a cable route. Where provided, at least one accessible parking space should have access to either a future connection location, or an EVCP. There are many requirement details, for example, specifications where there are more than 10 parking spaces, or where covered parking spaces are provided, for equipment standards, and a cost cap etc. The applicant should refer to the full Part S document before finalising designs and commencing work on the parking spaces for this development.
12. The applicant is advised that details of the BREEAM assessment tools and a list of approved assessors can be obtained from the BREEAM websites (www.breeam.org).
13. The applicant is advised that the details of external lighting required by the condition above should comply with the recommendations of the Institution of Lighting Engineers (ILE) 'Guidance Notes for the Reduction of Light Pollution (2011)' or similar guidance recognised by the council. A certificate of compliance signed by a competent person (such as a member of the Institution of Lighting Engineers) should be submitted with the details. Please contact the council's Pollution Team for further details. Their address is Environmental Health & Licensing, Bartholomew House, Bartholomew Square, Brighton, BN1 1JP (telephone 01273 294490 email: ehlpollution@brighton-hove.gov.uk website: www.brighton-hove.gov.uk).

2. SITE LOCATION

- 2.1. The application site comprises approximately 1.57 hectares of land and is located on the northern edge of Patcham. It is within the defined built-up area of Brighton and Hove and is located on the northern side of Vale Avenue from which access is currently taken. The site is allocated in Policy CP3 of City Plan Part One as a strategic site for 'B Use Class employment floorspace', with supporting table 4 noting for Patcham Court Farm the allocated provision relates to B1a and B1b office requirements (now use class E(g)).
- 2.2. The site is bounded to the north by the A27 trunk road, separated from it by a thick landscaped border of trees. This landscaped border also runs around the western and southern boundary. Further north of the site, beyond the A27 is the South Downs National Park. To the west is the A27 link road linking the A27 to the A23.

- 2.3. To the south-east of the site is a pair of two-storey semi-detached houses (132 and 134 Vale Avenue) and a two-storey detached house (130 Vale Avenue, currently being used by a fencing company). Each of these three properties have elongated rear gardens, which back directly onto the site. Further east is a short terrace of new residential properties, and immediately to the east of the site are allotments.
- 2.4. The site formed part of a wider agricultural holding that was separated from the main farm in 1989/1990 as a result of the construction of the A27. It contains a number of buildings of varying ages, in various states of disrepair, which have been vacant for a number of years. Only one building is currently in use, by a fencing company (which also occupies 130 Vale Avenue). The remainder of the site predominantly comprises scrub and hardstanding.
- 2.5. The gradient of the site rises from south to north and falls again immediately adjacent to the A27.
- 2.6. A public bridleway on the western side of the site runs northwards to the National Park.
- 2.7. To the south of the site is Patcham Conservation Area which includes a number of listed buildings including the grade II* listed All Saints Church relatively near the top of Church Hill, the surviving farm complex buildings of the Patcham Court Farmhouse (immediately south of the site), and the Dovecot within the grounds of Patcham Court Farmhouse together with the boundary walls (all listed grade II). The Dovecot is also a Scheduled Monument. The site also falls within an Archaeological Notification Area.
- 2.8. The site lies wholly within flood zone 1 (low probability of flooding) but is located within a conveyance zone (a potential flow path) due to the gradient of the land being steeper than 1 in 20). There is a known aquifer below the site and accordingly the site is within Groundwater Source Protection Zone 1.
- 2.9. Access to Vale Avenue is via a left turn only access from the road linking the A27 to the A23.

3. RELEVANT HISTORY

- 3.1. There are no directly relevant previous planning applications on this site although there was a previous permission allowing the temporary (3 year) use of land behind 130, 132 and 134 Vale Avenue as a yard for the storage of fencing and associated material/plant (ref. BH2004/02795/FP) and a granny annex (ref. BH2004/03368/FP). This use still appears to be ongoing despite the temporary nature of this permission.
- 3.2. However, a number of pre-application enquiries have been submitted in relation to the site, the most relevant being as follows:

<p>12 August 2021 – 11 July 2022</p>	<p>PRE2021/00135: Formal pre-application discussions took place regarding the proposed development between 12 August 2021 and 11 July 2022. A Planning Performance Agreement between the applicant and the Council was also signed during this period.</p> <p>The most significant amendment to the proposal since the pre-application enquiry was submitted relates to the relocation of the proposed vehicular access to the site which has been significantly shifted westwards to minimise the impact on Vale Road and the properties along it and to bring the access closer to the existing road infrastructure connecting the A27 and the A23.</p>
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4. APPLICATION DESCRIPTION

- 4.1. The application seeks the demolition of the existing predominantly dilapidated agricultural buildings on the site, the clearance of a significant amount of the existing scrub, and regrading of the land to facilitate the erection of a storage and distribution building (B8 use) to be used as a new distribution centre for Royal Mail.
- 4.2. The internal floorspace of the proposed building would be 4,145sqm comprising the operational floor, meeting rooms, plant and offices on the ground level, and plant, a mini market/welfare area, and lockers and showers at lower ground floor level. The proposed building follows the topography of the site with the lower ground floor at the southern end of the building where the ground level of the site is lower. The main access into the building would be via the southern side of the building at lower ground floor level and access to the main operational floor would be via stairs or a lift.
- 4.3. At its highest point, the building would be around 10.6m high from the corresponding ground level but would decrease significantly in height relative to the ground level as it extends further north and sinks in to the ground due to the changing topography. The building is approximately 82m long and 52m wide (at its widest part). The proposed materials include a flint/natural stone veneer, natural and charred timber cladding, black profiled metal cladding, translucent panels, and a green roof on the southern and northern end of the building. The main roof of the building, which has a shallow pitch, would incorporate photovoltaics.
- 4.4. There are ancillary buildings located in the northeast corner of the site. These comprise a wash bay and a vehicle maintenance facility formed of a car port style structure in order to give cover for all-weather working. The maintenance

facility would be used for light maintenance work such as changing and adding air to tyres and minor repairs that do not require a visit to the maintenance workshop.

- 4.5. Vehicular access would be located at the south west of the site from Vale Avenue. This access road would provide further access to two main car parks as follows:
 - Staff car park – this would be located to the front (south) of the building and would sit on a platform behind a retaining wall flanking the access road. This proposed car park includes 85 parking spaces including 4 accessible spaces and 21 EV spaces. This parking area also includes 20 motorcycle spaces and 52 cycle spaces.
 - Operational yard/car park – this would be located to the east and north of the main distribution building and comprises 132 parking spaces where the fleet vehicles would be loaded with post. Access to the fleet vehicles (operational vans) from the building is via doors at the north-eastern corner of the building.
- 4.6. The site also includes a large area for turning vehicles in the northeast corner to allow for the manoeuvring of HGVs to the two docking bays adjacent the building.
- 4.7. Pedestrian access to the site is provided in the form of a stepped path and accessible ramp at the south east of the site from Vale Avenue.
- 4.8. The proposal would provide landscaped strips incorporating tree planting on the north, east, south and west boundaries of the site as well as some limited landscaping and tree planting within the site.
- 4.9. Operationally, the building will be in use 24 hours a day. HGVs (articulated lorries and smaller) will access the site from the Gatwick sorting depot where the deliveries will then be distributed by fleet vehicles to the relevant postal rounds within Brighton and Hove . Deliveries via HGVs will arrive sporadically throughout the night and day, which would then be unloaded, allowing the HGV to return to Gatwick.
- 4.10. It is predicted that there will 28 HGV trips daily (14 arrivals and 14 departures), and 360 daily fleet (van) trips (180 arrivals and 180 departures). Having regard to staff trips, there will also be 246 arrivals and 246 departures during the course of the day via a range of different forms of transport and this is explored in further detail in the Sustainable Transport section of this report.
- 4.11. The vast majority of staff would arrive at the site for a 7.15am start and the largest proportion of fleet vehicles would leave the site to undertake deliveries between 10am and 11am and then return between 3pm and 4pm.
- 4.12. The proposal will see an amalgamation of the existing Brighton and Hove sorting offices into one building. In terms of numbers, despite the delivery centre providing a total of 360 jobs, it is expected that staffing numbers on site on an average day would be approximately 246. This is because Royal Mail

staff work 5 out of 7 days. Main shifts continue between Monday-Saturday with reduced staffing on Sundays so on the whole for every five people at work there would be one to two members of staff on their day off. Additionally, there would also be levels of annual leave and sick leave etc which would also reduce numbers slightly.

5. REPRESENTATIONS

- 5.1. The first consultation on the planning application took place on 20 July 2022. A further revision to the application was consulted on from 12 July 2023, with further amendments consulted on from 18 April 2024. Over the course of the application, **objections** were received from **1,163 individuals** (including representatives of Brighton & Hove Wildlife Forum, the Brighton Society, Patcham and Hollingbury Conservation Association, Patcham Local History Group) objecting to the proposed development on the following grounds:

Principle of development

- Principle of development is unacceptable as the application proposes a storage and distribution use (Planning Use Class B8) on a site allocated for office development (Class B1 - now Class E(g)).

Highways and Transport

- Proposal will result in highways impacts including traffic congestion; road safety issues on local roads such as Vale Avenue and the strategic road network; overspill car parking on local roads due to insufficient parking on the site; and will have a detrimental impact on the condition of the roads.
- Location of the proposed access to the site so close to the strategic road network is dangerous and will create obstructions, particularly when used by HGVs.
- HGVs will struggle to navigate the small roundabout on the A27 at the entrance to Vale Avenue causing tailbacks.
- Employee travel survey is out of date and not sufficiently representative.
- Car parking survey is not accurate as it was carried out when local gas works were being undertaken which will have impacted the results. It also overestimates the amount of available parking spaces while the amount of parking required is underestimated in the Transport Assessment.
- Employees are unlikely to cycle to the site because it is located at the top of a hill and, given the distances and routes from some of the nearest bus stops, employees are unlikely to take the bus to the site.
- Walking to and from the site from/to the Barhill Avenue/Braeside Avenue bus stop could pose a danger to lone females.
- No clear plans have been produced with the local bus service to encourage use of public transport.
- The site is significantly less sustainable than the current city centre sites that Royal Mail occupy.
- Baseline traffic surveys were undertaken when traffic on the roads was much lower due to covid (2021) and bad weather (2023).

