

<b><u>No:</u></b>	<b>BH2025/00387</b>	<b><u>Ward:</u></b>	<b>Westdene &amp; Hove Park Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>182 Old Shoreham Road Hove BN3 7EX</b>		
<b><u>Proposal:</u></b>	<b>Shopfront alterations to doors, fascia and glazing, alterations to the servicing area with new loading bay and associated works.</b>		
<b><u>Officer:</u></b>	Steven Dover, tel:	<b><u>Valid Date:</u></b>	13.02.2025
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	10.04.2025
<b><u>Listed Building Grade:</u></b>	N/A	<b><u>EOT:</u></b>	10.06.2025
<b><u>Agent:</u></b>	Avison Young 65 Gresham Street London EC2V 7NQ		
<b><u>Applicant:</u></b>	Aldi Stores Limited c/o Agent Avison Young		

## 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.

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan	20302 THPK XX XX DR A 0100	P02	13-Feb-25
Block Plan	20302 THPK XX XX DR A 0115	P02	13-Feb-25
Proposed Drawing	20302-THPK-XX-XX- DR-A-0116	P02	13-Feb-25
Proposed Drawing	20302-THPK-XX-XX- DR-A-0118	P02	13-Feb-25
Proposed Drawing	20302-THPK-XX-XX- DR-A-0119	P02	13-Feb-25
Proposed Drawing	20302-THPK-XX-XX- DR-A-0120	P03	19-May-25
Report/Statement	TRANSPORT ASSESSMENT		13-Feb-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. Unless otherwise agreed in writing with the Local Planning Authority, the hard surface of the external landscaping hereby approved, shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.  
**Reason:** To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policies CP8 & CP11 of the Brighton & Hove City Plan Part One and DM42 and DM43 of the Brighton & Hove City Plan Part Two and SPD16: Sustainable Drainage.
4. The loading bay alterations and ramp hereby permitted shall not be first used until a Delivery & Service Management Plan, which includes details of the types of vehicles, how deliveries servicing and refuse collection will take place and the frequency of those vehicle movements, has been submitted to and approved in writing by the Local Planning Authority. 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.
5. No servicing (i.e. deliveries to or from the premises) shall occur except between the hours of 06.00 and 23.00 Monday to Saturday, and 08.00 to 20.00 on Sundays, Bank or Public Holidays.  
**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.
6. The development hereby permitted shall incorporate at least three (3) swift bricks/boxes within the external walls which shall be retained thereafter.  
**Reason:** To enhance the biodiversity of the site and to comply with Policy DM37 of Brighton & Hove City Plan Part 2, Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.
7. At least one bee brick shall be incorporated within the external wall of the development hereby approved and shall be retained thereafter.  
**Reason:** To enhance the biodiversity of the site and to comply with Policy DM37 of Brighton & Hove City Plan Part 2, Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.
8. No additional external lighting shall be installed within the site until the following details have been provided:
  - i. details of levels of luminance, hours of use, predictions of both horizontal illuminance across the site and vertical illuminance affecting immediately adjacent receptors, hours of operation and details of maintenance have been submitted to and approved in writing by the Local Planning Authority.
  - ii. the predicted illuminance levels have been tested by a competent person to ensure that the illuminance levels agreed in part1 are achieved. Where

these levels have not been met, a report shall demonstrate what measures have been taken to reduce the levels to those agreed in part i).

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

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

9. The store premises shall not be open for trading to public customers except between the hours of 08:00 to 22:00 Monday to Saturday and 10:00 to 16:00 hours on Sundays, Bank and Public Holidays.

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

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant is advised that advice regarding permeable and porous hard surfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens'.
3. Swift bricks/boxes can be placed on any elevation, but ideally under shade-casting eaves. They should be installed in groups of at least three, at a height of approximately 5 metres above ground level, and preferably with a 5m clearance between the host building and other buildings or obstructions. Where possible avoid siting them above windows or doors. Swift bricks should be used unless these are not practical due to the nature of construction, in which case alternative designs of suitable swift boxes should be provided in their place where appropriate.
4. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level and preferably adjacent to pollinator friendly plants.
5. The applicant should be aware that whilst the requisite planning permission may be granted, this does not preclude the department from carrying out an investigation under the Environmental Protection Act 1990, should any complaints be received.
6. The applicant is advised that whilst the requisite planning permission may be granted for the proposed external alterations to the unit, the proposed signage, detailed on the drawings for information only, requires a separate application for advertisement consent.

