

<u>No:</u>	BH2025/02142	<u>Ward:</u>	Patcham & Hollingbury Ward
<u>App Type:</u>	Removal or Variation of Condition		
<u>Address:</u>	Patcham Court Farm Vale Avenue Brighton BN1 8YF		
<u>Proposal:</u>	Application to vary conditions 1, 9, 10, 11, 12, 13 and 30 of planning permission BH2022/02232 (as amended by BH2025/01893) to allow for revisions to approved storage and distribution building and site layout.		
<u>Officer:</u>	Ben Daines,	<u>Valid Date:</u>	29.08.2025
	tel:		
<u>Con Area:</u>		<u>Expiry Date:</u>	28.11.2025
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	Stantec 50/60 Station Road Cambridge CB1 2JH		
<u>Applicant:</u>	Royal Mail Group C/O Stantec 50/60 Station Road Cambridge CB1 2JH		

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 as set out hereunder, and subject to the S106 agreement for planning application BH2022/02232 which also applies to this S73 application.

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	12-1441-01-BDO-HLM-00-00-D-A-00101 P01		29-Aug-25
Proposed Drawing	12-1441-01-BDO-HLM-00-00-D-A-00001 P07		17-Nov-25
Proposed Drawing	12-1441-01-BDO-HLM-00-00-D-A-00102 P01		29-Aug-25
Proposed Drawing	12-1441-01-BDO-HLM-00-00-D-A-0014 P07		17-Nov-25
Proposed Drawing	12-1441-01-BDO-HLM-01-ZZ-D-A-0031 P01		29-Aug-25
Proposed Drawing	12-1441-01-BDO-HLM-00-ZZ-D-A-00200 P01		29-Aug-25

Proposed Drawing	12-1441-01-BDO-HLM-01-00-D-A-0011 P07		17-Nov-25
Proposed Drawing	12-1441-01-BDO-HLM-01-00-D-A-00012 P02		29-Aug-25
Proposed Drawing	12-1441-01-BDO-HLM-01-LG-D-A-00012 P07		17-Nov-25
Proposed Drawing	12-1441-01-BDO-HLM-01-LG-D-A-0011 P07		17-Nov-25
Proposed Drawing	12-1441-01-BDO-HLM-01-R1-D-A-0011 P02		29-Aug-25
Proposed Drawing	BDO-MMD-XX-00-DR-C-0001 P08		29-Aug-25
Proposed Drawing	BDO-HLM-00-00-D-L-0002 P03		29-Aug-25
Proposed Drawing	BDO-HLM-00-00-D-L-0003 P04		29-Aug-25
Report/Statement	BARN OWL REPORT		29-Aug-25
Report/Statement	BADGER SURVEY REPORT		29-Aug-25
Report/Statement	ARBORICULTURAL METHOD STATEMENT		29-Aug-25
Report/Statement	BIODIVERSITY NET GAIN REPORT		29-Aug-25
Report/Statement	ECOLOGICAL IMPACT ASSESSMENT		29-Aug-25
Report/Statement	FLOOD RISK ASSESSMENT		29-Aug-25
Report/Statement	NOISE IMPACT ASSESSMENT		29-Aug-25
Report/Statement	TRANSPORT ASSESSMENT		29-Aug-25

2. The development hereby permitted shall be commenced before 13 January 2028.

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 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 (including security fencing) to include type, position, design, dimensions and materials;
- Any trees or plants which 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. The scheme to protect retained trees shall be undertaken in strict accordance with the approved Arboricultural Method Statement dated August 2025 (WSP) that forms part of this consent.
- 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. All tree protection monitoring and site supervision shall be undertaken in strict accordance with the approved Arboricultural Method Statement dated August 2025 (WSP) that forms part of this consent.
- 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. The development hereby approved shall be carried out in accordance with the CEMP Biodiversity report approved under application BH2025/00114 unless otherwise approved in writing by the Local Planning Authority.
- 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. The development hereby approved shall be carried out in strict accordance with the Biodiversity Method Statement approved under application BH2025/00114 unless otherwise approved in writing by the Local Planning Authority.

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. The development hereby approved shall be carried out in strict accordance with the Ecological Design Strategy approved under application BH2025/00114 unless otherwise approved in writing by the Local Planning Authority.