- Comments submitted by National Highways and the Local Highway Authority are inaccurate or incorrect.

Environment, ecology, flooding and pollution

- No guarantee that the Royal Mail vans will be electric.
- Detrimental impact on the environment including the ecology of the site; air, light and noise pollution; loss of a green space.
- Contamination of the drinking water supply given the site is located on an aquifer and groundwater Source Protection Zone.
- Proposal will exacerbate existing groundwater and surface water flooding issues in Patcham.
- Proposed development will worsen existing land stability issues. The ground contains a number of sinkholes and the proposals may be too heavy for the ground underneath it.

Design and impact on heritage assets

- Impact on the character and appearance of the area due to overdevelopment, inappropriate height, size and scale of the proposed sorting office.
- The appearance of the proposed substations will be out of keeping with the area.
- Significant impact on Conservation Area, nearby listed buildings and Scheduled Monument as a result of the design of the proposal, associated lighting, and increase in traffic and vehicles.

Residential Amenity

- Impact on amenity due to the introduction of a 24 hour/ 7 days a week industrial use in a residential setting. The proposal is too close to residential properties and will impact on mental and physical health, quality of life and sleep; and will result in overlooking and loss of privacy.
- In other areas Royal Mail have objected to new residential development close to their delivery offices demonstrating that such uses are not compatible with nearby residential uses.

Other issues raised

- Amendments to proposal do not address any of the previous objections.
- Detrimental impact on property values and financial compensation claims would be made if approved.
- No extra job creation as a result of the proposal as it is just relocating existing jobs.
- Insufficient and poor standard of consultation by the applicant.
- Inconsistent, misleading or incorrect reports submitted by the applicant.
- There is a restrictive covenant on the land that prevents it being developed for the proposed use.
- Loss of tourism as a result of the proposal.
- Proposal would have no benefits to local residents.
- The site's use is likely to change and expand in the near future as Royal Mail's business model changes.

- 5.2. Representations in **support** were received from **13 individuals** on the following grounds:
- Excellent use of a long vacant site which will reduce traffic through the centre of town.
 - There are far less properties surrounding the proposed site than there are surrounding the current site on North Street.
 - The proposal will reduce the number of HGVs on London Road.
 - Less pollution in the town centre.
 - The proposed development is not in a quiet residential area. Noise from the A27/A23 is constant whilst traffic is moving. There may be disruption for local residents whilst the structure is built. However, it was much worse when the A27/A23 interchange was built.
 - The design of the building is excellent and it is sympathetic to its surroundings.
 - Great location for a sorting office.
 - Access to the site is further up Vale Avenue, almost off the roundabout meaning any traffic accessing or leaving the site will not cause residents disruption from noise.
 - The proposal will free up sites in the city centre for housing.
 - The proposal will create jobs in the area.
- 5.3. In addition **Caroline Lucas (former MP)** objected twice, raising the following issues:
- Proposal is not in accordance with allocated B1 use in City Plan Part 1;
 - Site is unsuitable for the proposed development due to its location on an aquifer with potential for contamination of groundwater and the drinking water supply;
 - Proposal could exacerbate existing flood risk issues
 - Baseline figures used for the Transport Assessment are not valid or sufficiently representative and are impacted by Covid and bad weather;
 - The staff survey used to inform the Transport Assessment is not sufficiently representative
 - The Transport Assessment doesn't sufficiently take account of Royal Mail's new business model and the additional trips this may create.
 - The site is not well served by sustainable forms of transport and will therefore be accessed by car resulting in excessive vehicle movements to and from the site
 - Insufficient details regarding impermeable membrane to prevent infiltration
 - Lack of clarity on Royal Mail's commitment to a customer service point
 - Further clarity is required on Royal Mail's commitment to a fully electric fleet.
- 5.4. **Councillors McNair and Meadows** objected in two joint letters (August 2022 and August 2023), raising the following issues:
- Inadequate and poor standard of consultation
 - Proposal is not in accordance with allocated B1 use in City Plan Part 1.
 - Insufficient parking is provided on site resulting in overspill parking and disturbance from traffic.

- There have been limited and naïve discussions with bus companies.
 - Excessive traffic movements associated with the proposed development and HGVs will struggle to navigate the small roundabout on the A27.
 - Proposal will have a significant environmental impact on the area including noise, light, air pollution, loss of trees and ecology.
 - The proposal will worsen the risk of flooding and risk contamination of ground water.
 - Concerns the land is unstable and ridden with sinkholes and fissures.
- 5.5. A copy of each of the councillor representations are attached to this report.

6. CONSULTATIONS

Internal

- 6.1. **Air Quality Officer:** No objection
- 6.2. **Arboriculture:** No objection
 Initial response noted submitted Tree Survey had identified 24 individual trees and 14 groups either within or adjacent to the proposal, the majority of these have been classed as C [low quality/value] & U [unsuitable for retention] grade due to condition or age. Agree with assessment. On-site vegetation is composed of scrub and mixed species shelter belt planting on the boundary which provides screening (visual and particulate) and habitat but is of low individual amenity value so removal acceptable but must be mitigated by robust landscaping. Submitted Arboricultural Method Statement and Tree Protection Plan (TPP) are considered acceptable; but initial clarification regarding boundary fencing and proposals to minimise root disturbance to 3rd party trees during installation. Seek conditions securing replacement planting at a minimum 3:1 ratio, with specimen plantings to be a minimum 14 -16 cm nursery stock sizing along with confirmation of a three year watering programme within the maintenance schedule..
- 6.3. Updated comments (July 2024): Revisited the site but was unable to identify two further trees within the group G40 now requiring removal. Unfortunately, the ash trees within this area are expressing symptoms of Hymenoscyphus fraxineus (Ash dieback) and will require future removal for public safety irrespective of development consent. As previously stated the trees surrounding the boundary are a mixed species shelter belt with no outstanding individual specimens. This does not mean they do not offer value, providing screening, sound and particulate buffering between Patcham residents and the A27 and interchange, along with considerable wildlife habitat.
- 6.4. **Economic Development:** Neither object to nor support the application but state that they are satisfied with the rationale to provide B8 Storage and Distribution floorspace, but would like to see an uplift in the quantum of B Class employment space from the current proposed level of 4,145 sqm, to reduce the significant loss of over 2,000 sqm of commercial floorspace. As indicated in Policy CP3 Table 4, office/R&D floorspace is the preferred option.

- 6.5. **Environmental Protection (Contamination):** No objection subject to a condition requiring a site investigation report and, where required, a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed.
- 6.6. **Environmental Protection (Lighting):** No objection.
The levels of horizontal illuminance detailed in the applicant's documents indicate extremely low levels of off-site light. This, along with the location of the proposal, indicate that the possibility of excessive light spillage and/or any that could potentially be considered a nuisance / affect amenity is not of great concern. However, as a precautionary measure I'd recommend applying a lighting condition.
- 6.7. **Environmental Protection (Noise):** No objection
Note after initial concerns over insufficient information, updated Noise Report robust and confirms no adverse impact on nearby neighbouring residents to the south, i.e. Vale Avenue which is agreed. It is clear that the soundscape at the site can be quite low during the early hours (i.e. 03:00-04:00 hours) which is why there were concerns over vehicle movements during this period. Seek conditions regarding:
- Submission and approval of a Construction Environmental Management Plan (CEMP)
 - Restrictions on commercial activity except loading and unloading outside the proposed building
 - Noise controls on plant and machinery
 - Installation of a noise barrier
 - Submission and approval of a delivery management plan which includes site maintenance, vehicle types, speed limits, and driver training.
- 6.8. **Heritage:** Neither object nor support the application but state following:
Overall it is considered that the development would cause some harm to the setting of the Patcham conservation area and to the setting of the grade II listed Patcham Court Farmhouse. The harm could be further mitigated by more and better soft landscaping to the south-west corner and southern boundary of the site, as well as by exploring a less intrusive lighting scheme.
- 6.9. The scale and massing of the building, in terms of its footprint and large roof span, would be substantially greater than is typical of the area, which is much more fine-grained. The scale of the footprint of the proposed building is inevitably uncharacteristic of the surrounding area but the proposed siting of the building to the north-west of the site, where it would predominantly be set behind the tree belt to the south west, would mitigate its impact on the setting of the Patcham conservation area and the grade II listed Farmhouse. The settings of the heritage assets could be harmed by the increase in vehicle movements into and out of the site, but it is acknowledged that Vale Avenue is already a busy vehicular route and the site is adjacent to the A23 access roundabout and the A27 bypass, so any such resulting harm to these settings would be minor.

- 6.10. The height of the building is not significantly greater than the existing barns on the site and overall it would generally appear below the existing tree canopy height. The massing of the building has been broken up to some degree by the flat roofed elements to north and south and again this would help to mitigate the impact of the building's scale. The indicated approach to materials is considered to be appropriate, achieving a reasonable balance between historic context and functionality. The solar PV arrays to the roof would need to have a matt finish to avoid the potential for glare or reflection in longer views.
- 6.11. The proposed relocation of the access to the site away from the Church Hill junction and further west would in principle be a positive element of the proposals that would reduce the visible impact of the new development at this junction and preserve or even enhance key view V2b shown in the Patcham Conservation Area Character Statement. However, this is dependent on the way in which the existing access way would be infilled and treated. This area and the tree belt to the immediate west of it would see some new tree planting but it is unclear if trees would also be felled. The combined effect of this hard surfacing and structures means that the verdant boundary image illustrated on page 47 of the Design and Access Statement may not be realistic and that the tree line separating the site from the conservation area and Farmhouse would overall be weakened. New tree planting here would certainly need to be semi-mature to have any positive impact sooner than the long term.
- 6.12. A further heritage concern relates to the amount of car parking proposed and the rather urban regularity of its layout, together with the relative paucity of ground level soft landscaping. In particular the car parking south and southwest of the building occupies the 'green buffer' identified in the Patcham Conservation Area Character Statement. Despite the proposed use of 'grasscrete' for the parking surface here the physical and visual impact of this has not otherwise been minimised or mitigated.
- 6.13. Associated with the development, there would be substantial external lighting, mostly on 3m high columns. These lighting columns would further add to the urbanisation of the green buffer to the site in the context of the conservation area. It must also be noted that the lighting of the site as a whole would significantly change the character of the site after dark and this would cause some harm to the setting of the conservation area and the listed Farmhouse.
- 6.14. Overall it is considered that the proposed development would cause some harm to the setting of the Patcham conservation area and to the setting of the grade II listed Patcham Court Farmhouse. There would no significant impact on the settings of the other listed buildings referred to above, due to distance from site, topography and landscape screening. The harm in each case is at the lower end of less than substantial under the terms of the NPPF, but must nevertheless be given great weight.
- 6.15. **Planning Policy: No objection**
- The site is allocated in Policy CP3 for B Class employment uses, with the supporting text (Table 4) identifying the site as suitable for 6,500 sqm B1(a)/B1(b) office floorspace (these now fall within Class E(g) in the

revised Use Classes Order as amended in September 2020). The proposed development would provide 4,145 sqm floorspace in B8 Storage and Distribution use.