Biodiversity Net Gain

Based on the information available, this permission is considered to be one which will not require the approval of a biodiversity gain plan before development

is begun because one or more of the statutory exemptions or transitional arrangements are considered to apply. These can be found in the Environment Act 2021.

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that, unless an exception or a transitional arrangement applies, the planning permission granted for the development of land in England is deemed to have been granted subject to the condition ("the biodiversity gain condition") that development may not begin unless:

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

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan in respect of this permission would be Brighton & Hove City Council.

## **2. SITE LOCATION**

- 2.1. The application site is located in the northern most part of in the St Joseph's industrial estate located on the southern side of Old Shoreham Road. The building was last occupied by a 'Homebase' retail store which falls under retail Use Class E (a). It ceased operation in early 2025, and the site is currently vacant.
- 2.2. Part of the application site (southern loading bay area and car parking) is allocated within the adopted City Plan Part 1 as one of 13 safeguarded primary industrial estates and business parks across the city and protected for business, manufacturing and warehouse uses (Policy CP3). The main body of the site which encompasses the existing building and the retail floorspace it contains, lies outside (to the north) of the safeguarded industrial estate designation.

## **3. RELEVANT HISTORY**

- 3.1. **BH2016/01038** - Certificate of Lawfulness for existing use of the floorspace for any purpose within use class A1. Granted 25 May 2016  
*Excerpt from officers report: The site visit to the application site confirmed that the current premises is trading in line with the Variation of Condition application approved in 1996 and that this consent has been fully implemented. Given the Inspectors decision as above, it is considered that the lack of planning conditions on this application does therefore not restrict the range of goods that may be sold from the retail premises.*  
*For these reasons it is considered that the existing use of the floorspace is in use for any purpose within class A1.*
- 3.2. **BH2014/04315** - Application for variation of condition 10 of planning permission 3/92/0057(F) to extend the range of goods to be sold to allow the sale of non-food goods by a catalogue showroom retailer up to a floor space of 185 square metres of the existing sales area. Approved 22 May 2015

- 3.3. **BH2005/06289** - Variation of condition 10 of planning permission ref: 3/92/0057 (F) to extend the range of goods to be sold by unit 1(Homebase), to include domestic electrical goods, furniture and carpets, and motor accessories. Approved 27 January 2005
- 3.4. **3/92/0057** - Demolition of 180 Old Shoreham Road and erection of two retail warehouse units, one with an external garden centre, within class A1 of the town and country planning (use classes) order 1987, and the erection of an ambulance station. The construction of new accesses and associated highway works, together with the provision for servicing, car parking and landscaping. Approved 18 March 1992
- 3.5. There are other previous applications on the site however they are not relevant to this application.

#### **4. APPLICATION DESCRIPTION**

- 4.1. Planning permission is sought for shopfront alterations to doors, fascia and glazing, with alterations to the servicing area and new loading bay and associated works.
- 4.2. The application is made on behalf of Aldi Stores Limited. No change of land use is proposed, or required, as the site already has retail use as is set out in this report.

#### **5. REPRESENTATIONS**

- 5.1. Objections from **(5)** individuals have been received, raising the following issues:
- Increased congestion/ not enough highway capacity
  - Highway safety concerns over existing junctions
  - Safety impacts for pedestrian and cyclists
  - Do not need another supermarket, others in proximity
  - Loss of DIY store
  - Noise
  - Residential amenity
  - Overshadowing
  - Poor design
  - Light pollution
  - Detrimental effect on property value
  - Overdevelopment
- 5.2. Support from **four (4)** individuals has been received raising the following issues:
- Welcome refurbishment of site
  - Regeneration and new jobs
  - Good to have a pedestrian accessible food store to walk too