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 in accordance with policy CP10 of the City Plan Part One and policy DM37 of the City Plan Part Two.

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. The condition would also comply with policy CP10 of the City Plan Part One and policy DM37 of the City Plan Part Two.

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, scooter parking and charging, disabled parking, visitor parking, loading bays, 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
 - Site maintenance
 - Speed limits
 - Driver training including measures to minimise door slams, tailgate drops and trolley/cage noise during sensitive hours (23:00 to 07:00); and signage and briefings for staff/contractors on quiet-hours conduct.
 - A complaints response protocol with logging and corrective actions
- Reason:** In order to ensure that the safe operation of the development and the 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. All HGV loading and unloading shall take place only at the dock levellers shown on the approved plans. External yard loading, cargo tipping or cage handling is prohibited except in an operational emergency. Dock doors/shutters shall be kept closed except for ingress/egress of vehicles and personnel.

Reason: To safeguard the amenities of the locality 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 barriers set out in Figures 6-1 and 6-2 of WSP report no 70086336-RP-AC-006 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 development shall not be brought into use until the noise barriers are 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 inline 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 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. the anticipated peak discharge rates, 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 the Brighton & Hove City Plan Part 2.

41. Not used.

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 and green walls 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 and walls 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) 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, further details regarding its 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.

47. No tonal “bleeper” type reversing alarms or audible horn tests shall be used on the site. Where reversing alarms are required by law, only broadband (“white noise”) alarms, set to the minimum practicable level, may be used. No external public-address (PA) systems are permitted.

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

48. Unless otherwise agreed in writing, within 3 months of first operation, the operator shall submit a verification survey by a competent person confirming that site-attributable external LAFmax from HGV movements at the most exposed NSR does not exceed 60 dB more than ten (10) times in any night (23:00–07:00) under typical operating conditions (free-field, façade correction stated, weather-screened data). Where exceedance is evidenced and attributable to site operations, a remedial scheme (e.g., further barrier

optimisation, yard speed control, brake practice, scheduling) shall be submitted within 2 months and implemented as approved.

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

49. Unless otherwise agreed in writing, within 3 months of first use, the operator shall submit a BS 4142 compliance survey (including methodology, raw/time-history data, meteorology, feature corrections and uncertainty) demonstrating that the site-wide rating level from combined fixed plant and typical vehicle movements does not exceed the representative background level at the façades of the nearest dwellings during:

- Night-time: 01:00–02:00 and 03:00–04:00 (15-min assessments); and
- Daytime: 07:00–08:00 (1-hr assessment).

Where exceedance is identified, a mitigation scheme and programme shall be submitted within 2 months and implemented as approved.

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

50. No external PA systems, tannoy announcements, or music amplification shall be installed or operated on the site without prior written approval of details (including sound power, directivity, usage windows, controls) by the LPA.

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

51. All acoustic measures and equipment (including barriers, dock door seals, door closers, yard surfacing and any plant acoustic enclosures) shall be maintained in an effective condition for the life of the development. Any defects that could materially reduce acoustic performance shall be made good within 28 days of discovery.

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 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 0330303 0119), or www.southernwater.co.uk
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.

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.

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).
14. Noise survey methods: Post-completion surveys should follow good practice: competent person, Class 1 meters, windshield, weather screening (gusts <5 m/s), free-field with façade adjustments stated, feature corrections applied where present, and uncertainty addressed (see WSP Appendix E approach).
15. The operator is encouraged to maintain a 24/7 contact for residents, log all complaints, investigate within 5 working days, and report outcomes to the LPA on request.

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 that 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 South Downs 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 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 from the road linking the A27 to the A23 is via a left turn only access.

3. RELEVANT HISTORY

- The planning history directly relevant to this S73 application is as follows:
- 3.1. **BH2025/01893:** Non-material amendment to application BH2022/02232 to amend the description of the approved development to read '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'. **Approved** 5 September 2025
 - 3.2. **BH2025/00114:** Application for approval of details reserved by conditions 11 (CEMP - Biodiversity), 12 (method statement for protection of certain species & habitats) and 13 (ecological design strategy) of application BH2022/02232. **Approved** 19 February 2025
 - 3.3. **BH2025/00087:** Application for approval of details reserved by conditions 9 (scheme for protection of retained trees) and 10 (tree protection monitoring) of application BH2022/02232. **Approved** 19 February 2025
 - 3.4. **BH2022/02232:** 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. **Approved** 13 January 2025

4. APPLICATION DESCRIPTION

- 4.1. This planning application is submitted under S73 of the Town and Country Planning Act and proposes amendments to planning permission BH2022/02232 which had the following description:

'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.'