- The proposals fall short of delivering the preferred employment use of the site identified in the City Plan in that it would not provide modern office/R&D floorspace and the quantum of floorspace would be well below 6,500 sqm. However, the proposed development would offer a number of benefits for the city.
 - The provision of B8 floorspace would contribute to an identified need for industrial and warehousing/storage space (shown to be 43,430 sqm in CPP1 Table 4).
 - The employment provided by the Royal Mail scheme would be broadly comparable to an office development (although the jobs would effectively be relocated from existing sites in the city).
 - The proposed development would free up the Royal Mail's existing sites at North Street, Brighton and Denmark Villas, Hove which are allocated for housing/mixed use development in CPP2.
 - The development would bring the site back into use after being largely derelict for over 30 years (despite having been allocated in the development plan for most of this period).
- It should also be noted that the Policy CP3 allocation itself is for B Class employment generally and is not specific about requiring office/R&D floorspace (although that is the preferred use indicated in Table 4 of the supporting text). Taking these factors into account, the proposed employment use is considered acceptable in policy terms.

6.16. **Sustainability:** No objection subject to planning conditions relating to the following:

- Carbon emissions to be at least 19% below Building Regulations Part L and to conform to the Future Buildings Standard.
- Final Solar PV array roof layout.
- Biodiversity Net Gain of at least 10%, with a Landscape Management Plan and provision of full BNG assessment with the final landscape designs.
- Development to score at least 'Excellent' BREEAM and a post-construction certificate to be provided.
- Attenuation of flood risk – final designs to be provided.

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

- Formal approval from Southern Water for the proposed surface and foul water discharge methods and rates (including the rate as calculated for the proposed jet wash station)
- Details of the proposed jet wash station to be approved including the foul water discharge rate of this feature; the proposed treatment method for water discharged from this location; and details of the drainage method for this area.
- The rate of foul water discharged to the sewer in Vale Avenue not exceeding 1.467 litres per second and evidence of any measures to prevent this rate being exceeded.

External

- 6.18. **Conservation Advisory Group:** Object
- A thorough archeologically assessment should be carried out on the site as there is Saxon evidence.
 - Views of the site from The Village Barn, Patcham Church and the top of Church Hill will be compromised by the proposed construction, particularly in the winter months.
 - The architectural style of any approved building should be inspired by the neighbouring Brown's Farm Cottages.
 - Patcham Court Farmhouse and its boundary walls are Grade II listed, and the Dovecote (a scheduled monument) on Vale Avenue are in the Patcham CA and are located on the opposite side of Vale Avenue from the proposed building site.
 - The proposed architectural design, massing and height is out of the vernacular of these and nearby listed buildings.
 - There are 33 listed buildings in the vicinity.
 - Bottle Green paint should be used on any new build.
 - Should wilful dilapidation of this site be used to approve new build?
- 6.19. **County Archaeologist:** No objection subject to a planning condition securing the implementation of a programme of archaeological works in accordance with a written scheme of investigation, and the archaeological site investigation and post- investigation assessment being completed and approved in writing by the Local Planning Authority.
- 6.20. **County Ecologist:** No objection but make the following comments and recommendations:
The site offers potential for enhancements which will help the Council address its duties and responsibilities to provide measurable BNG. Previous advice was that the landscape plan should be adapted to maximise opportunities to offset losses and provide BNG on-site. The revised BNG Assessment concludes that the proposed development will result in a net loss of -59.27% (previously -57.42%). It is apparent that the landscaping has not been significantly redesigned for biodiversity which is disappointing. It is noted that the previously proposed outdoor gym and picnic area have been removed as recommended, but no green walls are proposed, biosolar roofs are not included, and the recommendations for biodiverse green roofs have not been carried forward. Indeed the proposed green roof has been downgraded.
- 6.21. Compensation for the loss of habitat and BNG must therefore be delivered off-site. Three Options are set out in the Technical Note. Option 1 is for the creation of mixed scrub in good condition through the enhancement of modified grassland. This would be the preferred option given its proximity to the site, and if combined with mitigation for reptiles.
- 6.22. Option 2 could provide the required uplift in BNG habitat units, and would meet the trading rules, but would require higher levels of intervention to maintain condition

- 6.23. The third option to purchase units from a private estate would be acceptable; this would need to be in addition to the reptile receptor site, although it is understood they will be delivered within the same estate.
- 6.24. As all options for BNG (and habitat compensation) are off-site, they will need to be secured via a legal agreement. BHCC may also wish to secure additional funds to assess monitoring reports for the 30 year period over which the BNG will need to be maintained. Recommended wording requiring an Ecological Mitigation, Management and Monitoring Strategy is provided below. This should form the basis of the requirements for BNG within any legal agreement.
- 6.25. Additional mitigation, compensation and enhancement measures are recommended in the EclA which are not accounted for within the Metric, e.g. the provision of barn owl, bird, bat and insect boxes. Full details of these, including the type, location, and number, plus details of on-site habitat creation required for mitigation and compensation, e.g. the provision/enhancement of native species rich hedgerows around the boundaries, should be provided in an Ecological Design Strategy (EDS) required by condition.
- 6.26. The revised Landscape General Arrangement Plan is broadly acceptable subject to a number of recommendations regarding hedging, green roof systems, adequate provision of bee bricks and bird boxes/bricks.
- 6.27. Conditions relating to the following are also recommended:
- Lighting design strategy for light-sensitive biodiversity
 - Construction Environmental Management Plan for Biodiversity
 - Ecological Design Strategy
 - Landscape and Ecological Management Plan
 - Badgers -pre commencement survey
 - Submission a copy of the EPS license
- 6.28. In addition, the County Ecologist has recommended wording for inclusion in a legal agreement to secure off-site Biodiversity Net Gain.
- 6.29. **County Landscape Architect:** No objection but raise the following issues:
- The tree protection measures need to ensure that tree T14 is adequately protected during construction. The hard surfacing for the car park will encroach into the crown spread of this tree which is a category B2 wych elm. The construction within the crown spread would need to be no dig and the finished surface permeable to prevent damage to the tree roots.
 - The proposed detailed planting plans need to be reviewed to ensure that they incorporate locally indigenous varieties of native planting suitable for the chalk-based geology – recommendations made.
 - All native plant material should ideally be locally sourced and of local provenance.
 - The County Ecologist recommends that a Landscape and Ecological Management Plan is required to ensure the long term success of the landscape scheme and this is seconded.

- 6.30. **Designing Out Crime Officer:** No objection but provides advice on CCTV, cycle storage, external furniture, landscaping and boundary treatments, parking and lighting.
- 6.31. **East Sussex Fire and Rescue:** No objection but make the following comments:
If this application receives approval the Developer is required to ensure there is sufficient water for firefighting in accordance with the Water UK National Guidance Document. This is usually achieved by the provision of Fire Hydrant(s) attached to a suitable water main. Early consultation with East Sussex Fire & Rescue Service is recommended to ensure that all needs are met.
- 6.32. **Environment Agency:** No objection subject to planning conditions relating to the following:
- Submission and approval of a remediation strategy to deal with risks associated with contamination of the site.
 - Submission and approval of a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of this remediation.
 - Remediation of unidentified contamination found during development.
 - The submission and approval of a Construction and Environmental Management Plan.
 - No infiltration of surface water into the ground other than with the written consent of the Local Planning Authority.
 - No piling and other penetrative methods other than with the written consent of the Local Planning Authority.
- 6.33. **Historic England:** Neither support nor object but raise the following concerns:
We consider that the proposed development of a storage and distribution centre for the Royal Mail Group would cause some harm to the significance of the conservation area and the Grade II listed Patcham Court Farmhouse. Physically and experientially altering the rural character of their setting, the scheme would reduce to some degree the ability to understand the historical development of Patcham as a characteristic small settlement based on a rural economy. In our view, the heritage harm caused by the scheme to the significance of the identified assets would fall within the lower half of the less than substantial spectrum.
- 6.34. It is for your Council to assess whether the harm has been sufficiently minimised and whether it can be outweighed by the public benefits delivered by the proposal, as required by paragraph 208 of the NPPF. Importantly, your Council would also need to be clearly convinced that those public benefits could not be delivered in a less harmful way, for example through a redevelopment for office uses, as established by the City Plan's allocation.
- 6.35. If minded to grant planning permission for the current scheme, we would advise consultation with the County Archaeologist with regards to possible impacts on potential buried archaeological remains. The results of the

evaluation would enable an informed decision to be made in respect of an appropriate mitigation strategy for any surviving archaeological assets.

6.36. **National Highways: No objection**

We are satisfied that the impacts of the proposed development on this junction are now understood, and that specific mitigation of these impacts is not required. Further, the improvements associated with the Local Plan (once introduced) will provide additional capacity and result in a reduction in queues and delay across the junction, and this will not be compromised by the additional movements associated with the proposed development.

6.37. National Highways have recommended a number of conditions relating to the following matters:

- Provision of a Travel Plan
- Submission and approval of a Construction Environmental Management Plan
- Submission and approval of a Car Park Management Plan

6.38. **South Downs National Park Authority: No objection**

Note site is located close to the boundary of the National Park albeit to the south of the busy A27 trunk road. Notes that consideration has been given to impacts upon the SDNP within the Landscape and Visual Impact Assessment, and some efforts made to minimise them. Given the presence of the A27 and existing vegetation that visually contains the site along its northern boundary, it is also unlikely that the setting of the SDNP would be significantly impacted by the development.