- 5.3. Comment from **Brighton & Hove Buses** has been received raising the following issues:
- Broadly support the development, and making local amenities more accessible
  - Concerned re the Junction Capacity of Old Shoreham/Sackville Road, and this should be reviewed by the LHA
  - Request enhancements to the northbound and Westbound bus stops, including shelter, real-time information, and accessible infrastructure to facilitate pedestrian and sustainable modes of transportation.
  - A Servicing Management Plan to avoid conflict with bus operations and peak traffic flows

## 6. CONSULTATIONS

### Internal:

- 6.1. **Environmental Health:** Approve subject to conditions  
The proposal may result in increased movements, noise from plant and illumination. Therefore, conditions in respect noise levels are required, a delivery service management plan should be provided and agreed, and all details for external lighting should be conditioned prior to first use of the development.
- 6.2. **Planning Policy:** Approve subject to appropriate conditions regarding opening times and deliveries  
The site was formerly in use as a Homebase store, which closed after entering administration in early 2025. Relevant to this application is the historic consent under application BH2016/01038 "Certificate of Lawfulness for existing use of the floorspace for any purpose within use class A1." Consequently, the previous unit has no planning restrictions on the type of retail use allowed to operate at this site. From a planning policy perspective, there are considered to be no conflicts with CPP1 policy CP4 Retail Provision or paragraphs 91-95 of the NPPF.
- 6.3. **Sustainable Transport:** Second response - Further information required  
The applicant proposes the removal of the mezzanine, the creation of a new shop entrance with a lobby, and the introduction of a new delivery bay with the express purpose of changing the occupancy of the site from a home goods retailer to a food store. These changes are likely to result in a change and increase in traffic demand however the impacts cannot be fully assessed with the documents currently submitted. Also, considering the comments from Brighton and Hove Buses, the LHA would request additional transport information.
- 6.4. First response - No objection  
Following a detailed review of the submitted information, no highway safety concerns have been identified in relation to the proposed servicing arrangements. The manoeuvres can be undertaken safely within the site boundaries without adversely affecting the public highway.

- 6.5. As such, the proposed servicing strategy is considered acceptable, and the planning application is deemed to be supportable from a highway perspective.

External:

None received.

## **7. MATERIAL CONSIDERATIONS**

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

- 7.2. The development plan is:

- Brighton & Hove City Plan Part One (adopted March 2016)
- Brighton & Hove Local Plan 2005 (retained policies March 2016);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013; revised October 2024);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
- Shoreham Harbour JAAP (adopted October 2019).

## **8. POLICIES**

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
SA6	Sustainable Neighbourhoods
CP2	Sustainable economic development
CP3	Employment land
CP4	Retail provision
CP8	Sustainable Buildings
CP9	Sustainable transport
CP10	Biodiversity
CP11	Flood risk
CP12	Urban design
CP13	Public streets and spaces
CP18	Healthy city

Brighton & Hove City Plan Part Two

DM11	New Business Floorspace
DM12	Regional, Town, District and Local Shopping Centres
DM18	High quality design and places
DM20	Protection of Amenity
DM23	Shop Fronts
DM33	Safe, Sustainable and Active Travel
DM35	Travel Plans and Transport Assessments
DM36	Parking and Servicing

DM37	Green Infrastructure and Nature Conservation
DM40	Protection of the Environment and Health - Pollution and Nuisance

Supplementary Planning Documents:

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

## **9. CONSIDERATIONS & ASSESSMENT**

- 9.1. The main considerations in the determination of this application relate to the principle of the development, impact on the character and appearance of the existing property, streetscene and surrounding area, additional to the impacts on neighbouring property, transport issues and sustainability.

- 9.2. An officer site visit has been undertaken, and the impacts of the proposal can also be clearly assessed from the plans, photographs and from recently taken aerial imagery of the site.