- 4.2. The proposed amendments to the above consent include the following:

4.3. Site Layout

- The HGV docking point is to be moved from the north end of the building to a location closer to the southern end of the building. A new visual barrier with a green wall is proposed to screen the HGV docking area.
- The operational parking area is to be reconfigured and regraded to ensure it is level.
- Alterations to levels around the site incorporating a general lowering of the site with an associated need for additional retaining walls.
- Relocation of 4 disabled spaces from the staff car parking area at the front of the site to the rear of the building.
- Realignment of accessible pedestrian access which enables green planting/screening between the site and Vale Avenue.
- Cycle storage centralised into one building located on the western side of the main distribution building and green roof added and
- Relocation of substation from west to east side of the main building.

4.4. Design, scale and layout of building

- A reduction in the overall height of the distribution building due to the lowering of ground levels across the site to create level access from the operational car park.
- Simplifications to the design of the building to include provision of a full pitch across the entire building and the removal of the front green-roofed projecting element and rear green-roofed canopy.
- Small northward extension of the main distribution building.
- Roof lights and external access stair removed.
- Reduced number of PV panels due to alterations to the electrical and mechanical strategy, and.
- Alterations to the internal layout so all the operations are on one floor (ground floor). The lower ground floor now only includes the proposed staircase and lift up to the ground floor.

4.5. Other alterations

- Extension of the secure fence line around the southern and western boundary and the vehicular access gate moved closer towards the Vale Avenue site access.
 - Omission of the back-up generator and wash/air/water points
 - Omission of swales adjacent the operational yard along the eastern boundary and other alterations to drainage strategy due to reconfiguration of operational yard, and
 - Removal of express maintenance vehicle facility and jet wash
- 4.6. Amendments are also proposed to the wording of conditions 9 and 10 (arboriculture), 11 (CEMP Biodiversity), 12 (Biodiversity Method Statement), 13 (Ecological Design Strategy) and 30 (Noise barriers) of the approved application. However, these amendments are all minor and are either to reference updated reports or to reflect that the conditions have already been discharged and therefore secure the development to be carried out in accordance with the approved details.

5. REPRESENTATIONS

- 5.1. **Seven (7)** representations have been received objecting to the application for the following reasons:
- The relocation of the HGV docking yard further south will bring it closer to properties on Vale Avenue and the Village Barn. HGVs will be manoeuvring through the day and night with loud engine noises as well as 'Vehicle Reversing' warnings.
 - Much of the design aesthetic has been stripped back to make this cheaper
 - The artist impression appears to show that the whole development will be much more visible from Vale Avenue.
 - Continue to object to the danger to life this development creates. The road is incredibly busy and the scheme ill thought through.
 - In the Design & Access Statement there is an image showing a painted crossing across the top of Church Hill. Has this been approved by the Local Highway Authority? Cars come round the top of Church Hill very quickly and visibility for pedestrians is not good. This visualisation is misleading in that it creates a false idea of the road safety of the surrounding area.
 - The huge metal gates and fence that will now be visible from the street are not in keeping with the conservation area, nor is the whole development.
 - Has the claim that everything will be more efficient so they only need a very small amount of solar to make it 'net zero' been validated? The solar in the original design could be used to power some of the electric vehicles.
 - The green wall only covers the loading bay and not the manoeuvring area.
 - The changes move the proposed development closer to the southern boundary and therefore more visible from the road.
 - Challenge the validity of the bat survey.
 - The lease of Patcham Court Farm appears to have been agreed far below local land values, raising questions about the compliance with the duty to

obtain best consideration under Section 123 of the Local Government Act 1972.

- 5.2. **Councillors McNair and Councillor Meadows** object to the proposal. Their representation is appended to this report.