6.39. Careful consideration should be given to the International Dark Night Skies Reserve and dark night skies so encourages a sensitive approach to both external and internal lighting. Note lighting is justified and broadly appropriate for the expected level of task, and light pollution appears to have been minimised. The current ambient lighting in the area is also high and heavily influenced by existing street lighting. Notwithstanding, the facility will produce a noticeable low-level sky glow dome on the horizon when viewed from the South Downs, and may impact local residential amenities. A nighttime landscape impact assessment should therefore be provided. A reduction in illuminance at times of lower activity should be explored.

6.40. **Southern Water: No objection** subject to planning conditions relating to the following:

- Below ground construction works are limited to the Summer months i.e. April to September of any given year
- Existing observation wells to be decommissioned prior to construction works
- Drainage strategy to be updated to ensure all drainage which discharges to ground includes enhanced treatment methods. Southern Water will require review of the updated drainage strategy and design.
- Recommendations in HRA
- Approval of foundation design (see previous letter)

- 6.41. **Sustainable Transport:** No objection.
The Highway Authority finds the planning application acceptable subject to conditions, a scheme of S278 works, S106 contributions for the planned improvements to the A27 Patcham Link junction, real time bus information display, and commitment to improve the bus service to the site.
- 6.42. Recommended conditions include the following:
- Car park layout plan
 - Disabled parking
 - Electric Vehicle Charging Points
 - Car Park Management Plan
 - Boundary treatments
 - Details of retaining wall
 - Permitted vehicular access routes to and from the site
 - Cycle parking scheme
 - External lighting and floodlighting
 - Demolition Environmental Management Plan (DEMP)
 - Construction Environmental Management Plan (CEMP)
 - Reinstatement of redundant vehicle crossing
 - Delivery and service management plan
 - Landscaping
- 6.43. Additionally, the following are required as part of a S106 and S278 agreement:
- Travel Plan
 - £64,790 contribution to the Junction 4 Patcham Interchange A27 Trunk Road works
 - Commuted sum for non-standard elements proposed in the S278 scheme
 - 1 no. real time bus information display for the delivery office staff canteen area
 - Agreement with and contribution to B&H Buses to support diversion of the early morning bus route 5/5a to stop outside the development for a minimum period of one year
- 6.44. Other relevant highway works associated with the proposed development.

7. MATERIAL CONSIDERATIONS

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

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

8. POLICIES

The National Planning Policy Framework (NPPF)

Brighton and Hove City Plan Part One:

SA5	The Setting of the South Downs National Park
CP2	Planning for Sustainable Economic Development
CP3	Employment Land
CP7	Infrastructure and Developer Contributions
CP8	Sustainable Buildings
CP9	Sustainable Transport
CP10	Biodiversity
CP11	Flood Risk
CP12	Urban Design
CP15	Heritage
CP18	Healthy City

Brighton and Hove City Plan Part Two

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

Supplementary Planning Documents

SPD03:	Construction and Demolition Waste
SPD06:	Trees and Development Sites
SPD11:	Biodiversity and Nature Conservation
SPD14:	Parking Standards
SPD16:	Sustainable Drainage
SPD17:	Urban Design Framework

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the following: the principle of development; design, appearance, layout, scale and heritage; impact on amenity; sustainable transport; sustainable drainage and contamination; biodiversity; air quality; landscape and arboriculture; and sustainability.

Principle of Development

- 9.2. The site is allocated in Policy CP3 of the City Plan Part 1 for B Class employment uses so the principle of employment-related development on the site is clearly established.
- 9.3. The supporting text (Table 4) of Policy CP3 identifies the site as suitable for 6,500sqm of B1(a)/B1(b) office floorspace (these uses now fall within Class E(g) in the revised Use Classes Order as amended in September 2020). The proposed development would provide 4,145sqm floorspace of B8 Storage and Distribution use which would neither deliver the preferred employment use of the site or the required quantum of floorspace.
- 9.4. The Patcham Court Farm site is an important allocation in terms of helping to meet the city's identified employment needs. However, although allocated in the current City Plan and, prior to this, in the 2005 Local Plan, the site has remained undeveloped for many years. It has previously been marketed by the Council for office use (in the late 1990s/early 2000s) and there have been several other development proposals which have not come to fruition (e.g. a hotel).
- 9.5. The applicant has submitted a Brighton and Hove Office Market Review, which includes a viability report. The report argues that the Covid-19 pandemic has greatly affected the commercial office market nationally and locally and has resulted in a significant increase in the quantity of good quality office space available in central Brighton. By comparison, the Patcham Court Farm site is less accessible by public transport and has fewer nearby amenities and would therefore be less attractive to prospective office users. The report therefore concludes that new office development in this location would be unlikely to be commercially viable as it would require high build costs for lower returns compared to central Brighton where there is already a significant level of good quality office space available. BHCC's Regeneration Team have been consulted on the application and are satisfied with the conclusions and the rationale for providing B8 Storage and Distribution floorspace, although they have expressed concern that the proposed level of employment floorspace falls well below the potential indicated in the City Plan.
- 9.6. The viability report also argues that the level of employment associated with the application (supporting c360 jobs in total and averaging 246 onsite staff per day) would be broadly comparable with that which could be achieved through an office development (assessed to be c300 FTE equivalent jobs). In addition, the Royal Mail proposals would involve fewer peak time commuting journeys. BHCC Regeneration have confirmed that they are satisfied with the proposed employment levels.

- 9.7. In several respects, the proposals fall short of delivering the preferred employment use of the site identified in the City Plan. It would not provide modern office/Research & Development floorspace and the quantum of floorspace would be well below 6,500 sqm. However, the lack of an office/R&D use has been justified, and the floorspace figures are set out in supporting text rather than Policy CP3 itself and can therefore be regarded as only indicative. Additionally, the resulting employment levels are considered to justify the use, and its bespoke nature, namely that of a mail sorting office, means that there is no obvious benefit in requiring the applicant to increase the physical quantum of development on site.
- 9.8. Overall, the proposed development would offer a number of benefits for the city. The provision of B8 floorspace would contribute to an identified need for industrial and warehousing/storage space (shown to be 43,430 sqm in CPP1 Table 4) and the amount of employment provided by the Royal Mail scheme would be broadly comparable to an office development (although the jobs would effectively be relocated from existing sites in the city). Furthermore, it would facilitate the relocation of the existing Royal Mail sites in North Street, Brighton and Denmark Villas, Hove freeing up these sites for housing/mixed use development, as allocated in CPP2. The development would also bring the application site back into use after being largely derelict for over 30 years despite having been allocated in the development plan for most of this period.
- 9.9. It should also be noted that the Policy CP3 allocation itself is for B Class employment generally and is not specific about requiring office/R&D floorspace, although that is the preferred use indicated in Table 4 of the supporting text.
- 9.10. Therefore, having regard to the above merits of the scheme, the proposal is considered to accord with the thrust of Policy CP3 of the CPP1 in terms of providing employment floorspace within Class B, with the minor divergence not considered sufficient to warrant a reason for refusal. It is considered that the proposal, on balance, aligns with the aims of the policy, if not the precise wording of the supporting text. The proposal would also accord with part b) of paragraph 126 of the NPPF which states that *'Where the local planning authority considers there is no reasonable prospect of an application coming forward for the use allocated in a plan: in the interim, prior to updating the plan, applications for alternative uses on the land should be supported, where the proposed use would contribute to meeting an unmet need for development in the area'*.
- 9.11. The Council's Planning Policy team have raised no objection to the proposal. For reasons set out above, the principle of development is therefore considered to be acceptable.
- 9.12. The appropriateness of a storage and distribution use in respect of other planning considerations are considered in further detail below.

Design, Appearance, Layout, Scale and Heritage

- 9.13. Policy CP12 (Urban Design) of the City Plan Part 1 (CPP1) states, amongst other things, that all new development will be expected to:
1. Raise the standard of architecture and design in the City;
 2. Establish a strong sense of place by respecting the diverse character and urban grain of the city's identified neighbourhoods;
 3. Achieve excellence in sustainable building design and construction;
 4. Conserve or enhance the city's built and archaeological heritage and its settings;
 5. Have regard to impact on the purposes of the National Park, where within the setting of the National Park;
 6. Protect or enhance strategic views into, out of and within the city;
 7. Be inclusive, adaptable and accessible;
 8. Ensure that the design of the external spaces is an integral element of the overall design approach, in a manner which provides a legible distinction between public and private realm; and
 9. Incorporate design features which deter crime or disorder and the fear of crime.
- 9.14. 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.
- 9.15. As noted above, the site is located opposite Patcham Conservation Area and the Grade II Listed Patcham Court Farmhouse so it is within a historically sensitive area despite the site not being designated for heritage purposes.
- 9.16. Policy DM26 (Conservation Areas) states that *'development proposals within conservation areas will be permitted where they preserve or enhance the distinctive character and appearance of that conservation area, taking full account of the appraisal set out in the relevant character statement.'*
- 9.17. The policy goes on to state that *'where either substantial harm or less than substantial harm is identified, the council will expect the applicant to fully meet the requirements set out in the NPPF, having regard to the significance of the conservation area/s affected.'*
- 9.18. In considering whether to grant planning permission for development which affects a listed building or its setting, the Council has a statutory duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 9.19. Case law has held that the desirability of preserving a listed building or its setting or any features of special architectural or historic interest it possesses, and the desirability of preserving or enhancing the character or appearance of a conservation should be given "considerable importance and weight".
- 9.20. The proposed distribution centre would have an internal floor area of 4,145sqm and would be approximately 82m long and 52m wide. At its highest point, the building would be around 10.6m high but decreases significantly in

height relative to the ground level as the building extends further north and sinks in to the ground due to the changing topography.