**Principle of development and land use:**

- 9.3. The proposal is for shopfront alterations and changes to the existing loading bay with associated works only. No change of use is applied for as part of the application.
- 9.4. Until recently, the site was previously used as a 'Homebase' retail store (selling home improvement goods) which would fall within Use Class E(a), and the LPA consider that the site remains within that use class. The new operator of the site would be 'Aldi' which also would be operating as a retail store (selling food predominantly), and the LPA consider this would also fall within Use Class E(a). On this basis, no material change of use class is occurring (which would require planning permission) as both the existing and proposed uses are within Use Class E (Commercial, Business and Service). The store has been vacant since the former Homebase Store closed due to going into administration.
- 9.5. It is noted that comments have been received that a food store use is not needed or appropriate in this location and the existing 'Homebase' D.I.Y. style store should remain. The LPA is understanding of these comments but no change of use is occurring, and the site has no restrictions on the type of goods sold within the floorspace of this unit. This was confirmed in a Certificate of Lawfulness for existing use under application number BH2016/01038, which confirmed the unit can be used to sell any type of goods within the superseded Use Class A1, which has now been incorporated into Use Class E.
- 9.6. Therefore, the principle of use of the unit as a retail store has already been established, and it has been confirmed by the LPA that no restrictions apply to the goods which can be sold under that class specific to this unit.



- 9.7. The southern part of site (loading bay and delivery area) is allocated within the adopted City Plan Part 1, Policy CP3 Employment Land, as part of one of 13 safeguarded primary industrial estates and business parks across the city and protected for business, manufacturing and warehouse uses. The site falls within the St Josephs Close industrial estate, Old Shoreham Road.
- 9.8. Given that no change of floorspace, or car parking is occurring within the protected area of the industrial site, the application is not considered to have any adverse impacts on the safe guarded employment site, and is considered acceptable.
- 9.9. The development would help facilitate back into use a large retail store and the employment associated with it. No change in the ground floor retail space is proposed and the development is considered to meet the requirements of CP3 and CP4 of the Brighton and Hove City Plan Part One. It is noted that the comparatively small existing internal mezzanine floor area would be removed as part of the internal changes, which appears to have been used for back-office operations by the Homebase store.

**Design and Appearance:**

- 9.10. The existing main building and car park area on site would remain with no significant changes to the footprints of either. The loading bay to the south of the main building would undergo changes to layout, with removal of two external canopy areas and some internal fencing. A new loading bay ramp and bin store would then be created. No changes to the access points or the boundary would occur. The changes to the loading bay are considered acceptable in appearance, with no harm to the host property and as located in the southern area of the site, cause no harm to the main industrial estate as predominantly commercial and light industrial with a varied appearance.
- 9.11. The elevations of the building would undergo changes, particularly to the east, which faces onto the existing car park, and to the north, which faces towards Old Shoreham Road. To the east, which houses the sole customer entrance, this would be expanded with a larger glazed area to the main entrance which would extend to the south and north of the current. The frames of these windows would be full height, comparative with the existing, but of a differing design, aluminium and finished in an anthracite grey colour (RAL 7016). The existing supporting columns, main canopy, and dormers would also be painted anthracite grey to match the new shopfront frames. Minor changes to the other doors would take place on this elevation with a removal and relocation to the south. The appearance of the revised entrance and east elevation is considered acceptable for this building in terms of scale, style and detailing and would cause no harm to the host property or wider public realm.
- 9.12. The northern elevation would undergo greater alterations, with the removal of a small area of the footprint located under the existing canopy, which houses two doors and provides private internal access to the main building. This area of the elevation removed would be replaced by full height glazing to match that proposed on the eastern elevation and would extend to both sides of the canopy. Two smaller new windows would be installed to west of the new full height

glazing. Again, the existing supporting columns, main canopy, and dormers would also be painted anthracite grey to match the proposed glazing.

- 9.13. The removal of the existing private entrance area, and replacement with large glazed areas is acceptable from a design perspective as it opens up and enlivens what is currently a blank brick façade. It is considered to improve the appearance of the building in the public realm as this elevation faces onto the Old Shoreham Road, and although set back and at a lower ground level, it has visibility, particularly when the surrounding vegetation is effectively maintained.
- 9.14. To the south elevation, changes would occur to the existing canopies and loading bay as described above. To the west elevation (predominantly occupied by another retail store) a door is reduced in size and a small new window installed.
- 9.15. Overall, the design is considered appropriate for the host property and would exemplify the branding of the operator with no harm to the character of the application site or surrounding area, so is considered to be in accordance with policies DM18, DM23 and DM21 of the Brighton and Hove City Plan Part Two and policy CP12 of the Brighton and Hove City Plan Part One.