6. CONSULTATIONS

Internal

- 6.1. **Arboriculture:** No objection
- 6.2. **Economic Development:** No comment.
- 6.3. **Environmental Protection:** No objection subject to the conditions relating to the following:
- Installation and retention of two acoustic barriers
 - Operational controls including no reversing alarms (or where legally required only broad band 'white noise' alarms set to the minimum practical level)
 - Enclosed dock loading only
 - A cap on night-time HGV movements
 - Post completion verification surveys for both rating level and maximum event levels
 - Maintenance of acoustic features and staff management plan to control human-factor noise.
- 6.4. **Heritage (verbal):** No objection:
The proposed amendments do not raise any significant additional heritage concerns but the proposed vegetative screen shown along the southern boundary should be retained in perpetuity to screen the development from Patcham Conservation Area and the grade II listed Patcham Court Farmhouse.
- 6.5. **Net Zero Team:** Further information required
A revised analysis should be provided using the updated solar PV layout and other implemented measures, to determine the projected CO₂ emissions reduction against Part L targets and projected final EPC rating.
- 6.6. **Planning Policy:** No comment
- 6.7. **Sustainable Drainage:** No objection
Despite the changes to the proposed drainage, it would appear that the amended plans will not significantly affect the development's flood risk characteristics or ultimately discharge rates to the sewers. Indeed, updated calculations have been provided which demonstrate this. We therefore have no objection to this application.
- 6.8. **Urban Design:** Neither objects nor supports but provides the following comments:

Scale and Massing

- 6.9. Amendments to the approved scheme are based principally upon an operational rationale and are broadly acceptable in urban design terms.
- 6.10. The natural landscape setting in this area has been adapted significantly by the diamond junction which cuts through the natural landscape (A27 Patcham Interchange). In this relatively new context, the lands' change of use is logical, and in almost all instances the amendments proposed can be supported.
- 6.11. It is understood that on site BNG will not be possible in context with the proposed change in land use. However, given the reported BNG shortfall, the omission / reduction in green roof area is a concern.
- 6.12. Building roof design- A GRO Green roof code compliant biodiverse roof system would provide a contribution to BNG, reducing the offsite programme requirements to some extent. A green roof of this typology would further reduce the aggregated development impacts perceived across the natural landscape and replace some of the loss of natural drainage capacity - with integrated SUDS infrastructure benefits.

Appearance and materiality

- 6.13. The DAS implies significant changes to the external material specification and with limited information and justification/rationale - and so it is not possible to support the application in full.
- 6.14. There is concern that the applicant is proposing to replace the translucent cladding which would provide daylighting to the workspace and reduce energy demand and running costs.
- 6.15. The proposed removal of much of the flint plinth is regrettable.
- 6.16. Details of materials need to be provided through the relevant condition.

External

- 6.17. **County Archaeologist:** No objection provided conditions 4 and 5 remain on any new planning consent.
- 6.18. **County Ecologist:** No objection but make the following comments:
In summary, the proposed variation of conditions is acceptable from an ecological perspective, but we recommend the original commitment to deliver native species-rich hedgerows is honoured and current best practice guidance in regard lighting effects on ecology is followed.
- 6.19. **Sussex Police:** No objection
- 6.20. **East Sussex Fire and Rescue:** No comment:
- 6.21. **Environment Agency:** No objection

- 6.22. **Historic England:** No comment
- 6.23. **National Highways:** Comments yet to be received. (To be reported in late list)
- 6.24. **South Downs National Park Authority:** No comments
No additional comments to make, other than to iterate the advice pertaining to dark night skies and lighting provided in our previous comments for BH2022/02232.
- 6.25. **Southern Water:** No objection
Southern Water raise no objection to the variation of condition 1 and have no comment on the variation of conditions 9, 10, 11, 12, 13 and 30.
- 6.26. **Sustainable Transport:** No objection
The Highway Authority finds the application to vary condition 1 acceptable for discharge subject to the retention of the conditions, informatives and obligations secured with the parent application (BH2022/02232).
- 6.27. The Highway Authority makes no comment on the application to vary conditions 9, 10, 11, 12, 13 and 30.
- 6.28. Full details of consultation responses received can be found online on the planning register, with the exception of the verbal responses noted above.

7. MATERIAL CONSIDERATIONS

- 7.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of 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 principle of development, design, layout, appearance, scale and heritage, impact on amenity, sustainable transport, sustainable drainage and contamination, biodiversity, air quality, landscape, arboriculture and sustainability.
- 9.2. The application is submitted under S73 of the Town and Country Planning Act and therefore this report focuses on consideration of the amendments to the original application.