- 9.21. The scale and massing of the building, in terms of its footprint and large roof span, would be substantially greater than is typical of the area, which is much more fine-grained. The scale of the footprint of the proposed building is inevitably uncharacteristic of the surrounding area but it would be positioned to the north-west of the site, predominantly behind a relatively narrow replacement tree belt to the south west. This would help to reduce its impact on the streetscene as well as its impact on the setting of the Patcham Conservation Area and the grade II listed Patcham Court Farmhouse located immediately to the south of the site, on the south side of Vale Road. However, glimpses of the building (as well as the car park and road infrastructure) would still be available through the proposed tree belt from Church Hill and Vale Avenue where clear views would also be available at the main vehicular access point to the site, and therefore the visual impact would not be fully mitigated by the proposed planting.
- 9.22. The height of the building would not be significantly greater than some of the existing barns on the site. However, the trees on the southern boundary of the site would largely be removed and replaced by planting that is native but less dense and not as tall as the existing, even when mature, so would provide only partial screening. The replacement of the existing trees along the front of the boundary and the creation of the new access would have a detrimental impact on one of the green buffers identified as being an important part of the Conservation Area in the Patcham Conservation Area Appraisal.
- 9.23. The massing of the proposed building would be broken up to some degree by the flat roofed elements to the north and south and this partly helps to mitigate the impact of the building's scale.
- 9.24. The materials of the proposed distribution centre include a flint/natural stone veneer, natural and charred timber cladding, black profiled metal cladding, translucent panels, and a green roof on the southern end of the building. Whilst full details of materials would be secured by planning condition, the proposed approach to materials is considered to be appropriate, achieving a reasonable balance between historic context and functionality and the incorporation of some flint cladding to the south, east and west elevations is welcomed.
- 9.25. A solar PV array is proposed on the pitched roof of the main building. The PV array would not be clearly visible when viewed from the front of the building but a condition requiring further details of this array would be secured to ensure the panels have a matt finish to reduce any glare.
- 9.26. The vehicular access to the site has been located in the south-west corner which helps to reduce the visibility of the proposed building and associated parking from Church Hill and Patcham Conservation Area. However, the existing trees along the front of the site would need to be removed to enable an accessible path and steps. As noted above, they will be replaced with a

landscaped belt, but less substantial so likely to allow glimpses of the proposed development between the trees. Nevertheless, it is considered that views of the proposed development from the Conservation Area would be largely screened and the visual impact of the building and car parking area is not considered so harmful as to warrant a refusal of planning permission on these grounds, particularly given what is already on site, and the site allocation for commercial use.

- 9.27. The proposed expanse of operational car parking on the eastern side of the site and the urban regularity of its layout is disappointing and numerous discussions have taken place with the applicant to try to reduce its dominance and ensure more planting is incorporated into this area. However, Royal Mail have been unwilling to compromise in this regard as they consider that planting would give rise to leaf drop on the operational parking area as well as creating hazards for passing loading trolleys. Additionally, they consider it would restrict the space required to meet the parking requirements of the fleet. Whilst this aspect of the proposal is considered less than ideal, the reasons for restricting planting are understood and from a visual perspective, views of the operational car park from more sensitive viewpoints such as Patcham Conservation Area would be restricted.
- 9.28. The proposed staff parking area at the front of the site would also have limited landscaping and would be raised up above the level of the access road whilst gradually sloping upwards to towards the main building following the topography of the site. Again, as with the operational car park, views of the car park from sensitive locations such as Church Hill would be partly screened by the proposed vegetation.
- 9.29. Substantial external lighting, predominantly in the form of 3m high lighting columns (reduced from 4m over the course of the application), would also be associated with the proposed use. These lighting columns would further add to the urbanisation of the site. It is also likely that the lighting of the site as a whole would notably change the character of the site after dark and if light spill is not contained, could cause some harm to the setting of the conservation area and the listed farmhouse. The applicant has stated that the level of lighting would be significantly reduced during night-time hours. However, further details regarding lighting would be secured by condition to minimise excessive light spill and pollution, reduce the impact on the Conservation Area and South Downs National Park, as well as minimise the impacts on biodiversity.
- 9.30. The proposed development would also incorporate a substation, a wash bay and small servicing/maintenance area to provide oil and gas for fleet vehicles. Further details will be secured by condition regarding their appearance, materials and use but due to their location – the wash bay and servicing area are provided in the north east corner of the site and the substation is located to the west of the distribution building in line with its front elevation – it is not considered that these structures would have any harmful impacts on the appearance of the area.

- 9.31. Overall, the Council's Heritage Officers have identified some harm to the setting of the Patcham Conservation Area and to the setting of the grade II listed Patcham Court Farmhouse. There would be no significant impact on the settings of the other listed buildings in the vicinity due to the distance from the site, the topography and the landscaped screening. The harm in each case is considered to be at the lower end of less than substantial having regard to paragraph 208 of the NPPF, but must nevertheless be given great weight.
- 9.32. The Heritage Officers' view is echoed by Historic England who also identify some harm to the significance of the conservation area and the Grade II listed Patcham Court Farmhouse but consider that such harm would fall within the lower half of the less than substantial spectrum. This harm has to be weighed against the public benefits delivered by the proposal as required by paragraph 208 of the NPPF. Such public benefits are considered further in this report and the overall balance is assessed in the conclusion of this report.

Impact on Amenity

- 9.33. 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.
- 9.34. There are residential properties immediately to the east of the site and also to the south on the other side of Vale Avenue. The main potential amenity impacts in relation to the proposed development are as follows:
- Loss of outlook and light
 - Privacy
 - Noise
 - Lighting
- 9.35. The closest property to the application site is 134 Vale Avenue which is located immediately to the east and south of the application site. However, the main distribution building has been located towards the north west of the site, at its closest point, just over 40m from the dwelling. Whilst the proposed distribution building would be visible from No.134, 40m is considered to be a significant enough distance from No.134 to ensure that it would not be overbearing or result in a significant loss of outlook, and would not result in any loss of light. Additionally, screening in the form of trees is proposed adjacent the western boundary of No.134 to further reduce the visibility of the proposed building. Views from No.134 would change significantly, particularly from first floor windows where any occupier of this property would look over an operational car park rather than the existing scrub and farm buildings. However, no.134 benefits from an approximately 20m long garden so whilst there would be a visual change, the impact is not considered so harmful as to warrant a reason for refusal of planning permission. Whilst it is noted that 132 Vale Avenue (which adjoins No.134) would also be impacted by the proposed development, it would be slightly further away from the delivery building than No.134 and benefits from a garden of similar length to No.134. Therefore it is not considered that the outlook from this property would be impacted to an unacceptable extent.

- 9.36. Patcham Court Farmhouse and the Village Barn properties, located on the corner where Church Hill meets Vale Avenue, are the closest properties to the south of the site. However, they are separated from the site by Vale Avenue and whilst there would be views into the application site from these properties, these would be partially screened by the proposed vegetation along the southern boundary of the site. It is not considered that the proposed development would have an overbearing impact on these properties or have an unacceptable visual impact given the overall distance from the main distribution building.
- 9.37. In respect of noise, a baseline noise survey was undertaken on the application site which demonstrated that existing noise levels are already high, dominated by constant road traffic on the A27 to the north, as well as vehicles on Vale Avenue.
- 9.38. The development has the potential to result in noise impacts through increased vehicle movements, particularly in terms of HGVs travelling to/from the site. The busiest period of the day in terms of HGV vehicles would be between 7am and 8am (5 HGV movements – 2 arrivals and 3 departures) which is considered to be a less noise sensitive period as the background levels increase by 4db between the 6am and 7am period and the 7am and 8am period. This element is therefore considered to be acceptable in terms of noise impact as any impacts associated with the proposed development are not generally considered to exceed the background noise level at the above receptor sites.
- 9.39. The quietest period in respect of background noise is between 3am and 4am so any noise during this period has potential to have a detrimental impact on the nearest neighbours. During this period it is anticipated that one HGV would depart the site (having arrived between 2 and 3am) and it has been calculated that the noise associated with this vehicle at the most sensitive location (134 Vale Avenue) would still not exceed the background noise level of 40db. However, this would only be subject to planning conditions ensuring, amongst other things, the approval and compliance with a delivery management plan which includes maintenance, vehicle types, speed limits and driving training.
- 9.40. The Council's Noise Consultants have accepted the conclusions of the applicant's noise assessment and have raised no objection to the application, subject to relevant planning conditions.
- 9.41. Given that the No.134 is the most sensitive location from a noise perspective and the impact is considered to be acceptable, it is not considered that any other properties or sensitive receptors would be harmfully impacted by noise as a result of the proposed development.
- 9.42. To further reduce the potential for impacts on the closest neighbouring properties, a 'green noise barrier' is proposed adjacent to the west and north boundary of 134 Vale Avenue. This would range in height from 2.5m to 3.25m.

A condition would be attached to any planning consent requiring further details of the materials of this barrier to ensure that it effectively reduces sound transmission.

- 9.43. Having regard to lighting, substantial external lighting, predominantly in the form of 3m high lighting columns (reduced from 4m over the course of the application), would be provided as part of the development. The lighting along the front boundary of the site (other than adjacent the access) would be comprised of floor mounted LED bollards. The applicant has stated that the level of lighting would be significantly reduced during nighttime hours. A condition would be attached to any planning consent to control the level of lighting, reduce light spill into residential properties and minimise the impact on ecology, and also ensure lower levels of lighting during night time hours. The Council's Environmental Health department would be consulted on any details submitted pursuant to such a condition to ensure the impact on neighbouring properties is minimised. Environmental Health have confirmed that they have no objection to the proposal in respect of lighting, subject to conditions minimising light spill.
- 9.44. It is therefore considered that the proposal would not have an unacceptable impact on the amenities of neighbouring properties and would therefore not conflict with Policy DM20 of the CPP2.

Sustainable Drainage and Contamination

- 9.45. Policy DM42 (Protecting the Water Environment) of the CPP2 states, amongst other things, that '*development proposals will not be permitted if they have an unacceptable impact on the quality and potential yield of local water resources used for public water supplies.*' The policy goes on to state that 'planning permission may be refused if relevant site investigations and risk assessment have not been undertaken and if necessary mitigation measures are not provided.'
- 9.46. Policy DM43 (Sustainable Drainage) states that '*The design and layout of all new buildings, and the development of car parking and hard standing, will be required to incorporate appropriate Sustainable Drainage Systems (SuDS) capable of ensuring that there is a reduction in the level of surface water leaving the site unless it can be demonstrated not to be reasonably practicable.*'
- 9.47. The application site is located in Flood Zone 1 meaning that it is considered to be at a very low risk from fluvial flooding. Pluvial flood risk (caused by heavy rainfall) on the site is not noted to be an issue, according to Environment Agency mapping and therefore the proposed development, which would be classified as Less Vulnerable (compared with residential development for example), is appropriate, in principle, for this site.
- 9.48. However, throughout the course of the application residents have raised specific incidents of groundwater flooding events in the area, with the most significant events taking place in 1960 and 2000.