**Impact on Amenity:**

- 9.16. Policy DM20: Protection of Amenity, states: "Planning permission for development including change of use will be granted where it would not cause unacceptable loss of amenity to the proposed, existing and / or adjacent users, residents, occupiers or where it is not liable to be detrimental to human health". Policy DM40 seeks to protect amenity from noise, pollution etc.
- 9.17. The agent has submitted details of how the new loading bay will operate and Council Transport Officers have assessed this element as acceptable from a highway safety perspective, as detailed below in the sustainable transport section. In addition, Environmental Health Officers assessed the area as acceptable subject to a Delivery and Service Management Plan (DSMP), and a restriction on hours of delivery.
- 9.18. The LPA consider in this case that the imposition of a condition to supply a DSMP and condition hours of delivery is appropriate to ensure the amenity of nearby residents, which although not in close proximity to the loading bay, maybe disturbed by the noise created through braking and accelerating of delivery vehicles at the junction of the industrial estate and Old Shoreham Road, in the event that deliveries could continue throughout the night.
- 9.19. The agent has supplied details of proposed delivery hours and agreement to provide a DSMP for approval by the Local Planning Authority, which will be ensured via condition, which would then be implemented. The proposed delivery hours which the agent confirms are typical for Aldi are as follows:
  - Monday to Friday: 06.00 - 23.00
  - Saturday: 06.00 - 23.00
  - Sunday: 08.00 - 20.00

- 9.20. On balance, these delivery hours are considered acceptable and would be an improvement over the current situation for use of the unit, which has no restriction on delivery hours.
- 9.21. The existing unit currently has no restrictions on the customer opening hours, and whilst no change of use class is occurring as a result of this application, the agent has confirmed that the likely customer opening hours of the Aldi store would be:
- Weekdays: 08.00 - 22.00
  - Saturdays: 08.00 - 22.00
  - Sundays: 10.00 - 16.00
- 9.22. These are considered appropriate and provide reassurance as to how it is proposed to operate the store, and the applicant is agreeable to these being conditioned.
- 9.23. The unit is sited within the existing industrial park, with no residential properties in direct close proximity, and considering the above, together with conditions recommended to restrict delivery hours with a management plan, the application is considered acceptable with regards to amenity impacts. The development is therefore considered to comply with policies DM20 and DM40 of the Brighton and Hove City Plan Part 2.
- 9.24. The Environmental Health Officer has commented that the plant associated with the store should be conditioned to ensure that no noise sensitive premises or receptors would be adversely affected, however no additional plant is shown on the supplied plans or forms part of the current application. In the event new plant is required to service the store then a planning application and supporting evidence would need to be supplied as normal for approval by the LPA as required.
- 9.25. In addition, comment has been made by objectors and Environmental Health Officers about the possible increase or alteration of lighting on the building and car park. Any proposed signage or illumination of the same does not form part of the current application. The agent has confirmed signage would be applied for as a separate advertisement application and considered fully at that point by the LPA, in relation to the impacts if any on surrounding properties. The existing car park spaces do not form part of the current application, and no changes are therefore proposed to the current situation. Any future lighting can be conditioned, and would be considered fully at that point by the LPA, in relation to the impacts if any on surrounding properties.
- 9.26. The proposed increase in glazing to the north and east elevations would increase the amount of potential overlooking to the front elevation of neighbouring residential properties on the opposite side of Old Shoreham Road and to the rear elevations of those properties on Leighton Road. The increase is not considered to cause a significant harm as it would not provide elevated views, as all serving ground floor areas of the unit, and would be a significant distance from the elevations of these properties. To the north the front elevations of Old Shoreham Road are circa 32m at the closest point, with the four-lane

highway separating the buildings, and the retail unit located at a lower land level. To the east and the rear elevations of Leighton Way, the distance is circa 36m.

- 9.27. It should be noted that the granting of this planning permission would not prohibit the Environmental Health team acting against 'statutory nuisance' under the Environmental Protection Act 1990 if this was required in the future, due to concern regarding deliveries, noise or other aspects that could cause harm to the amenity of neighbours or members of the public.