Principle of Development

- 9.3. The principle of development is clearly established on-site through the extant planning permission BH2022/02232 approved in 2024 for *‘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.'

- 9.4. In addition, the site is allocated in Policy CP3 of the City Plan Part 1 for B Class employment uses.
- 9.5. The current S73 application proposes amendments to the above approved application and the principle of amending a proposal via a S73 application is acceptable providing the amendments proposed do not require a change to the original development description. It is considered that all the amendments proposed as part of this application would still fall under the original development description and scope of development.

Design, Layout, Appearance, Scale and Heritage

- 9.6. 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.*
- 9.7. 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.
- 9.8. 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 itself not being designated for heritage purposes.
- 9.9. 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.'*
- 9.10. 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.'

- 9.11. 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.
- 9.12. 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".
- 9.13. As set out above, the application proposes a number of changes to the site layout and the design of the main distribution building.
- 9.14. The proposed levels across the site would be lowered when compared to the extant planning permission as a consequence of changes to the operational yard and parking area which is being redesigned, regraded and flattened to improve operational safety. The lowering of levels would range from about 1.5m lower than the approved scheme at the south of the site to around 3m lower at the northern end of the site. The operational parking would be moved northwards and separated from the area used by HGVs which would then be located south of the operational parking area. The relocation of the HGV docking and turning area is considered further below.
- 9.15. As a result of the proposed lowering of the site, the proposed distribution building would also be lowered, with its overall height reduced by around 1.6m when compared to the extant consent, thereby helping to reduce the visibility of the building from outside of the site. This is considered to be a benefit of the proposal in regards to its visual impact.
- 9.16. As part of this application, the design of the main distribution building is simplified slightly so that the originally proposed flint projecting element with a green roof on the south (front) elevation that formed the main entrance of the building has been removed. However, in order to retain a similar appearance to the consented scheme, the elevational treatment including the flint, natural timber cladding and glazing has been retained but is now proposed to be flush with the front façade of the main building rather than projecting beyond it. It is therefore considered that the visual interest of the front elevation is retained through the use of the heritage sensitive materials.
- 9.17. The removal of the canopy area to the rear of the building results in the loss of a more substantial area of green roof which is regrettable and the amended proposed building would have less visual interest when viewed from the rear. However, given the limited visibility of this rear elevation, which cannot be viewed from the Conservation Area or any other public vantage points, and is screened in views from the South Downs National Park due to the building's relatively low profile and belt of trees along the northern boundary, the proposed changes at the rear are less sensitive than those to the front

elevation of the building and would not have a significant detrimental impact on the overall appearance of the building or the visual amenities of the area.

- 9.18. As a result of the loss of the rear canopy, the main distribution building has been extended to the north by approximately 10m, although it should be noted that the amended building still does not extend as far north as the previously proposed canopy area. This alteration is also not considered to have any significant detrimental impacts on the visual amenities of the area and would not be perceptible from the Conservation Area.
- 9.19. The proposal also includes a significant reduction in the amount of PV panels on the roof as well as the removal of the previously proposed translucent roof lights. Visually these alterations would have no harmful impacts on the appearance of the building and may also have the benefit of reducing potential glare when viewed from the National Park. The energy related impacts of these amendments are considered in the 'Sustainability' section of this report. Whilst the loss of the translucent rooflights would have an impact on the light available to the interior of the building, this is in part mitigated by the introduction of new windows on the east elevation of the building.
- 9.20. The HGV docking area is being relocated from the northern end of the building towards the southern end. To soften the visual impact of having HGVs loading and unloading in this area, which is closer to both residential properties and Vale Avenue, a green visual barrier with a living wall around 4.6m in height is proposed which would help to screen the HGVs whilst they are loading/unloading. Whilst it is acknowledged that these amendments would bring HGV activity/turning closer to the front of the site, there is still a significant distance between the HGV docking area and Vale Avenue (approximately 62m) so HGV movements would not be prominent when viewed from the streetscene and would be partially screened by both the proposed green wall and landscaping along the front boundary of the site. The amenity impacts (including noise) on nearby residential properties as a result of the relocated HGV docking area are considered in the 'Impact on Amenity' section of this report.
- 9.21. The reduction in levels across the site has also allowed for the pedestrian access into the site to be reconsidered. A shorter path is now required to provide accessible access which in turn allows for a greater amount of landscaping to be provided along the frontage of the site. This would help to further screen the overall development from Vale Avenue and the Patcham Conservation Area and is considered a benefit of the proposed amendments.
- 9.22. It was also proposed to amend the secure fence line of the development approved under the extant permission to provide a gate on the access road with a security fence continuing westwards around the staff car parking area. Following concerns raised by officers about the visual impact of this fence, the section of security fencing that would have been located on to top of the retaining wall at the southern side of the staff car park has now been removed. It is considered that the fence would have appeared as a particularly prominent feature when viewed from and near the vehicle access point into