- 9.49. Of particular significance to this site is the fact that it is located above an aquifer and is within Source Protection Zone 1, the Brighton A and Brighton B groundwater abstraction area, and within 150m of an adit connected to the Brighton A source. This means that infiltration (the process by which water is absorbed into the soil) is an unsuitable method of drainage for the proposed development as it risks contamination of groundwater. Additionally, soakaway tests have also revealed that the infiltration rate on the site is poor.
- 9.50. The proposed development will result in an increase in the impermeable area of the site. To address this the drainage strategy will reduce the rate of surface water run-off from the site via the inclusion of green roofs, swales, permeable paving and a sub-base for attenuation, and geocellular storage. The swales, permeable paving, attenuation and geocellular features will all be lined with an impermeable membrane to prevent infiltration. Flow controls will then be implemented to reduce the discharge rate to below 1.5l/s (Southern Water's permitted discharge rate) and the surface water will discharge to the manhole on Vale Avenue. Southern Water have indicated that they can facilitate surface water run off disposal (1.5l/s at the manhole on Vale Avenue and 3l/s at the manhole on London Road) to service the proposed development subject to a formal application for connection to the public sewer.
- 9.51. Further details regarding drainage of the site would be secured by planning condition. Southern Water and the Council's Sustainable Drainage have confirmed that they have no objection in principle to the proposed development, subject to a number of conditions to prevent groundwater contamination including restricting below ground construction works to summer months (April to September), enhanced treatment methods for all drainage discharged to ground in the car park areas, details of the proposed jet wash station, and further details regarding attenuation and flow control measures to prevent surface water flooding and ensure the capacity of the public sewer is not exceeded.
- 9.52. Additionally, the Environment Agency have raised no objection to the proposal, subject to conditions to prevent contamination of groundwater including submission and approval of a contamination remediation strategy, no infiltration of surface water into the ground, and no piling and other penetrative methods of construction other than with the written consent of the Local Planning Authority.
- 9.53. It is therefore considered that while the concerns of local residents are noted, subject to appropriate conditions, the proposal would be acceptable in terms of its impact on the water environment and drainage and would not conflict with policies DM42 and DM43 of the CPP2.

Sustainable Transport

- 9.54. City Plan Policy CP9 states that the council will work with partners, stakeholders and communities to provide an integrated, safe and sustainable transport system that will accommodate new development; support the city's role as a sub-regional service and employment hub; and improve accessibility. The policy seeks to ensure developments promote and provide measures that

will help to manage and improve mobility and lead to a transfer of people and freight onto sustainable forms of transport to reduce the impact of traffic and congestion, increase physical activity and therefore improve people's health, safety and quality of life.

- 9.55. Policy DM33 requires that new developments are designed in a way that is safe and accessible for all users and encourages the greatest possible use of sustainable and active forms of travel. DM35 sets out the standard and scale of information required in assessing Highways impacts. DM36 sets standards for parking and servicing of new development.
- 9.56. The application site is in close proximity to the A27. This proximity has a benefit for the local highway network as it will remove strategic Royal Mail HGV trips from the city centre with minimal passing through the Patcham area, confined to the western end of Vale Avenue at the junction of the A27 slip road.
- 9.57. The proposed development would provide for a total of 360 jobs but as set out earlier in this report it is expected that staffing numbers on site on an average day would be approximately 246.
- 9.58. A staff travel survey was undertaken to calculate the estimated mode share of trips to the site. A target mode share was also derived in the Transport Assessment taking account of the implementation of Travel Plan measures to encourage the use of more sustainable forms of transport by staff. The mode share results are as follows:

Mode	Mode Share	Target Mode Share
Car (driver)	46%	37%
Car (passenger)	4%	12%
Walk	4%	4%
Cycle	12%	17%
Bus	18%	22%
Train	1%	1%
Motorcycle	7%	7%
Royal Mail Vehicle (overnight retention)	2%	
Multi modal	3%	
Other	3%	

- 9.59. Based on the above, approximately 228 staff trips to and from the site (114 arriving and 114 leaving) would be by car without any active Travel Plan measures in place, and around 184 staff trips (92 arriving and 92 leaving) by car with an implemented Travel Plan.
- 9.60. In terms of the parking impact, on the basis of the staff survey and the provision of a policy compliant 83 staff car parking spaces on site, the proposal would result in a worst-case parking overspill of somewhere between 18 and 43 cars (taking into account a 5% margin of error in the parking survey and no Travel Plan measures). Additionally, such a figure does not take into account

the likelihood that there would be some double use of spaces as some cars may leave before others arrive. Should the Target Mode Share identified in the Transport Assessment be achieved, it is predicted that there would be no overspill parking (again taking into account a small amount of double use of spaces).

- 9.61. To investigate the potential impacts of overspill parking, two recent parking beat surveys (March and July 2024) have been carried out. The local roads have unrestricted parking and so the highway authority has no means currently to prevent Royal Mail staff parking on these streets that are used by local residents and others for parking. Whilst both of these surveys were carried out during local disruption caused by gas works being undertaken, the impact of these works on the March survey is considered to be negligible by the Local Highway Authority. The gas works impact on the July survey was considered to be more pronounced and so this information has only been used to cross reference the results of the earlier survey.
- 9.62. The March parking beat survey shows that there was capacity on street to accommodate the upper estimate of overspill parking should it occur. However, that is considered to be the worst case scenario, rather than the prediction.
- 9.63. Highway safety risks caused by overspill parking on a section of Vale Avenue adjacent to the A27 junction have been identified by National Highways as requiring double yellow lines to mitigate this risk and these are included in the S278 scheme.
- 9.64. In terms of the impact on highway capacity, the vast majority of staff arrivals to the site would take place between 7am and 8am and the majority of staff departures from the site would take place 3pm and 4pm. Based on the desired target mode share identified in the Transport Assessment following the implementation of Travel Plan measures, between 7am and 8am there would be between 37 staff arrivals by car and between 3pm and 4pm there would be 39 staff departures by car.
- 9.65. Red fleet (van) trips from and to the site would occur throughout most of the day but the busiest hours would be 10am to 11am (61 departures) and 3pm and 4pm (82 arrivals). 132 spaces are provided for the red fleet vehicles in the operational car park.
- 9.66. There would be a total of 28 HGV trips over the course of 24 hours. The highest number of HGV movements in any hour would be 5 (2 arrivals and 3 departures) between 7am and 8am. HGVs would unload at the northern end of the distribution centre and a turning area is provided at the northern end of the site. It should be noted that HGVs would only be allowed to turn left into the site and right to exit the site in order to reduce their impact on Vale Avenue.
- 9.67. The A27 link road that adjoins Vale Avenue is showing as under stress with baseline and future baseline Ratio of Flow to Capacity (RFC) values of over 0.85 and 1 for Junctions 3 and 4 in AM and PM peaks (0.85 is a junction at capacity, and 1 is a junction over capacity).

- 9.68. Additional trips as a result of the proposed development will only make a small percentage increase in this peak hour stress, and this has been considered by National Highways in their May 2024 response.
- 9.69. The AM peak is the worst performing in relation to the proposed development and shows anticipated queue lengths of 32 cars in the baseline 2021 scenario raising to a worst case scenario of 77 cars without the development or 80 cars with the development in the 2026 scenario. This would make trips associated with the proposed development responsible for an estimated 4% of the peak hour stress.
- 9.70. Referring to proposed junction improvement works (Junction 4 of the BHCC Infrastructure Delivery Plan) National Highways concluded that “the impacts of the proposed development on this junction are now understood, and that specific mitigation of these impacts is not required. Further, the improvements associated with the Local [City] Plan (once introduced) will provide additional capacity and result in a reduction in queues and delay across the junction, and this will not be compromised by the additional movements associated with the proposed development.”
- 9.71. This analysis highlights the importance of the Junction improvement works and supports a request for a proportional contribution to be sought from the applicant towards the cost of these works, secured via the S106 agreement.
- 9.72. National Highways who control the A27 have reviewed in detail the Transport Assessment and have secured sufficient clarification on the details of the projected impacts to remove their previous objections. In doing so they have acknowledged the A27 junctions in the vicinity of the site are currently stressed and anticipated to go over capacity with or without the development. However, National Highways point to the slight additional impact of development trips, and the proposed junction improvements that are part of the BHCC Infrastructure Delivery Plan for the City Plan. The Local Highways Authority agree with National Highways’ analysis and seek a proportionate contribution of £64,790 from the applicant towards the junction improvement works as part of the S106 agreement.
- 9.73. During the course of the application, the Local Highway Authority sought additional information including an extended trip assessment and collision/crash analysis to the junction of Vale Avenue and Ladies Mile Road and are now satisfied that the proposed development would not have any unacceptable impacts on the local highway network in terms of either capacity or safety.
- 9.74. Having regard to other forms of transport, the proposal incorporates 52 cycle parking spaces and 20 motorcycle spaces. This is considered to be compliant with SPD14: Parking Standards. Pedestrian access to the proposed development would be via steps and a disabled access path leading from Vale Avenue into the site.