**Sustainable Transport:**

- 9.28. The site is sustainably located within the urban area and is served by public transport (including nearby bus stops), vehicular and pedestrian/cycle access. There is also a large car park as part of the wider site serving the store.
- 9.29. The site is within an existing industrial estate and the Local Highway Authority (LHA) have confirmed they have no concerns regarding the changes to and operation of the loading bay, and that manoeuvres can be undertaken safely without adverse impacts on the public highway. As stated above, a condition would also be imposed for a DSMP to ensure the amenity and safety of the site is maintained.
- 9.30. Following comments received from Brighton and Hove Buses, relating to the current junction arrangements and potential offsite enhancements, the LHA have requested further information, as they consider that there is likely to be a change and increase in the amount of traffic using the site as a result of the operation of a supermarket. In particular, they have asked for a scoping appraisal for a Transport Assessment.
- 9.31. The LPA, however, consider that a request for further information cannot be justified, given that no change of land use is occurring. The site/unit can already, technically, operate as a food retail store, with no planning permission or further consideration from the LPA or approval from the LHA, as no change of use would be occurring within use classes. No restrictions currently apply to the site in terms of what can be sold, or the hours of operation, and they could operate the site without the works to the delivery yard, which are being done solely to improve efficiency, or the external alterations, which are for aesthetic and branding reasons.
- 9.32. The external alterations require planning permission, but no increase in the operational floorspace is occurring, and no changes are proposed to the existing access points to the site or the amount of car parking that is associated with the site. The LPA also notes the site forms part of the existing industrial estate, and is accessed from the Old Shoreham Road via a combined highly controlled junction that serves the whole of the estate.
- 9.33. Taking these elements into account, particularly that no change of use class is occurring, and the site has a 'fallback position' to operate as a food retail store immediately, the LPA do not consider that impacts of the proposed development would be so significant or lead to a material change in the character of traffic

generated from the site, which would justify refusal on the basis of a failure to supply the requested information to the LHA.

- 9.34. The LPA notes the comments from interested parties regarding the consideration of the existing junctions, bus stops and sustainable safe transport. This can be addressed by the LHA separately to the planning application, as part its on-going role overseeing and managing the highway network. The LHA have confirmed they are currently investigating the issued raised by the bus company. There would be scope, for example, to alter timings of the traffic lights if this was needed.
- 9.35. Taking all of the above into account, the supplied transport information is considered sufficient for the form of application and the development for which planning permission is required in the current application. Therefore, the scheme is considered to comply to CP9 of City Plan Part One and DM33, DM35 and DM36 of City Plan Part Two in this regard.

#### **Biodiversity**

- 9.36. The Council has adopted the practice of securing minor design alterations to schemes with the aim of encouraging the biodiversity of a site, particularly with regards to protected species such as bumblebees. Given the external alterations proposed as part of the application, suitably worded conditions will be attached to secure an appropriate number of bee bricks and swift bricks are incorporated within the proposal, in order to help meet the requirements of policies CP10 of the CPP1 and DM37 of the CPP2 as well as Supplementary Planning Document 11: Nature Conservation.

#### **Conclusion**

- 9.37. The proposed works are considered to improve the appearance of the unit overall in the public realm and bring no visual harm to the host property or wider area. The changes to the loading bay are acceptable from a highway impact and safety perspective. No significant adverse impacts are identified to neighbour's amenity, subject to compliance with recommended conditions. No change of use is occurring and no restrictions regarding the sale of goods apply to the current unit, and the development would bring a large vacant store back into use for the City.
- 9.38. In conclusion the scheme accords with development plan policy and taking into account planning policy and material considerations, including the NPPF, approval is recommended.

## **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.
- 10.3. Level access to the unit would be retained.

**Biodiversity Net Gain**

- 10.4. This scheme was considered exempt from the need to secure mandatory biodiversity net gain under Schedule 7A of the TCPA because It does not impact a priority habitat or habitat of more than 25sqm or 5m of linear habitat.

**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 (if relevant) will be confirmed in the CIL liability notice which will be issued as soon as it practicable after the issuing of planning permission.