the site and would have added an unwanted industrial appearance to the development. Instead, the retaining wall of the staff car park will form the main security barrier at this point. Whilst there may still be a need for some form of safety fencing in this location given the adjacent staff car park, this would be more likely to take the form of a low wooden fence. Full details will be secured by condition to ensure any boundary treatment is sympathetic to the development and the streetscene.

- 9.23. Part of the proposed security fence would still be clearly visible west of the retaining wall and at the pedestrian access point into the site from Vale Avenue, albeit for limited distances. Further details of this security fence will be required by planning condition to ensure that its appearance, in the most visible locations, is not overly industrial although it is expected that any security fence would be around 2.4m in height. The vast majority of the secure fencing would however be screened by existing and proposed landscaping/vegetation when viewed from outside the site. The relocated security fence is therefore, on balance, not considered so harmful as to warrant a refusal of planning permission. It is also acknowledged that the site currently incorporates some metal palisade security fencing around it so the addition of security fencing would not be an entirely new feature on the Vale Avenue streetscene.
- 9.24. It is not considered that the centralisation of the cycle storage area and the relocation of the substation would have any harmful impacts on the appearance of the site or the visual amenities of the area and the additions of green roofs to the cycle store and refuse store are welcomed.
- 9.25. It is not considered that the proposed amendments, individually or cumulative would have a significantly detrimental impact on the visual amenities of the site or nearby heritage assets including Patcham Court Farmhouse and the wider Patcham Conservation Area subject to planning conditions securing further details where necessary. The proposal would therefore not conflict with policies DM18 and DM26 of the City Plan Part Two and Policy CP12 and CP15 of the City Plan Part One.

Impact on Amenity

- 9.26. 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.
- 9.27. There are residential properties immediately to the east of the site and also to the south on the opposite side of Vale Avenue.
- 9.28. The impacts of the proposed development on neighbouring properties were assessed as part of the previous planning application. This report only considers the additional impacts that could result from the proposed amendments.

- 9.29. The closest property to the application site is 134 Vale Avenue which is located immediately to the east and south of the application site. The main potential additional impact resulting from the proposed amendment relates to the relocation of the HGV docking bays which would as a result be significantly closer to No.134 (approximately 57m closer).

Impacts upon Outlook

- 9.30. The relocated docking bays would, at their closest point, be approximately 25m from the rear boundary of No.134 and approximately 48m from the dwellinghouse at No.134. Therefore there is still a significant distance between the docking bay and No.134 so in terms of the impact on outlook from No.134 as a result of the increased proximity of HGVs loading/unloading and turning, it is not considered that it would be so harmful as to warrant a refusal of planning permission, even when taking into account that the docking bay and turning area would be located on a higher ground level than the dwelling No.134. The impact on other nearby properties has also been considered but given No.134 is the closest property and is not considered to be unacceptably impacted in respect of outlook, impacts on other residential properties are therefore also not considered to be unacceptable.
- 9.31. With regard to the other main alterations proposed as part of this S73 application, the overall lowering of the site and resulting reduction in height of the main building by 1.6m would slightly reduce the impact of the development on nearby residential properties in respect of outlook. None of the other alterations proposed are considered to have any notable impacts on the amenity of nearby residential properties.