- 9.75. Further improvements will be secured via the S106 and S278 agreement including:
- Amendments along Vale Avenue between the new site access and A27 link road including new markings and signage;
 - Construction of a new footway on the north side of Vale Avenue crossing the new site entrance including a pedestrian refuge.
 - New pedestrian crossings on Vale Avenue on the east and west side of Church Hill.
 - Widening of the footway along key pedestrian routes from bus stops, Church Hill, and Vale Avenue (both sides).
 - Widening of the footpath link at end of Vale Avenue/A23 to incorporate cycle access.
 - Improvements to bus stops serving the site.
- 9.76. Brighton & Hove Buses have indicated that they would support the diversion of an early morning bus route to stop directly outside the development. This would provide a significant benefit in respect of sustainable transport provision to the site as it is acknowledged that whilst there are bus stops within 800m walking distance of the site (Patcham Bypass, Barrhill Avenue, Ladies Mile), they are not ideally located to encourage public transport use.
- 9.77. Therefore, subject to appropriate planning conditions, the abovementioned S106 and S278 works, and the implementation of Travel Plan measures, it is considered that the proposed development would not have an unacceptable impact on highway safety, and the residual cumulative impacts on the road network would not be severe. Therefore, the proposal would not conflict with the NPPF in respect of highways matters and would not conflict with policy CP9 of the CPP1 and DM33 of the CPP2.

Biodiversity

- 9.78. The application site is not subject to any specific nature conservation designations but it does lie within the UNESCO Living Coast Biosphere Reserve, and is in close proximity to the South Downs National Park. Patcham Court Field Local Wildlife Site (LWS) is located 298m to the east of the site, Green Ridge and Coney Wood LWS is 378m south west, and Waterhall LWS lies 530m west. However, the proposed development is not predicted to have any impacts on the ecology of these designated sites.
- 9.79. Habitats on site include buildings, dense scrub with scattered trees, hard standing, modified grassland and neutral grassland. The habitats of greatest ecological significance are around the boundary of the site (dense scrub and woodland), the majority of which lie just outside of the site and will therefore be retained. The proposal will however result in the loss of the majority of the habitats on site. The mixed scrub on site is defined as a habitat of 'medium distinctiveness' and its loss will require compensation. While other habitats on site are of relatively low intrinsic value, they are known to support a range of protected species.
- 9.80. The site provides habitat for a number of protected species as follows:

- Badgers – Suitable habitats on site include dense scrub and grassland with adjacent wooded embankments and allotments offering additional potential. Surveys carried out in 2021 recorded no evidence of badgers on site. However, given their known presence in the local area, their mobile nature, and the suitability of habitats on site, there is potential for the site to be used for foraging and commuting. The recommendations in the Ecological Impact Assessment (EclA) for pre-construction surveys and standard safeguards to prevent harm to badgers during development are supported by the County Ecologist.
- Bats – A minimum of six species were recorded using the site for foraging and commuting including the rare barbastelle. Evidence suggests the presence of a Nyctalus/serotine maternity roost to the south of the site, and indicates that boundary and adjacent habitats, especially wooded embankments to the north and west, provide important commuting routes to other suitable habitat in the wider area. Given the limitations to the surveys, the importance of the boundary and adjacent habitats for foraging and commuting, the presence of rare and light averse species, and the likely presence of a nearby Nyctalus/serotine maternity roost to the south of the site, it is essential that there is no light spill onto adjacent habitats. A sensitive lighting scheme demonstrating the maintenance of dark corridors around the site, and lighting of other semi-natural habitats that may be used by bats (and other species such as dormice) to acceptable levels will be secured by condition.
- Breeding Birds and Barn Owls - Habitat suitable for breeding birds include buildings, dense scrub and grassland. One building on site (B7) offers low potential for nesting barn owls and eight further buildings offer potential as resting sites. No evidence of barn owls was recorded on site and as only 7.95% of the site offers sub-optimal foraging habitat, the site is unlikely to be a primary foraging resource. The recommendations in the EclA, including a pre-construction inspection of building B7, the removal of potential nesting habitat outside the breeding season, sensitive lighting and a replacement nesting location to be provided post-construction are supported and will be secured by condition.
- Hazel Dormouse – The proposed mitigation for Hazel Dormice includes enhancement of around 1.8ha of currently defunct hazel coppice/woodland within Ladies Mile Open Space Local Nature Reserve (LNR) which lies 1.8km east, but is connected to the site via continuous suitable habitat, provision of dormouse boxes, and boundary planting along the edges of the development site with species beneficial to dormice, using mature specimens. The revised EclA also provides details of the clearance of suitable vegetation within the site which is in line with best practice; and vegetation clearance will require a mitigation licence.
- Great Crested Newts and other amphibians – The site has moderate suitability for Great Crested Newts (GCNs) and the EclA states that GCNs are unlikely to be a constraint to development. This is agreed by the County Ecologist. Sensitive clearance of the site for reptiles is likely to be appropriate for the protection of common toad and other amphibians. Best practice safeguards put in place for badgers will also avoid amphibians becoming trapped during works.

- Reptiles - Surveys recorded good populations of common lizard and slow worm on site, with the presence of all age ranges indicating successful breeding. Slow worms were recorded throughout the site, whereas common lizard were largely restricted to the southern part of the site, with only one record from the north-east. As there is currently no physical boundary between the site and the adjacent allotments, it is likely that reptiles on site are part of a wider population across both sites. The revised EclA confirms that an off-site receptor site for reptiles will be secured. The revised EclA and Technical Note propose two potential options for off-site receptor sites, one of which is immediately north of the site and owned by Brighton & Hove City Council, and the other is a private site. The applicant has been in contact with Brighton & Hove City Council regarding the use of this site as a reptile receptor and the enhancement/creation of off-site habitat would be secured via a S106 agreement and relevant planning conditions. The trapping and translocation strategy proposed in the revised EclA is considered to be broadly acceptable.
- Other Species - A mammal hole recorded within dense scrub within the site is likely to be used by foxes, and evidence of foxes was found across the site. Whilst foxes are not specifically protected, it is recommended that the foxes are excluded from the den using humane techniques outside of the breeding season (c. January to June/July) to avoid an offence being committed under the Wild Mammals (Protection) Act 1996. The site is unlikely to support any other protected species. development, works should stop immediately and advice should be sought on how to proceed from a suitably qualified and experienced ecologist.
- In addition to the mitigation measures discussed above, the site offers potential for enhancements to help provide measurable Biodiversity Net Gain (BNG) and the revised Landscape General Arrangement Plan indicates the planting of native hedges, a green roofing system, and bird and bee boxes. However, the revised BNG Assessment concludes that the proposed development will result in a net loss of -59.27%, in part due to the large areas of car parking proposed on site for staff and operational requirements. Whilst conditions will be added to any planning consent to secure further on-site biodiversity enhancements where possible, there is a clear need for compensatory habitat to be delivered off-site to achieve 10% BNG. Three off-site options to deliver the creation of mixed scrub are proposed and the County Ecologist's favoured option is the option on Brighton & Hove City Council land north of the site as this site can also be combined with mitigation for reptiles (see above). The enhancement/creation of off-site habitat would be secured via a S106 agreement and relevant planning conditions.
- On the basis that further biodiversity benefits and habitat will be secured both on-site and off-site through planning conditions and a S106 agreement, it is considered that a 10% BNG can be achieved and the proposal would not conflict with policy DM37 of the City Plan Part Two. It should be noted that because this application was submitted in 2022, there is no legislative requirement to meet the 10% BNG requirement. However, policy DM37 requires measurable net gain and it was agreed

with the applicant that a minimum of 10% would be appropriate for this ecologically sensitive site.

Landscape and Arboriculture

- 9.81. Policy DM22 (Landscape Design and Trees) states, amongst other things, that *'development proposals will be required to retain, improve and wherever possible provide appropriate landscape elements/landscaping, trees and planting as part of the development...'*
- 9.82. The site is located close to the boundary of the National Park, albeit to the south of the A27 trunk road. Given the presence of the A27 and the existing vegetation that visually contains the site along its northern boundary, it is not considered that the setting of the SDNP would be significantly impacted by the development. The main building has a relatively low profile and is partly sunken into the site.
- 9.83. A Landscape and Visual Impact Assessment was submitted as part of the planning application which assessed the potential impact of the proposal from a series of key views and concluded that *'the proposed development will not alter the overriding composition of landscape elements or views. The existing enclosure that the site is afforded by vegetation and the embankments immediately adjacent to it will limit visibility of the proposed development...'*
- 9.84. This conclusion is not disputed by the County Landscape Architect and the South Downs National Park Authority, both of whom raise no objection to the application, subject to conditions securing specific planting details, tree protection measures, a Landscape and Ecological Management Plan, and further lighting details.
- 9.85. With regard to the more detailed soft landscaping plans for the site, these are as follows:
- Provision of evergreen shrubs and tree planting to replace removed trees along the southern boundary;
 - Tree planting along the western boundary to enhance and reinforce the existing tree belt immediately west of the site;
 - Sporadic tree planting along the northern edge of the site to reinforce the existing tree belt immediately north of the site.
 - Tree planting to the northern end of the eastern boundary the site, adjacent to the allotments.
 - Within the site is a combination of sparse and sporadic tree planting, a strip of wildflower meadow to the east and west of the proposed building, small areas of low sunny planting mix, grasscrete staff car parking spaces, and green roofs on the flat roofed elements of the building.
- 9.86. Overall it is considered that, subject to conditions, the impact of the proposed development on the surrounding landscape can be mitigated to a significant extent with much of the site being screened from public vantage points.
- 9.87. Having regard to existing trees on the site, a significant number of trees will be removed within the site although these are all category C (low quality) and

U (unsuitable for retention) trees. Additionally a significant number of category B (moderate value) trees along the front boundary need to be removed in order to provide the new access, as well as the accessible path and steps. These trees are not identified as individual trees in the applicant's tree survey but as a group of trees comprising approximately 16 trees plus understorey smaller trees and ground cover, and include wild cherry, sycamore, hawthorn and ash trees. The loss of these trees is regrettable and the trees provide some group value as well as a strongly defined tree belt that currently screens the site.

- 9.88. However, the Council's Arboricultural Officer has confirmed that there are no outstanding individual specimens within this group and a number of the trees within this area are expressing symptoms of ash dieback and would need to be removed regardless. Therefore, the loss of these trees is not considered so harmful as to warrant a refusal of planning permission. Additionally, as set out above, a number of new trees will be planted in this area but there will be less trees overall along the front boundary as part of the development and they will be smaller species.

