

<u>No:</u>	BH2024/03124	<u>Ward:</u>	Whitehawk & Marina Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Brighton Co Operative Society Whitehawk Road Brighton BN2 5NS		
<u>Proposal:</u>	Alterations to fenestration on west elevation to create service hatch.		
<u>Officer:</u>	Jack Summers, tel: 296744	<u>Valid Date:</u>	17.01.2025
<u>Con Area:</u>	N/a	<u>Expiry Date:</u>	14.03.2025
<u>Listed Building Grade:</u>	N/a	<u>EOT:</u>	
<u>Agent:</u>	Wellsfield Associates 29 Tyrone Road Thorpe Bay Southend-on-Sea SS1 3HE		
<u>Applicant:</u>	The Co-operative Group Ltd Co-op Supermarket Whitehawk Road Brighton BN2 5NS		

1. RECOMMENDATION

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

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Proposed Drawing	3889.15	A	17-Jan-25

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

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

3. The service hatch hereby permitted shall be used only for the collection of orders by take-away delivery drivers between the hours of 06:00 and 23:00.

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

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant should be aware that whilst the requisite planning permission may be granted, this does not preclude the Council from carrying out an investigation under the Environmental Protection Act 1990, should any complaints be received.
3. The applicant is advised to contact permit.admin@brighton-hove.gov.uk if they wish to suspend parking outside the application site during the delivery and construction period.

Biodiversity Gain Plan

- 1.2. The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the "the biodiversity gain condition" that development may not begin unless:
 - (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
 - (b) the planning authority has approved the plan.
- 1.3. The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Brighton & Hove City Council.
- 1.4. Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun due to the fact that the permission which has been granted is for development which is exempt being development below the de minimis threshold, meaning development which:
 - i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
 - ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

2. SITE LOCATION

- 2.1. The application relates to a flat-roofed, commercial (a Co-op supermarket - planning use class E) detached building on a corner plot, on the eastern side of Whitehawk Road and southern side of Henley Road. The area is primarily residential but there is a large bus depot immediately north of the application site, a school to the south, and several shops and cafes on the west side of Whitehawk Road.

- 2.2. The boundary stone on the corner of Whitehawk Road and Roedean Road, a Grade II listed structure, is approximately 60m south of the application site.
- 2.3. A site visit has not been undertaken in this instance; however, the impacts of the development can be clearly assessed from the plans provided and from recently taken street-level and aerial imagery of the site.

3. APPLICATION DESCRIPTION

- 3.1. Planning permission is sought for alterations to the fenestration on the western (front) elevation, to install a service hatch for use by takeaway delivery drivers for collections, rather than them having to go into the store.

4. RELEVANT HISTORY

- 4.1. **BH2024/01997** Part-retrospective application for the installation of 2no parcel lockers to forecourt, external entrance ramp with raised trolley bay and raised entrance door, and extraction vents; and erection of single storey extensions, external ramp and mechanical plant to goods yard. Approved 10 December 2024.

5. MATERIAL CONSIDERATIONS

- 5.1. 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.
- 5.2. The development plan is:
 - Brighton & Hove City Plan Part One (adopted March 2016)
 - Brighton & Hove City Plan Part Two (adopted October 2022)
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013; revised October 2024)
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017)
 - Shoreham Harbour Joint Area Action Plan (adopted October 2019)

6. RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)

Brighton & Hove City Plan Part One (CPP1)

SS1 Presumption in Favour of Sustainable Development
CP2 Sustainable Economic Development

CP9	Sustainable Transport
CP10	Biodiversity
CP12	Urban Design
CP13	Public Streets and Spaces
CP15	Heritage

Brighton & Hove City Plan Part Two (CPP2)

DM18	High quality design and places
DM20	Protection of Amenity
DM23	Shop Fronts
DM29	The Setting of Heritage Assets
DM33	Safe, Sustainable and Active Travel
DM40	Protection of the Environment and Health - Pollution and Nuisance

Supplementary Planning Documents (SPD)

SPD02	Shop Front Design (2005)
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7. REPRESENTATIONS

- 7.1. Ten (10) representations have been received, objecting to the proposal on the following grounds:
- Noise Pollution
 - Light Pollution
 - Parking Stress
 - Pollution from vehicle exhausts
 - Increased potential for antisocial behaviour
 - Detrimental impact on property value
 - Business employees would have to work late hours

8. CONSULTATIONS

- 8.1. **Local Highway Authority** – No Objection
While there may be concerns regarding the availability of delivery parking, the nearby provision of Sheffield stands on Henley Road can adequately support short-term parking needs for cyclists.