Noise Impacts

- 9.32. A key consideration in relation to the relocated HGV docking area is the noise impact on nearby residential properties with No.134 potentially being the most impacted due to its proximity.
- 9.33.
- 9.34. A revised noise impact assessment has been undertaken and submitted by the applicant. The noise assessment states the following in respect of loading and unloading activities:
'Loading and unloading of vehicles will occur at the loading docks. The lorries will dock with the building at dock levellers, essentially creating an enclosed space where loading and unloading occurs. A wall adjacent to the loading docks which is required for safety reasons will act as a screen between the loading area and the noise sensitive receptors. For these reasons it has been assumed that the noise levels from these operations would be so low such at the receptor locations that they would not affect the predictions of noise from the HGV movements.'
- 9.35. The above relates specifically to loading/unloading so overall lorry sound sources (including HGV turning/manoeuvring) have also been assessed and the assessment concludes that the noise impacts from the revised scheme would be no greater than those identified with the previous scheme in relation to all properties assessed – 134 Vale Avenue, 132 Vale Avenue, 130 Vale Avenue, the Village Barn, and Patcham Court Farmhouse. However, the

above conclusions are subject to an eastwards extension of the proposed green noise barriers which would run adjacent to the western boundary of No.134 and the northern boundary of both 134 and 132 Vale Avenue, ranging from 2.5 to 3.1m in height.

- 9.36. The noise assessment has been reviewed by the Council's Environmental Health department who accept the conclusions of the report and do not object to the application subject to the attachment of conditions to any planning consent securing the following:
- Installation and retention of the two acoustic barriers
 - Operational controls including no reversing alarms (or where legally required only broad band 'white noise' alarms set to the minimum practical level)
 - Enclosed dock loading only
 - A cap on night-time HGV movements
 - Post completion verification surveys for both rating level and maximum event levels
 - Maintenance of acoustic features and staff management plan to control human-factor noise.
- 9.37. It is therefore considered that, subject to the recommended conditions securing the above mitigation measures, the relocation of the HGV docking bay would not have unacceptable additional noise impacts and would not conflict with policies DM20 and DM40 of the City Plan Part Two.
- 9.38. Overall, it is considered that, subject to appropriate planning conditions, the proposed amendments would not have any additional significant impacts on the amenities of neighbouring properties, above and beyond the extant proposal that would warrant a refusal of planning permission. The proposal is therefore not considered to conflict with policy DM20 or DM40 of the City Plan Part Two.

Sustainable Transport

- 9.39. 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.
- 9.40. 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.

- 9.41. It is not considered that the proposed amendments to the approved scheme would have any notable impacts on the highway network. The vehicular access would remain the same, and whilst the accessible pedestrian access would be relocated, it would still remain on Vale Avenue and would have no discernible impacts on the highway. The number of staff parking spaces remains at 85. Whilst the number of fleet spaces in the operational car park would be reduced by 7 spaces, from 132 spaces to 125 spaces due to a slight increase in the size of the fleet yard parking spaces, this is considered to be a negligible decrease.
- 9.42. The overall changes to the operational parking area and HGV docking area would also have no impact on the public highway. The Local Highway Authority have raised no objection to the application, subject to the same conditions on the previous consent being attached to any new S73 consent.

Sustainable Drainage and Contamination

- 9.43. 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.'*
- 9.44. 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.'*
- 9.45. As a result of the reconfiguration of the operational parking layout, the drainage strategy submitted as part of the previous planning application has been amended slightly. This includes the removal of a swale located to the east of the main building and some alterations to the proposed permeable parking areas. Additionally, the green roofs on the rear canopy and front projecting entrance area which formed part of the drainage strategy are now being removed but to help mitigate this loss, green roofs are being added to the cycle and bin stores. Whilst this would still result in a net loss of green roof area, the Council's Sustainable Drainage team have reviewed the updated drainage strategy and confirmed that they have no objection to the proposed amendments as they will not significantly affect the previously approved development's flood risk characteristics or the discharge rates to the sewers. Updated calculations have been provided by the applicant to demonstrate this.
- 9.46. Significant concerns were raised during determination of the previous application (BH2022/02232) that the proposed development, which is located within Source Protection Zone 1, could result in contamination of the water supply. Whilst it is not considered that the proposed amendments would

increase this risk, it should be emphasised that all previous conditions recommended by Southern Water, the Environment Agency and the Council's Sustainable Drainage team to protect the aquifer would be added to any new S73 consent. The Environment Agency have also raised no objection to the proposed amendments.

- 9.47. It is therefore considered that 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 City Plan Part Two.