Air Quality

- 9.89. Policy DM40 of the City Plan Part 2 states, amongst other things, that *'Planning permission will be granted for development proposals that can demonstrate they will not give rise nor be subject to material nuisance and/or pollution that would cause unacceptable harm to health, safety, quality of life, amenity, biodiversity and/or the environment (including air, land, water and built form). Proposals should seek to alleviate existing problems through their design.'*
- 9.90. The site is not located within an Air Quality Management Area. The proposed development would incorporate Air Source Heat Pumps and Royal Mail have indicated that there would be a fully electric Royal Mail fleet on site which would also help to reduce the impact on air quality as a result of the development. However, the acceptability of the scheme in relation to air quality is not dependent on the fleet vehicles being fully electric although this would be a significant benefit.
- 9.91. HGV trips to and from the site are not proposed to be electric and a significant amount of staff trips by car are likely to be with petrol or diesel vehicles.
- 9.92. An Air Quality Assessment (AQA) dated September 2022 was submitted as part of this planning application as well as further technical notes dated 27 June 2023 and 28 March 2024, responding to comments made by the Council's Air Quality Officer.
- 9.93. The AQA assessed air quality impacts during both the construction phase of the proposed development as well as the operational phase.
- 9.94. During the construction phase, the AQA identified that there is a Low to High Risk of dust soiling impacts (depending on the phase of construction with the greatest risk likely to occur due to earthworks) and a Negligible to Low Risk of increases in particulate matter concentrations due to construction activities.

However, the assessment notes that through good site practice and the implementation of suitable mitigation measures, the effect of dust and PM10 releases would be significantly reduced. The residual effects of dust and PM10 generated by construction activities on air quality are therefore considered to be insignificant. The residual effects of emissions to air from construction vehicles and plant on local air quality is also considered to be negligible. A Construction Environmental Management Plan will be secured by condition to ensure impacts during construction are minimised as far as is practicable.

- 9.95. In addition, a quantitative assessment of the potential impacts to air quality during the operational phase was undertaken to predict the changes in NO_x, PM10 and PM2.5 concentrations that would occur due to traffic generated by the Proposed Development.
- 9.96. The assessment concluded that although the proposed development would increase emission rates of NO_x, PM10 and PM2.5 by 17 - 19%, the annual mean NO₂, PM10 and PM2.5 concentrations at the existing receptors (i.e. residential properties) are not likely to exceed the relevant Air Quality Strategy (AQS) objective.
- 9.97. The Council's Air Quality Officer has confirmed that they are satisfied with the assessment (as amended by the later technical notes submitted by the applicant) and accept its conclusions and therefore raise no objection to the proposal. It is therefore considered that the proposal would have no significant impacts on air quality in the area and would not conflict with Policy DM40 of the City Plan Part 2.

Sustainability

- 9.98. Policy CP8 of the City Plan Part 1 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. The policy also requires all major and greenfield non-residential developments to achieve BREEAM Excellent standard.
- 9.99. Royal Mail have designed the proposed building to meet BREEAM 'Outstanding' which is welcomed and they are intending to achieve zero carbon in respect of operational energy use. Such sustainability targets are proposed to be achieved via the following measures:
- Good fabric U-values and low air permeability
 - Provision of heating and hot water by two Air Source Heat Pumps
 - Roof mounted solar PV array
- 9.100. The Council's Sustainability Officer has raised no objection to the proposals subject to the requisite conditions securing such measures.
- 9.101. In addition to the above measures, it should also be noted that the Royal Mail have indicated their fleet will be fully electric with charging points to each of the 132 operational parking spaces.

Other Considerations

- 9.102. A number of other issues not considered above have been raised in representations and are addressed here as follows:
- 9.103. *Land stability:* Whilst this issue has been raised by residents through consultation on the planning application, it has not been identified as a particular issue by consultees or in the information submitted with the application. Issues of structural stability in relation to the proposed development will be assessed as part of any Building Regulations application and this issue has not been given further consideration as part of this planning assessment.
- 9.104. *Impact on property values:* The impact on the value of nearby properties is not a planning consideration. However, the impacts that could lead to devaluation of property such as increased noise, light pollution, privacy, outlook etc. have been assessed in this report.
- 9.105. *Insufficient consultation by the applicant:* A Statement of Community Involvement was submitted with the planning application setting out the consultation undertaken prior to submission of the planning application. Such community engagement included the following:
- Creation of a website providing details on the proposal which was publicised through neighbourhood letters and local press adverts. The website also includes contact details for people to make their views known.
 - A letter was sent to 2,568 addresses within the identified consultation boundary
 - Press adverts in the Argus
 - Direct messages to those actively involved in the engagement process
 - Two Zoom webinars
 - A 3 week pre-submission consultation running between 27 January 2022 to 18 February 2022
 - Engagement with Councillors, the local MP and local stakeholders
- 9.106. It should be noted that whilst pre-application engagement with the community is encouraged it is not a legal requirement and the type and amount of consultation is not specifically prescribed.
- 9.107. *Restrictive covenant on the land preventing development:* This is a legal issue that is not a material consideration in the determination of this planning application.

10. CONCLUSION

- 10.1. Paragraph 11 of the NPPF makes it clear that planning application decisions should apply a presumption in favour of sustainable development.
- 10.2. As set out in this report, the principle of development on the site is considered acceptable given the site is allocated for employment uses, has been vacant

for a significant length of time, and would provide similar employment numbers to that associated with the Class E(g) (office) use the policy supporting text identifies for the site.

- 10.3. The proposal is considered to be of a high quality design in accordance with policy CP12 of the CPP1. Due to the scale of the proposal, the associated lighting and other infrastructure, and the loss of trees along the front of the boundary, it is considered that the proposed development would result in some harm to the Conservation Area and heritage assets within it. However, this harm is considered to be less than substantial and can be weighed against the public benefits of the proposal, specifically that it would help to ensure a large employer would remain in the City, retaining jobs and benefitting Brighton & Hove's economy, as well as helping to facilitate the release of key sites in the City centre for employment and housing. It is therefore not considered that the proposal would conflict with policy DM26 or DM29 of the CPP2.
- 10.4. It is not considered that the proposed development would have an unacceptable impact on the amenities of neighbouring properties in respect of outlook, privacy, noise, and lighting, subject to a number of conditions to help mitigate/reduce such potential impacts.
- 10.5. Subject to appropriate planning conditions, the abovementioned S106 and S278 works, and the implementation of Travel Plan measures, it is considered that the proposed development would not have an unacceptable impact on highway safety, and the residual cumulative impacts on the road network would not be severe.
- 10.6. It is also not considered that the proposed development would result in significant impacts on air quality in the area and the annual mean NO₂, PM₁₀ and PM_{2.5} concentrations at the existing receptors are not likely to exceed the relevant Air Quality Strategy (AQS) objective.
- 10.7. Although the site is located within Source Protection Zone 1, no objections have been raised by Southern Water and the Environment Agency subject to appropriate conditions to protect groundwater and further details regarding the drainage strategy. To reduce risk of flooding and prevent contamination of the water supply, drainage of the site will not be via infiltration but will instead include impermeable geocellular storage and attenuation with flow controls to slow down the rate of discharge to the manhole on Vale Avenue and London Road. The Council's Sustainable Drainage team have also confirmed that they have no objection to the proposal.
- 10.8. Whilst the proposal would result in a clear loss of biodiversity on the site, through various on-site ecological measures and off-site provision, a 10% biodiversity net gain can be achieved on site.
- 10.9. Subject to appropriate conditions regarding landscaping and lighting, it is not considered that the proposal would have a significant impact on the landscape, including the South Downs National Park. Whilst the loss of trees

along the southern boundary of the site to accommodate the new access, steps and accessible path is regrettable, this is not considered to warrant a refusal of planning permission and replacement trees will be planted along this boundary.

- 10.10. The proposal incorporates a number of sustainability measures to achieve BREEAM 'Outstanding' which is welcomed.
- 10.11. It is therefore considered that the proposed development complies with national and local planning policies and planning permission is therefore recommended subject to the completion of a s106 planning legal agreement and subject to the conditions within the report.

11. COMMUNITY INFRASTRUCTURE LEVY

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

12. EQUALITIES

- 12.1. Section 149(1) of the Equality Act 2010 provides:
 - 1) A public authority must, in the exercise of its functions, have due regard to the need to—
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 12.2. Officers considered the information provided by the applicant, together with the responses from consultees (and any representations made by third parties) and determined through an Equalities Impact Assessment that the proposal would not give rise to unacceptable material impact on individuals or identifiable groups with protected characteristics.
- 12.3. The proposed development has been designed to be accessible with a disabled access ramp into the site from Vale Road, a level access and a lift within the building.
- 12.4. Four Blue Badge car parking spaces are proposed as part of the development. Whilst the minimum requirement under SPD14: Parking Standards is 5

spaces, an additional space will be secured by a Car Park Layout Plan condition and Disabled Parking condition.

- 12.5. An Equalities Impact Assessment has also been undertaken by the Council for this planning application.

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.
3. The proposed development fails to provide a Travel Plan which is fundamental to ensure the promotion of safe, active and sustainable forms of travel and comply with policy CP9 of the Brighton & Hove City Plan Part One.
4. The proposed development fails to provide a mechanism (via a Section 106 legal agreement) to ensure the provision of necessary transport and highway works to satisfactorily mitigate its impacts or meet the travel demand created by the development. Without a section 106 agreement the necessary highway works could not be secured to ensure safe access to and egress from the site or the promotion of use of sustainable modes of transport including walking, cycling or the provision of a public route through the site. In addition, there would not be a mechanism to ensure the proposed highway works are carried out in a timely way or are safely designed. The proposal is therefore contrary to policies CP7, CP9, CP13, and CP18 of the Brighton and Hove City Plan Part One, DM33, DM35 and DM36 of the Brighton and Hove City Plan Part Two, the Council's Developer Contributions Technical Guidance and the NPPF.
5. The proposed development fails to provide a mechanism (via S106 legal agreement) for off-site biodiversity net gain and fails to secure a financial contribution for on-going assessment and monitoring of the biodiversity net gain measures. The proposal therefore fails to address the requirements of Policies CP7 and CP10 of the Brighton and Hove City Plan Part One or DM37 of City Plan Part Two and the council's Developer Contributions Technical Guidance 2020.
6. The proposed development fails to adequately mitigate its impact on air quality and is therefore contrary to policy DM40 of the City Plan Part 2.