9. CONSIDERATIONS & ASSESSMENT

The main considerations in the determination of this application relate to the impact on neighbouring amenity; the design and appearance of the proposed development, and impact on heritage features; and impact on the highway.

Impact on Amenities

- 9.1. As noted above, the site is within a largely residential area, so the creation of a hatch allowing the external collection of groceries has the potential to result in increased impact on neighbouring residents.

- 9.2. However, there would be no increase in activity at the site over what is presently permitted, including a delivery service and the associated mopeds and cars travelling to/from the site to collect groceries for delivery. The only operational difference would be delivery drivers waiting outside rather than inside the building. The development would therefore improve the efficiency of the business by reducing congestion inside.
- 9.3. The applicant has also confirmed that the business-operator would be willing to limit use of the service hatch to hours matching those of the general opening hours, which could mitigate concerns from residents about late-night deliveries causing disruption. Furthermore, the council will retain the authority to investigate under the Environmental Protection Act 1990, should any complaints be received.
- 9.4. Concerns have been raised that the proposed development would result in light nuisance to dwellings on the western side of Whitehawk Road as a result of light spilling through the hatch. However, this would be similar to the existing light spill through the glazed entranceway and is not considered to be harmful enough an increase to warrant refusal of planning permission.
- 9.5. On this basis, and subject to a condition to control operating hours, the scheme is considered acceptable in terms of impact on neighbouring amenity.

Design and Appearance and Impact on Heritage

- 9.6. The proposed development would be a minor physical alteration to the building and would be formed from similar materials so is not considered to result in more than a minor change to the appearance of the area.
- 9.7. As noted above the site is some 60m north of the Grade II listed boundary stone.
- 9.8. 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.
- 9.9. 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 should be given "considerable importance and weight".
- 9.10. The development site is considered to be sufficiently distant from the listed boundary stone that the development would have a neutral impact on its historic significance.

Impact on the Public Highway

- 9.11. As noted above, the scheme is not considered to result in or facilitate any increase in vehicles travelling to/from the site as the shop already operates a delivery service.
- 9.12. Concerns have been raised in representations that delivery vehicles will cause congestion and parking stress on the surrounding public highway but parking

bays in the vicinity of the site are adequate to accommodate delivery vehicles. Further, the site lies within a Controlled Parking Zone (CPZ) and unauthorised parking would be automatically managed. As noted above, Highways Officers are content that there are sufficient cycle parking facilities in the area for cycle deliveries.

Biodiversity Net Gain (BNG)

- 9.13. Based on the information available this permission is not considered to be one which would require the approval of a biodiversity gain plan before development is begun due to the fact that the permission which has been granted is for development which is exempt being development below the de minimis threshold, meaning development which:
- i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
 - ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

Other Considerations

- 9.14. Concerns have been raised that the proposed development would have a detrimental impact on property value, and that it would result in employees of the business being made to work unsocial hours, but these are not material planning considerations.

Conclusion & Planning Balance

- 9.15. The proposed development is considered to be acceptable in terms of appearance and the impacts it is anticipated to have on the amenities of local residents and highway safety. Hours of use for the hatch shall be secured by condition. For the foregoing reasons the proposal is considered to be in accordance with policies CP2, CP9, CP12, CP13 and CP15 of the Brighton and Hove City Plan Part One, and DM20, DM23, DM29, DM33 and DM40 of the City Plan Part Two.

10. EQUALITIES

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

determined that the proposal would not give rise to unacceptable material impact on individuals or identifiable groups with protected characteristics.