Biodiversity, Landscape and Arboriculture

- 9.48. Policy CP10 of the CPP1 states, amongst other things, that *'all development proposals should provide net gains for biodiversity wherever possible, taking account of the wider ecological context of the development and of local Biosphere objectives'*.
- 9.49. 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...'*.
- 9.50. It should be noted that the extant permission on the site was calculated to result in a net biodiversity loss on site of 59.27%, in large part due to the significant areas of car parking proposed on site for staff and operational requirements. In order to achieve a 10% biodiversity net gain, a requirement to provide off-site compensatory habitat was secured by condition.
- 9.51. There are a number of alterations proposed to the landscaping and ecology on site. Some of these would have a negative impact such as the net loss of green roofs on the site; an increase in the area allocated for operational car parking and the resultant removal of a swale and landscaping to the east of the building which included wildflower meadow and some proposed trees, and a decrease in the amount of native hedgerow proposed.
- 9.52. However, these impacts would be offset by the additional green walls (trellis planting on the acoustic fencing) and an increase in the number of medium sized trees planted along the site frontage, and as a result of the amendments the biodiversity loss on site would actually decrease from 59.27% to 56.79%. The County Ecologist has reviewed the ecological information submitted with the current application and has raised no objection to the revised proposal. Notwithstanding this, a requirement for further landscaping details will be secured by condition in order to seek further opportunities to maximise the ecological benefits of any proposed landscaping.
- 9.53. The Council's Arboricultural Officer has also reviewed the amendments and is satisfied that the proposed amendments, including the additional excavation and new retaining walls on the edges of the site, have no significant implications for the trees proposed to be retained around the edges of the site.

- 9.54. It is therefore considered that the proposed alterations would not conflict with policy CP10 of the City Plan Part One or DM22 of the City Plan Part Two.

Sustainability

- 9.55. Policy CP8 of the City Plan Part 1 and DM44 of the City Plan Part Two require 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 policies also require all major non-residential developments to achieve BREEAM Excellent standard and EPC rating 'B'.
- 9.56. Two amendments are being made to the previous permission with regard to sustainability. The first is a significant reduction in the number of PV panels on the roof of the main building. The BREEAM Pre-Assessment has been amended to reflect this change but confirms that the policy requirement of BREEAM Excellent remains achievable with the PV reduction. Whilst this reduction in PV is disappointing, the scheme would still be compliant with Policy CP8 which requires BREEAM Excellent, and the planning conditions securing BREEAM Excellent and EPC rating 'B' attached to the extant planning consent would also be attached to any new S73 consent.
- 9.57. It is also proposed to reduce the level of EV Charging points on site so that approximately 50% of the fleet parking spaces have EV charging points rather than 100%. It should be noted that the entire fleet will still remain electric, but the applicant considers that given the fleet vehicles do not require recharging every day, 1 EV charging point per space is not necessary. Given that the fleet vehicles will all be electric it is not considered that reduction in the number of EV charging points would have any significant impact on air quality within the area.

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, both individually and cumulatively, it is not considered that the proposed amendments would have unacceptable impacts on design, layout, appearance, scale, and heritage; impact on neighbouring amenity; sustainable transport; sustainable drainage and contamination; biodiversity; landscape and arboriculture; and sustainability.
- 10.3. Whilst the relocation of the HGV docking area, expanded security fencing, reduction in PV panels, and net loss of green roof and other landscaping features are considered to have negative impacts on the overall scheme, the degree of these impacts is limited and not considered to justify a refusal of planning permission. Any impacts are balanced against the more positive amendments proposed including the lowering of the site and a reduction in the height of the main distribution building, and the changes to the location and length of the accessible path from Vale Avenue which allows for a greater amount of landscaping/vegetative screening along the front boundary.

- 10.4. The proposal would therefore, on balance, not conflict with national or local policies and is recommended for approval, subject to the proposed planning conditions, and the S106 agreement for application BH2022/02232 which also applies to this application.

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. 4 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.

13. S106 AGREEMENT

- 13.1. A S106 agreement was signed for the previous application BH2022/02232. It is set out within the S106 agreement that it also applies to any subsequent Section 73 consent. It is not considered that any of the proposed amendments

would require a revision to the S106 agreement so the existing S106 agreement remains valid for this application.